

NL
31506

A CLARIFICATION OF THE SECRECY DEBATE

by

Mary Ann Hushlak

A Thesis submitted in partial fulfillment

of the requirements for the

Degree of Master of Arts in

Political Science at

Dalhousie University

1976

TABLE OF CONTENTS

ABSTRACT	v
LIST OF FIGURES	vi
ACKNOWLEDGEMENTS	vii
I. THE PROBLEM OF SECRECY AS A POLITICAL ISSUE	1
1. Statement of the Problem	2
2. Secrecy as a Political Issue	4
II. SECRECY IN CULTURAL CONTEXT	8
1. Present Secrecy Provisions	8
2. The Conditions Fostering Secrecy	27
III. "INGREDIENTS" OF THE SECRECY DEBATE	35
1. Arguments in Support of Present Secrecy Practices	36
2. Arguments Against Present Secrecy in Government	53
IV. ANALYSIS OF POSITIONS	71
1. Definitions	71
2. Basic Features of Each Position	84
3. Visions of Democratic Politics	104
V. OUTLINE FOR FUTURE RESEARCH	110
1. Constraints of Content Affecting Research About Secrecy	112
2. The "Ingredients" Approach	118
3. The Global Approach	123
4. The "Chosen" Approach	137
FOOTNOTES	154
BIBLIOGRAPHY	166

ABSTRACT

This study had three aims: to identify the presuppositions on both sides of the dispute about secrecy; to assess philosophically these presuppositions in terms of stated principles of politics and government; and to assess the state and prospects of empirical inquiry regarding these presuppositions. Essentially two camps emerge in the discussion about secrecy. The first camp is inhabited by those who demand an enduring transformation from secrecy to more openness in government. The second camp is inhabited by those who mostly defend secrecy as not only useful but necessary for efficacious governing. Each side presents reasons supporting their general positions. It is on these that the thesis is built. The reasons are presented in a list fashion, outlining the main "ingredients" of the debate. The differences and agreements serve as the basis for the analysis of their underlying features of principles, as well as for the outline of future research on questions which were raised in this thesis.

LIST OF FIGURES

Figure 1. One Axis of a Research Relation: Relation of Secrecy and Politics 129

Figure 2. Matrix of a Research Relation: Relation of Secrecy and Politics 132

Figure 3. Participation in the Matrix 134

ACKNOWLEDGEMENTS

Many and warm thanks to Professor David Braybrooke, who, by example, taught me a good deal about the meaning of being a scholar and teacher.

Sincere appreciation is extended to the Institute of Public Affairs, Dalhousie University, for the time and support they gave me to proceed with this project. Special thanks go to Guy Henson, Kell Antoft, and K. Scott Wood, eager confidants on anything relating to secrecy; and to Kathleen Walker, for not only typing the draft but for her calm, unruffled adeptness for following those winding arrows all over the pages.

Appreciation is also in order to the Department of Education, Dalhousie University for allowing me to use their facilities, at any time of day or night.

And of course, a very special thank you to Joe, who, with a thesis of his own being done at the same time, must have cringed when he heard me say, "I have another idea", yet always had time to listen, discuss, and encourage.

And lastly, with all due respect, I must not forget to acknowledge recognition to all the politicians and civil servants who made this thesis relevant by keeping so much so closed and so secret!

THE PROBLEM OF SECRECY AS A POLITICAL ISSUE

Secrecy is now frequently cited as a condition that influences the direction of government policy. Policy thought to be so influenced is policy thought of with negative connotations. For secrecy is a pejorative term. When secrecy is charged, suspicions abound.

Indeed my desire to venture into study of secrecy was a response to an issue which surfaced in Nova Scotia; namely, the Nova Scotia government "laundering" a report about the Wreck Cove Hydroelectric Project. The alleged issue here was not merely release of a report or openness of government but the rewriting of a report, altering substantially the findings so as to concur with desired government policy. Suspicions arose about the impact of lying, corruption, conflict of interest, and restriction of information on government activities and practices.

I focus on one of these subjects, that of secrecy. Secrecy, at first glance, seems to play an integral part in the practices of corrupt behavior. But further, secrecy also plays a crucial part in the general functioning of government, certainly not always corrupt. Thus emerges the makings of a political conflict.

In the section immediately following, I delineate the specific problem of this thesis as well as the research method. In the second section, I discuss generally the import of the concept of secrecy and its relation to political analysis and politics itself.

1. Statement of the Problem

Essentially two camps emerge in the discussion about secrecy. The first camp, at the moment more fashionable, is inhabited by those who demand an enduring transformation from secrecy to more openness in government. The second camp is inhabited by those who mostly defend secrecy as not only useful but necessary for efficacious governing. There have been occasional skirmishes between the two camps usually provoked by those seeking changes. Of late, the skirmishes have intensified.

Nevertheless, large numbers in each camp do acknowledge some merit in their opponents' position. Emphasis however is considered to be misplaced. The secrecy/openness discussion is not an either/or dichotomy. A more apt description is how more of one should be emphasized compared to the other. Nonetheless, differences are extant and cannot be explained away as mere shifts in emphasis. Few have tried to work out the kind and extent of differences which have emerged between the camps. Few have attempted to delineate, in an over-all fashion, the impact of secrecy on political life. It is not at all clear whether the level of disagreement is related among various groups to fundamental principles or more superficial concerns.

Underlining this thesis is the suggestion that each camp would greatly benefit if it fully understood the differences between them. A rapprochement is unlikely until the kind and extent of differences between each camp are clarified, and also assessed in terms of implications for politics and government.

Ideally, the answers required would be searched for in response

to the question--what impact does secrecy in government have on political life? Whether this can indeed be fully researchable is beyond the scope of this thesis. Something of a lesser and more manageable magnitude is proposed here.

The thesis thus has three general aims: to identify the presuppositions on both sides of the dispute about secrecy; to assess philosophically these presuppositions in terms of stated principles of politics and government; and to assess the state and prospects of empirical inquiry regarding these presuppositions. The aims will be carried out by drawing on literature in English about secrecy in Canada, the United States, the United Kingdom, other Commonwealth countries, Sweden, and other countries of Continental Europe. The literature includes journalistic accounts, academic research, official government reports and documents, and memoirs by politicians and civil servants.

In Chapter 2, I outline some of the more obvious social and historical features of secrecy as practiced in selected countries, touching upon associated legal provisions. In Chapter 3, I outline the essential arguments presented by the two camps; those supporting present secrecy practices in government and those seeking drastic changes towards more openness in government. In Chapter 4, I analyse these arguments, organized by principles underlining the stated positions, with the purpose of delineating the respective visions of democracy that lie behind them. Chapter 5 focuses on ferreting out researchable questions and on constructing a hypothetical framework for researching these questions. It will both assess the state of inquiry and its prospects.

2. Secrecy as a Political Issue

Secrecy in government is, at present, a highly contestable political issue. Secrecy in government is intensely criticized by journalists, media people, scholars, scientists, politicians, and citizens alike. They are united in their demands for far-reaching changes, from a dominance of secrecy to substantially more openness in government decision-making, and in other government functioning. Questioning decisions as well as nondecisions which affect the direction and force of secrecy in politics, constitutes a challenge to the established rules of the game. Any challenge to the predominant values or the established "rules of the game" would constitute an "important" issue.¹ All else would be considered unimportant, for these purposes at least. If substantially more openness in government became a reality, it would likely be paralleled by an expansion of legitimate policy areas and interests to accommodate, as well as a modification of the substance of policies. Secrecy then may properly claim to be an important issue, involving demands "...for enduring transformation in both the manner in which values are allocated in the polity in question and the value-allocation itself".²

In almost every area of decision-making and in criticisms of nondecision-making, those who challenge present policies cite secrecy in government as a major constraint and deterrent to achieving acceptable outcomes. Yet secrecy is also cited as essential to bargaining and negotiation. However, those participating in bargaining and negotiation at least in this sense, take for granted the present rules of the game. Secrecy is consistently noted as an element of decision-making and non-

decision-making which buttresses the prevailing mobilization of bias.³ Whether it be in policy matters of economic development, energy, poverty, or housing, secrecy is seen as a condition affecting the substance, direction, and manner of policy development.⁴

Secrecy is also a political concern, and not merely because it involves government activities. This is especially so if politics is defined as an activity by which differing interests within a given unit of rule are conciliated by their participating and receipt of a share of power in proportion to their importance to the welfare and the survival of the whole community.⁵ Secrecy affects politics, and more pertinent, the political method of rule.

The political method of rule is to listen to...other groups so as to conciliate them as possible, and to give them a legal position, a sense of security, some clear and reasonably safe means of articulation, by which these other groups can and will speak freely. Ideally politics draws all these groups into each other so that they each and together can make a positive contribution towards the general business of government...

"The unique character of political activity lies, quite literally, in its publicity".⁷ From this perspective, secrecy can be said to work against the political method of rule, hence politics. If the political method of rule were viewed as the hallmark of politics, and the promotion of this politics were looked at as one of the most significant, if not the most significant responsibility of government, then secrecy, by definition, would be considered an objectionable practice. Politics, from this view, is one basic concept. It is a unified concept, which all specifically political activities can be shown to exemplify or to sub-

serve, no matter how indirectly. In Crick's use of politics, the connection of secrecy or its opposite is considered *a priori* analytical.

However, if the political method of rule is considered only one characteristic of politics, then the place of secrecy could be open to debate, rather than by definition being unacceptable. For instance, W.B. Gallie brings forward the argument that politics is mistakenly portrayed as a unified concept, especially when practical implications are the analytical departure point. Gallie argues that politics, as a concept, is irreducibly dual. His two senses of politics include the actual ruling component but also another component, what he terms 'politicking'.⁸ The first refers specifically to a political order or political community, i.e. to indicate characteristic relations and issues between rulers and ruled or between actual and potential rulers of a given territory or people. His 'politicking' includes whole congeries of social processes--competitive claims, mutual criticism and complaint, bargaining, debating, and so forth.

These social processes which Gallie focuses on assumes that politics is empirically variable. The matters of competitive claims, mutual criticism and complaint, bargaining, debating, and the implications which result can be elucidated through empirical testing. Several connections in which all of these social processes occur, persist not only in relation to secrecy specifically but also in relation to other political matters. They are common fare in bureaucratic infighting, within party competition, competition among the parties, relations between government and labor, and government and the private sector as

well as in relations between government and the public: all essential in our politics. I shall concentrate on relations between government and the public in this thesis. All the other connections such as bureaucratic infighting shall be discussed and referred to only insofar as they impinge on the primary consideration of the effect of secrecy on relations between government and the public.

II

SECRECY IN CULTURAL CONTEXT

1. Present Secrecy Provisions

The practice of secrecy is not peculiar to any one country or any one time period. It functions under every kind of political system throughout much of written political history.

Yet the meaning of secrecy in government is not the same throughout history. The meaning of particular laws and rules become clearer when their context is known. Culture, habits, institutions: these and many other elements amplify the context. To adequately explain the context of secrecy, it is necessary to account for past traditions and their encounter with events of the present real world. Together traditions and recent events can combine, in differing context, to give varying interpretations of particular concepts. For instance,

...the concept of pride...in Italy is not the same as the pride in England. The notion of taking pride in Italian culture is still inexorably linked, especially in the South but also in the North, to the notion¹ of honour. What one takes pride in is what touches on one's honour.

Hence to understand what pride means is to begin from the different range of virtues and emotions incorporated in different social institutions. Of importance here is the idea that to fully understand the boundaries of a concept and the valuation of the concept, such as pride, study of the society in question is essential. In a parallel fashion, to understand the valuation and boundaries of secrecy, the traditions and present

context is equally essential,

Edward Shils, in *The Torment of Secrecy*, suggests that traditions which are encountered by certain recent events explain practices and actions relating to secrecy. He compares the United States and Great Britain using this approach. For instance,

The United States has been committed to the principles of publicity since its origin. The atmosphere of distrust of aristocracy and of pretensions to aristocracy in which the American Republic spent its formative years has persisted in many forms. Repugnance for governmental secretiveness was an offspring of the distrust of aristocracy. In the United States, the political elite could never claim the immunities and privileges of the rulers of an aristocratic society. Moreover, the suspicion of governmental intentions and the low esteem in which politicians and administrators were held after the Jacksonian revolution lowered the barriers to publicity on the governmental side and increased the insistence on publicity from the side of the governed.²

On the other hand,

Although democratic and pluralistic, British society is not populist. Great Britain is a hierarchical country, when it is distrusted, the Government, instead of being looked down upon, as it often is in the United States, is, as such, the object of deference because the Government is still suffused with the symbolism of a monarchical and aristocratic society... British participation in political life is somewhat greater than participation in the United States, but it does not express populist sentiments. The mass of the politically interested citizenry does not regard itself as better than its rulers. ...The deferential attitude of the working and middle classes is matched by the uncommunicativeness of the upper-middle classes and of those who govern... The British ruling class is unequalled in secretiveness and taciturnity. Perhaps no ruling class in the Western world, certainly no ruling class in any democratic society, is as close-mouthed as the British ruling class!³

The contrast of the British tradition of secretive government with more openness in the American tradition is reflected in laws and rules governing secrecy in government. Prior to outlining the specific

provisions and practices of various countries in regard to secrecy, however, I shall outline the different ways in which secrecy relates to government.

The assertion that government is secret, raises questions about whether all of government is included, or whether only part of government is being talked about. Most often it is administrative secrecy⁴ or bureaucratic secrecy.⁵ Western democratic governmental institutions can usually be significantly divided into administration, judiciary, legislature, and executive. The division is rooted in roles and functions of each of these four sectors of government. Generally speaking administrative and executive process is more secret than legislative process, and judicial process is usually divided into public procedure, the trial, and a strict secret procedure by which the court arrives at its decision.⁶ There is thus a blend of secrecy and openness in present government.

This has not always been the case. At one time the presumption was altogether in favor of secrecy.

Secret government, as practice and as doctrine, inspired though it also is by classical rules of political prudence, appears to develop fully as one of the distinctive characteristics of the modern sovereign state in evolution since the late Middle Ages. It clearly goes hand in hand with exaltation of monarchy and the progressive creation of a rational bureaucratic apparatus. That this process goes on amid considerable social and political tensions is one of the commonplaces of institutional history. The forging of monarchical authority is everywhere in the European experience associated with an internal struggle with a powerful nobility and estates, and with external conflict and controversy over jurisdictions, successions, and boundaries with rival dynasties.

The doctrine of the secrets of rule, which dominated the early period of the emergence of the modern state, taught that these "mysteries

of state", as James I of England called them, are not for persons outside the narrow circle of power wielders.⁸ Even the proceedings of Parliament were supposed to be a closely guarded secret well into the eighteenth century. It was often a matter of keeping proceedings secret from the king, not the public!⁹ This legislative secrecy was a tactic of a great constitutional struggle in England. It was used by Parliament, which was seeking to maintain and build up its defensive power and move away from the leadstrings of monarchical intervention.¹⁰ There was, then, legislative as well as administrative secrecy, though the legislative process is now open.

In legislative, executive, and administrative secrecy, it was (is) largely a matter of keeping the proceedings secret, but the results such as laws, taxes, and so on were of course public. On the other hand, in foreign and military matters, the decisions arrived at as well as the process of arriving at them were usually subject to strictest secrecy.

All modern states have, usually by law, sought to protect official secrets. What follows is a cursory description of provisions for secrecy in Canada, the United States, the United Kingdom, and Sweden.¹¹

Canada

Canada's traditional and legal basis for administrative secrecy has its roots in Great Britain's practice and legislation. By long-standing tradition, British civil servants are not to disclose secret or confidential information to those who are not authorized to receive it. Canada's *Official Secrets Act* is based on the *British Official Secrets Act* passed in 1889. The British Act was applicable in Crown Colonies and

Dominions, It was replaced by the Canadian *Official Secrets Act* in 1939.

All documents and information gathered by the federal government remain confidential unless the government chooses to disclose them. The federal government relies on the discretion of individual departments and agencies in regard to granting public access to classified information. The conduct of employees, however, are governed by numerous statutes and regulations. Employees are bound by the *Official Secrets Act* which provides penalties for any person who

having in his possession or control any secret official code word or pass word, or any sketch, plan, model, article, note, document, or information that---has been entrusted in confidence to him---

- a. communicates the code word,---document or information to any person, other than a person to whom he is authorized to communicate with...;
- b. uses the information in his possession for the benefit of any foreign power or in any other manner prejudicial to the safety of interests of the State;
- c. retains the...document in this possession or control when he has no right to retain it...;
- d. fails to take reasonable care of, or so conducts himself as to endanger the safety of the...information.

It is notable also that a general provision in the *Financial Administration Act* (section 3 (7) empowers the Governors in Council, in the interest of the safety or security of Canada, "to suspend any persons employed in the public service or, after an inquiry---at which the person concerned has been given an opportunity to be heard, to dismiss any such person."

The language of both the *Official Secrets Act* and the *Financial*

Administration Act is imprecise and therefore permits flexibility in interpretation. The main purpose of the *Official Secrets Act* is to combat espionage. However, it can be used to prevent the unauthorized use of official information for any purpose, even when espionage is not involved. In Canada, the Act does serve as a reminder to all federal and provincial employees that a severe penalty exists for those who make unauthorized use of confidential information,

Offences under the *Official Secrets Act* are very rare and its penalties are too harsh for comparatively minor offences in the sphere of confidentiality. There are other means both to discourage and punish the unauthorized disclosure of classified information. Employees are required to take an oath of office and secrecy, swearing (or affirming) that they will not, without proper authorization, disclose or make known any matter that comes to their knowledge. In situations where the duties of a position involve the handling of classified material or access to it, the deputy head of a department may require a security clearance for a candidate seeking that position. If candidates do not consent to a security clearance, they are not eligible for appointment to the position; if they do not consent and are appointed, they have an obligation not to reveal secret information to which they have access by virtue of their positions.

Some departments and agencies have shown that they do not consider these various legal and administrative measures to be specific enough in governing behavior in the area of confidentiality. They have, therefore, developed additional guidelines of their own. Kernaghan cites, without naming it, the code of ethics of one department.

Public servants at all levels have access to much confidential information. Each has signed an Oath of Secrecy and exceptionally few people knowingly break such an oath. However, the desire to appear "in the know" is a strong one and the temptation casually to disclose small items of information comes to everybody and requires exercise of self-discipline to keep it in check. It often turns out that, when confidential information has been disclosed, it was done unwittingly by someone apparently passing a remark from which other information could be deduced.

A particularly serious obligation on many of our employees is the necessity of ensuring that they do not at any time make personal use of confidential information which comes to them in the course of their work.¹²

Certain departments and agencies which in the performance of their responsibilities collect information on individuals, businesses and organizations are specifically required by statute to preserve the confidentiality of that information (e.g. Statistics Canada is regulated by the secrecy provisions of the *Statistics Act*).

At the provincial level the classification of information is generally a matter of administrative discretion. Although no provincial legislation has been passed in respect to the disclosure of information by provincial employees, the provisions of the *Official Secrets Act* are applicable to provincial as well as federal employees. In addition, provincial employees are required to take an oath of office and secrecy which cautions them not to disclose any confidential information to which they have access by reason of their government employment.

Compared to the federal and provincial governments, municipal governments in Canada have made very little provision in the way of by-laws, regulations and guidelines for the protection of the confidentiality of government information. Problems of military, diplomatic and internal security do not normally arise at the municipal level and

municipal employees are not subject to the terms of the *Official Secrets Act*.

On an administrative level, the federal government has, at present, three different yet overlapping sets of regulations regarding internal documents which spell out the types of matters to be kept secret.¹³ One is an old guideline for the security classification of documents into restricted, confidential, secret, and top secret. This security classification is very broad in scope, with little evidence of clear, specific description about whether particular material should or should not be under the system at all, and if it should, then which classification would be most appropriate. The second set of regulations are those that specify the types of documents to be transferred to the National Archives and eventually released. And the third is a recent set of guidelines laid down by the government for the release of papers to the House of Commons. These three documents contain different lists of what types of information must be kept secret. Many officials and even some Ministers are confused about what information they have the right to release. The confusion, certainly not recent, has pointed out the need for study and evaluation of our present system of restricting information.

In the last few years, the government has commissioned several reports which dealt with secrecy. The *Report of the Royal Commission on Security (Abridged)* was released in June 1969. That Commission was not sympathetic to what is termed "...the current concern about overclassification..." and said that "...it would appear to us that very compelling arguments would need to be advanced for making major changes in the present system."¹⁴ Indeed, the Commission thought some tightening-up

necessary, and that classified information should be disseminated no further than necessary for the conduct of business.

The *Report of the Task Force on Government Information* was also released in 1969. The Task Force recommended that the government provide much more information to the public and that access by the mass media to government information be improved by releasing more documents and by improving communication between public employees and mass media representatives.

The most recent report is colloquially termed the Wall Report. Its formal title is *The Provision of Government Information*. The report was prepared at the request of the Trudeau government in the autumn of 1973 following a series of 'leaks' of government documents. The report was completed in April 1974; a copy was submitted to the prime minister in the autumn of 1974; and an expurgated edition was made public before the Standing Joint Committee on Regulations and Other Statutory Instruments on 25 June 1975. Mr. Wall recommends specific categories of information as exempt from publication.

In recent years the Trudeau government has taken some steps toward greater administrative openness. In 1969 the Prime Minister announced that, instead of the previous fifty-year rule, most government records would automatically be made publicly available by the National Archives after thirty years. Then, the government created Information Canada, which was given the task of fully informing the public. To fulfill this task would have been a rather awesome, and perhaps impossible undertaking. In 1975 Information Canada was abolished as an economy

measure.

Most important of the recent steps was the government issuing a new directive for the release of papers to parliament. The *Guidelines for Motions for the Production of Papers* was tabled in the House of Commons on 15 March 1973. The directive stated that the government's objective was "...to make public as much factual information as possible consistent with effective administration, the protection of the security of the state, rights to privacy and other such matters...". The adoption of the guidelines were said to represent a reversal of past practice in favour of openness subject to agreed exclusions.¹⁵ The exceptions include sixteen broad types of matters which must be kept secret. Since this specification is the major initiative taken by any Canadian government to date, I shall list the sixteen exemptions. The following criteria are to be applied in determining if government papers or documents should be exempt from production:

1. Legal opinions or advice provided for the use of the government.
2. Papers, the release of which would be detrimental to the security of the State.
3. Papers dealing with international relations, the release of which might be detrimental to the future conduct of Canada's foreign relations; (the release of papers received from other countries to be subject to the consent of the originating country).
4. Papers, the release of which might be detrimental to the future conduct of federal-provincial relations or the relations of provinces inter se; (the release of papers received from the provinces to be subject to the consent of the originating province).
5. Papers containing information, the release of which could allow or result in direct personal financial gain or loss by a person or a group of persons.
6. Papers reflecting on the personal competence or character of an

individual.

7. Papers of a voluminous character or which would require an inordinate cost or length of time to prepare.
8. Papers, the release of which would be personally embarrassing to Her Majesty or the Royal Family or official representatives of Her Majesty.
9. Papers relating to the business of the Senate.
10. Papers relating to negotiations leading up to a contract until the contract has been executed or the negotiations have been concluded.
11. Papers that are excluded from disclosure by statute.
12. Cabinet documents and those documents which include a Privy Council confidence.
13. Any proceedings before a court of justice or a judicial inquiry of any sort.
14. Papers that are private or confidential and not of a public or official character.
15. Internal departmental memoranda.
16. Papers requested, submitted or received in confidence by the government from sources outside the government.

These Guidelines have been referred for study for a joint committee of the Senate and the House of Commons, the Committee on Regulations and other Statutory Instruments. It must be noted that these Guidelines only provide for release of civil service material to Parliament. Neither the Trudeau government nor any other Canadian government has taken any initiatives to amend the *Official Secrets Act*, or to introduce an Information Bill, which would involve release of information to the public.

Some attempt has been made to encourage by legislation a more open administration in Canada. One attempt was the introduction of a private member's bill by Barry Mather of the New Democratic Party in

1965.¹⁶ This bill, which was talked out in 1966, contained the main elements of the Swedish system. More recently, G.W. Baldwin of the Progressive Conservative Party, has introduced another private member's bill to establish the public's rights to know.¹⁷ It was discussed in joint Commons-Senate committee in 1975. The Government however has not seen fit to sponsor such a bill in the House of Commons, hence it has no chance for passage.

United Kingdom

British civil servants are by tradition forbidden to disclose any confidential information to members of the public--or even to Members of Parliament. This tradition is complemented and strengthened by the *Official Secrets Act* and *Estacode*.

The *British Official Secrets Act* is particularly noted for the provision of Section 2. Under Section 2, it is an offense for a government servant to communicate any official information to anyone without authorization, and for anyone to receive such information. Australia and New Zealand have followed this procedure as well. Note that in Canada the legislation does not cover all official information but only imposes criminal penalties for the disclosure of information which is genuinely "secret" in terms of civil service classification.

Estacode, another series of regulations, outlines to civil servants procedure to determine where the line between permitted and prohibited disclosure lies. The Code notes that the *Official Secrets Act* provisions against disclosure cover "material published in a speech, lecture, radio or television broadcast, in the Press or book form; they cover

non-secret as well as secret information, and apply not only during an officer's employment but also when he has retired or left the Service." The *Code* also informs departments that they have a duty to bring the provisions of the *Act* and its severe penalties to the notice of their employees and suggests ways in which this duty may be performed.

Estacode sets forth the following general principles bearing on the matter of confidentiality:

1. There must be no disclosure of classified or "in confidence" information.
2. The relations between civil servants and Ministers, or the confidential advice given to Ministers, should not be disclosed.
3. Disclosure of information should not conflict with the interests of the department or bring the good name of the department, or the Civil Service generally, into disrepute.

The British Parliament has also commissioned study into areas of secrecy and confidentiality. The Fulton Committee¹⁸ observed that the public interest would be better served by more openness in government. They found that the British administrative process is surrounded by excessive secrecy. The Franks Report concurred in this finding.¹⁹ This report was limited to studying Section 2 of the *Official Secrets Act*. It also recommended more openness, and demonstration by statute what is to be exempt. Little action was taken immediately after receipt of the Franks Report in 1972. However in the Speech from the Throne of 1975, the British Government announced that it intended to amend the *Official Secrets Act* and liberalise practice relating to official information.²⁰

United States

The approach of the Government of the United States to the issue of confidentiality of information is substantially different from both the Canadian and the British approaches. The procedure in the United States is much more formal and employees are regulated by statute more than by administrative regulations. This perhaps reflects the American endeavor to have a government of laws, not of men.

Congress, through its committees, has tried to obtain as much information as possible about government operations by conducting hearings, and in so doing requiring government employees to testify. Throughout this process, Congress has been guided by the principle that liberty is best defended by a citizenry which is sufficiently informed about the major issues of public policy, eventuating meaningful participation. At the same time, there has been a concern about the threat to the nation from the disclosure of classified information to potential enemies. The latter concern has prevailed and is manifested in both legislative and executive rules and regulations designed to prevent and punish treason, espionage, sabotage and other similar acts.

Anxiety over the loyalty of public employees and the security of government information was rampant during the 1950's. The result was great emphasis on secrecy in government operations in the name of national security. By 1966 however, the passage of the *Freedom of Information Act* provided that it is the government's responsibility to make information "promptly available" to the public unless it falls into specified categories of exemptions. Problems emerged for those who at-

tempted to invoke the *Act*, The exemptions were interpreted very broadly by public employees with the result that unnecessary delays occurred in responding to requests, excessive fees were charged, and the government failed to establish clear channels of authority and procedures for appeal. Consequently, an amendment to the *Information Act* in 1973 required that each agency:

1. shall decide within ten days whether to comply with a request for information and shall immediately notify the applicant;
2. in the case of a negative decision, shall immediately notify the applicant that he has twenty days to appeal such decision; and
3. shall decide the appeal within twenty days.

The American Act has been further amended and strengthened by Congress in 1974. Its objective was to invade the administration's monopoly of information. Not surprisingly President Ford vetoed the amendment. However Congress repassed it with the two-thirds majority necessary to override his veto. The revised *Act* went into effect at the beginning of 1975. The result has been an expanded right of public access.

Under the *United States Code of Federal Regulations*, the following classes of documents are exempted from disclosure:

- a. records required by Executive Order to be kept secret in the interests of national defence or foreign policy;
- b. records related to internal rules and practices which if disclosed may prejudice the effective performance of the agency in question;
- c. records relating to personal data of employees or personal or medical data of others;
- d. records reflecting commercial and financial information given in confidence;
- e. records relating to inter-agency or intra-agency communications, internal drafts, memoranda between officials, reports of consultants, records of deliberations of employees, and

f. files prepared in connection with Government litigation and adjudicative proceedings.

A public employee who does not adhere to the provisions of the *Information Act* is subject to disciplinary action. Employees are forbidden to release documents in the exempted categories. Federal employees are also still subject to the former security checks. Moreover, Title 18 of the *United States Code* (section 798) provides that any employee who publishes, divulges, discloses or makes known in any manner or to any extent not authorized by law any information coming to him in the course of his employment, which relates to trade secrets, confidential statistical data, source of income, returns, etc., is liable to prosecution.

It must be recognized that United States civil servants participate in the making of political decisions more actively than Canadian or British civil servants. American civil servants promote particular policies or pieces of legislation that their departments consider desirable. Up to a third of staff time is often allocated towards the activities necessary to promote their policies. Although the *Freedom of Information Act* is drafted in such a way that it does not touch internal working documents, drawn up for the purposes of formulating policy and taking decisions, access to public documents and information about government has always been freer in the United States than in most western democracies.

Sweden

For almost 200 years the assumption in Sweden has been that

all government documents are public unless legal provision has been made for them to be withheld. In effect, a Swedish official who is drafting a document does not assign a security classification to it. But a Swedish public servant who discloses a document which is required to be kept secret is guilty of a breach of official duty and can be prosecuted. The law of Sweden contains detailed provisions governing (a) public access to official documents, (b) the secrecy of official documents, and (c) the freedom of the Press. The provisions relating to (a) and (c) are part of the Swedish constitution. The statutory provisions on these three subjects interlock in such a way that an understanding of all of them is necessary for anything near to a full view.

Certain basic principles are laid down by the *Freedom of the Press Act*. These are that every citizen (including public officials and members of the Forces) has the right to express his thoughts and opinions in print; to publish official documents; and to make statements and communicate information on any subject whatever with a view to publication. Exceptions to these rights are to be made only for the protection of individual rights and of public security. A separate Chapter of the *Freedom of the Press Act* then gives every citizen a right of access to official documents. It is up to the official responsible to say whether or not it can be produced. If access is refused, adequate reasons must be specified.

A general exception to the right of public access is made for working papers and other similar documents prepared by an authority as part of the process of reaching a decision. Such a document becomes

publicly available only if, once that decision has been taken, it is placed on permanent record. Nevertheless, draft bills are made public. They are widely discussed among interested groups before presentation to the Legislature.

The *Secrecy Act* sets out in considerable detail the classes of document which are to be kept secret and the period for which the secrecy is to apply. These classes include;

1. documents on certain defence matters, if the Government considers that publication would harm the defence or security of the realm, which are closed for up to fifty years;
2. documents relating to Sweden's relations with foreign powers, also closed for fifty years, except where the Government permits earlier publication;
3. Cabinet records, closed for varying periods;
4. documents relating to the activities of the police, public prosecutors and the Customs and Excise concerning crime, if publication would be detrimental to the prevention or detection of crime or to the safety of the realm or of an individual, closed for up to seventy years;
5. certain Bank of Sweden documents including those relating to the currency;
6. many kinds of document containing personal information about individuals (censuses, registration of births, medical reports, social assistance, criminal records, etc.) which, in general, are closed unless the individual concerned consents to disclosure or the authority holding the document is satisfied that it will not be used to his detriment or to the detriment of a near relative;
7. many kinds of document containing commercial and industrial information; and
8. a variety of other documents, including certain official inspection reports and scientific investigations, patent applications, and documents relating to labor relations, wage negotiations, pre-contract negotiations and parliamentary and court proceedings held in camera.

Sweden is often cited by opponents to secrecy as the model for openness. Civil servants in Sweden are much more independent and powerful than in Canada, the United States, or the United Kingdom. They for

instance, are not responsible to a Minister as in Canada. Rather they are responsible for successfully completing assigned activities. Ministers are evidently restricted in their asking of questions about specific practices.

...there is little direct contact between the Riksdag [the Parliament] and the...Administration. Since the Agencies etc. in principle are independent of the Government, questions cannot be asked in the Riksdag concerning particular administrative decisions by an authority. The Minister is not in a position to influence such decisions and consequently should not be answerable for them to the Riksdag.²²

The Ministers' domain is that of general policy. Civil Service loyalty is to be directed not towards the Minister as in Canada but towards doing the best possible job.

As stated before, Sweden is considered the model for openness. Yet there is little more than statements about the excellent qualities of the Swedish system. Research on the matter is wanting.

The principle of access, common to Sweden and the United States, is seen by critics as the direction for countries to move towards. Canada, the United Kingdom, France, Australia, New Zealand with their emphasis on the need for secrecy in government are subject to intense criticism for their emphasis on more secrecy rather than access.

Many of the provisions which have been outlined here, not only in Sweden but in the other selected countries, have been in force for some time. Yet only quite recently has there been any furore about the provisions as well as the practices. At this time, I shall depart from the strictly main concern of the thesis to give some thought to the germane question of why the provisions for secrecy and the practices

respecting secrecy are important now. In the next section, frankly speculative, I suggest some hypotheses about the present-day conditions which foster secrecy.

2. The Conditions Fostering Secrecy

Secrecy is not a political phenomenon original to politics of today. Certainly the relationships and practices specific to secrecy in government have not been invented today, if comments attributed to various political thinkers over time are any indication. Machiavelli, for instance, glorified the state as man's greatest work of art and anything serving this purpose needed no justification. Secrecy would then be considered a necessary adjunct to the maintenance of the state.²³

Both Bentham and Kant, on the other hand, have been inclined to make secrecy the hallmark of immoral action. Bentham, more particularly, was insistent that the proceedings of representative assemblies must be public. He thought that the arguments for secrecy could be summed up in one proposition, that the public is incompetent to judge fairly the proceedings of a political assembly.²⁴ Bentham himself accepts this view in part but counters with observations that the public will always judge, no matter how ignorant or incompetent.²⁵ Hence, since the public will judge anyway, they should be encouraged as much as possible to become knowledgeable and competent judges.

A modern-day rendering of the secrecy issue can perhaps be depicted by Herblock's biting cartoon of late 1956.

John Q. Citizen is sitting before a stage, and all he can see is a paper curtain with the official words stamped on it in huge letters:

"SECRET, CLASSIFIED, SHH!" At the side of the stage is the master of ceremonies, Mr. Government Secrecy, saying, "It's a great performance going on--take my word for it."²⁶

Secrecy in government has been a practice and concern over most of western political history. It has in recent years aroused unusual attention. This fact can hardly be considered surprising, given certain leading elements of our present situation.

National Security

The issue of national security may perhaps be better put as the issue of national insecurity. For over a generation now, we have lived under international tensions of haunting insecurity. Since World War II, nuclear weaponry and a potential holocaust have moved from science fiction to a position of stark reality. That has implications for the directions of state activities. In the past, regardless of any ill-starred prophecies propagated by Cassandras, we have known that no matter what happens mankind will still survive. This belief, which has calmed people for generations is no longer tenable. The reason can be summed up in a single sentence: "...before the thermonuclear bomb, man had to live with the idea of his death as an individual; from now onward, mankind has to live with the idea of its death as a species",²⁷

Much of our philosophical underpinnings stem from the need to protect the individual from the power of the collective and/or community. Not nearly as much emphasis has been on how to protect one collective from the potential destructive tendencies of another collective. The assumption has been that society will continue; the nuclear tensions of today render

that belief obsolete,

Secrecy becomes increasingly important in this context. The nuclear device is the ultimate weapon in its capacity to destroy all. Because of this destructive capacity, it becomes necessary to guard its secrets--design, production, use. For some, our survival, taken literally, seems to depend on keeping secret anything connected with other nations. More open relations with other nations may affect this precarious stability. It is a short step from keeping secrets from others to feel the compulsion of knowing what the other side, the enemy, is doing. And further depending on whether the perspective is military security or economic stability, what constitutes the enemy can be broadened to include a rather wide spectrum of nations requiring surveillance. All of this, of course, must be kept secret from the public as well as the enemy, or "our" position becomes jeopardized.

Growth of Government

Government has grown in size, scope, and complexity. Government activities have increased in relation to the growth of other institutions. The rate of government growth in the last fifteen to twenty years certainly has no modern precedent. The state through government activities has become because of its vastly increased domain, most important in the conduct of our lives. The importance of the state seems to continue unabatedly.

At one time, the prime function of government was to maintain stability, order, and protection so that economics and society could carry on with a minimum of deterrents and distractions. The ideal was

'minimum government'. Government is now expected to plan and initiate policies. Government must not allow a country to fall prey to the exigencies of fluctuating forces. This movement is towards 'more government' and perhaps even 'maximum government'.

The demand for evenness and consistency has meant government intervention in parts of our life that were previously taboo, such as manpower training, unemployment insurance, health care, and possibilities such as guaranteed annual income. The complexity of issues has been reflected in the size and scope of government which has emerged to grapple with issues. The demand for comprehensive planning has presaged mushrooming of differing needs and areas.

Secrecy in government no doubt has long existed. But secrecy becomes more conspicuous when, because of the larger government mandate, so much more which affects our lives, is secret. And since the trends continue in the direction of more and more government, even more which affects our lives will be outside the realm of public knowledge.

Characteristics of Government Bureaucracy

This growth of government has been matched by the increased power of the administrative sector. The characteristics of the administrative sector, the bureaucracy, and the behavior of individuals within it are disturbingly similar in all countries, and in all policy areas.²⁸ The supremacy of interest in administrative efficiency, the desirability of maintaining past practices, the reticence to change, the hierarchical power structure, the inward-looking practices of bureaucracy; all take on enhanced prominence when government is much more influential. These

characteristics are often in conflict with the political values of democratic polity. Because of the increased power of the administrative sector, secrecy plays a more important part. The stakes are higher, the scope is greater. The struggle becomes more pressing and secrecy becomes a tool of greater use. Again, the public is not the only target of secretive practices, or even the chief one, but to keep secrets from anybody, people in government must keep secrets from the public.

Vision of Government

Cynicism might best describe widespread sentiment exhibited by many of the governed towards the governors. Corruption, violence, betrayal and treason, and propaganda are all linked with secrecy. Together they have been termed political pathologies.²⁹ These pathologies may be functional to some ends, but the apparently rampant nature of the pathologies does little to instill confidence and respect on the part of the polity towards those who govern. For these pathologies of politics to function, they must be "...limited, and only within these strictly circumscribed limits can they function without creating a serious threat to the survival of the political order".³⁰

The highly publicized Watergate case in the United States and the Scott Report Affair in the United Kingdom are two recent examples whose practices go beyond legitimate limits. They certainly pose threats to continuation of the present order. These incidents have certainly exacerbated distrust, cynicism, and negativism towards governments, politicians, and the political process in general. Much of this cynicism extends to the use of secrecy in politics.

Francis Bacon observed, in his time, that "...some things are secret because they are hard to know, and some because they are not fit to utter."³¹ The cynicism today tends to assume that when things are not uttered, then they are not fit to utter. Perhaps there is a sharing of Woodrow Wilson's devout belief that "...secrecy means impropriety...", while publicity is "...one of the purifying elements of politics...".³² The cynicism and distrust of politics and government by those governed certainly contributes to the uneasiness surrounding secrecy, no matter how well justified secrecy seems to be. It also, one may hypothesize, promotes secrecy itself, because governments are less likely to release information if it is going to be seized on with suspicion.

The Prevailing Ethos in Society

Whether it is called alienation, anomie, or an increasing sense of worthlessness, there is a sense of powerlessness on the part of the governed which is seemingly pervading our society. Possible reasons for the conditions are discussed in the media and by scholarly endeavors on a nearly daily basis. The growth of technology, rapid social change, growing institutional structuring of life; these and many others are suggested as partial explanation of social phenomena.

This sense of powerlessness translates into political terms, characterized by a paucity of active people in the life of a polity. Seen through Hannah Arendt's eyes, action denotes the health of society. In her book *The Human Condition*, Arendt outlines a framework that distinguishes between labour, work, and action.³³ Labour is the production of life, and as such is an endless, constantly consuming and consumed

activity. Work is the production of enduring objects, material and cultural, which stabilize the world and make it into a home for man, rescuing him from the endless transience of merely living. Action is the realm of politics, the creation of public space where freedom can be lived out.

Arendt contends that labour and work dominate over action both in time expended and as concepts. Expectations provide reasons for the labour and work process. One recent expectation that has unsettled others is more control by individuals over their lifestyles. This has been a frustrated expectation. Suffice to say that the prevailing ethos of our western society does not contribute to the emergence of an active, independent political person.

The emphasis on labour and work has lessened the effective demand for action and hence political control. The apathy following frustration about control over lifestyles has also discouraged action by many. But the more confined action is to an elite. The more confined action is to an elite, the more political information will be restricted. Though competition *within* the elite will work against this tendency to keep information from the public, it may well not offset it entirely.

The Heightening of Diversities in Society

The heightening of diversities has meant the widening of the acceptable political spectrum. Groups previously on the outside of ostensible power positions such as women, minority groups, the poor, through a rising political consciousness have been demanding participation in the political mainstream. Secrecy of government information is

an impediment to organizational success of these groups. Information is imperative for their political struggles. Thus these diversities contribute to secrecy being of substantially greater significance.

Moreover, the political process is expected, in some way, to deal with these conflicts so that groups can partake in seeking the 'best' situation. Negotiations and bargaining are crucial to these power plays. Secrecy has long been considered essential to negotiation and bargaining. It becomes even more important as the numbers of groups engaged has increased. The stakes seem a little broader.

These hypotheses suggest, rather speculatively, some conditions fostering secrecy. In this context, they serve to alert the reader to considerations about why secrecy is important now. They themselves deserve research but, interesting as it may be, would be too large an undertaking for this thesis. Rather I shall move on to my main concern, with the content of the secrecy controversy.

III

"INGREDIENTS" OF THE SECRECY DEBATE

Secrecy in government is a contestable political issue. The importance ascribed to secrecy is heightened by numerous societal and cultural conditions, prevalent in our society, which have just been briefly discussed. People with differing vantage points--media people, politicians, civil servants, scholars, members of interest groups, et al.--are interested in secrecy and its effect on political life. Many individuals from these segments of population have written about secrecy in government. Usually their writings take the form of pleas, whether it be to support secrecy or whether it be against secrecy.

No doubt, within these pleas are reasons supporting whichever position they put forward. Some reasons are stated directly, many reasons are implicit. Rarely has there been any attempt at organizing or classifying those reasons. I have not come across any work which outlines any specific listing of reasons supporting one position or another.

The arguments are part of a polemic, irrespective of who is talking. It is then not surprising that little need is seen for conceptual clarity, or taking full cognizance of the possibilities of an argument with which they are in disagreement. Rather the arguments go only so far as to include reasons which support their position.

What I have attempted to do is delve into the literature, identify their reasons for their arguments, some of which are stated directly

and others implicitly, and classify them in some organized form. The aim of this exercise is to get quickly and simply a sense of the ranges of the arguments. I have attempted to outline these arguments as objectively as I can.

In the first section of this chapter, I present my organization of the reasons gleaned from the literature in support of secrecy. In the second section, I have done the same for those against secrecy. Both these sections are based on what proponents have said or implied, and not on the strongest argument each side could make.

1. Arguments in Support of Present Secrecy Practices

Essentially, two camps are distinguishable in discussions about secrecy: those demanding a transformation from emphasis on secrecy in government to greater openness, and those defending and justifying present regulations and practices. As is often the case, an issue becomes prominent and subject to discussion and debate in the public realm when critics marshal their attacks against a particular concern or abuse. Secrecy is such a case. The onslaught of those seriously doubting the reasonableness of secrecy in modern democracies have generated considerable furore, raising secrecy to an issue. Those singled out as abusing secrecy provisions can no longer ignore the stinging criticisms levelled against them.

And thus, those in support of present secrecy practices and provisions, have begun arguing for restraint on the part of critics.¹ Yes, from the perspective of supporters of present secrecy practices, openness and participation are admirable but the entire existing

situation is not at all clearly understood. The supporters might be expected to outline arguments attempting to explain and justify present practices. Interestingly enough, there is little in that side of the literature in the way of supportive arguments.² Paradoxically, the critics are the fullest source also for the potential arguments in support of secrecy. In their attempts to debunk present tendencies, they outline potentially supportive arguments, and then proceed to refute these possible arguments. Thus many of the arguments, as stated here, include not only material as articulated by actual supporters, but also material from the more numerous critics.

From these sources taken together, several reasons for secrecy are continually repeated. They are cited as follows:

*P-1. Secrecy is fundamental to traditions of our parliamentary system.

The Cabinet is a central feature of the Canadian parliamentary system. "A Cabinet", said Walter Bagehot, "is a combining committee - a *hyphen* which joins, a *buckle* which fastens the legislative part of the state to the executive part of the state."³ The special function of the Cabinet, in this respect, arises from the fact that its members individually are Members of Parliament, responsible to the House of Commons. The Cabinet as a unit, is responsible to Parliament. Powers are not conferred on individual Ministers but on the Cabinet as a whole.

Thus the Cabinet is characterized by collective leadership. Differences in opinion and conviction on policy and political matters do indeed exist among Ministers. These differences are to be expressed in

*P refers to Pro-Secrecy.

Cabinet meetings. After a decision is made, they all speak as one.⁴ If ministers cannot accept a decision, for whatever the reasons, resignation rather than public argument while they continue in public office is the accepted solution. This collective leadership is seen as essential to maintenance of political order, and effectiveness of governing.

Secrecy marks the discharge of this collective leadership.

The proceedings of the Cabinet are secret, for the constitutional reason that the Crown's business is confidential and is protected by the Privy Councillor's oath and the Official Secrets Act, and for the practical reason that full discussion and mutual confidence are possible only in an atmosphere of security.⁵

In addition, if Cabinet meetings or their proceedings were open to public scrutiny, divergencies within the Cabinet would be readily apparent, and public presentation of unity and collective leadership would no longer be possible. The use of collective leadership supports the dominance attributed to the executive, i.e. the Cabinet. Upon the Cabinet rests the major functions of decision-making. These functions include initiation of policy direction, and the policy substance. Undoubtedly, the Cabinet, other than through the use of order-in-council, depends on the House of Commons and its committees to debate and ratify these initiatives. The tradition of collective leadership and cabinet secrecy nevertheless means that the Cabinet presents only major decisions to the House.

No doubt much power rests in the hands of the Cabinet. But unless there is a virtual transformation of our system of government, the executive will have to be trusted.⁶ The Cabinet is composed of

honorable and admirable men. The institution of the Cabinet has long proved its worth. And so, trust of the executive by Parliamentarians and the public is not an excessive expectation.

The Cabinet is composed of Ministers, each responsible for a portfolio. A Minister is expected to speak for a portfolio, and be responsible for actions taken within its jurisdiction. Civil servants merely serve the Minister and Government. They are responsible for bringing suggestions of directions and those implications to their Minister. They are not to be publicly responsible for their actions. Civil service anonymity is to provide for the independence necessary in bringing advice and taking decisions. Secrecy is deemed essential in the relationship between a Minister and his department. One reason given is that if civil servants were to appear publicly, ministers would be less and less reluctant to accept obligation to assume sole public responsibility for departmental policies.⁷ In another vein, whenever a Minister does not accept the advice of departmental officials this would be known and it would be possible for political capital to be made of it. Then ministers would be tempted to fill senior posts with their political sympathizers.⁸ Thus, it seems that the principles of secrecy are necessary to protect the delicate internal decision-making process of each branch of government.⁹

Collective leadership, executive dominance, civil service anonymity, and ministerial responsibility, as part of a heritage of our parliamentary system, form the basis of our government. Secrecy, integral to the practice and spirit of these characteristic aspects of parliamentary

government, is thus justified and warranted.

P-2. Secrecy is necessary to protect the privacy of the individual.

Our government has responsibilities for initiating and administering policies which affect the life of the nation and lives of the citizens. For government officials and politicians to plan and evaluate policies adequately, much information is necessary. The most accurate basis for the required information is that of the individual or group. An individual is often taken to be one person or one unit, for instance, a corporation. Government could not effectively function without this information about the individual.

No doubt the right of privacy is partially infringed upon by government acquisition of information.¹⁰ That infringement however must be kept to an absolute minimum. Those who give information to government, most often required by law, do so with the complete assurance that what they give will be kept confidential. Through the use of secrecy provisions, government has a responsibility to respect that confidentiality and the rights of privacy of the individual by safeguarding, through restriction, any unauthorized viewers.

P-3. Secrecy is necessary because the public is incompetent to judge proceedings of a political assembly.

Issues which government must contend with are increasing, not only in number but also in complexity. It is difficult enough for politicians, whose work incorporates these issues, to fully comprehend what must be done and what is being done. Demands and constraints on the elected representatives are so numerous that often even where to begin

sorting through the myriad of information and pressures is confusing. Also, the complexity of the issues warrant a high degree of knowledge and sophistication in the particular areas. Civil servants, with this expertise, are relied upon for more and more judgements of direction. The public is largely ignorant of requirements of substance and process of policy-making and hence just do not properly understand what is necessary for grappling with an issue-area.

In addition, not all material can be open to public scrutiny. Matters of national security and national prestige, for instance, require restricted viewers. At the best of times then, only partial information could be made available which could easily lead to misinterpretation and ill-considered judgements, possibly resulting in considerable harm to the nation.

There is also a fear, which must be dealt with by government officials, that even if the truth were fully exposed, the public may well be unwilling to face the truth. The public does not base judgements on rational grounds.¹¹ The irrationality of the public poses difficulty for those who demand more disclosure. To suggest that decisions be left to irrationality would be to suggest irresponsible behavior on the part of those who know.

The public is then not only somewhat irrational but also largely ignorant of the issues, the policy process, and the constraints. What the public is aware of is only a partial view; a partial view of even less credibility when knowledge enters the picture. Given that the public does not have the information and in many circumstances can not

have the information, it can be asserted that the public is incompetent to judge fairly the proceedings of politics,¹²

P-4. Secrecy is necessary in matters which are vital to the life of the community--military, defense, economic.

Matters vital to the life of the community must be kept secret. Secrecy is necessary for reason of state. The doctrine of reason of state is characterized by behavior in which all is done that is likely to accomplish of any scruples springing from ethical and/or religious beliefs and values.¹³ Thus reason of state commands conduct which serves the interests of state, when personal ethics are sacrificed to the good of the state.

The use of the doctrine of reason of state must be based on some legitimate grounds for construing what is dangerous to the state. Dangers to the state include, of first order, matters relating to defense and military manoeuvres. The concern was and is about the security of the nation, and safety and survival of the people.¹⁴

Economic stability and growth are increasingly seen as vital to the community. Hence, economic matters are in fact tied to the security of the nation.¹⁵ Economic factors are more closely tied to an international system than previously. Economic considerations are now more readily included along with defense and military manoeuvres raising external concerns to be controlled or at least held in check. They are important for reasons of state.

External dangers to the state are also matched by internal conditions which can be dangerous to the political order.¹⁶ Internal

matters such as civil disobedience and strikes can be highly detrimental to international activities because the enemy will know of the weakness, as shown by discontent, at home. Thus for any effective international participation by a state a quiet domestic situation is, if not imperative, then, at least highly desirable.

On another level, the maintenance of political order is essential if the state is to continue in a form traditionally known. Subversives, those demanding too radical change, militant unions, etc., can disrupt political order and hence weaken the state. Reasons of state then no longer include the narrow realm of defense and military matters. Economic stability and internal concerns for political order constitute newly valid elements for reason of state.

Secrecy becomes necessary in situations potentially dangerous to the state. Secrecy is essential for frank and full discussion in private on these vital matters. More openness would for one, qualitatively lower the level of discussion and secondly, possibly incur the wrath of large powerful institutions - economic, military - whose domain would be questioned and perhaps limited. These institutions are essential for successful continuation of the state. Because of the potential wrath of these institutions, it is best not to embark on a direction of more openness.¹⁷ There are also reasons that citizens of a state must sometimes be misled in order to mislead the enemy.¹⁸ Thus, if government is to properly manage matters that could be dangerous to the state; secrecy if of utmost necessity.

P-5. Secrecy is essential for unembarrassed advice and discussion, and for protection of individuals from political repercussions for positions taken.

Elected representatives depend on their bureaucracy for advice and consideration, so basic to the decision-making process. The goal is the achievement of a best decision. A best decision can only be achieved when proceedings and discussion are secret. If these proceedings were not secret, then civil servants and the elected representatives would not say what they think, essential to coming to adequate consideration of an issue,¹⁹

Certainly it is not considered that all discussion and materials for the discussion must be secret. Nevertheless, many occasions arise where secrecy is appropriate. It is necessary in the development of public policy. Otherwise government officials would be inhibited from expressing their truthful considerations especially if there was no confidentiality of their communicated opinions.²⁰

Exploratory discussions of domestic policy, in which officials had to state their views with a frankness which would be inhibited if they felt subject to popular misunderstanding and criticism, obviously could not be given publicity even where it was recognized as appropriate for the conclusions reached. Neither in the proposals of alternative policies nor in the analysis of the probable consequences of the various policies would the effectiveness of government be aided by publicity.²¹

If these discussions were open, unpleasant repercussions could well follow. For instance, the content of discussion might alienate a given sector of society by what is said about people and institutions there. This may lead to even more lobbying and public presentation to enhance their view of what is a correct decision. In this milieu,

judgements would largely be dependent on political consideration rather than impartial views of situations requiring attention.

Secondly, public image is most important for politicians, but also important for civil servants. The support that the executive, legislature, and civil servants can expect for following and acting on decisions by the public, depends in large measure on the confidence and trust they feel in the officials. This confidence and trust is supported by a positive public image of the officials. No doubt politicians need a positive public image to get re-elected. But the work of civil servants is certainly made easier if the public thinks well of their endeavors. If proceedings were open, politicians and civil servants would likely be less frank and less free, since those involved would have to be constantly aware of the public image they were projecting.

Indeed, under conditions of less frank and less free expression, the quality of discussion would no doubt be impaired and more importantly, so may the quality of decisions reached.²² A high quality of decision cannot be expected if all known possibilities of direction are not fully expressed. Essentially, partial information impairs the best possible consideration.

Compelled to disclose more, officials, in addition to giving less frank opinions, would seek to avoid completely the risks arising from putting pen to paper. The telephone and informal conference would become the norm,²³

In every important decision that is likely to impinge on this new 'right to know', there will likely be far fewer written, recorded discussions, far more private, verbal discussions, far more tacit

rather than "official" decisions. And there will be more winks than signatures ("don't write, send word") if for no other reason than the avoidance of some new capricious lawsuit.²⁴

Even more immediate than prevention of possible lawsuits is the protection of officials from political reprisals. The realities of power contribute to personal vulnerability of particular bureaucrats, especially those of the middle or lower range. Because of publicity which Members need in constituencies, or to maintain a positive public image, they may be prone to run roughshod over the reputation, sensibilities, and legal rights of bureaucrats.²⁵ The protection of career officials from political reprisal for incautious remarks or proposals forms a major argument put forward by elected representatives and other executive officials that secrecy is essential for effective conduct, not only in military matters but also in civilian affairs. The government official requires protection, in recognition of the possibilities of arbitrary and capricious use of official power.²⁶

This official power affects, in addition to bureaucrats, citizens in general. An increasingly important element of governing is the volunteer advice given by citizens. This volunteer advice is in good part dependent upon the assurance that they would be thereafter subject to political attack for having expressed their honest opinion.²⁷

Secrecy then is necessary if, for one, there is to be maintained open, frank, and free discussion in aid of a high level of quality in decision-making, and secondly, for there to be adequate protection from political reprisals of those, who either because of their work or on a voluntary basis, offer advice and information to those who govern.

P-6. Secrecy is necessary to maintain a positive image of politicians,

The need of a good public image of politicians and officials for purposes of eliciting support from the public for decisions, as discussed in the previous point, is only one facet of the arguments in relation to public image. It was noted earlier that the career of a politician depends upon winning at the polls. This winning increasingly seems to depend on a positive public image. A good public image is then crucial for the survival of a politician. Public speeches and presentations are often made with an eye to visibility and eliciting support for potential votes.²⁸ For this reason, some of the internal processes of government should be conducted in confidence if they are to result in effective policies. Otherwise politicians may attempt to use this information to strike public attitudes, in a favourable direction for himself. It is less dangerous to the system to have the positive image created otherwise.

The public has many expectations of an elected representative; some reasonable, others unreasonable; some perpetuated by a candidate, others not. One expectation is that the elected representative be highly knowledgeable or at least understand well-nigh every facet of government process and policy.²⁹ That this expertise is impossible in this day and age is not at point; rather, steps must be taken to keep this myth intact, which serves a useful function for maintaining political order.

Rather than expose the ignorance of decision-makers, it is better to have secret background information sessions so that nonsense

questions could be asked without the public having knowledge.³⁰ Further, closed meetings are often warranted prior to public ones, lest the representatives be overwhelmed (as they sometimes have been in the United States) by better informed witnesses.³¹

Another illusion prevalent in the public mind is that full information is present prior to most decisions. That is simply not true: decisions are at best judicious guesses with best information available. Decisions must be made whether full information is available or not; problems and issues must be dealt with promptly; chances must be taken. If meetings were more open, there would be excessive caution. If the deliberations were open, functioning would slow down until more is known.³² Our political culture is such that rapidity of action on any issue is a virtue and much of the positive image of politicians is based on quick response and action.³³

Many politicians' actions are geared not only towards the garnering of votes for the short-run but also with an eye to how they will look in the long-run. If officials and politicians know information will be public, whether immediately or in the near future, many will be inclined to produce public records with an eye to how they will look in history. The demands of the electoral system and motivations of a politician make secrecy an indispensable tool to creating and maintaining a positive public image.

P-7. Secrecy is a prerequisite for administrative efficiency and effectiveness.

Secrecy is to serve the public interest by contributing to

administrative efficiency.³⁴ Decisions must be acted on quickly for effective results. Many decisions in fact must be made speedily, especially in a crisis situation. They cannot be dealt with effectively with a full deliberative process.³⁵ Public consultation may, and where practised, usually result in slower decisions and slower action when another more decisive method is required.³⁶ In addition, for decision-making, it is often necessary to research the policy area and perhaps investigate situations relevant to a proposed policy. All investigatory work requires secrecy for fairness and effectiveness to be met.³⁷

Effectiveness in government administration is characterized by quickness and efficiency. Any attempts at quickness and efficiency are disturbed if too many people are involved. The knowledge of certain governmental transactions must be confined to a narrow circle. These certain governmental transactions would include budgetary decisions; deliberation of councils, tribunals and juries, reports on affairs of business enterprises, personnel files of government, as well as census information collected about individuals.³⁸

Too many people knowing too much, wishing too much information, and saying too much takes inordinately long in both decision-making and administration, but particularly in administration.

P-8. Continued practice of secrecy is warranted simply because more disclosure would disrupt present bureaucratic practice and it would prove too difficult to institute new openness regulations.

Movement in the direction of openness would necessitate restriction only in particular cases instead of the present general

application of secrecy provisions to most information,³⁹ To accomplish this, bureaucratic institutions would be required to change in orientation and organization. Because of the hierarchical nature of responsibility lines in our public bureaucracies, only the few make decisions.⁴⁰ The implementation of provisions for disclosure requires making judgments and decisions about whether requested information is actually secret. Either more people would bear responsibility for making decisions, hence changing established authority patterns, or the process would be lengthy and laborious, resulting in openness regulations being somewhat ineffectual. If regulations calling for an end to secrecy seemed ineffectual, bureaucracies would be subject to even more stinging criticism than they are presently subjected to.

Besides, civil servants have a great deal of work to do at present. It would be too burdensome for institutions to provide records whenever a scholar or researcher needed them. New regulations would take time and energy away from their already heavy workload. A crucial issue is the civil servants' initiatives.

In government the Macy's-window syndrome is going to make for greater inefficiency, because officials are going to spend more and more of their time processing requests for documents on *past* actions instead of applying the same energy to *future* actions.⁴¹

Certainly an even larger bureaucracy, in terms of cost and red tape, is not something which should proceed without good cause. Yet, given the time and energy required to operationalize new regulations ending secrecy, they would work against the limiting of growth of bureaucratic institutions.

P-9, Secrecy is essential for maintaining competitive advantage among bureaucracies, and in general bargaining and negotiation.

From an institutional viewpoint, administrative units composing the bureaucracy are rivals for funds and programs. There are limits and constraints on finances available to every unit for directions to be pursued. Government must make decisions on directions to proceed and whether particular programs ought to be expanded or restricted. Each administrative unit must compete in an effort to have its direction secure. This competition and rivalry among administrative units is inevitable. This point is thus different from the other reasons supporting secrecy. It is not a matter of whether competition and rivalry in this instance is a good thing, which underlies all the other reasons, but rather the inevitability of the rivalry.

Each administrative unit views its contribution as essential. Its presentation of itself is usually highly favorable. This is to maintain a competitive advantage to receive increasing funds and programs. Thus,

government agencies, as well as organizations in the sphere of private bureaucracy, find it expedient to keep certain phases of their operations secret in the interest of maintaining a competitive advantage over rival administrative units.⁴²

Secrecy becomes necessary not only in the rivalry of administration, but is also seen in diplomacy, negotiations, and bargaining. Negotiations and bargaining occur within government, with private sector bureaucracies and organizations, as well as with other governments. It seems largely impossible to partake in the process of negotiations,

bargaining, and diplomacy if these are conducted in the open.⁴³ In fact, Rourke speaks of secrecy as a requirement of effective diplomacy.⁴⁴

When engaged in negotiations, bargaining, or diplomacy, each side has as its aim the achievement of the best possible outcome for itself. To achieve that outcome, it is imperative that the opponent not know either your weaknesses or even the strengths. Secrecy becomes a vital tool. The goal is satisfactory results; secrecy is one tool to accomplish those satisfactory results. Secrecy is indispensable for the competitive advantage which is so much a part of negotiations, bargaining, and diplomacy whether on a domestic or international level.

These reasons form the basic position in support of present secrecy in government. I have outlined them from the view of proponents, attempting to be as objective as possible. Some of the reasons cited are explicitly suggested. In summary then, the reasons are as follows:

- P-1. Secrecy is fundamental to traditions of our parliamentary system.
- P-2. Secrecy is necessary to protect the privacy of the individual.
- P-3. Secrecy is necessary because the public is incompetent to judge proceedings of a political assembly.
- P-4. Secrecy is necessary in matters which are vital to the life of the community--military, defense, economic.
- P-5. Secrecy is essential for unembarrassed advice and discussion, and for protection of individuals from political repercussions for positions taken.
- P-6. Secrecy is necessary to maintain a positive image of politicians.

- P-7. Secrecy is a prerequisite for administrative efficiency and effectiveness,
- P-8. Continued practice of secrecy is warranted simply because more disclosure would disrupt present bureaucratic practice and it would prove too difficult to institute new openness regulations,
- P-9. Secrecy is essential for maintaining competitive advantage among bureaucracies, and in general bargaining and negotiation.

2. Arguments Against Present Secrecy in Government

Most of the literature about secrecy in government is concerned to present refutations of the arguments in support of secrecy. The purported refutations are essentially arguments against present practices of secrecy in government rather than specifically arguments for both disclosure and openness in government. In their attempts to refute what could be viewed as a position for secrecy, they in fact present the proponents' case most cogently. However the presentation of their position is rather less lucid than it would otherwise be.

Nevertheless, it is critics who have brought the issue of secrecy to one of public consideration. The critics are led, in numbers at least, by journalists and media people. Perhaps because so much of their professional activity involves information, they are more attuned to secrecy as a decisive problem. Other critics, in lesser numbers, include scholars and academics. Again their work sensitizes them to problems of access. And finally, there are lobby groups and pressure groups who find the potential impact of their activities restricted because of unavailability of information. All together, they are highly critical of secrecy in government for the following reasons;

*C-1. Secrecy militates against public understanding of public issues.

Government initiatives and activities are public issues.

Elected representatives in government are responsible to the people. Civil servants, although directly responsible to the Cabinet, are indirectly responsible to the people. Thus, government, in its exercise of responsibility to the public, must expect its initiatives and activities to be public issues throughout.

Readily available information is necessary for public understanding of public issues. Present secrecy provisions and practices keep information, classified as unreleasable, from the public. No doubt some information must justifiably be kept secret. In practice however, far too much is out of the public eye.

Public awareness and understanding of public issues is a major indicator of a healthy political system, which embodies the principles of responsibility, freedom, and participation. Public understanding of public issues is necessary if citizens are to make sound electoral judgments in selecting public officials,⁴⁵ through the mechanism of rational decisions.⁴⁶ For effective citizen participation, there must be exposure of policy arguments to public discussion.⁴⁷ Without discussion, the making of rational decisions will be thwarted. The making of rational decisions would also be helped by the development of a historical perspective by citizens on these public issues.⁴⁸ It is only by more disclosure of government information that citizens can develop this historical perspective.

*C denotes Con-Secrecy.

In addition, if there were exposure of policy arguments to public discussion, policy-makers could use the contribution of the public in developing their policies. For instance, policy-makers could capitalize on the intellectual resources of the community to aid in the formation of policy.⁴⁹ Not only will policy-making be able to capitalize on community resources, public understanding and public discussion would contribute to public cooperation in reference to these issues.⁵⁰

C-2. Secrecy inhibits informed public discussion, which is the vital core of democracy.

"...The vitality of democracy...is the essence of free government".⁵¹ Democracy and free government are ideals and principles which we cherish. They are, or ought to be, the two major guiding lights for those who govern. Democracy and free government will neither develop or continue without constant vigilance and effort.

Informed discussion, characteristic of free government, is at the core of democracy.⁵² Any informed public discussion depends upon such matters as availability of information about public affairs, free flow of communication, and the closely related freedom of the press and freedom of expression.

The press and other media are major exponents in the analysis of public affairs. Unavailability of information because of secrecy provisions not only impedes press initiative, but also subjects the press to manipulation by tactical leaks.⁵³ Tactical leaks refer to selective release of information by government to create a desired impression. Tactical leaks, by the omission of pertinent facts, usually distort a

situation for the benefit of whoever has initiated the leak,⁵⁴ The use of tactical leaks abuses the free press. Without an alert and accurate free press, principles of freedom of expression and free flow of communication are devoid of practical meaning. Secrecy in government by the restricting of information, impedes communication and hence makes a mockery of informed public discussion.

Undoubtedly, for there to be informed public discussion, there will also be some insecurity over decisions. By insecurity is meant uncertainty; decisions that are not accomplished facts before any public view. There cannot be any predetermined answers on many vital matters, if the spirit of public discussion is to be adhered to. But, we must tolerate some insecurity or uncertainty to sustain a high level of discussion, a highly prized attribute of democracy.⁵⁵

C-3. Secrecy inhibits effective external scrutiny and control militating against accountability and responsibility for actions by those governing.

Those who govern accept that they are responsible and accountable for their actions to the public. Their domain is the world of public issues. To be meaningfully responsible and accountable requires explanation of actions: 'the public' knowing views, activities, processes, judgements of decision-making and administration.⁵⁶ At present, because of provisions for secrecy, all 'the public' knows are the results, exclusive of proceedings and positions leading to the results.

Knowing only the results is inadequate for effective control or scrutiny. It is crucial to have a basis for judgement about whether the best results were recommended. Awareness of proceedings and the

presented positions are necessary for adequate understanding about the results.⁵⁷ Keeping the proceedings and the presented positions secret makes holding those who govern responsible and accountable a hollow sham.

Those who accept public responsibility should expect public scrutiny.⁵⁸ Public scrutiny and control is essential to wise government. It they are to be subject to public scrutiny, decision-makers are likely to give more considered judgments.⁵⁹ In this way the defense of policy as an essential part of policy-making⁶⁰ would aid in revelation for purpose of rectifying errors.⁶¹ It is also likely that government would show more responsiveness to public observation. All in all, public scrutiny and control would improve the legislature and the entire government process.⁶²

C-4. Secrecy inhibits and restricts effective scholarship and many professional activities.

For there to be public understanding of issues, informed public discussion, and exacting public scrutiny, freedom of expression, exploration, and discovery are essential.

That secrecy inhibits and restricts effective scholarship is a point expressed most frequently by newspapermen and broadcasters, scientists, and other scholars. The role of the scholar and many professionals is to explain, understand and interpret: whether it be physical, natural, or social phenomena. Because of secrecy practised or demanded by government, each of these professional groups is restricted in their its realm of activity.

Newspapermen and broadcasters, often termed the fourth estate,

are responsible for presenting clear and accurate information through their particular mediums. They, to some extent, are the critics as well as the conscience of the people. Secrecy is a major deterrent to fulfilling this function. They complain bitterly about politicians and those in government attempting to influence or manage news in various ways.⁶³ Another restraint stems from civil service anonymity. Because of civil service anonymity they must work in

...a crazy world of illicit purveyors of official information who, like gossipers, give them a story but insist that they must not tell anybody, or that if they publish it, they must not give its source.⁶⁴

It leads to the strange milieu of leaks being a predominant mechanism of news-gathering.

Physical and natural scientists also complain about secrecy impinging on their research. Communication of results and endeavors among scientists is a prerequisite to most breakthroughs of scientific development. However since some scientific study relates very closely to military and defense work, governments restrict scientific publishing, in an attempt to keep the 'enemy' uninformed. Scientists find this unacceptable on two grounds: firstly, "...not to publish what ought to belong to the consensus is a crime against Science...",⁶⁵ and secondly, "...the growth of science...necessitates absolute freedom, even the freedom to be revolutionary."⁶⁶

Historians, political scientists, and other scholars have quite a different problem; nonetheless they are severely restricted in their activities. Scholars must cope with the maze of security restrictions to

gain access to government records and archives in order to evaluate and understand past policies and activities. Much of the concern of the scholar is relatively long-range evaluation. Immediately constraining this effort is a thirty-year secrecy rule prior to release of information. This thirty-year rule can be extended, if considered necessary, at the discretion of the responsible department. For scholars concentrating on current affairs, there are similar problems for newspapermen such as journalistic initiative of free-press guarantees,

This restriction of information can potentially structure the conclusions and interpretations which scholars, newspapermen, and scientists give to particular situations. Since those who have authority to release information also by their activities are creators of it, the information they release is unlikely to be representative or objective. Secrecy can distort our knowledge.

C-5. Secrecy is used by the bureaucracy in infighting in which the public interest may drop out of sight.

A bureaucracy of the public sector is in a position quite apart from anyone else in the political mainstream. Through their activities, they have much of the information about decision-making in their possession. The classification system is the mechanism through which a bureaucracy determines what ought to be released and to whom. It is not always a question of no release, but rather for some materials selective and timed release. Because the bureaucracy is charged with classifying most government material, the choice of releasing or not releasing information places a bureaucracy in a potentially powerful position.⁶⁷

Secrecy as referred to in the literature is generally termed administrative or bureaucratic secrecy. The administrative sector, as the actual withholder of information, is often depicted as, if not the culprit, then certainly a willing and eager accomplice in carrying out the secrecy regulations.

Bureaucratic activities can be looked at in relation to three sectors: the elected representatives, citizens in general, and other public agencies. The use of provisions for secrecy in the bureaucracy is directed to, or responds to one, two, or all three sectors. The agency in question also may or may not, through the use of the information they possess, collaborate with any of these three in its quest for power.

In one set of circumstances, an agency in a lone position, directs activities, using secrecy in conflict with the elected, citizens, and other agencies. It is the agency against all possible adversaries. When performance of the agency is at stake, the agency gears its activities to take the tone of defensiveness, demonstrating how the agency is adversary to the others. In this fashion, a bureaucracy will use secrecy to cover up its administrative blunders,⁶⁸ to enhance the public stature and prestige of itself as an agency,⁶⁹ and to prevent unfavorable publicity to be directed against itself.⁷⁰

An agency also competes with other agencies for power.⁷¹ In this respect, an agency not only operates to achieve its best interests, but will apply information of both the elected and the citizens in its fight for eminence in the bureaucratic network. This may include

distortion, willful withholding, and the myriad of strategies open to administration because of its monopoly possession of information.

An agency will also pursue these same activities and others in cohort with the elected representative in opposition to citizens. In conjunction with elected representatives, an agency will use secrecy provisions to manipulate public opinion,⁷² to prevent disclosure that would be politically embarrassing, and to prevent public appraisal. Hence neither the elected representatives nor the government officials will have to react to public pressure.⁷³ By supporting the elected representatives, who have the authority to legislate their status, the agency is involved in power plays to maintain or extend its position.

Rarely does a bureaucracy collaborate with citizens groups against other bureaucracies or the elected. Increasingly however, individuals, as employees in a bureaucracy may show or release information to citizens' groups. If found out however, extremely harsh measures may be forthcoming, such as immediate dismissal.⁷⁴ The individual releases are classified as leaks and are certainly not frequent. Although provisions for secrecy seem well intact, they are at the edges. They remain a major obstacle to effective changes.⁷⁵ The increasing power of the bureaucracy and the observations of bureaucratic behavior results in considerable importance to be attached to bureaucratic activities and their use of secrecy provisions.

For there to be any changes, such as legislation for more openness, the bureaucracy would have to implement them. Given the insular mentality of a bureaucracy striving to enhance individual agency

prestige and power, or general bureaucratic eminence, the bureaucracy itself would be unlikely to fully cooperate to implement provisions for disclosure.

C-6. Secrecy is used by politicians as a tool to maintain power.

In the previous point, there was brief mention of bureaucracy joining together with elected representatives in order to maintain power. This was presented from the view of bureaucratic initiative cognizant of self-interest in maintaining its localized power base. Politicians also use the bureaucracy, the leverage being that the bureaucracy depends on legislative authority for its own interests in maintaining power. From the use of each by the other derive benefits for both. I however, shall focus on the use politicians make of provisions for secrecy.

Politics is characterized by competition for political power. The major objective of a government is to remain in office, from which the reins of power flow. The remaining in office is countenanced by the electorate in periodic vote. A government, or potential government is dependent upon this domestic support. Domestic considerations are never ignored. In fact, they are taken into account when potential directions are at question, irrespective of whether the policy area is external or internal.⁷⁶

To maintain this domestic support, politicians in power certainly make use of the civil service. Countries following the British civil service style have a permanent civil service who are to be politically neutral. No matter which party attains office, the civil service bureaucracy is waiting and willing to serve and collaborate with their

new political masters. The moment of change of government is the moment of truth in the relationship between politicians and bureaucrats. In Britain, for instance,

...even the minister's private secretary - his most intimate confidant - will stay to serve his new master, abandoning overnight the loyalties and policies of his predecessor, suddenly acquiring that professional enthusiasm for the ex-enemy which is the special mark of the dedicated civil servant: 'You know, when you get to know him, he's really a very remarkable man.'⁷⁷

The party in office certainly has an advantage over the opposition. The party in office has access to administrative information which opposition is not privy to. There emerges a unity between the party in office and the administration: a unity of being in the know.

Secrecy is used by those in power to maintain their pre-eminent position. It is used not only to elicit specifically electoral support but it also is used to portray the opposition as incompetent, hence incapable of governing. Interestingly, it is usually those persons outside power and outside the inner circle who bitterly complain of negative implications of provisions for secrecy. Once in office they rather conveniently forget their exhortations, and continue as their predecessors, to use secrecy as a flexible tool in the exercise of power.⁷⁸

In summary, politicians as members of the government selectively use information to accomplish the following:⁷⁹

(a) to manipulate public opinion so that government as a general concept and specifically the government in power appear in a positive light,

(b) to generate public support for policies and political goals,

- (c) to shape events to fit policy to achieve (a) and (b), and
- (d) to silence critics.

Where government controls the information and the channels of information, there is a good possibility of distortion because of a desire to maintain power,

C-7. The practice of secrecy abrogates the right to privacy of individuals.

In general, justifications by government that they need more information of a specific variety are inadequate. The essential position, argued by government, is that since the size and scope of government activities have increased, so must the quantity and range of information correspondingly increase. Individuals are the major source of information, hence more and comprehensive information from them is envisaged.

This reasoning, the critics argue, is unconvincing. Too much information about people is collected without adequate reasons given. To begin, government is not required to cite the reasons why particular information is required, or how it is to be used.

Generally, the reason information is necessary for policy, as required by bureaucracy, is to provide a basis for making or for applying a regulation. An agency is charged to determine what it needs for a particular purpose. An agency however does not have to divulge why it requires the information or how it intends to use it. Ostensibly, it is to protect private information, and not to give outside interests an unfair advantage of decisions and decision-making. An individual,

C-8. Secrecy contributes to fewer and fewer people making decisions.

The countries chiefly studied in this thesis, Canada, the United States, and the United Kingdom are marked to a lesser or greater extent as pluralistic, differentiated societies. Decision-making arrangements however, do not reflect those conditions. Instead decision-making arrangements mirror fewer and fewer people making decisions. Secrecy contributes to the elite decision-making structure.

The practice of secrecy in government effectively undermines the chance of changing the relationship between government and those governed. Knowledge about circumstances and issues contribute to development of a power base. If knowledge is power, then those without knowledge have little power.⁸² Those governed have little knowledge of government activities, hence are markedly reduced in developing a power base. Given the increasing size and scope of government activities, more and more information is generated within the sphere of government. The more secrecy provisions are used the greater becomes the gap between the 'knows' and 'know-nots'.

The health of a relationship between the government and the governed depends on communication and information.⁸³ The fuller the information, the greater the possibility of closer links between government and community. In this way, our democracy would be strengthened. Lessening the information gap rectifies frustration and misinformation, characteristic of the public position. There would thus be less of the destructive 'them' and 'us' dichotomy.⁸⁴

The relationship between government and those governed is

when providing information, has a right to know, at a fairly specific level, why information is being asked for, and how it will be used. Basic rights of privacy and liberty are then infringed upon.

If private parties (persons or firms) choose to withhold information from government queries, they are subject to possible prosecution. If an agency overasks in terms of its legislative mandate, no sanctions are imposed. An agency then determines not only what information it needs, but also monitors whether the needs are warranted, with no sanctions of possible prosecution for over-extending its domain. The individual however is in the precarious position of possible prosecution for refusal to provide the information demanded. In this respect, the individual's privacy is threatened, as well as possible erosions of individual freedom.⁸⁰

In addition, in this individual/agency relationship, people are restricted from seeing information about themselves. An informant is assured of confidentiality. No unauthorized person is to see a file. The agency determines who is authorized. The responding individual is not authorized.

Thus, there is no instance in which an individual is not disadvantaged compared to an agency in relation to information. The agency emerges in a most powerful position. Not only do the practices indicate an abrogation of the right to privacy of an individual, but the situation itself proves to be an irresistible temptation to arbitrary action.⁸¹

strained by less interaction of a truly informative nature. There is little public scrutiny; the major exception being information released by surreptitious mechanisms. The harmful effects of this is compounded by bureaucratic specialization which allows only a handful of people to know about any operation. Criticism and questioning on any general level is consequently diminished.

In addition, recruitment for policy administration contributes to an elite of basically similar ideas in decision and administrative authority. Only those committed to a certain policy are allowed to participate. If you move in the right circles and have the right contacts, it is possible to find out what is going on.

As long as it is 'between ourselves' and 'of course you won't let this go any further', even the civil servants will discuss policy and the inner workings of his department - always provided that you are prepared to use your contacts and information to explain and support the established line in public. Should you turn nasty and attack the hand that feeds you, however, your sources of information will soon dry up and you will find the barriers⁸⁵ of secrecy erected against you even more strongly than before.

This leads to a process of inbreeding people and ideas in the search for administrators and also evaluators.⁸⁶ Collaboration leads to agreement of methods; and the basic questions of policy are rarely, if ever seriously discussed.

The information gap between the 'knows' and 'know-nots' contributes to fewer and fewer people making decisions. People on the inside have information, and can more readily know the bases of decisions. People on the outside do not have the information, hence must hazard guesses about the bases of decisions. The citizens must trust the

decision-makers and government officials and hope for the best. Those on the inside, namely officials, become contemptuous of those citizens who do not understand and so irrationally place their trust in one politician or another. It is only one small step further to assume that only those in the know, who do indeed understand, are fit to participate in determining who shall run the country.⁸⁷ In fact, they may consider that they have an obligation and a right to define what is the public interest. Hence, a structure of elites is held up by those in the know.⁸⁸

C-9. Secrecy is linked with numerous characteristics, considered both prevalent in politics today and highly undesirable.

Secrecy is a pejorative term. And critics argue, that it is for a good reason. Wherever corruption, dishonesty, and other undesirable practices occur, secrecy is a prerequisite. Indeed, it can be argued that more openness and publicity would reduce these practices. They would be reduced simply because the public would not countenance this highly unacceptable behavior.

Secrecy is inexorably linked with corruption, dishonesty, and baseness in government. Suspicions are aroused, often justifiably, when public matters are kept secret. This leads to distrust by the public of government, providing fuel for the already prevalent cynicism towards government.⁸⁹

Some objectionable results and behavior are linked with secrecy. For one, fear is encouraged on the part of the public because of government scare tactics.⁹⁰ A quite recent example in Canada was the use

of the *War Measures Act* in 1970. Undoubtedly, many Quebec people knew fear when their premises could be searched without a written order. The Government, as some Cabinet members expressed it, justified its use of the *Bill* on the grounds that thousands of armed revolutionaries in Quebec were to be prevented from armed insurrection. If the public is afraid, opinion is likely to tend in favor of a unified stance in support of proposed government policy. Dissension and discussion are kept to a minimum when fear is rampant.

Secondly, arrogance becomes characteristic of government.⁹¹ With little questioning, government officials begin to assume that not only are they most knowledgeable about governing but also most capable to govern. This engenders arrogance as well as potential arbitrary action by government.⁹² Involved here is a paternalistic attitude adopted by government officials.⁹³ The public must hope for the best.

Thirdly, lying by government,⁹⁴ and deception promulgated by government activities,⁹⁵ are two objectionable results which are fostered by secrecy practices. These sorts of activities are increasingly coming to light. Secrecy must then, critics argue, be looked at more closely.

These reasons form the position against present secrecy in government. In summary, they are as follows:

- C-1. Secrecy militates against public understanding of public issues.
- C-2. Secrecy inhibits informed public discussion, which is the vital core of democracy.
- C-3. Secrecy inhibits effective external scrutiny and control, militating against accountability and responsibility for

actions by those governing.

- C-4. Secrecy inhibits and restricts effective scholarship and many professional activities.
- C-5. Secrecy is used by the bureaucracy in infighting in which the public interest may drop out of sight.
- C-6. Secrecy is used by politicians as a tool to maintain power.
- C-7. The practice of secrecy abrogates the right to privacy of individuals.
- C-8. Secrecy contributes to fewer and fewer people making decisions.
- C-9. Secrecy is linked with numerous characteristics, considered both prevalent in politics today, and highly undesirable.

IV

ANALYSIS OF POSITIONS

In Chapter 3, the two positions - one in support of secrecy, and the other against secrecy - were outlined, as presented by proponents attached to each position. In this chapter, I address myself to the analysis of these positions. The analysis will touch on definitions of terms, the presuppositions of each position, and basic visions of democratic politics.

1. Definitions

To begin with, one may ask whether each side agrees on what is being talked about. Those supporting secrecy tend to view the matter in either/or terms, either secrecy or publicity. Privacy enters into discussion on the same side as secrecy. The issue may then be described as either secrecy and privacy or publicity.

Since the positions have been presented in opposition to each other and since supporters are in favor of secrecy, then one could expect those against secrecy would favor publicity. And to a certain extent that is true. More commonly however they see more disclosure as less than complete and total publicity. Rather than the matter being either/or, it is seen as a matter of degree, from abundant disclosure to the unstated but implied closed government. No doubt, supporters of secrecy will state and do, on occasion state, that of course the matter is of degree, yet they neglect to carry through this degree concept in

the articulation of their position.

A further term used, although infrequently, in both positions is confidentiality. Confidentiality is used rather inconsistently by both supporters and critics. At times confidentiality is used as synonymous with secrecy; at other times confidentiality is deemed rather distinct from secrecy. Yet in this latter case, there is no specific demarcation of the differences between confidentiality and secrecy.

That the use of secrecy will result in something being withheld represents a major point of agreement in this continuing controversy. Initial disputes focus on what is being withheld, and what are the mechanisms of withholding. These disputes do not occur along the lines of the positions. Rather they are common to people who hold both the positions outlined. Agreement is found among people who otherwise would be on opposite sides. Also, strong disagreement is found among people who otherwise are in the same camp. Hence, it can be assumed that either both sides operate with the same mixture of agreement and disagreement about what it being talked about, or they have not given agreement on terms enough attention to see if differences do emerge which would substantially affect their positions.

Friedrich begins, by simply stating, in relation to politics and government, that "...secrecy withholds information...".¹ In this definition, he does not specify what kind of information, how much information, or how this information is withheld. Former U.S. President Nixon, adds two other dimensions; namely that secrecy is "...information...systematically withheld by those in power...".² Nixon adds the

description 'systematically' characterizing the process of withholding. He also adds another matter not dealt with at all by Friedrich, the matter of who does the withholding. Neither however address himself to matters of the kind or quantity of information.

Press Councils, from another perspective, argue that secrecy is both "...the restriction and withholding of information".³ It may be that to speak of restricting the information is to suggest that an organized system which classifies what is to be seen or not seen must have some basis, perhaps a basis of conceptual distinctions among the categories.

Shils, more formally, posits that "...secrecy is the compulsory withholding of knowledge reinforced by the prospect of sanctions for disclosure."⁴ These differing authorities see fit to include different matters in their definitions of secrecy. In some cases, they merely expand or clarify other definitions, within a frame of general agreement. Disagreement however, emerges.

One point of disagreement is whether that something being withheld is information or knowledge. Information and knowledge are not synonymous. The distinction however is clearer conceptually than operationally. Raw data taken into the mind is information.⁵ Knowledge is more than this store, also including the contribution of the mind in understanding data, perceiving relations, elaborating concepts, formulating principles and making evaluations.⁶ Information then is a pre-condition of knowledge. Practically speaking, however, rarely, if ever, can one accumulate information without creating knowledge. Nevertheless,

the conceptual distinction is useful.

For an agent, such as a government, to furnish information implies substantially dissimilar functions and actions from providing knowledge. If one of the functions of government is to furnish information then, it, as an agent, must act by providing mechanisms of access to the raw data which could be interpreted as essentially descriptive material. Being responsible for providing access suggests establishing a method of organizing available information, as well as responding to demands made by other agents describing information, some of whom would be scholars, journalists, pressure groups. If the function of furnishing information were also to encompass the notion of a positive duty to bring government activities to the attention of the public, it would prove exceedingly problematic, if not impossible to furnish only descriptive facts. The organization of information by classification or whatever is in itself a kind of knowledge. Yet if the information is complete, the government is not delinquent in respect to secrecy. It may be delinquent in not encouraging responsible participation. For instance, it is important that more handouts, irrespective of the correctness of the information, not become a substitute for evoking public demands and responding to them.

A process of bringing activities to the attention of the public might provide knowledge as well as information by interpreting data, analyzing context, evaluating situations, etc. An agent which both produces the raw data because of its other activities, and also analyzes and evaluates the information for the public could be subject to criti-

cisms of creating propaganda.⁷ To demand objective presentation of information from one who is both participant and judge is to demand something difficult, if not impossible. The government, as a major actor, must determine which material should be presented about itself, and judged to be in the public interest. It would be unlikely that government personnel would decide in favor of releasing material which could be seen as harming themselves. They may in fact decide to use information to gain benefits.

An inspection of the propagandist's activities shows that he is a person who hands out information in order to gain benefits (material or ideal advantages) for himself or the group he is acting for.⁸

Essentially, a propagandist attempts to create opinion--knowledge or the illusion of knowledge--using information. A propagandist, as a member of a group, is certainly not alone in attempting to create opinion. The intellectual, the scholar, the scientist, and the journalist: all have as their aim the development of opinion. Nonetheless, a propagandist, in having a more specific end, namely, seeking to persuade people to take or not to take particular actions which benefit the group he is acting for has a certain advantage over other groups which have a more diffuse aim. The propagandist wishes to form opinions and public judgments favorable to the fulfillment of the desired aims. Whether the propagandist can be or is successful in inducing opinions, beliefs, and hence particular behavior is not the central point of the discussion. Rather, whether one asserts that secrecy is the withholding of information or knowledge suggests assumptions regarding functions and actions

of government. If government is expected to provide knowledge then we may anticipate interpretation of government practices made by those who are the actors, which is likely to be from their point of view. Access to information, taken to mean raw data,⁹ seems more appropriate for evaluating public issues.

A second point of divergence among the initially cited definitions of secrecy focuses on what the mechanism of withholding amounts to. These definitions vary from Friedrich's unelaborate reference to withholding, to Nixon's systematic withholding, to Shil's compulsory withholding reinforced by prospect of sanctions for disclosure. Each depiction of withholding has analytically distinct assumptions and consequences. Friedrich's withholding incorporates both intentional and non-intentional actions, with responsibility for results irrespective of the intentional or non-intentional nature of the actions. Nixon's systematic withholding is restricted to intentional actions which are matters of regular policy within an orderly organization. Shils' compulsory withholding is further limited to intentional actions that emphasize control of those handling information by those in power, who threaten prospective sanctions for disclosure.

These depictions of withholding all respond to the unstated questions; who withholds information, and/or by whom is information or knowledge withheld? Who then, are the agents of withholding?

Thus far, proponents of both positions have singled out administration as the agents of withholding. Nixon sees it as those in power. What he seems to include is government as the legitimate authority

providing the power. The legislative part of government is an agent in that it can designate the general policy parameters of which information should be withheld. The administration formulates regulations but also carries out policy directives and regulations. What these agents leave to the public is not complete information, but merely tantalizing hints of the complexity or enormousness of what happens behind the scenes. Cabinet solidarity and secrecy has meant that little is known about how people in government do their work.¹⁰ Civil service anonymity creates difficulty in ascertaining how things are done internally.¹¹

Thus what is withheld (the information or knowledge) and who withholds (the agents) are considered the two elements central to a discussion of secrecy. Secrecy is then treated as a dyadic relation. There is however, one element consistently ignored: from whom is this information withheld. There must always be something withheld, in this case, information or knowledge from someone by someone.¹² Hence, secrecy is a triadic relation rather than a dyadic one. To ignore from whom information is withheld is to ignore an essential ingredient in the secrecy relation. One could argue that those discussing secrecy all agree from whom information is being withheld and consequently it requires no mention. I contend that this unstated, yet underlining assumption is that it is "the public", either directly or indirectly from whom information is withheld.

The public, at first, seems to be nothing but some amorphous mass. But on closer examination, it does not appear nearly so elusive. Certainly writers from the two positions have not dealt with the de-

definition of 'the public' at all. To grapple with it, a beginning is positing the obvious fact that some human actions have consequences for others who are not immediate participants in the actions. The public can be conceived as those others who feel the consequences, adverse or favorable of a given group's or agency's activity.

...the public of a group may be thought of as an aggregate of individuals who are aware, or who can be made aware, of various possible consequences of the group's actions, including its propaganda. These actions... may be actual or merely contemplated, "real" or merely alleged.¹³

There is a connection between this conception of a public and that of an interest group. An interest group shares similar views towards consequences under discussion. The public would include many interest groups so long as they are aware or can be made aware of particular issues. Interest groups also continue in some on-going activities. Truman argues that it would be "...misleading to speak of 'the public' in any continuing, general sense. The public is always specific to a particular situation or issue."¹⁴ From the viewpoint of interest groups in a society 'the public' overlaps to some extent with the publics of other groups, largely because issues overlap as do groups. 'The public' then is the third element of the triadic secrecy relation. Something; namely information, is kept from some entity or body, namely the public, by those with authority and power to do so, namely, the government.

Information is only of relevance here when it relates to a public issue. It thus proves important to ascertain when an issue becomes a public issue. Some issues are considered to be private. Brian Barry

discusses public, using a general definition offered by Sir George Cornwall Lewis, in 1832, which Barry contends is impossible to improve upon:

Public, as opposed to private, is that which has no immediate relation to any specified person or persons, but may directly concern any member or members of the community, without distinction. Thus the acts of a magistrate, or a member of a legislative assembly, done by them in those capacities, are called public; the acts done by the same persons towards their family or friends, or in their dealings with strangers for their own peculiar purposes, are called private. So a theatre, or a place of amusement, is said to be public,...because it is open to all indifferently; and any person may, if he desires, enter it....In the language of our law, public appears to be distinguished from private acts of parliament, on the ground that the one class directly affects the whole community, the other some definite person or persons.¹⁵

Issues of secrecy become public issues, based on Barry's use, when any member or members of the community is affected by them. It would, at first glance, seem to be much easier to demarcate. What is a public issue depends on who 'the public' is for a particular matter.

What is public, especially as opposed to what is private can also be dealt with, although with substantial difficulty, in a legal sense. This introduces the concept of privacy, considered to be similar to secrecy itself. Privacy is really private secrecy.¹⁶

Privacy is the voluntary withholding of information. The right to privacy restricts the power of outsiders to uncover or to force the disclosure of private matters.¹⁷

The outsiders may be government. Government people however justify the need to essentially invade the privacy of individuals by the needs of the state to govern effectively. Citizens give up some of their rights such as complete privacy because of the benefits they are to

receive from effective government, which requires information. The government however is expected to protect the information which individuals entrust to them from outsiders, namely outside government. Thus the government, through some of its activities, encroaches upon the right of privacy of individuals, and also through other activities, is expected to protect the right of privacy of individuals. It is in reference to privacy that confidentiality is introduced. Confidentiality is a situation in which a recipient, here a government, is entrusted with secrets or private matters. Information is spoken, written, imported, or acted upon with the expectation that only certain authorized people will have access to it. The notion of being entrusted is central to the concept of confidentiality, unlike the concept of secrecy. And often, as used in the literature, it is government being entrusted with information about private matters.

In Chapter III, both positions were said to deal with privacy with seemingly opposite effects. Supporters of secrecy argue that government must have provisions for secrecy to protect the privacy of individuals.¹⁸ Those against secrecy criticize government for encroaching upon the privacy of individuals.¹⁹ Supporters are mostly concerned with control of information and the prevention of abuses. Critics are also concerned with control, but prohibition of government collecting information about individuals also implicitly creeps in. For both discussion of privacy is largely discussed in terms of the individual, whether in the role of citizen or civil servant. Secrecy is used in reference to public issues.²⁰ Privacy and secrecy, however, are on the

same side of the coin. "Both are enemies in principle, of publicity".²¹

In usual parlance, the secrecy relation is juxtaposed with publicity. In fact, it often is passionately expressed in either/or terms, either secrecy or publicity.²² Kraus, for instance, speaks of "...the problem of secrecy or its converse, the free access to information about the policies, practices, and data of government...".²³ Shils looked at publicity being the disclosure of information to a broad public.²⁴ In terms of a triadic schema, similar to that used to organize the definition of secrecy, publicity involves a something, namely, information about the policies and practices of government, to be disclosed by government (presumably), and to be freely accessible to a broad public.

Supporters of secrecy usually cite publicity as a folly, which would undermine effectiveness of government. Publicity in this sense is assumed to mean complete and entire view of all government activities and material by virtually everyone at any time. Publicity is pictured as working in a gold-fish bowl. Supporters contend that this sort of publicity is the ultimate goal of every critic. No doubt it is useful, when attempting to discredit or depict as absurd another position, to present an argument in an either/or sense with one's own being the only tenable position, and the other position being at best ill-thought out, and at least misleading. Such is the approach the supporters of secrecy take with respect to publicity. Publicity is introduced only to show how absurd critics are. Needless to say, there is little concern with definitions and concise terminology.

Publicity then is seen as a weapon by supporters of secrecy;

a weapon dangerous to the conduct of public business. That publicity is an instrument is one point of agreement between the two positions. Critics of secrecy also see publicity as an instrument of use in various political activities: administrative regulation, social control, political warfare, administrative struggles for power.²⁵ But, in the view of critics, unlike supporters, publicity is more than an instrument. Publicity is viewed as a value in itself, an end in itself, concomitant with other political goods such as democracy,²⁶ freedom,²⁷ participation.²⁸ Without publicity, participation, freedom, and democracy would be but a sham. So publicity can be considered both an instrument and a value in itself. Hence publicity becomes a condition to be sought after.

Yet those in support of publicity do not advocate complete publicity. They do recognize that secrecy on some matters is essential in the course of government conduct. They tend to speak in terms of more disclosure than is now practiced and to call for a different attitude as well as different practices. A spirit of more openness is one cognizant of the conflicts existing in government in choosing alternative means of attaining agreed upon values, or even harder, a necessity of foregoing one goal if it is to attain another. Openness is a term suited to variation in degree, and relativity. It is distinct from either/or presentation of secrecy and privacy or publicity, which supporters of secrecy seem to feel most comfortable with.

There are similarities and differences between the two positions about appropriate definitions to describe the present situation. The

term secrecy itself is generally agreed upon. Secrecy is information about public issues which is restricted and systematically and compulsorily withheld from the public by the government. Confidentiality also seems to be agreed upon. Confidentiality is a process by which citizens entrust to government secret and/or private matters, with the expectation that only authorized people will have access to the information.

Here complete agreement about definitions end. Both positions are concerned with privacy; supporters of secrecy arguing that they must protect the right of privacy of individuals, and critics arguing that government encroaches on the right of privacy of individuals. Both seem correct. They refer to differing levels of government functions. The supporters of secrecy are preoccupied with controlling information about individuals and preventing abuses. Critics are concerned with this control but also emphasize the prohibition of government initiative in certain realms of private information.

Similarly, publicity is looked at differently by both sides. They agree that publicity is an instrument. For supporters it is an instrument hampering conduct of government, for critics it is an instrument of regulation, control, and struggles for power. The critics depart from this instrumental view of publicity to include publicity as a positive value in itself, central to the functioning of participation, freedom, and democracy. The critics also introduce the element of more openness in government activities rather than complete publicity. This brings the discussion onto the level of degree, and balance from an either/or dichotomy.

2. Basic Features of Each Position

In Chapter III, I presented the reasons comprising both arguments; one in support of, and the other against secrecy in government. These reasons were gleaned from a body of literature in which little attention is paid to either ranking the considerations in question, or classifying them in some organized fashion. Some reasons are cited directly; other reasons are referred to in an oblique manner.

Whichever way the reasons are dealt with, certain features underline each position. These features reflect assumptions about the role secrecy plays in politics. Both positions view their assumptions as positive and of value to the conduct of public business. Needless to say, neither position grants that its opponents' arguments are credible or meritorious.

The most significant feature of the position against secrecy is the positive value placed on participation. Participation is of value and hence ought to be welcomed. This view of participation underlies the following reasons:

- C-1. Secrecy works against public understanding of public issues.
- C-2. Secrecy inhibits informed public discussion, which is the vital core of democracy.
- C-3. Secrecy inhibits effective external scrutiny and control, working against accountability and responsibility for actions by those governing.
- C-8. Secrecy contributes to fewer and fewer people making decisions.

In the view of critics of secrecy, participation is fundamental.

to a democracy. Participation of the public, not merely an elite, is a condition which must be encouraged. It must be encouraged if we are to continue and further develop our democratic principles. Participation is the achievement of the ideal of sharing in common life and acting on the basis of reciprocity in order to promote the "public good." This concept of participation is closely associated with a view of politics as the set of activities and relationships concerned with maintaining community, fostering cooperation among individuals and groups, and encouraging settlement of disputes through public communication. This view of participation stresses the freedom to act with others in order to promote shared purposes.

Not only do critics of secrecy view participation as necessary to growth of democratic principles, they also see participation as a virtue in itself. Participation in government should include greater numbers of people, whether as individual citizens or as members of organized groups. Secrecy complicates this aim since secrecy is seen as contributing to fewer and fewer people making decisions. Rather than fewer people involved in the decision-making process, it is essential to encourage more participation in an effort to have presented various perspectives on particular issues.

An increase in numbers however is not the sole mark of participation in a democracy. The participation should be meaningful and of high quality. To broaden the base of those who can effectively participate, it is necessary for citizens to understand public issues. The understanding of public issues by citizens requires information. The

actual information about government activities and public discussion are the major mechanisms making for informed citizens. These informed citizens are better able to judge issues. They then have an adequate base for effective participation in politics. Secrecy, by cutting off information about government activities, works against the development of public understanding of public issues, and also inhibits informed public discussion.

A third element in the critics' demand for participation is to broaden the range of participation. Electoral participation is considered the basic minimum. What is wanted is the relevant public participating in all facets of the decision-making process and the administration of policies and programmes. Opinions, criticisms, and recommendations would be expressed about initiatives by government. These would only strengthen the quality of government policies and administration.

Thus the basic feature of the position against present secrecy practices is enthusiasm for participation. Participation must be encouraged by government. Three elements mark the critics' demand in relation to participation--increase in numbers of participants, increase in quality of participants, and broadening of the areas of participation.

Supporters of secrecy do not welcome participation as the critics do. They concede that participation is not to be shunned. Participation is an essential feature of our political system. The only reason given by supporters of secrecy in which participation by the public plays a part is as follows:

P-1. Secrecy is fundamental to traditions of our parliamentary system.

By implication, this proposition concedes a good deal to participation. Our parliamentary system is contingent upon participation by citizens. There is quite a range of ways in which citizens can participate. Citizens may participate in politics by voting in every election. Citizens, by casting of votes, are expected to judge whether they approve the policies and practices of a political party. If they disapprove, then the course of action is to vote against that party in an effort to oust that party from office. Because it is unlikely for a voter to agree with one party on every policy matter, the vote, as policy directive is untenable.

A voter can by choice in our political system join a political party or a segmented interest group and hence increase the scope of her or his participation. Parliament functions with parties. Interest groups can and do present their interests to Parliamentarians and to the administration. The individual citizen can also, through writing letters or personal visitation, present his or her views to their elected member. Hence, the traditions and practice of our parliamentary system provide for several mechanisms of participation by citizens, either as individuals, or as a member of a group. The voting process, the choice of joining or establishing a political party, the choice of becoming active in an interest group, the exercise of individual prerogatives: all are mechanisms for a citizen to participate in the decision-making process.

To those supporting secrecy, participation is looked upon as an act of exchange, as instrumental means for gaining power in order to

increase the probability of realizing private benefits.³⁰ This vision of participation is characterized by the gaining of influence with elites, the few who are decision-makers. The deployment of power becomes the most important way of exercising citizenship; competition being the nature of interactions. Note the definite contrast between the competition for influence with elites as basic to supporters' views of participation, and cooperation being the key to critics' views.

Supporters of present secrecy practices do not view secrecy as hampering the many possibilities of participation open to the public. Those who are interested do indeed participate, if only to protect their interests. For many supporters, private interests are seen as the sole, or nearly sole, determinant of public commitments. On the whole, participation is connected with the dictates of self-interest and the needs for "legitimacy".³¹ Those who wish to express their opinions about policy have ample opportunity to do so at present. All that remains is that they choose to exercise this possibility.

In recent times, an additional tool, a product of modern social science methodology, has been made available so that government can find out and keep in touch with opinions and expectations of the public. And that is the public opinion poll. Although supporters of secrecy do not mention the possibilities of the public opinion poll, it would certainly be in line with the limits of participation which they view as reasonable. Public opinion polls can be used to measure reaction and views of the public in relation to particular policy areas. The information available from those polls can aid government in formulating directions,

and determining acceptability of initiatives. The possibilities of public opinion polls along with the opportunities available for participation by a citizen provide substantial mechanisms for involvement and effect on decision-making.

Instead of participation being the basic feature as it is in the critics' position, efficiency in government is the hallmark of the supporters' position.³² Government efficiency is ranked most important, taking precedence over participation as a value. The feature of efficiency in government underlies most the reasons cited by supporters of present secrecy practices; namely,

P-2. Secrecy is necessary to protect the privacy of the individual.

P-3. Secrecy is necessary because the public is incompetent to judge proceedings of a political assembly.

P-4. Secrecy is necessary in matters which are vital to the life of the community--military, defense, economic.

P-5. Secrecy is essential for unembarrassed advice and discussion, and for protection of individuals from political repercussions for positions taken.

P-6. Secrecy is necessary to maintain a positive image of politicians.

P-7. Secrecy is a prerequisite for administrative efficiency and effectiveness.

P-8. Continued practice of secrecy is warranted simply because more disclosure would disrupt present bureaucratic practice and it would prove too difficult to institute new openness regulations.

P-9. Secrecy is essential for maintaining competitive advantage among

bureaucracies, and in general bargaining and negotiation.

Efficiency is used by supporters in many senses. Few are explicit. Efficiency is referred to as in economics, wherein the least costly approach is meritorious in that regard alone. Efficiency also refers to a situation in which those who have the responsibility for administering a policy or program, and design its working for administrative ease. Efficiency is considered to be quick and fast. It also is portrayed as precise and to the point. Someone who is efficient is doing something, active and busy. Efficiency is also linked, and sometimes used synonymously, with effectiveness. This is thought of as the best way to accomplish a given end. Efficiency is concerned with ends. The means and the process are conceded, but incidental. Efficiency is related to creating an environment conducive to the carrying out of these ends. Efficiency is also to reflect pragmatism. What is most practical for the bureaucracy in its activities is considered efficient.

The importance of efficiency in government to supporters of secrecy has implications not just in the mechanics of efficiency but in the over-all presupposition leading to that feature. These begin from the idea that government has functions to carry out. These functions have a history and tradition, the legitimacy of which is central to our political system. And the directions have, at least, been ratified by citizens through the exercise of their vote. The activities of government are increasingly complex. More and more matters are becoming vital not only to the thriving but also the survival of the community. At one time, military matters were considered the major issues affecting

the state. Economic issues currently get as much or more attention.³³

The successful completion of policies and directions is for the benefit of the public. The less complication there can be for those who must administer policies, the faster and the more precisely the public will receive benefits. Hence only capable and well-trained experts are needed in evaluating and carrying out policies. To foster this administrative efficiency for the public benefits, several practices and conditions are necessary. They include the requirements of unembarrassed advice and discussions, protection of individuals from political repercussions for positions taken, the need for a positive image of government, the difficulties of radically disrupting bureaucratic practice, and needs of negotiating and 'politicking'.³⁴ As presupposed by supporters, it is in the public interest for the government to be encouraged in its working by not hampering their bureaucratic process by unnecessary complications and slow-downs. The demand for consultation by citizen groups will slow things down, perhaps to non-activity at times.

Government business is becoming more and more complex. More information is required about people so that government can rationally endeavor to make the best decisions. Information is collected by government about individuals. It is necessary to protect that information. Individuals give that information on condition that it be kept confidential. Efficiency in this sense depends on safeguarding confidences.³⁵

Efficiency now has a greater importance than ever before. Public business must be efficiently carried out. And if it seems to conflict with other values put forward by critics of secrecy such as

increased participation, efficiency must take precedence. To supporters of secrecy, that conclusion is inexorable if the conditions and situations which government must contend with are looked at realistically.

A feature which relates closely to this efficiency principle is a demand by officials for freedom to act. The need of freedom to act underlies many of the reasons of the supporters' arguments; namely,

P-4. Secrecy is necessary in matters which are vital to the life of the community--military, defense, economic.

P-5. Secrecy is essential for unembarrassed advice and discussion, and for protection of individuals from political repercussions for positions taken.

P-7. Secrecy is a prerequisite for administrative efficiency and effectiveness.

P-8. Continued practice of secrecy is warranted simply because more openness would disrupt present bureaucratic practice and it would prove too difficult to institute new openness regulations.

P-9. Secrecy is essential for maintaining competitive advantage among bureaucracies, and in general bargaining and negotiation.

Government officials are responsible for the work of government getting done. Some latitude is required by officials if any work is to be done. The public demands that public matters be dealt with quickly and effectively. If these demands are to be fulfilled, officials must have freedom to act, without constant overseeing. Not only are there demands by the public for quick action, many issues, upon recognition by civil servants and officials, require immediate action. There is no

time to consult with every group that might be affected by a decision.

Citizens must realize that a certain amount of trust must be placed in the hands of civil servants and politicians. Supporters contend that a trust and respect for civil servants is warranted since they govern themselves by a high regard for fundamental principles.³⁶ In addition the work they do is worthwhile, taking the public interest into account.³⁷

Not only must officials have the freedom to act quickly, they must be able to act without too many constraints. Officials and politicians must be able to give advice and partake in discussion without fear of repercussions. Full and sincere views are necessary. Civil servants are competent professionals. Their judgement of particular issues is essential. And they must be free to give advice and discuss possibilities. Constrained by the possibility of adverse publicity, they would give lower quality recommendations.

The primary responsibility of officials should be to deal with important public issues, to see policies designed and implemented. The issues areas which government officials must contend with are complicated enough to keep the work of officials well ahead of possible completion. If publicity provisions had to be accommodated, a goodly portion of the time of civil servants would be spent in fulfilling responsibilities of publicity, rather than grappling with the issues.

Thus, officials must be free to act: quickly, without fear of a backlash, and on fulfilling the activities necessary for effective policy implementation. This freedom to act accords to officials a

latitude necessary for efficient government.

Another feature which relates closely to efficient government and freedom to act by officials is that mechanisms and practices should promote the acceptance of government practices by the public. This feature underlies some of the reasons argued by supporters of secrecy; namely,

- P-5. Secrecy is essential for unembarrassed advice and discussion, and for protection of individuals from political repercussions for positions taken.
- P-6. Secrecy is necessary to maintain a positive image of politicians, and government in general.
- P-7. Secrecy is a prerequisite for administrative efficiency and effectiveness.

The emphasis is accepting what the government does. To a large extent the public must accept policies, laws, rules, and regulations emanating from the governmental process. They must accept them because they must obey them. For supporters of secrecy however, it is desirable for a concerted effort by government to promote acceptance. Their notion of acceptance seems to favour restriction of questioning and discussions; essentially an unqualified acceptance.

Several mechanisms are open to accomplish the tendency towards acceptance. For the public to become even more accepting, it is essential that a unity of opinion be presented. Hence differences and divergencies must be minimized to public view. Thus discussions must be carried on in an atmosphere of freedom to speak, without a semblance of

disunity afterward. The public must also feel positively about government if they are to accept policies readily. A positive image of politicians, civil servants, and government in general will make for a ready environment for trust in the activities and affairs of government. Administrative efficiency and effectiveness is more plausible in a milieu of accepting citizens.

The critics of secrecy practices see the unscrutinized acceptance of government practices as intolerable. The value of scrutiny of government activities is one of the major features of the position against secrecy, underlying the following reasons:

- C-1. Secrecy works against public understanding of public issues.
- C-2. Secrecy inhibits informed public discussion, which is the vital core of democracy.
- C-3. Secrecy inhibits effective external scrutiny and control, working against accountability and responsibility for actions by those governing.
- C-4. Secrecy inhibits and restricts effective scholarship and many professional activities.

Unscrutinized acceptance of government activities would mean that the public would have to trust government officials, and essentially hope for the best. That is contrary to the spirit of democracy. The spirit of democracy is marked by public discussion; the public hearing of public issues. Through these mechanisms, the public not only can bring in relevant considerations for policy-makers, but also can scrutinize the policies which the government is considering or has embarked

on.

Scrutiny can take forms other than public discussion. The work of scholars and media people specifically uses scrutiny to order the actions and behavior seemingly extant in the world. They describe events, conditions, and situations; they analyse these events, conditions, and situations; they evaluate these events, conditions, and situations. In a word, they scrutinize this public domain and present their findings, through the printed word or mediums of radio and television, to the public. No doubt this is information gotten second-hand. It would be impossible for that to be otherwise for most people, either for lack of interest or ability or whatever. Without access to information about public business, scholars and media people must operate by guessing and in a world of leaks and illicit purveyors of information. How effective their scrutiny can be, in the absence of much of their needed information, is certainly subject to question.

Yet scholars and media people who have spent many years doing their work may have built up a network of contacts and a knowledge of some of the ways of political happenings. Their work is made more difficult without access to information, but they can, in a round-about way probably do their work, however effectively. The public, outside these networks and inner contacts, has no way of either fully understanding public issues or contributing, in an informed way, to public discussion. Somehow the public are to become responsible citizens able to make rational judgments and choices in relation to decision-making. Scrutiny is necessary in carrying out these judgements and choices.

At still another level scrutiny is essential. In our Parliament, we have an Official Opposition. The purpose of this Official Opposition is to criticize what the Government proposes. This criticism serves to show possible deficiencies of Government legislation and actions, with an eye to ousting the Government after a forthcoming election. The criticism of the Official Opposition is a major mechanism available to organized pressure groups, parties, and individuals through which questions can be asked of the Government. Their scrutiny is hampered by the unavailability of information to even them, as Members of Parliament. Scrutiny is essential to any effective criticism. Effective scrutiny is made considerably more difficult without access to government information, precisely what it is the Opposition is to be criticizing.

Closely aligned to this scrutiny feature is the matter of control of government by the people rather than by officials. The emphasis of control by the public underlines several of the critics' reasons against secrecy; namely,

- C-1. Secrecy works against public understanding of public issues.
- C-2. Secrecy inhibits informed public discussion, which is the vital core of democracy.
- C-3. Secrecy inhibits effective external scrutiny and control, working against accountability and responsibility for actions by those governing.

That the people should control government is a basic tenet of our democracy. For the people to control government, the government must accept certain principles which will direct their activities.

Based on our Parliamentary history and tradition, the government is to be accountable and responsible for its actions to its citizens. The spirit of accountability and responsible government implies that citizens first, are to be aware of what the government is doing, second, how it has met or intends to meet certain goals and obligations, third, that citizens can voice their opinions about the governmental process in some meaningful way, and fourth, that citizens can effectively control the directions of the government. To develop this interchange, the relationship between the government and the governed is to be one of openness, flexibility, and honesty.

Government is and will continue to hold an extremely powerful position in relation to the governed. The balance of control is on the side of the government. It ought to be on the side of the citizens. The processes of scrutiny and participation are central to the balance of control being shifted from government officials to citizens.

The control of government by citizens can presently be exercised in a number of ways from voting for a representative to participation in organized pressure groups. These possibilities are not enough from two views. One limit on effective control is the limited range of participation now available to citizens. The second limit is the unavailability of full and complete information about government without which control is impossible.

According to critics, the process of scrutiny and effective control of government is to provide a check on government activities.

They go further in their belief that publicity will check many abuses in government. The expectation that publicity will check abuses is common to several reasons of the critics' position; namely,

C-5. Secrecy is used by the bureaucracy to maintain or establish power.

C-6. Secrecy is used by politicians as a tool to maintain power.

C-7. The practice of secrecy abrogates the right of privacy of individuals.

C-8. Secrecy contributes to fewer and fewer people making decisions.

C-9. Secrecy is linked with numerous characteristics, considered both highly prevalent in politics today, and highly undesirable.

For those against prevailing practices regarding secrecy, the term abuses includes many kinds of behavior. At one level is outright corruption, dishonesty, lying, and treachery for personal gain or defense of personal position and the like. The findings about Watergate have certainly exacerbated concern about these pathologies of politics. These kinds of actions are considered both immoral and unethical by the critics. The uncovering of these actions has resulted in public hearings in the United States, which have functioned as somewhat of a catharsis for the American people. At about this time, Canadians began anew in raising questions about the potential and actual corruption in our politics. Corruption by its nature does not invite public scrutiny.³⁸

The potentials of publicity are to serve as preventative measures against abuses of power, or deliberate disregard of most citizen's interests. Those who practice corruption and the like are considered to be only concerned about the growth or preservation of their own private

interests, whatever that may be. The public interest is relegated to second-place, except when what may be in the public interest coincides with the private interests. For critics, publicity, in mobilizing public opinion, can instill fear of exposure of untoward behavior on the part of those in politics. This exposure would raise the wrath of the public. Hence potential public knowledge of these unacceptable and illegitimate actions is said to deter abuses.

At another level, abuses include those actions which thwart the practice of democratic principles such as effective participation, liberty, accurate representation, responsible government, accountability, and so forth. Principles of democracy are considered to be most important in value for our society. Any mechanisms working against these democratic principles are looked at as abuses.

At still another level of abuses are bureaucratic actions designed to enhance and strengthen administrative power. Some techniques are selective release of information, inclusion of material which only favours an agency position, and selection of personnel only supporting particular policy directions.

The collection of too much information about individuals is considered an abuse. It infringes on the right of privacy of individuals. Improper handling of this information and the disrespect for the spirit of confidentiality of the information already in government hands constitutes another kind of abuse.

For abuses to be controlled, publicity is required. At least, that is fundamental to what the critics say. The government is respons-

ible for providing information and/or access to this information about its activities. People in political parties, and interest groups require this information. But publicity, as a general rule, is usually entrusted to newspapers and other media sources.

The journalists argue that they act as public monitors of administrative behavior, standing guard to discover and reveal official skullduggery and fumbling, and that as such they are an essential agent in the democratic process.³⁹

There is considerable debate about how well they fulfill this role.⁴⁰ Nevertheless they constitute the main institution that has, as a central function, making public issues and news. In this way, they are part of the publicity network which can bring abuses to light. An even greater sense of this potential of publicity would aid in preventing and checking abuses.

Supporters of secrecy disagree, rather heartily, about this fundamental feature. Their position is that other methods can be used to check abuses. This feature is usually discussed in conjunction with one reason; namely,

P-7. Secrecy is a prerequisite for administrative efficiency and effectiveness.

For supporters, what constitutes an abuse differs, to some degree, from those deemed abuses as mentioned by those against secrecy. It is agreed that corruption, lying, dishonesty, and treachery are abuses. However, although explicitly unstated, I would argue that they would make a case for these types of behavior in unusual circumstances, particularly in conjunction with actions for reason of state. Neverthe-

less, these pathologies are not seen as justifiable as a general rule.

It is here that the agreement seems to end. Supporters' conceptions of abuses lean in the direction of action and behavior which impinges on whether government is able to carry out its work efficiently and effectively. One abuse includes leaks by civil servants. Leaks, according to Gordon Robertson, are essentially abuses of civil servants' responsibility. Robertson, a major advocate of present practices regarding secrecy, comments on the basis for these abuses of responsibility. His

...conclusion appears to be that values have shifted and are shifting from acceptance of collective action directed from above to 'doing your own thing', from belief in the status quo and its symbols of legitimacy to rejection of the status quo and attempts to legitimate other cultural values, from intellect to emotion, from social forms to personal expression, from authority to participation-involvement and privacy to openness. In a sense that is important for government one could summarize much of the shift of loyalties as having been institutions to causes...⁴¹

This perspective provides a clue about methods other than publicity which could check abuses. These methods would include a more careful scrutiny of the personnel hired, a more explicit set of regulations governing what should be released,⁴² the prosecuting of civil servants who indeed show classified information to unauthorized people,⁴³ and so forth. Essentially what is envisioned for checking abuses is strengthening regulations against abuses, fully enforcing those regulations presently existing, and increasing penalties for abuses of responsibility by civil servants. The tightening of behavior of civil servants is seen as preventing abuses which thwart the efficient and

effective functioning of government,

The position supporting secrecy then is marked by certain features which underlie the detailed reasons mentioned or alluded to in their writings. The most important feature is the value accorded to efficiency in government. In this quest for efficiency, supporters concede that participation is necessary in our political system. They also note that there are plenty of opportunities for meaningful participation under our present laws and regulations. Another feature is the necessity of government officials to have the freedom to act on issues and policies which they must contend with. Closely aligned is the value accorded to acceptance by the public of government initiatives and actions. Finally, there is a concern for abuses but they contend that methods other than publicity will check abuses. What they have in mind is tightening rules, enforcing present regulations, and increasing penalties: all for the aim of strengthening government authority to check abuses.

Those arguing against secrecy assume substantially different principles in their position. First and foremost in their view is the welcoming of participation by the public. What they envision is meaningful participation by the public, as crucial for the development of democratic practices in our politics. On the opposite side to the efficiency and freedom to act features of supporters is the critics' principle of control of government by the people. This control is to be strengthened and helped by another feature and that is the value placed on scrutiny of government activities by the public. Finally, critics

maintain that publicity, in itself, will check abuses in government.

In summary, the features of each position can be juxtaposed as follow:

<u>Critics of Secrecy</u>	<u>vs.</u>	<u>Supporters of Secrecy</u>
Welcome Participation		Concede Participation
Control by Public		Efficiency
Scrutiny of Process		Freedom to Act
		Acceptance of Process
Publicity will check abuses		Other Methods will check abuses

3. Visions of Democratic Politics

In the previous section, the basic features of each position were presented. These features form the underlining ideas and principles of the position. These features together point to particular ideas about democratic politics. Undoubtedly, the features present only a fragment of what could be construed as a fully developed democratic theory. Yet these fragments serve the purpose of highlighting the extent of difference between the two positions.

Supporters of secrecy concede that participation is a necessary part of our politics. In their view, the motivation of individuals who demand participation, is to increase the probability of realizing private benefits. Participation becomes an act of exchange, as an instrumental means for gaining power. This selfish motivation hinders effective government. Hence, their vision of participation emerges as a

rather limited one, in the sense of organized groups being the mode. Participation in this way becomes legitimate when marked by distinct organization; the aim being achievement of a sense of order with expected actions and behavior. In this way, participation contributes to efficiency in government.

Efficiency is central to the supporters' vision of politics. Beginning from assumptions about the complex and expansive nature of present-day government, supporters recommend necessary behavior on the part of government. They assume civil servants govern themselves by high principle. They also contend that government officials are doing worthwhile work and hence are benevolent.⁴⁴ Thus there should be little problem in citizens trusting what the government does, since they have the public interest at heart.

Their attitudes to the public are colored by how the public is to fit in the pattern of efficient government. They view the public as incapable of making decisions. Since government is so complex, more sophisticated methods and approaches for government functioning is required. Many professionals with their extensive training have difficulty comprehending and putting together the complexities. It is unlikely that most of the public could adequately judge these matters. Indeed, it might be further suggested that the public is incompetent in judging political processes and political assembly.

This view of democracy supports a position that a political elite is more capable of day to day governing. A situation may even be emerging in which relatively fewer and fewer people make decisions. And this

is justified because of efficiency being necessary. This group of decision-makers must not be hampered by publicity. They must have a freedom to act without constantly having to contend with the scrutiny of those who do not fully understand the work they do.

There is a strong belief in the dominance of institutions. Our present institutions are viewed with respect. In this view, the chief weakness of democracy is vulnerability to transgressions of untrustworthy and irresponsible individuals.⁴⁵ These individuals abuse powerful positions. What is required is more adequate screening so that these kinds of people can never achieve those high positions in our institutions.

In addition, supporters of secrecy tend to be more concerned with the ends of government; the achievement of established goals. The process and the spirit are of less importance, certainly not to be ignored. The proceedings and process of government however are not to get in the way of achieving the established ends.

Their vision of a relationship between government and governed is the public knowing what is necessary for them to know so as to be able to obey the laws and rules of the government. What is desired is an accepting public, a public accepting government policies. Many rules are seen as necessary for government to make its work easier. The emphasis is on convenience and ease of the government, rather than the governed.

Publicity is seen as useful so that government can outline to the people what they must do. Generally however publicity places undue constraints on officials. For any abuses which do emerge, it is better

to leave scrutiny and punishment in the hands of government itself. Because government people understand the expectations and circumstances, most regulations should be left in their hands. Essentially, the Government is best fitted to keep its own house in order.

Critics, on the other hand, have a substantially different vision of democratic politics. First, they welcome participation as central to the practice of any democracy. For them, participation is achieving the idea of sharing in common life and acting on the basis of reciprocity in order to promote the "public good". Thus, for participation to be meaningful, there must be an openness and flexibility of government.

In support of this view of participation, certain beliefs about citizens come to light. They treat citizens as autonomous beings who are capable of judging and making decisions.⁴⁶ Citizens are also capable of improving their abilities to understand and judge. Hence the improvement of our politics is based on citizens being capable of becoming more responsible citizens. The basic attitude toward the public by critics is the necessity of having faith in public reason. Without this faith, democracy is a mockery.

Whereas supporters of secrecy concede that participation is a necessary value, critics of secrecy concede that efficiency is an important value. But where supporters view efficiency as more important than participation, critics believe the reverse. Efficiency is an important and necessary value for government. But the pursuit of efficiency must not override our democratic principles. The public and the people must

control government, not efficiency control the directions our policies take. Thus efficiency is not to be ignored, but it also must not be dominant.

The public must have the mechanisms for holding-to-account the government officials and elected representatives. This holding-to-account should be the terminating point between the representative and officials and the citizens. The practice of publicity, backed by a spirit of openness, aids this process. The emphasis should, on their view, be on whether government has fulfilled its role and function well or badly, and also what government should do for citizens.

Discussion and debate are central to this vision of democracy. Secrecy not only concerns the actual withholding of information, but also signifies an attitude of closed and secretive beliefs. Discussion and debate are the bases for democracy. It is through these that our liberties and freedoms are to be expressed, and through which our government can be scrutinized.

Scrutiny and control of government by the public is also a significant feature of their vision of democracy. They go hand in hand. That both scrutiny and control are viewed as essential is partially based on assumptions about the behavior of civil servants. Civil servants are thought to govern themselves pragmatically. And what may be pragmatically beneficial to civil servants may be harmful or contravene what is in the public interest. This, concomitant with the view that although public servants' work may be worthwhile, it is certainly not necessarily benevolent, leads to demands for stringent scrutiny of

government. The critics accept that government is becoming more complex, but also suggest that methods and approaches are made more complicated than necessary, creating hazards of professionalism.

This demand for stringent scrutiny of bureaucracy reflects a basic mistrust which critics feel towards large and powerful institutions.⁴⁷ The structures of government are viewed as weak in that the institutions allow unprecedented power in the hands of individuals responsible for those institutions. When abuses occur, look not to the dishonest individual for reform, but to the institutions which allow for this type of behavior to occur.

Critics tend to place more emphasis on the process and proceedings of governing than the ends. Concern with ends is not to be discounted; they are merely one part of governing. Openness and publicity are necessary for understanding and evaluating this process.

These then are two disparate visions of democratic politics. On the one side, the vision serves to highlight the position of justification and necessity of present secrecy practices. On the other side, publicity and openness are considered central to that vision of democratic politics.

OUTLINE FOR FUTURE RESEARCH

In Chapter IV an analysis was carried out which included definitional clarifications, the ascertaining of basic features of each position, and a depiction for each at least part of its vision of democratic politics. In this analysis, I set out in a general way the points of agreement between the positions, the points of disagreement between the positions, and some points which one or both positions have neglected. I also alluded to the importance and strength of the agreements and disagreements in respect to the integrity of each position.

In this chapter, I seek to outline further research. When I originally embarked on the research for this thesis, I had wanted, after unearthing the reasons given in support of and against secrecy, to ascertain the validity of each position. I had intended to marshal relevant research findings as well as arguments from speculative literature to analyse positions for and against secrecy; and hence ascertain the validity of the assertions, reasons, and over-all positions. But alas, political scientists and scholars in other related fields have not done much research on secrecy in government. Indeed, those interested in secrecy, including academics, have remained at the stage of polemics. Interesting as their arguments are, the secrecy controversy seems at a stalemate, simply because each camp has its position, and that is that. It can aptly be described by a statement such as, "don't confuse

me with facts, my mind is made up."

The problem of validity however still remains. But instead of attempting to ascertain the validity of the positions, it has been necessary to move back to more fundamental tasks; those of determining researchable questions, and in a preliminary fashion, outlining research methods. Essentially, my concerns have moved to questions of--what should be researched to get at the relation of secrecy and politics? And also, what methods might be best to carry out the research?

In embarking on these questions and methods, a matter which must be dealt with is from which point of departure is one to begin consideration of the relevant research questions. One could well begin from a simpler view of looking at each of the eighteen points of the positions (nine for each side), the "ingredients" of the secrecy debate, and from these developing research questions. Another approach would be to develop a "global research design" and from this design relevant research questions based on features underlying each position. Depending on which approach were to be followed, I would expect a differing range of questions, variations in the kind and class of questions, and hence differing possibilities of results about this relation of secrecy and politics.

In Section 1, I explain considerations which must be incorporated into any thinking about research on this topic as well as the constraints stemming from content of the secrecy debate. In Section 2, I outline what would emerge if I were to develop the research questions based on the "ingredients" approach. In Section 3, I do the same for

a global research design based on the features underlying the positions. In Section 4, I work through the implications for theory and practice of the approach I suggest that would manage difficulties arising on the global one.

1. Constraints of Content Affecting Research About Secrecy

The purpose of this section is first to alert the reader to considerations which must be taken into account about any research about secrecy, and second to outline the constraints of content which limit the domain of considered approaches.

From the view of those discussing secrecy, secrecy in government is referred to as administrative or bureaucratic secrecy. The boundaries of administrative secrecy are generally those relating to functions, roles, and behavior of the public bureaucracy. Much of the emphasis, as outlined by those interested in administrative secrecy, is on internal civil service relationships, their relationships with elected members of the legislatures, the public, and other bureaucratic organizations. For purposes of this thesis, I shall be concerned primarily with the relation of public and government, and only secondarily with internal bureaucratic practices. The latter will only be considered in light of its impact on the relations between the public and government.

Idealizing Positions

Many individuals, in their roles as professionals or as citizens have entered into the secrecy controversy. Indeed, it is their explicit and implicit reasons for holding a particular position which has comprised

the bulk of this thesis. For purposes of this thesis, I have presented the positions as for secrecy and against secrecy. This, it must be remembered, is a simplification is necessary for analytic ease. No doubt, complex. The simplification is necessary for analytic ease. No doubt, most of those who have written about secrecy, usually defend secrecy as necessary, or, as others do, criticize present secrecy practices. This would, at first glance, lead one to think that two rather distinct positions exist. To a limited extent this is true. But it is also true that not all interested secrecy watchers with a predilection for one side, agree with every reason which has been stated by all those who ostensibly support that side. They generally agree with some reasons presented by their side, but they also agree with some reasons presented by their side, but they also agree with some reasons presented by the opposing side. This is not altogether surprising, since rarely, if ever, is agreement about every point common among those who even agree about general features or some specifics of a position. In developing a research framework, I shall continue to use the dual division of positions in the form of for secrecy, or against secrecy. This use aids a general division which does indeed exist, yet allows for differences, distinctions, and shadings to be incorporated under the rubric of the general positions.

"Turncoat" Changes

In relation to the specific discussion about secrecy, little work has been done in clarifying the terms and definitions. Because writers use similar words, it tends to be assumed that they are speaking

of the same things. If many of the writers were to detail, even in part, their major features and principles, I would expect a substantially different line-up in positioning on the matter. Indeed, some may even reverse sides. For instance, those against secrecy desire, generally speaking, more participation; whereas those supporting secrecy merely concede participation. The position conceding participation maintains that there are quite enough forms of participation available if a citizen so desires. The position welcoming participation involves, for some, an increase in range of participation, quantity of participation, and meaningfulness of participation. If even this level of detail were explicitly discussed, there would likely be changes from one side to the other. These changes are considered "turncoat" changes.

Edward Shils, as he declares in *The Torment of Secrecy*, is highly critical of present secrecy practices. He would, for most intents and purposes, be considered in the camp against secrecy practices. Thus far, I have described the welcome of participation as, if not the central feature of those against secrecy, then certainly as a most important feature. Yet, Shils explicitly states that

Democracy requires the occasional political participation of most of its citizenry some of the time, and a moderate and dim perceptiveness--as from the corner of the eye--the rest of the time. It could not function if politics and the state of the social order were always on everyone's mind. If most men, most of the time, regarded themselves as their brother-citizens' keepers, freedom which flourished in the indifference of privacy, would be abolished, and representative institutions would be inundated by the plebiscitary emotions--by aggressiveness, acclamation, and alarm.¹

Shils would not support demands for a widening of opportunities

for participation, or for an increase in numbers participating, or for any substantial jump in the meaningfulness of participation. Indeed, Shils would merely concede participation, agreeing with the position that there are quite enough forms of participation available if a citizen so desires. This is the position which supporters of secrecy tend to hold, yet Shils quite distinctly speaks of himself as against secrecy. This may occur because no effort has been made to clarify the meanings of the words they use. This argues for the need to clarify what is being talked about by proponents of each position. Shils, more than most writers on the subject, has attempted to define some of his usage. This makes it much easier to clearly see what limits he places on the publicity or secrecy spectrum. Shils could conceivably move to the other side of the secrecy controversy if the members of each camp explicitly outlined and specifically defined and set limits to what they are speaking of.

Discontinuous Agreements

Thus far, two camps have been projected as encompassing the secrecy controversy. It has been assumed that each side has a coherent, organized, holistic argument. It is further assumed that consistency marks the considerations in their presentations. It is expected that disagreements about features and reasoning for their respectively-held positions are prominent.

In fact, they do agree about some points, and these agreements are at times discontinuous with respect to their general and central arguments. For example, both sides would likely agree that rule by

plebiscite, and referendum would be inappropriate to politics today. This form of participation, along with, let us say, easy individual access to Ministers would pose too many problems for effective government. It is even questionable whether it would be desirable, if at all possible. Thus, although one position concedes participation, the concession would stop long before a situation such as this developed. In addition, those welcoming participation would not welcome participation to this detailed extent.

There would be agreement about not having a certain form of participation. This agreement would likely be expressed in terms of this form of participation creating too many constraints for effective government, thus leading into efficiency matters. Within features, other than participation, there are agreements between the two positions. Some of these would be discontinuous with the rest of their general position.

It is important to note that some of these agreements are only marginally related to secrecy. For instance, the considerations of participation, used previously, relates to secrecy only incidentally. The consideration of participation relates to broader areas, other than availability or access to information. It is of concern in quality of decision-making and the like. These discontinuous agreements would have to be separated for special discussion, not possible in this thesis.

Discontinuous Disagreements

The secrecy debate has been presented in an either/or form; either for secrecy or against secrecy. This either/or portrayal is

recognized as an idealized depiction. In reality, there are ranges of agreement by proponents of either position within their respective position. Not only are there ranges of agreement, there are also disagreements among proponents of each side. Some of these disagreements could be seen as discontinuous with their general position, as outlined in this thesis.

For instance, critics generally are highly critical of present secrecy practices. They argue for more disclosure or openness. At the same time, a feature of those arguing for more openness is the welcoming of participation. Their notion of participation, it will be remembered, include in their definition an increase in numbers of those participating, an increase in range of potential participation, and a more meaningful contribution by citizens through participation. Hypothetically, one could favour more openness and/or disclosure but not subscribe to the feature of welcoming of participation. This person would agree there should be greater access to documents and more disclosure on the part of government. That would not however mean that all sorts of people from many groups in all sorts of ways should participate. Rather merely those who participate now would become even better as participating members of a governing group. This hypothetical discontinuous disagreement could quite foreseeably occur.

What is to be considered in this thesis however are matters of continuous disagreement. The approaches to be discussed go only as far as dealing with those disagreements. The "turncoat" changes, discontinuous agreements, and discontinuous disagreements, interesting as they are, are not going to be included. They are to be set aside, for

purposes of this thesis at least. Ultimately, what is wanted is an outline for research which will best encompass and get at the relationships between secrecy and politics.

2. The "Ingredients" Approach

One approach, briefly mentioned, would be to develop research questions from the "ingredients" of the secrecy debate. Eighteen reasons (nine for, nine against) have been put forward as a definitive listing of matters considered important by those interested in secrecy. Many of the reasons or parts thereof raise questions about assumptions of fact held by both positions. Such assumptions of fact have been at work continually in the arguments canvassed previously. They can be tested empirically, taken as simple hypotheses.

I outline nine such sample simple hypotheses, with a short exposition on each one in which I offer a nutshell research design.

Hypothesis # 1: Participation would increase if secrecy were lessened.

To research this hypothesis, a case study or series of case studies would be necessary. A major criterion for determining a case(s) would be the amount of secrecy which affects its operations. Ideally what would be wanted is a case in which there has been a visible change from one level of secrecy to less secrecy. Then a comparison could be developed between the two situations. Alternatively, two or more cases, of a like kind and class, at differing levels of secrecy could be chosen for comparison at the same point in time. Whichever method was chosen, the variable of concern would be that of participation. Measures of

participation would include numbers of groups, numbers of presentations to relevant authorities, whether content of presentations had changed, and so on.

Hypothesis # 2: More publicity would lead to more informed public discussion.

Several issues chosen on the basis of indicators of diverse kind and relevance would serve as the framework for consideration. Important here is the relevance of issues for politics. Not only is there needed some analysis of issues of limited relevance but also it is imperative to ascertain if publicity makes a qualitative difference on matters of more fundamental relevance. Firstly, to analyze whether there is more public discussion. several avenues are open. There is potential in doing content analysis of media coverage in which the public has access to making comment--editorials, letters to the editor, talk programs and public responses on radio. In addition, an enumeration of numbers of public meetings, group meetings, press releases from groups and other mechanisms open to the public for discursive expression. Secondly, there is the matter of whether the public discussion is considered informed or not. Indicators of quality of content of discussion could be developed essentially developing a system of categories for recording, on the basis of observation, this 'informed' quality.

Hypothesis # 3: The competence of the public to judge proceedings of a public assembly would increase if secrecy were lessened.

To measure the competence of the public to judge proceedings of a public assembly, a survey questionnaire eliciting data on knowledge,

awareness, and attitudes towards selected issues would serve as a suitable instrument. Operationally defining the public would be a prerequisite to choosing a stratified random sample. The selected cases for study would be two issues with similar qualities. The differentiating characteristic between the two issues would be the amount of secrecy surrounding them. One would be surrounded by more secrecy compared to publicity. The other would be exposed to much more publicity compared to secrecy.

Hypothesis # 4: More publicity would lead to more effective scholarship and media coverage.

Again, several germane issues with similar characteristics other than amount of secrecy/publicity exhibited would serve as the cases. Such historical analysis for each issue would seem in order to test whether or not changes in scholarship and media coverage occur when there is more publicity. If changes occurred in scholarship and media coverage in similarly secret observations over time, then variables other than secrecy are causing the change. Such a historical comparison of cases, the researcher could determine whether secrecy is a crucial variable. The material for analysis would include much available data, the actual articles and stories and programs in academic journals, and various facets of the media. Some analysis of the content of these data sources would be carried out, after some key of defining, for these purposes of good quality scholarship and media coverage. What has not been included may prove, in this case as important as what has been included.

Hypothesis # 5: More publicity would encourage external scrutiny and control.

Several stages are necessary in the research of this hypothesis. First of course is the selection of the issues following principles set down in discussion of potential methods in other hypotheses. Second is ascertaining and listing the relevant actors and would-be-actors in relation to a given issue. I then suggest a panel be established at several points in time. The panel would be selected from the various actors and brought together at various points in time. Some actors must be scrutineers, others controllers, and still others those who are controlled. They could perhaps be questioned by questionnaire or by interview, individually as well as by observing them in discussion and interaction with each other about a directed view of the issue at hand.

Hypothesis # 6: More publicity would broaden the base of those involved in decision-making.

Two cases of parallel kind and class would serve as beginning points. The research required to test this hypothesis is concerned largely with broadening the base of those participating by bringing in those who are now absent from the decision-making process, rather than paying attention to better quality participation from those already participating. The differentiating characteristic in the selected cases would again be the amount of secrecy surrounding particular issues. The relevant actors over time would have to be ascertained. Some sort of key for specifying categories of relevant actors would have to be developed, using indicators deemed important. Then analysis would be nec-

essary, in a detailed fasion, on the specific people involved in decision-making. If appropriate data can be accessed from such documents as personnel records or statistical compilation that, would in most cases be a preferable step. If such indirect mechanisms prove impossible, then either a written questionnaire or in-depth interview would be appropriate.

Hypothesis # 7: If publicity was increased, there would be difficulty in maintaining a positive image of politicians.

First, some method must be developed to ascertain what sort of information would be released if there were more publicity. Analysis of the content and treatment of issues, especially relating to images of personalities, in the various forms of mass communication would constitute a beginning. Of particular importance would be analysis about matters which have been subject to various levels of publicity. To distinguish between various levels of publicity would be important, otherwise it would hold the researcher to criticism that since publicity is rare, the media may respond quite unlike how they would respond if publicity were the norm.

After ascertaining the types of information presented if publicity were increased, survey questions could be developed. From these opinion polls could be constructed. Opinion polls could be carried out on randomly selected numbers of the populace.

Hypothesis # 8: More publicity would lead to more "unofficial" meetings.

Actual issues would be selected following criteria outlined in

previous points. To ascertain any change in frequency of official and unofficial meetings, it would be helpful to gain access to appropriate data such as appointment books, and similar records. Even if permission were granted to look at such sources, it is questionable how accurate they would be. An alternative would be to conduct interviews with key people in the selected issue areas.

Hypothesis # 9: More publicity would disrupt present bureaucratic practice.

To determine present bureaucratic practice, time-budget data and study would provide a detailed breakdown of time expended for particular tasks. The substance of operations of government departments would be the focus of bureaucratic practice. From there, a researcher would have to interpret how much secrecy or publicity affects a particular operation as well as the time expended. Essential again, is to have comparisons available where secrecy is not present.

Each of these hypotheses can be empirically tested. Each hypothesis relates to the issue of secrecy. Separately and all together they cast illumination on the relationship between secrecy and politics. But they, and other possible hypotheses of a similar nature, fall short of resolving the dispute over secrecy because the dispute has other dimensions.

3. The Global Approach

Another possible approach to best get at the dimensions of secrecy is to construct a global research design on the general features

of the two positions.

What seems an either/or dichotomy as outlined in the two positions is really not so conceptually or operationally distinct. In reality, the controversy seems to reflect differences of degree. Again, we are dealing with continuous agreements. Secrecy and privacy, or publicity are the outer limits of this continuum reflecting degrees. As outer limits, the boundaries are reflected by complete secrecy and complete privacy, or complete publicity. No one of these is, in practice, even remotely tenable. For instance, for there to be complete secrecy, all facets of process and substance would have to be kept secret. The public must, at the very least, know the ends of a policy, if they are to obey the law. In our tradition of liberal democratic politics, it would be extremely difficult, if not impossible, to secret the proceedings. What is of concern is that certain aspects of proceedings and content are kept secret. In no way could complete secrecy be a political possibility. Nor is complete privacy, if privacy is taken to be the right to be left alone.² By virtue of people saying things about themselves, either voluntarily or by legal obligation, complete privacy is not a tenable concept. And just as untenable is complete publicity. If every aspect of an individual were open, for instance, by government decree, our political virtues would be abrogated and Brave New World-type manipulations would be the rule. This hypothetical situation would be considered unacceptable on all sides. Interestingly enough, many supporters of present secrecy practices, when referring to the critics' position, interpret complete publicity as the centre of the critics' position.³ Even more interesting is that this interpretation is not

rebutted or even dealt with by the critics.⁴ Nevertheless, the point here is that although complete secrecy and complete privacy, and complete publicity are theoretically outer limits of a continuum, they are not tenable in a realistic sense.

In research terms, what is being talked about is somewhere in between. What is being talked about is secrecy, publicity, openness, and confidentiality. They are inextricably linked by discussants. Secrecy is what is necessary for some, and unacceptable for others. However, to adequately come to grips with secrecy, some awareness of the alternative state is essential. Whether that alternative is desirable or undesirable depends on which side of the controversy is accepted.

It must be recognized that differing proponents are not always talking about the same thing. Some support confidentiality but oppose publicity. Others support confidentiality and openness. Still others support secrecy, publicity and openness, and each position can be argued as quite reasonable.

The concept of openness is frequently expressed as a desirable state by critics of secrecy. Openness, too, is a relative matter. The term seems to depict a spirit, an attitude. For these purposes, openness can be considered a spirit, an attitude to the conduct of public life and public business. Expectations of openness include availability, accessibility, consideration of alternative possibilities, and the like. From this, openness seems to refer to a process, a code of behavior, a way of doing things. Openness, in this sense, includes at the very least, being open to ideas, open to inclusion of many participants, open to suggestion, and open to view. The perspective of openness being a

valued and desirable state would lead one to expect that there is a way of doing things, a process, a code of behavior in opposition to this desired state. The opposition to this desired state of openness is what is seen as presently existing. Implicit, although not directly stated, is a depiction of closed government and/or politics--closed to ideas, closed to particular kinds of people, closed to particular kinds of behavior, closed to alternative methods. This closed government is marked by secretiveness, in reference to the actual information and the process itself.

Openness is seen as a desired state. Publicity, too, is seen as a desired state. Openness, however, is not synonymous with publicity. Nor is closed government and politics, and secretiveness synonymous with secrecy. Yet each of the terms is used, rather indiscriminately no doubt, by those speaking about secrecy. There are distinctions, and the implications of the distinctions can serve as useful tools for developing a research framework. All these things--secrecy, publicity, openness, secretiveness, privacy--must be considered, yet it makes for considerable complication.

Openness in juxtaposition to closed government and politics, or secretiveness are terms dealing with attitudes, guiding codes of behavior, a process of governing, and recognition of relationships between rulers and ruled. Confidentiality is also in this realm of 'softer' issues. Confidentiality implies trust on the part of the public, and it also involves an attitude on the part of the people in government, an adherence to a particular process of governing, and a code of behavior quite apart from only secrecy matters, which tend to deal

with specific items.

With confidentiality, officials are to be extremely careful in not misusing their authority with that entrustment. Their actions are to be conducted with the highest of principles, since any other behavior would contravene the responsibility and expectations held by the public towards the government. For confidentiality to be practiced, there must be consideration given to what the public will accept, since the public must consent to give information about themselves to government. Hence, government officials must constantly be aware of public reaction, if they are to do their work with information from individual citizens.

Secrecy, however, involves the officials defining their responsibilities, and developing regulations and administrative devices to make government work easier and more effectively. Secrecy regulations are mainly for information initiated by civil servants in their job of functioning as civil servants. The secrecy provisions do not depend on public reaction in the same way as use of confidentiality provisions does, because the information regarding secrecy emanates from civil servants, not from the public. In one case, namely secrecy, officials take the initiative in making regulations and their general tasks of administration, with little expectation of scrutiny, particularly since they are making rules for their own jobs, which they can oversee. The public cannot oversee methods and processes, or evaluate accuracy of information when they do not provide information, or when they are not aware of what information actually exists in government. In the former case, namely

confidentiality, the officials have a more direct connection with the public, since the public both provides necessary information and entrusts this information to civil servants. As such, expectations by the public towards the officials are more clearly demarcated. Hence, with clearer expectations, the public is in a better position to evaluate the activities of the officials, and the policies they recommend.

Secrecy is used in opposition to publicity. Secrecy involves withholding of 'something', that 'something' being somewhat tangible. Previously, that 'something' has been discussed as information and/or knowledge. Even if the information is verbal, it may easily be set down in print and be made available to interested people. The availability of this 'something' can be legislated as such, simply because it is a tangible item. I, for instance, in requesting a government agency for information about a particular policy, let me say for example women's issues, can ask for all information in reference to Human Rights Legislation and discrimination involving the sex variant. Documents dealing with that matter could be fairly readily made available. It is possible at any rate. In parallel fashion to secrecy, publicity extends to that same 'something'; namely, information and/or knowledge about politics and/or government. In both bases, reference is made to items of a tangible nature.

In terms of the example outlined, it is more difficult, if not impossible to legislate openness--to ideas, to people to new ways, and so on. It is just as difficult to provide a requester about the spirit which took place in the developing of a program or a policy. Yet often the attitude is the crucial aspect of the direction of a policy. Or,

for that matter, the way of doing things can certainly set the limits of a policy.

What is talked about among the various possibilities in this controversy are specific documents and tangibles in relation particularly to secrecy as well as an approach, an attitude taken by participants of the political process. Both must be looked at if we are to ascertain the present impact of secrecy on political life. These distinctions of tangible/specific items such as documents, and the way of doing things can form one axis of a conceptual relation. The tangibles/specific items have emerged from the secrecy or publicity continuum. The attitudes and ways of doing things have emerged from the openness/confidentiality, closed or secretiveness continuum.

Figure 1. One Axis of a Research Relation: Relation of Secrecy and Politics

Tangibles/ Specific Items	Attitudes/ Ways of Doing Things
Secrecy... Publicity	Confidentiality... Openness

The elements which shall comprise the rows of this matrix emerge in answer to the question of--what are the politically significant issues that secrecy/publicity, confidentiality/openness show up? The issues which are relevant are precisely those features underlying the arguments for and against secrecy. It seems that using these features can be justified from the view of beginning where those who are interested in the secrecy relation consider relevant. The features were gleaned from the

explicit and implicit reasons which proponents or a particular side deemed meritorious to support that particular position. The features form continuous disagreements between the two positions.

Several features recurred as important to each position. In Section 2 of Chapter IV, I discussed each feature, which resulted in the following summary, which I repeat for discussion purposes.

<u>Critics of Secrecy</u>	<u>vs.</u>	<u>Supporters of Secrecy</u>
Welcome Participation		Concede Participation
Control by Public		Efficiency
Scrutiny of Process		Freedom to Act
		Acceptance of Process
Publicity will Check Abuses		Other Methods will Check Abuses

It is from this listing that I propose several categories comprising the more significant concerns in relation to secrecy. A first category is that of participation. Participation crosses both positions; one side welcoming participation and the other side merely conceding that participation is necessary. It is of obvious concern to secrecy-watchers, even if many see the limits of participation as being quite different. A second category is that of efficiency. Although critics refer to efficiency only in a cursory manner, it is central to the supporters' position. As such it should not and must not be ignored if there is to be some clarification and understanding of the relation between secrecy and politics. A third category is that of control of politics. This encompasses concerns about control by the public, and

to a lesser degree the value attached to scrutiny of process, freedom to act, and the acceptance of the present process. The category of control of politics gets at some basic matters of power, influence, and authority. A fourth category is that of checking of abuses. Again, this concern cuts across both positions. No doubt there are distinct differences about what constitutes an abuse and what the best methods to check abuses are. Yet abuses, largely on verbal insistence by the critics are considered as important and relevant to the continuation of particular kinds of behavior in politics. A fifth category deals with the quality of the decisions and policies which emerge from the activities of politics. Ultimately, demands for scrutiny of process, freedom to act, and acceptance of process, as well as other features stem from a concern with the quality of governing and the decisions made. The governing and the decisions taken therein affect the choice and life of the public, and that quality of choice and quality of life serve as a basis for judgement of our political process and our politics.

These categories have been outlined here as though they were parallel in importance to each other. In actual practice, this is not the case. Within each position, some are more important than the others. I use important in the sense of how central it is to the integrity of the position in question. These categories could well be ranked in terms of importance. For instance, it has already been stated that efficiency is the most important category for the general position of those supporting present secrecy practices. Nevertheless, there are still other features which are integral to the development of that position. A ranking of the listed features would be useful and interesting

in that it would further refine and clarify that position. However, for purposes of this thesis, each category shall be treated as parallel in importance to every other category. These five categories constitute the vertical side of the axis to form a matrix depicting a research relation.

Figure 2. Matrix of a Research Relation: Relation of Secrecy and Politics

	Tangibles/ Specific Items	Attitudes/ Ways of Doing Things
	Secrecy... Publicity	Confidentiality... Openness
Participation		
Efficiency		
Control of Politics		
Checking of Abuses		
Quality of Decisions		

Another element, which has been excluded from this matrix, is that of privacy--the rights of privacy of the individual. Privacy is of concern to both sides. It is also a subject of continuous disagreement between the two camps. Yet it is still a minor topic for research, particularly in terms of secrecy. Looked at in terms of the over-all

positions, privacy plays a part of substantially lesser importance than the other conceptual elements. The rights to privacy, as a concept, are accepted by both sides as a political value. Abrogation of this right and protection of this right both involve information given by an individual to a government agent. Supporters of secrecy practices express concern about control and abuses of information about individuals. Critics of secrecy practices add potential prohibition of government requests for information about individuals. Supporters emphasize the tangibility of this information with requisite controls. Critics emphasize the tangibility of this information with requisite controls. Critics emphasize the attitude and process considered acceptable in requesting and receiving information about individuals. But privacy is brought up as an issue peripheral to reasons and demands made for or against secrecy. Privacy is usually considered as an adjunct to secrecy; both in opposition to publicity. In the position of adjunct, it makes for a minor researchable point, at least in terms of secrecy.

What this framework provides is an over-all way to organize the disparate material which would have to be dealt with in any research. Each position shows continuous disagreement, on a general level, on all the elements shown in the rows of the matrix--participation, efficiency, control of politics, checking of abuses, and quality of decisions. The major research questions would fall in line with the framework developed as presented in Figure 2. There are ten cells to the matrix, from which there would be ten broad research questions. However, so as not to be repetitive, I shall outline the questions which would be of

relevance to one context, namely participation. This context, and the subsequent questions, represent a format for constructing similar approaches to the remaining four areas in the matrix. Two over-all questions would stem from the participation function in the matrix. Where they would fit in the matrix is shown in the following chart:

Figure 3. Participation in the Matrix

	Tangibles/ Specific Items	Attitudes/ Ways of Doing Things
	Secrecy... Publicity	Confidentiality... Openness
Participation	(1)	(2)

Participation is a feature of each position in the secrecy controversy. Critics welcome participation; supporters concede that participation is necessary but nothing more. Critics demand a widening of the range of possibilities for citizens as individuals or in groups to participate. They also demand that more people be able to participate in the political process. At least, there should be more people than is presently the case. Critics further demand that there should be more meaningful participation possible. Supporters, on the other hand, view the present forms available for citizens to participate as quite adequate. If there is not enough participation, it merely requires utilizing currently available forms. And this the citizen is free to do.

Critics further hold that not only is participation, in terms of range, quantity, and quality of participation inadequate, but also that present secrecy practices inhibit the desired kinds of participation in our politics. Supporters would counter that such a statement is utter nonsense. Participation is quite possible in our politics as it is-- meaningfully, for substantial numbers of people, and in numerous forms. There are obvious differences of opinion and interpretation of the existing political world.

In accordance with the elements developed in the framework, two questions must be posed to ascertain some of the essential differences between the two positions.

(1) How and to what extent does the restriction and withholding of information and/or knowledge used in politics affect the forms of participation possible in politics, the range of possibilities for participation in politics, the numbers and kinds of people who are able to participate, and the quality and meaningfulness of participation in politics?

(2) How and to what extent do the attitudes, the codes of behavior, and the ways of doing things, exhibited by those presently involved in the practice and activities of politics, affect the forms of participation possible in politics, the range of possibilities, the numbers and kinds of people who are able to participate in politics, and the quality and meaningfulness of participation in politics?

The primary relation between these questions stems from the important issue of participation. Participation, it must be noted, is

only incidentally dealt with from this perspective of secrecy. To deal with these questions in the form presented here, several more definite stages are required, outlining more specifically research directions from within the questions. These are as follows:

- the kinds, quantity, and frequency of use of restricted information in politics,
- a delineation of the kinds of people presently participating in politics,
- an analysis of the attitudes, codes of behavior, and the ways of doing things exhibited by these participants in reference to selected aspects of democratic politics, which are significantly related to secrecy, publicity, openness, and confidentiality matters such as participation, efficiency, control of politics, checking of abuses, and quality of decisions,
- a demarcation of the present forms of participation exercised in present-day democratic politics,
- a look at the range of possibilities of participation in democratic politics, which could be construed as desirable, but for some reasons, which can be outlined, do not occur,
- a look at constraints keeping kinds and numbers of people from participation in politics,
- a development of what would constitute a high quality and meaningful participation.

This array of questions and stages of work could be repeated for each of the other four row variables in the matrix. Each of these ele-

ments serve as a context for research. In this manner, one context could be researched quite separately from another; however, it is not enough to research each area as a distinct entity. Difficult problems emerge in trying to tie them together, and to describe the relationships among participation, efficiency, control of politics, checking of abuses, and quality of decisions. Yet it is in the relations among these features, in respect to secrecy, where the important considerations lie. The approach which I have chosen stems from the inadequacies of this global view.

4. The "Chosen" Approach

It must be noted that this consideration of participation is extremely broad and general. Certainly, it is too broad and general to provide an easy basis for actual research. Indeed it could be said that this may be an alternative way of calling for the study of the whole of politics. The entire range of political studies could be said to be covered--who participates, mechanisms by which individuals and groups do participate, information upon which politics functions, the potentials and constraints of politics, and last but certainly not least, quality and meaningfulness of particular activities. Obviously it is not useful to characterize the study of secrecy by re-stating the entire discipline of political studies. But before settling upon a more specific suggestion, it is necessary to ask how this consideration of participation and secrecy could have turned into an alternative view of political studies. Simply the study of secrecy often ramifies everywhere because information that could be kept secret can be found

everywhere in politics and control of information undermines political activity.

In addition, secrecy practices affect virtually every aspect of politics. For example, secrecy practices affect relationships within and among the bureaucracies, their relationships with politicians, and the public. Further use of secrecy practices affect the substance and direction of particular policies and directions. Secrecy as impinging on the process, substance, and direction of politics, can then be seen as a crucial consideration of political research. But actual research cannot be carried on at the broad level of politics in general. So something less ambitious must be settled upon. To illustrate simultaneously some of the advantages and some of the difficulties involved in a limited research project regarding secrecy, I shall use the Wreck Cove Hydroelectric Project. This project has some currency in Nova Scotia, and is the matter which sparked my initial interest about secrecy.

Several matters impinge on the direction of this rather less ambitious venture. Firstly, there is the need to bridge the contexts which have been presented as most relevant to secrecy; namely, participation, efficiency, control of politics, checking of abuses, and quality of decisions. Difficult as the bridging of contexts may be, it must be done. The approach which will be pursued here is balancing what is seen by opponents, in naive moments, as opposites. An example is participation versus efficiency. The welcoming of participation forms a stronghold in the position of against secrecy. On the other hand, efficiency is singularly the most important feature underlying the posi-

tion of those supporting present secrecy practices. Critics hold that participation, as a value of immense importance in any polity subscribing to democratic politics, is undermined and inhibited by ramifications of secrecy provisions. Supporters of secrecy hold that most moves demanding more disclosure will reduce efficiency in government, which would substantially damage the public interest.

The Wreck Cove case is a definite example of opponents construing as opposites principles that need to be balanced. Wreck Cove, as a hydroelectric project, is seen as necessary for energy production for Nova Scotians in the future. At least, it is seen as such by the Government of Nova Scotia. But that, despite substantial disagreement by those opposed to Wreck Cove, is not where the basic difference lies. Not only is the Wreck Cove project seen as necessary for energy needs of Nova Scotians, the Nova Scotia Government has seen fit to countenance many unacceptable kinds of behavior. To accomplish their goal (end) of building the project, mechanisms, usually not considered legitimate in our political system, have been used in the name of necessity and efficiency. There certainly seems a disregard for the higher qualities of our political process.

These mechanisms have included what has been coined as "laundering" an environmental consultants report. The Government commissioned an outside government consultant to ascertain the environmental impact of the project on the surrounding physical location. The consultant conducted the studies, filing the report to the Government. Any outside consultant, as a contractor to the Government, falls under the same

secrecy provisions as an internal government agency or department. In short, the consultant cannot release any of his material without authorization by the Government. In this case, as in most cases, the Government chooses both whether to release material at all and further when to release any material.⁵ The Government, seemingly in response to demands for participation, released the report. The released report had allegedly been rewritten to concur with desired government policy. The Government acknowledged that rewriting had indeed taken place. They however did not present any substantial reasons for this rewriting.

No doubt numerous considerations are of interest to political scientists in this matter. But I shall focus on those involving secrecy. Those in support of Wreck Cove support it on two levels--energy supplies must be provided for, and/or mechanisms, normally not considered legitimate in our political system, which are reproachable in terms of practices of our politics are warranted to efficiently pursue that goal. Those against Wreck Cove condemn it on two levels as well--that large hydroelectric projects are not the best way to provide energy since the costs, environmentally and in potentially other ways, are too high, and/or that even if the goal was tenable and acceptable, the methods and processes used by the Government are highly unacceptable. Indeed not only is participation to be more than tacit approval of a "doctored" report and a policy presented in largely favorable light by the Government, but they also contend that the use of these mechanisms leads to a poor quality of decision and also reduces the long-term efficiency of the policy. The Government contends that if there is too much publicity and participation, efficiency required to achieve the goal would be

lowered, and the public interest would be jeopardized since all Nova Scotians would have to pay higher fuel costs in the future. This is complicated and substantiated by the fact that Nova Scotia is not endowed with natural fuel reserves and Nova Scotians are presently dependent on the abilities of provincial negotiators with the Federal Government and the vagaries of the international markets.

A balance between participation and efficiency must in some way be workable, assuming of course that both values are tenable and that both are amenable to some consensus and/or potential compromise. Two questions underline this search for a balance. Firstly, how much, and what kind of participation is practicable so that efficiency in government is developed and maintained? This question, posed in this way, suggests that efficiency is a higher value than participation in our democratic politics. To develop research from this question would lead to a skewing of a judgement in favour of supporters of secrecy. Phrased from the other perspective, the question could read--how much efficiency is feasible so that the highest level and quality of participation can be developed and maintained? This question suggests that participation is of greater value in our democratic politics than is efficiency in government. This skewing of research towards one side is unquestionably inappropriate, if some sort of objective and neutral research is deemed desirable.

The balancing problem remains. It can be looked at as one of maximizing both participation and efficiency, which assumes that both positions, in holding their respective features, have a justifiable and a reasonable position. When viewing the balancing problem as one of

maximizing two values and contexts, there is assumed an inherent conflict between the two. This, however, should be a given, primarily because the extent of the conflict can vary according to the definitions and limits of the concept as delineated through different usage. For instance, if efficiency is equated with low cost and fast response, then the conflict with participation will take on quite a different complexion than if efficiency is equated with quality of initiatives and outcomes which have been taken on by the government. Similarly, if participation is equated with electoral choice and participation in selecting an elected representative, the conflict with efficiency will also take on a different complexion than if participation is taken to mean presenting and discussing possibilities by the public with officials for consideration in policy-making. The search for maximizing participation and efficiency, then, must be conducted with awareness of the differing possible senses in which each concept may be used.

This is certainly exemplified by the Wreck Cove case. It can be argued that both positions, in acting on their beliefs of participation or efficiency, have a justifiable position. A difficulty arising in the Wreck Cove case is that their definitions and limits are certainly not agreed upon. The Government of Nova Scotia, in countenancing actions based on efficiency, view efficiency as quickness, no questioning, and tacit approval of all that government does. A high quality of decision will emerge out of this process of efficiency. And of course, the Government in its attempts to cultivate a consistent and fine public image will control the politics, if a positive public image is necessary to maintain control. Secrecy provisions have been used rather

irresponsibly to further all of these political aims.

Groups and individuals against Wreck Cove might view efficiency as a condition in which people's views are incorporated, and progress be that in an environmentally safe world. To accomplish this view of efficiency, discussion, study, debate are required. Even if this is a slower process, it will, in the long run, be more efficient. Efficiency is used in terms of a high quality of decision, and the public effectively controlling politics. For the public to effectively control politics, participation is essential.

But definitionally both sides obviously differ about what participation is. The Government of Nova Scotia seems to contend that the public, through the exercise of their vote, can and does control politics. After all, the Government is ultimately answerable to the people. Those who wish Wreck Cove stopped, see participation as ongoing, constantly a part of the political process. Their conception of participation is not of tacit approval but rather active initiative.

Thus what has been described is the Wreck Cove case itself as a problem: posed in how to balance seemingly opposing features, and in sorting through complications of meanings. The actual researching of Wreck Cove in terms of ascertaining the impact of secrecy on various contexts of politics is blocked as a research project just as awareness of the relationship between secrecy and politics is blocked in political fact. Because a researcher does not have access to all the relevant material respecting an issue, rather only partial information released on the basis of acceptability to government, the researcher would have trouble founding conclusions on justifiable fact. Similar is the

position of any direct participant in politics who has trouble ascertaining in a factual way the reasons for a decision and/or procedure largely because the use made of provisions for secrecy by those in power restricts information to what they wish the public to see. Both are handicapped in their endeavors.

This constraint must be recognized as rather crucial in considering a research approach. However, a constraint such as this is not enough to negate any possible research. Some way, certainly less than ideal, must be developed to somehow get at those basic questions of effects of secrecy on politics.

Headway might be made with parallel cases to Wreck Cove where secrecy is not practised. Such are undoubtedly hard to find, if not impossible. It would be necessary to settle for one in which more openness had been exhibited. Thus, what would be looked for, first of all, is a case(s) in energy policy that would be, in significant ways, parallel to Wreck Cove. A case(s) such as this should be similar in jurisdiction (federal, provincial, or what have you), location, importance, kind, class, etc., simply because it would be empirically acceptable to enlarge from a case nearer to the Wreck Cove case to the Wreck Cove case itself.

Two possibilities could serve as examples in the process of selecting alternatives. One possibility is the nuclear power plant at Point Lepreau, New Brunswick. A second possibility is the Mackenzie Valley Pipeline. Considerations would include whether either meets the requirements to be taken as a parallel case to Wreck Cove, and if both do, ascertaining which would be the better of the two. Both deal with

energy. Both are more public than Wreck Cove, in that more information about the respective projects have either been disclosed or leaked. Because of the hearings on the Mackenzie Valley Pipeline, undoubtedly substantially more is public in that case than in either the Wreck Cove case or the Point Lepreau case. In another vein however, Point Lepreau is nearer in location to Nova Scotia and hence has similar locational constraints. On the other hand, the actual content of nuclear energy policy and hydroelectric policy cannot be ignored in studying a process of decision-making. Nuclear energy considerations bring in significantly differing matters than the use of 'traditional' energy sources, which both the Mackenzie Valley Pipeline and Wreck Cove Project exhibit. On this basis the Point Lepreau, New Brunswick plant might not best serve our purpose of parallel cases. No doubt, many other considerations of this kind would have to be accounted for if an appropriate alternative was to be well-chosen.

What this exercise does serve to illustrate is that a weighing procedure when identifying cases is essential. And this weighing and ranking procedure must take into account context, kind and class of policy, content, and other such indicators so as to choose as near a case as possible to Wreck Cove. In this way interpretation could be made to include more than the specific case in question.

Of course, another alternative is to choose policies in other matters in Nova Scotia or even elsewhere. Other cases, or series of issues, in Nova Scotia, considered more open than energy matters, would fulfill requirements of nearness in context and location. However, one becomes hard-pressed when searching for possible cases of examples,

because most issues that are open seem to be of less relevance to the politics of a particular area than issues which are shrouded under the cloak of secrecy. For instance, recreation projects may be quite open in terms of information released about policies and programs. Yet that is certainly not a contentious issue in Nova Scotia politics. As soon as some concern becomes a contentious issue, it recedes behind secrecy provisions. A researcher may well end up testing more for relevance of issues in politics than for secrecy and politics. However, as long as one is cognizant of that possibility, it could be taken into account and the research prove quite fruitful.

Nevertheless, I would propose that the stronger route is the analysis of the Wreck Cove case in light of parallels. By doing research through this means, the Nova Scotia government, or any other government for that matter, might be persuaded to proceed differently in respect to secrecy and public matters over time. Or indeed those clamouring for more disclosure might be persuaded that, at least in some instances, more publicity might be folly. Whoever might be persuaded to change approach, if not in energy policy at the next point in time, then perhaps there will be a next time in some other issue. There would hence develop a cumulation of responses and changes in behavior. Along with some results from research which would be considered irrelevant and not acted upon, there would also be some research results which would affect change, hence accumulate over time.

What has been described here is a piecemeal and rather disjointed method of research based on a principle of determining more in the

way of methodology as the research continues. Certainly it presents no ideal text-book case of the research domain. But that merely makes it a greater challenge for ingenious developments! Nevertheless the efficacy of piecemeal research and the unforeseeable results of cumulation must be dealt with and to some extent either justified or deemed unacceptable.

The piecemeal approach opens itself up to the possibility severe criticisms. Objections could be directed towards the realm of research methodology and also toward practical consequences of piecemeal research. I shall deal with objections directed toward research first, and the practical objections second.

Considerations directed towards research done piecemeal raises substantial objections. For one, it is questionable whether all the relevant and crucial pieces will be seen or considered. And that means that what would normally be considered necessary material may not form part of the methodology and results. Second, any piecemeal approach does not direct a researcher towards how to combine the pieces which have been considered into some coherent whole of research results, reflective of the real world. Third, a piecemeal approach does not lend itself, after combining the pieces into a reasonable facsimile of the real world, to balancing opposing features, and features which may not be opposites but certainly could not be construed as being on the same side.

To respond to the first point, in no research can one in advance know and consider all the relevant variables. A research design should

be somewhat open-ended if a researcher is to incorporate elements which come to light during the actual research. No doubt the extent to which a researcher goes in 'blind' will vary with the topic. A topic which has a solid background of researched material and scholarly interpretation gives a much clearer beginning than one in which little research has been attempted. In this case, there is not a heritage, as it were, of research results and scholarly interpretation on the matter of secrecy and politics. Indeed, I have cited, many, certainly not all, of the material of relevance to secrecy in my bibliography. The list is not overwhelming in either length or content. I have searched for this list not only in the usual eclectic library search but also have used the computer check of research published available through the Social Science Citation Index. Little more than what I had, emerged from the computer search. Hence I am satisfied that the material I have gone through includes the essential research and argumentation done on secrecy up until now. It thus should be expected that beginnings of research on this topic will be somewhat broader and more open-ended than a topic with more academic treatment. And it must be so, if a researcher is to be satisfied that s/he has not left out relevant elements because of ignorance, or lack of treatment in past research. Thus, a piecemeal approach, although perhaps not ideal, is certainly defensible and warranted in this case.

In responding to the second point of difficulty in combining the pieces into some coherent whole, again consideration must be given to the open-endedness of research. In some cases, it may be useful to

ascertain some predetermined method of combining pieces. A model or concise framework of this sort would indeed make the process much easier. Models however are best developed in areas in which there is substantial agreement on fundamental features along with a good deal of supporting research. Now in this case of secrecy a model could be developed without a wealth of supporting research, based on argument presented in the literature and also knowledge on specific issues. That however is not within the scope of this thesis. Nevertheless a model could be developed and tested for validity. I would argue that at this stage it would not be the strongest method to take, precisely in light of arguments articulated earlier that essential, relevant elements may not become clear until in the actual research situation. An open-ended model could be of use for initial organization. I have ventured into the beginnings of that in my matrix of the research framework. Needless to say that is extremely general and more specific delineations are required. Yet it provides a beginning. Thus, the method of combining, although not crystal-clear at the present time, is moving in that direction, and would certainly be clearer as the actual research was carried out.

The third point for consideration is that of the crucial concern of balancing. The process of balancing and maximizing two opposing features has thus far been discussed in terms of participation and efficiency. A similar process could be carried out with the other opposing features, such as publicity checking abuses versus other methods of checking abuses, control of politics by the public versus the free-

dom to act by government officials, and the scrutiny of political process by the public versus the acceptance of government endeavors by the public. The participation versus efficiency has served as an illustration of the research problems at hand.

Meanwhile there are practical objections that can be raised because of this piecemeal cumulation approach. Much of the research done on the selected cases would have policy effects because of the information they would reveal. This would undoubtedly influence the direction of an issue. Indeed, it would be said to prejudice an issue. Those in the government could argue that too much of their work would be in responding to the results of research in which all their needs and constraints are not likely to be fully accounted for. The results of research, based on an issue which the researcher has chosen, could create, by virtue of public availability of the information on the matter, a demand(s) on the government for action in the area. A situation could emerge, because of more and more released information on a succession of particular cases, in which nothing substantial would be left to protect. All material of relevance, as judged by the researcher, would be exposed. The government would no longer be in control. Even if this were to happen, and such possible objections could legitimately be raised, there exist, in our present form of government and administration, some safeguards.

For one, the information released in the form of results is about one issue only and civil servants, politicians, lobbyists, etc. in relation to that issue alone. What civil servants do in one field, relating to a particular issue, is not necessarily intimately connected

with what other civil servants may do in another field. It could be argued that the content of a policy area is what really governs the actions, directions, and responses of civil servants. In addition, it is this content, or should be at least, which governs whether secrecy is needed or not. Hence, in one case it may be of considerably less importance, based on the content of the case, if there is nothing substantial left to protect than in another case. That judgement should be made on an individual basis. And so, results from one case which show actions of civil servants really does not necessarily mean that actions of civil servants are the same.

If beginning research were done on cases which have been considered, on the bases of content, not to be particularly secret, some advantages could accrue. Abandoning secrecy in these kinds of cases may prove to be harmless to efficiency and the other such features which are considered to be of importance to supporters. It, in fact, could possibly persuade supporters to take different views of remaining practices in remaining fields. They may be convinced that more chances on disclosure should be forthcoming.

Disclosure, it must be remembered, could take on a myriad of forms. Releasing cabinet documents is certainly not the only indicator of disclosure, and perhaps not even the best. New techniques can be developed to disclose information about advice and facts without civil servants being subject to penalty. For instance, a technique currently in use in the United Kingdom, are Green Papers as distinct from White Papers. They contribute to discussion about particular policy direc-

tions before any final decision has been made. It also must be recognized that the government has a responsibility to listen to views, presentations, and the like but they are not obliged to act on them. They have the option of evaluating presentations as superficial, irrelevant, and misleading just as they can be evaluated as cogent and to the point. What could be emphasized is searching for new techniques of disclosure, as a basis for dialogue and dispute between government and the public with the understanding that there is certainly no contract about acceptance of either position merely because it is presented.

Nevertheless it could well be expected that sooner or later some mistakes will be made in relation to release of information. For instance, some material may be released that infringes on the rights of an individual or adversely impinges on external matters, or such similar considerations. However they would happen only on the basis of individual cases. It would not be endemic to the entire disclosure process. Supporters would then, in some cases be right in their judgement of disasters which could occur. By the same token, critics would also be correct in some cases, in that disclosure is largely harmless.

The balancing problem is what remains. At what point would disclosure defeat and hurt some essentials of governing and administration. The critics and supporters certainly have differing views of where this threshold point for balancing is. Critics contend that the political system can take much more disclosure and openness than supporters at the present time would agree to. It can be expected that when too many 'mistakes' emerge, which surely will occur, that some move

backs towards secrecy would be forthcoming. Thus it can be expected that a back and forth motion could be the rule in the balancing act of secrecy/disclosure, rather than some stable point over time. That should not be shocking given that our society which we expect government to contend with is not particularly stable. It would be naive to expect that the government be in a stable, balancing state when the issues facing society are not.

FOOTNOTES

I

¹Peter Bachrach and Morton S. Baratz, Power and Poverty: Theory and Practice, (New York: Oxford University Press, 1970), p. 11.

²Ibid., p. 48.

³Mobilization of bias is defined as predominant values, beliefs, rituals, and institutional procedures ("rules of the game") that operate systematically and consistently to the benefit of certain persons and groups at the expense of others. (p. 43) Bachrach and Baratz point out that the primary method for sustaining a given mobilization of bias is nondecision-making. A nondecision is defined as a decision that results in suppression or thwarting of a latent or manifest challenge to the values or interests of the decision-maker. (p.44).

⁴In the Canadian context, note discussions in the following material:

Roy E. George, The Life and Times of Industrial Estates Limited. (Halifax: Institute of Public Affairs, Dalhousie University, 1974).

Ian Adams et al., The Real Poverty Report, (Edmonton: M.G. Hurtig Limited, 1971), p. v and vi.

Micheal Dennis and Susan Fish, Programs in Search of a Policy, (Toronto: Hakkert, 1972), the Publisher's Note.

⁵Bernard Crick, In Defense of Politics, (London: Pelican Books, 1973), p. 21.

⁶Ibid., p. 18.

⁷Ibid., p. 20.

⁸W.B. Gallie, "An Ambiguity in the Idea of Politics and Its Practical Implications", Political Studies, XXI (1973), p. 442.

II

¹Alasdair MacIntyre, "Is a Science of Comparative Politics Possible?", Against the Self-Image of the Age, Essays on Ideology and Philosophy, (London: Duckworth, 1971), pp. 10-11.

²Edward A. Shils, The Torment of Secrecy, (Glencoe, Illinois: The Free Press, 1956), p. 37.

- ³ Ibid., pp. 48-49.
- ⁴ Donald C. Rowat, "How Much Administrative Secrecy?", Canadian Journal of Political Science, XXXI (November 1965), p. 479.
- ⁵ Francis E. Rourke, "Administrative Secrecy: A Comparative Perspective", Public Administration Review, XXXV (1975), p. 1.
- ⁶ Carl J. Friedrich, The Pathology of Politics, (New York: Harper & Row Publishers, 1972), p. 178.
- ⁷ Wolfgang H. Kraus, "The Democratic Community and the Problem of Publicity", Community: Nomos II, Carl J. Friedrich, ed., (New York: The Liberal Arts Press, 1959), p. 227.
- ⁸ Carl J. Friedrich, Op. cit., p. 177.
- ⁹ Carl J. Friedrich, Constitutional Government and Democracy, 4th Edition, (Boston: Ginn, 1969), p. 363.
- ¹⁰ Wolfgang H. Kraus, Op. cit., p. 231.
- ¹¹ Based on Kenneth Kernaghan, Ethical Conduct: Guidelines for Government Employees, (Toronto: Institute of Public Administration of Canada, 1975), pp. 41-47., and The Report of the Task Force on Government Information, To Know and Be Known, Volume II, (Ottawa: Queen's Printer, 1969), pp. 25-42.
- ¹² Kenneth Kernaghan, Op. cit., p. 43.
- ¹³ Donald C. Rowat, "We Need a Freedom of Information Act", Unpublished Paper. Institute of Public Administration of Canada, Twenty-Eighth Annual Conference, September 7 - 10, 1976, p. 5.
- ¹⁴ Report of the Royal Commission on Security (abridged), (Ottawa: Queen's Printer, 1969), p. 74, Section 201.
- ¹⁵ The Guidelines were printed as an appendix to the Debates, 15 March 1973, 2261-2281, and the Notices were reprinted as Appendix RSI-7 in Minutes of Proceedings and Evidence of the Standing Joint Committee on Regulations and Other Statutory Instruments, Issue No. 13, 18 February 1975, pp. 28-29.
- ¹⁶ Bill C-39, given first reading on April 8, 1965.
- ¹⁷ Bill C-225, An Act Respecting the Right of the Public to Information Concerning the Public Business, given first reading on October 15, 1974.
- ¹⁸ Report of the Fulton Committee on the Civil Service. Cmd.

3638, (London: Her Majesty's Stationery Office, 1966).

¹⁹ Departmental Committee on Section 2 of the Official Secrets Act 1911, Volume I and II, Chairman Lord Franks, Cmnd. 5104, (London: Her Majesty's Stationery Office, 1972).

²⁰ Note discussion in Roger Graef, "The right to know", The Listener, XC, No, 2437 (December 19, 1975), 827.

²¹ K.W.Knight, "Administrative Secrecy and Ministerial Responsibility", Canadian Journal of Political Science, XXXII (1966), p. 83.

²² Pierre Vinde, Swedish Government Administration, Translated by Patrick Hort, (Stockholm: The Swedish Institute, 1971), p. 63.

²³ Carl J. Friedrich, The Pathology of Politics, (New York: Harper & Row Publishers, 1972), pp. 4 and 15.

²⁴ Ibid., p. 175.

²⁵ Wolfgang H. Kraus, Op. cit., p. 247.

²⁶ Donald C. Rowat, Op. cit., p. 479.

²⁷ Arthur Koestler, The Ghost in the Machine, (London: Pan Books, 1975), p. 322.

²⁸ There is substantial literature on bureaucracy. Sources which have most influenced my thinking include the following:

Max Weber, From Max Weber: Essays in Sociology, Translated, edited, and with an Introduction by H.H. Gerth and C. Wright Mills, (New York: Oxford University Press, 1975).

Michel J. Crozier, The Bureaucratic Phenomenon, Translated by the author, (Chicago: University of Chicago Press, 1964).

Brian Chapman, The Profession of Government, (London: Unwin University Books, 1959).

Francis E. Rourke, ed., Bureaucratic Power in National Politics, (Boston: Little, Brown and Company, 1972).

Anthony Downs, Inside Bureaucracy, (Boston: Little, Brown and Company, 1967).

²⁹ Carl J. Friedrich, "Political Pathology", The Political Quarterly, XXXVII (1966)., and C.J.Friedrich, The Pathology of Politics, (New York: Harper & Row Publishers, 1972).

³⁰ Ibid., p. 2.

³¹Wolfgang H. Kraus, Op. cit., p. 236.

³²Woodrow Wilson, The New Freedom, Edited with an introduction by William E. Leuchtenburg, (New York: Prentice-Hall, 1961), pp. 76-77.

³³Hannah Arendt, The Human Condition, (Chicago: University of Chicago Press, 1958).

III

¹Warren Bennis, "Have We Gone Overboard on The Right to Know?", Saturday Review, (March 6, 1976).

²Note Gordon Robertson, "Official Responsibility, Private Conscience and Public Information", Optimum, III, No. 3 (1972)., and Warren Bennis, Op. cit., and K.W. Knight, "Administrative Secrecy and Ministerial Responsibility", Canadian Journal of Political Science, XXXII (1966).

³Walter Bagehot, The English Constitution, With an introduction by R.H.S. Crossman (London: Fontana Library Edition, 1963), p. 68.

⁴This tradition seems to be eroding somewhat, as evidenced in Canada by the publicly expressed differences by Ministers on such matters as abortion and capital punishment.

⁵J. R. Mallory, "Cabinet Government in Canada in the Seventies", The Quarterly of Canadian Studies for the Secondary School, IV (1975), p. 91.

⁶K.W. Knight, Op.cit., p. 81.

⁷Ibid., p. 78.

⁸Ibid., p. 78.

⁹Norman Dorsen and John Shattuck, "Executive Privilege: The President Won't Tell", None of Your Business Government Secrecy in America, Norman Dorsen and Stephen Gillers, eds., (Penguin Books, 1975), p. 44.

¹⁰Edward A. Shils, The Torment of Secrecy, (Glencoe, Illinois: The Free Press, 1956), p. 25.

¹¹Cmd. 5104, p. 71.

¹²Ely Devons, "Government on the Inner Circle", The Listener, LIX, No. 1513 (March 27, 1958), p. 525.

- ¹³ Carl J. Friedrich, Op. cit., p. 175.
- ¹⁴ Ibid., p. 2.
- ¹⁵ Cmnd. 5104, p. 46.
- ¹⁶ Ibid., p. 9.
- ¹⁷ R.J.S. Baker, "The Official Secrets Acts: Another View", The Political Quarterly, XL (1973), p. 215.
- ¹⁸ David Wise, The Politics of Lying, (New York: Vintage Books, 1973), p. 501.
- ¹⁹ Cmnd. 5104., p. 71.
- ²⁰ Ibid., p. 9.
- ²¹ Francis E. Rourke, Secrecy and Publicity: Dilemmas of Democracy, (Baltimore: The John Hopkins Press, 1961), p. 104.
- ²² Cmnd. 5104, p. 67-68.
- ²³ W.K. Knight, Op. cit., p. 79.
- ²⁴ Warren Bennis, Op. cit., p. 21.
- ²⁵ Norman Dorsen and John Shattuck, Op. cit., p. 45.
- ²⁶ Francis E. Rourke, Op. cit., p. 102.
- ²⁷ Ibid., p. 73.
- ²⁸ Cmnd. 5104, p. 11.
- ²⁹ Murray Edelman, The Symbolic Uses of Politics, (Urbana: University of Illinois Press, 1964), p. 76.
- ³⁰ Albert Gore, "Legislative Secrecy", None of Your Business Government Secrecy in America, Norman Dorsen and Stephen Gillers, eds., (Penguin Books, 1975), p. 141.
- ³¹ Anthony Lewis, "Introduction", None of Your Business Government Secrecy in America. Norman Dorsen and Stephen Gillers, eds., (Penguin Books, 1975), p. 6. In the United States, in contrast to Canada and the United Kingdom, Congressional hearings about issues are quite the norm.
- ³² K.W. Knight, Op. cit., p. 80.

- ³³ Murray Edelman, Op. cit., p. 80.
- ³⁴ Francis E. Rourke, Op. cit., p. 38.
- ³⁵ Norman Dorsen and John Shattuck, Op. cit., p. 54.
- ³⁶ Cmnd. 3638, p. 6.
- ³⁷ Carl J. Friedrich, Op. cit., p. 182.
- ³⁸ Edward A. Shils, Op. cit., p. 24.
- ³⁹ K.W. Knight, Op. cit., p. 80.
- ⁴⁰ Anthony Downs, Inside Bureaucracy, (Boston: Little, Brown and Company, 1967), Chapter XII.
- ⁴¹ Warren Bennis, Op. cit., p. 21.
- ⁴² Francis E. Rourke, Op. cit., p. 21.
- ⁴³ Cmnd. 5104, p. 9.
- ⁴⁴ Francis E. Rourke, Bureaucracy and Foreign Policy, (Baltimore: John Hopkins University Press, 1972), p. 59.
- ⁴⁵ William G. Philips, "The Government Classification System", None of Your Business Government Secrecy in America, Norman Dorsen and Stephen Gillers, eds., (Penguin Books, 1975).
- ⁴⁶ Cmnd. 5104, p. 9.
- ⁴⁷ Anthony Lewis, Op. cit., p. 8.
- ⁴⁸ William G. Philips, Op. cit., p. 92.
- ⁴⁹ Donald C. Rowat, Op. cit., p. 492.
- ⁵⁰ Francis E. Rourke, Secrecy and Publicity: Dilemmas of Democracy, Op. cit., p. 84.
- ⁵¹ Ibid., p. 10.
- ⁵² David Williams, Not in the Public Interest, (London: Hutchinson & Co. Publishers Ltd., 1965), p. 93, and David Wise, Op. cit., p. 343.
- ⁵³ Jonathon Aitken, Officially Secret, (London: Wiedenfeld and Nicolson, 1971), p. 24.

- ⁵⁴David Wise, Op. cit.
- ⁵⁵Francis E. Rourke, Secrecy and Publicity: Dilemmas of a Democracy, Op. cit., p. 226.
- ⁵⁶David Williams, Op.cit., p. 221.
- ⁵⁷Harrison Wellford, "Rights of People: The Freedom of Information Act", None of Your Business Government Secrecy in America, Norman Dorsen and Stephen Gillers, eds., (Penguin Books, 1975).
- ⁵⁸Donald C. Rowat, Op. cit., p. 492.
- ⁵⁹Ibid., p. 492.
- ⁶⁰Anthony Lewis, Op. cit., p. 20.
- ⁶¹Francis E. Rourke, Secrecy and Publicity: Dilemmas of a Democracy, Op. cit., p. 101.
- ⁶²Ibid., p. 40.
- ⁶³Paul N. McCloskey, Jr., Truth and Untruth, (New York: Simon and Schuster, 1972), p. 217.
- ⁶⁴Donald C. Rowat, Op. cit., p. 479.
- ⁶⁵J. M. Ziman, Public Knowledge An Essay Concerning the Social Dimension of Science, (Cambridge: Cambridge University Press, 1968), p. 97.
- ⁶⁶Sir Solly Zuckerman, Scientists and War The Impact of Science on Military and Civil Affairs, (London: Hamish Hamilton, 1966), p. 130.
- ⁶⁷David Wise, Op. cit., p. 23.
- ⁶⁸Francis E. Rourke, Bureaucratic Power in National Politics, (Boston: Little, Brown and Company, 1972), p. 77.
- ⁶⁹Ibid., p. 37-38.
- ⁷⁰Jonathon Aitken, Op. cit., p. 38-39.
- ⁷¹William G. Philips, Op. cit., p. 90.
- ⁷²Francis E. Rourke, Bureaucratic Power in National Politics, Op. cit., p. 32.

⁷³William G. Philips, Op. cit., p. 73.

⁷⁴Of current interest is the Rudnicki case presently in the courts in Ontario. Mr. Walter Rudnicki, a former senior official with Central Mortgage and housing Corporation was fired in October, 1973, for allegedly showing a confidential Cabinet document to leaders of the Native Council of Canada. He is presently suing the Government. Pivotal questions here include - what is a Cabinet document, and when does a document become a Cabinet document? Just because someone writes confidential on a document, does that make it so? Note Brian Gory, "Rudnicki wins major point; papers ordered released", The Globe and Mail, (July 9, 1976), p. 8.

⁷⁵Anthony Lewis, Op. cit., p. 18.

⁷⁶David Wise, Op. cit., p. 150-151.

⁷⁷Anthony Sampson, The New Anatomy of Britain, (London: Hodder and Stoughton, 1971), p. 232-233.

⁷⁸Note a recent discussion of the about-face of the Regan Government in Nova Scotia from the rhetoric or more open government before being elected to office. Brian Currie, "Secrecy in Government", The 4th Estate, VIII (July 7, 1976), pp. 4-5.

⁷⁹David Wise, Op. cit., p. 40 and 89.

⁸⁰Jonathon Aitken, Op. cit., p. 15. See also James Rule, Private Lives and Public Surveillance, (New York: Schocken Books Inc., 1974).

⁸¹Donald C. Rowat, Op. cit., p. 480.

⁸²Ibid., p. 480.

⁸³Gavin Drewry, "The Officials Secrets Acts", The Political Quarterly, XLIV (1973), p. 92.

⁸⁴Ibid., p. 88.

⁸⁵Ely Devon, Op. cit., p. 525.

⁸⁶Anthony Lewis, Op. cit., p. 19.

⁸⁷Ibid., p. 20.

⁸⁸Donald C. Rowat, Op. cit., pp. 482-484.

⁸⁹David Wise, Op. cit., p. 125.

⁹⁰Albert Gore, Op. cit. p. 141.

⁹¹Anthony Lewis, Op. cit., p. 11.

⁹²Francis E. Rourke, Secrecy and Publicity: Dilemmas of a Democracy, Op. cit. p. 102.

⁹³Donald C. Rowat, Op. cit., p. 480.

⁹⁴Morton H. Halperin and Jeremoney J. Stone, "Secrecy and Covert Intelligence Collection and Operations", None of Your Business Government Secrecy in America, Norman Dorsen and Stephen Gillers, eds., (Penguin Books, 1975), p. 115.

⁹⁵David Wise, Op. cit., p. 4.

IV

¹Carl J. Friedrich, The Pathology of Politics, (New York: Harper & Row Publishers, 1972.

²The entire statement, Executive Order 11652, the implementing directive by the U.S. National Security Council may be found in U.S. House of Representatives, 92nd Congress, Operations, and Government Information Subcommittee, Hearings, Part 7, May 1972. "U.S. Government Information Policies and Practices - Security Classification Problems involving Subsection (b) (1) of the Freedom of Information Act, p. 2309.

³Miles Beardsley Johnson, The Government Secrecy Controversy, (New York: Vintage Press, Inc., 1967.

⁴Edward A. Shils, The Torment of Secrecy, (Glencoe, Illinois: The Free Press, 1956), p. 26.

⁵Random House Dictionary of the English Language, 1973, p. 730.

⁶Random House Dictionary of the English Language, 1973, p. 793.

⁷Jacques Ellul, Propaganda, Translated by Konrad Kellen and Jean Lerner, (New York: Alfred A. Knopf; Inc., 1972.

⁸Carl J. Friedrich, Op. cit., p. 176.

⁹This does not mean to suggest that all raw data is objective or value-free.

¹⁰The Crossman Diaries are a notable exception.

¹¹This is indeed crumbling in the Canadian case with more scholars analyzing the bureaucratic and political process. Note the

following examples:

Doern, Bruce G. and Peter Aucoin, eds., The Structures of Policy-Making in Canada, (Toronto: The Macmillan Company, 1971).

Hockin, Thomas A. ed., Apex of Power The Prime Minister and Political Leadership in Canada, (Scarborough, Ontario: Prentice-Hall of Canada Ltd., 1971).

¹²Gerald C. MacCallum, Jr. "Negative and Positive Freedom", Philosophy, Politics, and Society. Fourth Series. Peter Laslett, W. G. Runciman, and Quentin Skinner, eds. (Oxford: Basil Blackwell, 1972), p. 176.

¹³David Truman, The Governmental Process Political Interests and Public Opinion. Second Edition, (New York: Alfred A. Knopf, 1971), p. 218.

¹⁴Ibid., p. 219.

¹⁵Brian Barry, "The Use and Abuse of 'The Public Interest'", The Public Interest: Nomos V. Carl J. Friedrich, ed., (New York: Atherton Press, 1967), p. 190-191.

¹⁶Carl J. Friedrich, Op. cit., p. 180.

¹⁷Edward A. Shils, The Torment of Secrecy, (Glencoe, Illinois: The Free Press, 1956), p. 22.

¹⁸See page 40 of this thesis.

¹⁹See page 64 of this thesis.

²⁰See the Barry distinction of public/private used earlier, footnote # 15 above.

²¹Edward A. Shils, Op. cit., p. 22.

²²John Crispo, The Public Right to Know, (Toronto: McGraw-Hill Ryerson Limited, 1975).

²³Wolfgang H. Kraus, "The Democratic Community and the Problem of Publicity", Community Nomos II, Carl J. Friedrich, ed., (New York: The Liberal Arts Press, 1959), p. 255.

²⁴Edward A. Shils, Op. cit., p. 22.

²⁵Francis E. Rourke, Secrecy and Publicity: Dilemmas of Democracy, (Baltimore: The John Hopkins Press, 1961), pp. 124-39, 113-17, 139-48, 119-20, 200, 211.

²⁶Ibid., Note particularly Chapter IX, p. 209-227.

²⁷ James Russell Wiggins, Freedom or Secrecy, Revised Edition, (New York: Oxford University Press, 1964), p. ix-xii.

²⁸ Report of the Task Force on Government Information. To Know and Be Known. Volume II, (Ottawa: Queen's Printers, 1969), p. 15-24.

²⁹ Lawrence A. Scaff, "Two Concepts of Political Participation", The Western Political Quarterly, XXVIII (1975), 449.

³⁰ Ibid., p. 449.

³¹ Ibid., p. 459.

³² Note Gordon Robertson, "Official Responsibility, Private Conscience and Public Information", Optimum, III, No. 3 (1972), and Warren Bennis, "Have We Gone Overboard on 'The Right to Know'?", Saturday Review, (March 6, 1976).

³³ Cand. 5104.

³⁴ For specifics see Section 2 of Chapter 3.

³⁵ James Rule, in his lucid study, Private Lives and Public Surveillance, (New York: Schocken Books Inc., 1974), found that where government deems it advantageous to invade privacy, it will do so. The law of confidence may say that confidential information given by one person to another can only be used for the purpose for which it was given but officialdom (normally supported by statute) has it otherwise. Confidences are only to respect so long as that respect does not stand in the way of efficiency. In an article which discusses Rule, there is an apt description of reasons why the British Revenue Departments rarely volunteer information to other government departments and often refuse when asked.

The explanation as to why the Revenue Departments have a greater respect for confidence than say National Insurance [as in Rule] is that the former require public co-operation in order to function with any degree of efficiency, whereas the public are required to contact the latter in respect of any benefits they may claim.... That is, the former believe that their efficiency depends on safeguarding confidences; the latter knows that it does not. The difference has nothing whatever to do with the sensitivity of the information held. Joseph Jacob, "Some Reflections on Government Secrecy", Public Law, XVI (1974), p. 33-34.

³⁶ Joseph Jacob, Op. cit., p. 38.

³⁷ Ibid., p. 37.

³⁸ Kenneth M. Gibbons and Donald C. Rowat, eds., Political Corruption in Canada; Cases, Causes and Cures, (Toronto: McClelland and Stewart, 1976), p. vii.

³⁹ A. S. Abel, "Administrative Secrecy", Canadian Public Administration XI (1968), p. 440.

⁴⁰ Ibid., p. 44-441.

⁴¹ Gordon Robertson, Op. cit., p. 13.

⁴² Note the Wall Report which was commissioned in response to the flurry of leaks of the early 1970's.

⁴³ Note the Rudnicki case. See Chapter III, footnote 74.

⁴⁴ Joseph Jacobs, Op. cit., p. 38.

⁴⁵ Gordon Robertson, Op. cit.

⁴⁶ Dennis F. Thompson, The Democratic Citizen: Social Science and Democratic Theory in the Twentieth Century, (London: Cambridge University Press, 1970), p. 13-22.

⁴⁷ John Crispo, Op. cit.

V

¹ Edward A. Shils, The Torment of Secrecy, (Glencoe, Illinois: The Free Press, 1956), p. 21-22.

² Louis Lusky, "Invasion of Privacy: A Clarification of Concepts", Political Science Quarterly, LXXXVII (1972), 192-209.

³ See Warren Bennis, "Have We Gone Overboard on 'The Right to Know'?", Saturday Review, (March 6, 1976).

⁴ If critics were to specifically state the extent of publicity, they subscribe to, it would substantially strengthen their position.

⁵ Several exceptions include Royal Commissions, and material that must be made public by statute such as budget estimates, spendings, etc. It is of interest to note the release of a report produced by a Task Force is at the discretion of Cabinet, whereas a Royal Commission is independent and must release any paper, unless contravening matters of national security.

BIBLIOGRAPHY

Primary Sources

Books

- Aitken, Jonathan. Officially Secret. London: Wiedenfeld and Nicolson, 1971.
- Bachrach, Peter, and Morton S. Baratz. Power and Poverty: Theory and Practice. New York: Oxford University Press, 1970.
- Bray, Jeremy. Decision in Government. London: Gollancz, 1970.
- Chapman, Brian. British Government Observed. London: Allen & Unwin, 1963.
- . The Profession of Government. London: Unwin University Books, 1959.
- Crispo, John. The Public Right to Know. Toronto: McGraw-Hill Ryerson Limited, 1975.
- Friedrich, Carl J. The Pathology of Politics. New York: Harper & Row Publishers, 1972.
- Johnson, Miles Beardsley. The Government Secrecy Controversy. New York: Vantage Press, Inc., 1967.
- Kernaghan, Kenneth. Ethical Conduct: Guidelines for Government Employees. Toronto: Institute of Public Administration of Canada, 1975.
- Rourke, Francis E., ed. Bureaucratic Power in National Politics. Boston: Little, Brown and Company, 1972.
- . Secrecy and Publicity: Dilemmas of Democracy. Baltimore: The John Hopkins Press, 1961.
- Rule, James. Private Lives and Public Surveillance. New York: Schocken Books Inc., 1974.
- Shils, Edward A. The Torment of Secrecy. Glencoe, Illinois: The Free Press, 1956.
- Smith, Bruce L. R., and D. C. Hague, eds. The Dilemma of Accountability in Modern Government. New York: St. Martin's Press, 1971.

Wiggins, James Russell. Freedom or Secrecy. Revised Edition. New York: Oxford University Press, 1964.

Williams, David. Not In the Public Interest. London: Hutchinson & Co. (Publishers) Ltd., 1965.

Wise, David. The Politics of Lying. New York: Vintage Books. A Division of Random House, 1973.

Articles

Abel, A.S. "Administrative Secrecy", Canadian Public Administration, XI (1968), 440-448.

Arendt, Hannah. "Lying in Politics. Reflections on the Pentagon Papers". Crises of the Republic. By Hannah Arendt. New York; Harcourt Brace Jovanovich, 1972.

Baker, R. J. S. "The Official Secrets Acts: Another View", The Political Quarterly, XLIV (1973), 214-216.

Baldwin, Gerald W. "Openness of Public Documents", Unpublished Paper. Institute of Public Administration of Canada. Twenty-Eighth Annual Conference, September 7-10, 1976.

Barendt, Eric M. "Official Secrecy in British Government", The Round Table, Issue No. 250 (1973), 183-192.

Bennis, Warren. "Have We Gone Overboard on 'The Right to Know'?", Saturday Review. (March 6, 1976), 18-21.

Birtles, William. "Big Brother Knows Best: The Franks Report on Section Two of the Official Secrets Act", Public Law, (1973), 100-122.

Butler, David. "Ministerial Responsibility in Australia and Britain", Parliamentary Affairs, XXVI (1973), 403-414.

Christoph, James B. "A Comparative View: Administrative Secrecy in Britain", Public Administration Review, XXXV (1975), 23-31.

Currie, Brian. "Secrecy in Government", The 4th Estate, VIII (July 7, 1976), 4-5.

Devons, Ely. "Government in the Inner Circle", The Listener, LIX, No. 1513 (March 27, 1958), 523-525.

Dorsen, Norman, and John Shattuck. "Executive Privilege: The President Won't Tell". None of Your Business Government Secrecy in America. Norman Dorsen and Stephen Gillers, eds. Penguin Books, 1975.

- Drewry, Gavin. "The Official Secrets Acts", The Political Quarterly, XLIV (1973), 88-93.
- Fuller, Lon L. "Governmental Secrecy and the Forms of Social Order". Community Nomos II. Carl J. Friedrich, ed. New York: The Liberal Arts Press, 1959.
- Galnoor, Itzhak. "Government Secrecy: Exchanges, Intermediaries, and Middlemen", Public Administration Review, XXXV (1975), 32-41.
- Gore, Albert. "Legislative Secrecy". None of Your Business Government Secrecy in America. Norman Dorsen and Stephen Gillers, eds. Penguin Books, 1975.
- Gory, Brian. "Rudnicki wins major point; papers ordered released", The Globe and Mail, (July 9, 1976), 8.
- Graef, Roger. "The right to know", The Listener, XCIV, No. 2437 (December 18, 1975), 827.
- Gunn, Lewis A. "Politicians and Officials: Who is Answerable?", The Political Quarterly, XLIII (1972), 253-260.
- Halperin, Morton H. and Jeremy J. Stone. "Secrecy and Covert Intelligence Collection and Operations". None of Your Business Government Secrecy in America. Norman Dorsen and Stephen Gillers, eds. Penguin Books, 1975.
- Hood, Christopher. "Administrative Diseases: Some Types of Dysfunctionality in Administration", Public Administration, LII (1974), 439-454.
- Jacob, Joseph. "Some Reflections on Government Secrecy", Public Law, XVI (1974), 25-49.
- Klein, Rudolph. "The Case for Elitism: Public Opinion and Public Policy", The Political Quarterly, XLV (1974), 406-417.
- Knight, K.W. "Administrative Secrecy and Ministerial Responsibility", Canadian Journal of Political Science, XXXII (1966), 77-84.
- Kraus, Wolfgang H. "The Democratic Community and the Problem of Publicity". Community Nomos II. Carl J. Friedrich, ed. New York: The Liberal Arts Press, 1959.
- Lewis, Anthony. "Introduction". None of Your Business Government Secrecy in America. Norman Dorsen and Stephen Gillers, eds. Penguin Books, 1975.
- Lusky, Louis. "Invasion of Privacy: A Clarification of Concepts", Political Science Quarterly. LXXXVII (1972), 192-209.

- Middlemas, R.K. "Cabinet Secrecy and the Crossman Diaries", The Political Quarterly, XLVII (January-March 1976), 39-51.
- Philips, William G. "The Governments Classification System". None of Your Business Government Secrecy in America. Norman Dorsen and Stephen Gillers, eds. Penguin Books, 1975.
- Putman, Robert D. "The Political Attitudes of Senior Civil Servants in Western Europe: A Preliminary Report", British Journal of Political Science, III (1973), 257-290.
- Relyea, Harold C. "Opening Government to Public Scrutiny: A Decade of Federal Efforts", Public Administration Review, XXXV (1975), 3-10.
- Robertson, Gordon. "Access to Government Documents", Unpublished Paper. Institute of Public Administration of Canada, Twenty-Eighth Annual Conference, September 7-10, 1976.
- . "Official Responsibility, Private Conscience and Public Information", Optimum, III, No. 3 (1972), 5-18.
- Rourke, Francis E. "Administrative Secrecy: A Comparative Perspective", Public Administration Review, XXXV (1975), 1-2.
- Rowat, Donald C. "How Much Administrative Secrecy?", Canadian Journal of Political Science, XXXI (1965), 479-498.
- . "We Need a Freedom of Information Act", Unpublished Paper. Institute of Public Administration of Canada, Twenty-Eighth Annual Conference, September 7-10, 1976.
- . "Administrative Secrecy and Ministerial Responsibility: A Reply", Canadian Journal of Political Science, XXXII (1966), 84-87.
- Saloschin, Robert L. "The Freedom of Information Act: A Governmental Perspective", Public Administration Review, XXXV (1975), 10-14.
- Samuel, Peter. "Government Secrecy", The Australian Quarterly, XLIV, No. 2, (1972), 5-8.
- Scaff, Lawrence A. "Two Concepts of Political Participation", The Western Political Quarterly, XXVIII (1975), 447-462.
- Schlesinger, Arthur Jr. "The Secrecy Dilemma". New York Times Magazine. (February 6, 1972), 12, 13, 38, and 39.
- Stein, M. L. "The Secrets of Local Government". None of Your Business Government Secrecy in America. Norman Dorsen and Stephen Gillers, eds. Penguin books, 1975.

Thomas, Paul. "The Issue of Administrative Secrecy in Canada". Bureaucracy in Canadian Government. Second Edition. W.D.K. Kernaghan, ed. Toronto: Methuen Publications, 1973.

----- . "Secrecy and publicity in Canadian Government", Canadian Public Administration, XIX (1976).

Wellford, Harrison. "Rights of People: The Freedom of Information Act". None of Your Business Government Secrecy in America. Norman Dorsen and Stephen Gillers, eds. Penguin Books.

Government Documents

Canada

Bill C-39. First Reading, April 8, 1965. Not Passed.

Bill C-225. An Act Respecting the Right of the Public to Information Concerning the Public Business. First Reading, October 15, 1974. Not Passed.

Financial Administration Act. Revised Statutes of Canada, 1970, F-10.

Minutes of Proceedings and Evidence of the Standing Joint Committee on Regulations and Other Statutory Instruments. First Session, Thirtieth Parliament, 1974-1975. Issue No. 13, 15, 17, 19, 22, 32.

Official Secrets Act. Revised Statutes of Canada, 1970, Ch. 198.

Report of the Royal Commission on Security (abridged). Ottawa: Queen's Printer, 1969.

The Report of the Task Force on Government Information. To Know and Be Known. Volume I and II. Ottawa: Queen's Printer, 1969.

Statistics Act. Revised Statutes of Canada, 1970-71-72, Ch. 15, 16.

Wall, D. F. The Provision of Government Information. Ottawa: Privy Council Office, April, 1974, printed as an appendix to the Minutes of Proceedings and Evidence of the Standing Joint Committee on Regulations and Other Statutory Instruments, June 25, 1975, 30-71.

Sweden

Freedom of the Press Act. The Constitution of Sweden. Document II: 4 Chapter 2, Article 1.

United Kingdom

Departmental Committee on Section 2 of the Official Secrets Act 1911, Volume I and II. Chairman Lord Franks. Cmnd. 5104. London: Her Majesty's Stationery Office, 1972.

Estacode. Civil Service Commission Regulations of the United Kingdom.

Official Secrets Act. An Act to prevent the Disclosure of Official Documents and Information. British Statutes, 1889, Ch. 52.

Official Secrets Act. An Act to re-enact the Official Secrets Act, 1889, with Amendments. British Statutes, 1911, Ch. 28.

Official Secrets Act. An Act to amend section six of the Official Secrets Act, 1920. British Statutes, 1939, Ch. 121.

Report of the Fulton Committee on the Civil Service. Cmnd. 3638. London: Her Majesty's Stationery Office, 1966.

United States

Freedom of Information Act. An Act to amend section 552 of title 5, United States Code, known as the Freedom of Information Act. Public Law 93-502: 88. STAT. 1561, 1974.

United States Code of Federal Regulations. Office of the Federal Register National Archives and Records Service General Services Administration, July 1976.

Secondary SourcesBooks

Adams, Ian, et al. The Real Poverty Report. Edmonton: M. G. Hurtig Limited, 1971.

Arendt, Hannah. The Human Condition. Chicago: University of Chicago Press, 1958.

Bagehot, Walter. The English Constitution. With an Introduction by R. H. S. Crossman. London: Fontana Library Edition, 1963.

Bailey, F. G. Stratagems and Spoils. A Social Anthropology of Politics. Oxford: Basil Blackwell, 1969.

Barker, Carol M., and Mathew H. Fox. Classified Files: The Yellowing Pages. New York: The Twentieth Century Fund, 1972.

- Blum, Richard H. Surveillance and Espionage in a Free Society. New York: Praeger Publishers, 1972.
- Chomsky, Noam. For Reasons of State. New York: Vintage Books, 1973.
- Crick, Bernard. In Defense of Politics. Pelican Books, 1973.
- Crozier, Michel J. The Bureaucratic Phenomenon. Translated by the author. Chicago: University of Chicago Press, 1964.
- Dennis, Michael, and Susan Fish. Programs in Search of a Policy. Toronto: Hakkert, 1972.
- Doern, G. Bruce, and Peter Aucoin. The Structures of Policy-Making in Canada. Toronto: The Macmillan Company, 1971.
- Downs, Anthony. Inside Bureaucracy. Boston: Little, Brown and Company, 1967.
- Draper, James A., ed. Citizen Participation: Canada. Toronto: new press, 1971.
- Edelman, Murray. The Symbolic Uses of Politics. Urbana: University of Illinois Press, 1964.
- Ellul, Jacques. The Political Illusion. Translated by Konrad Kellen. New York: Vintage Books, 1972.
- . Propaganda. Translated by Konrad Kellen and Jean Lerner. New York; Alfred A. Knopf, Inc., 1972.
- Frank, Thomas M., and Edward Wiesband. Secrecy and Foreign Policy. New York: Oxford University Press, 1974.
- Franklin, Billy J., and Harold W Osborne, eds. Research Methods: Issues and Insights. Belmont, California: Wadsworth Publishing Company, Inc., 1971.
- Friedrich, Carl J. Constitutional Government and Democracy. 4th Edition. Boston: Ginn, 1969.
- George, Roy E. The Life and Times of Industrial Estates Limited. Halifax: Institute of Public Affairs, Dalhousie University, 1974.
- Gibbons, Kenneth M., and Donald C. Rowat, eds. Political Corruption in Canada: Cases, Causes and Cures. The Carleton Library. Toronto: McClelland and Stewart, 1976.
- Hockin, Thomas A., ed. Apex of Power The Prime Minister and Political

- Leadership in Canada. Scarborough, Ontario: Prentice-Hall of Canada Ltd., 1971.
- Koestler, Arthur. The Ghost in the Machine. London: Pan Books, 1975.
- Lazarsfeld, Paul F., and Morris Rosenberg, eds. The Language of Social Research. New York: The Free Press, 1955.
- Mallory, J.R. The Structure of Canadian Government. Toronto: The Macmillan Company of Canada Limited, 1971.
- McCloskey, Paul N., Jr. Truth and Untruth. New York: Simon and Schuster, 1972.
- Rourke, Francis E. Bureaucracy and Foreign Policy. Baltimore: John Hopkins University Press, 1972.
- Sampson, Anthony. The New Anatomy of Britain. London: Hodder and Stoughton, 1971.
- Spitz, David. Democracy and the Challenge of Power. New York: Columbia University Press, 1958.
- Thompson, Dennis F. The Democratic Citizen: Social Science and Democratic Theory in the Twentieth Century. London: Cambridge University Press, 1970
- Truman, David B. The Governmental Process Political Interests and Public Opinion. Second Edition. New York: Alfred A. Knopf, 1971
- Weber, Max. From Max Weber: Essays in Sociology. Translated, edited, and with an Introduction by H. H. Gerth and C. Wright Mills. New York: Oxford University Press, 1975.
- Wilson, Woodrow. The New Freedom. Edited and with an Introduction by William E. Leuchtenburg. New York: Prentice-Hall, 1961.
- Vinde, Pierre. Swedish Government Administration. Translated by Patrick Hort. Stockholm: The Swedish Institute, 1971.
- Ziman, J.M. Public Knowledge An Essay Concerning the Social Dimension of Science. Cambridge: Cambridge University Press, 1968.
- Zuckerman, Sir Solly. Scientists and War The Impact of Science on Military and Civil Affairs. London: Hamish Hamilton, 1966.

Articles

- Adams, John. "Ottawa's growing mounds of secrets", The Globe and Mail, (February 5, 1972), 7.
- Arendt, Hannah. "Truth and Politics". Philosophy, Politics, and Society. Third Series. Peter Laslett and W.G. Runciman, eds. Oxford: Basil Blackwell, 1969.
- Barker, Anthony. "Information for Parliamentarians--A Technical and Political Challenge", Parliamentarian, LIV (1973), 86-92.
- Barry, Brian. "The Use and Abuse of 'The Public Interest'". The Public Interest. Nomos V. Carl J. Friedrich, ed. New York: Atherton Press, 1967.
- Braibanti, Ralph. "Reflections on Bureaucratic Corruption", Public Administration, XL (1962), 357-368.
- Caraley, Demetrios et al. "American Political Institutions After Watergate--A Discussion", Political Science Quarterly, LXXXIX (1974-75), 713-750.
- Carey, James W. "Criticism and the Press", Review of Politics, XXXVI (1974), 227-249.
- Castles, Francis G. "Policy Innovation and Institutional Stability in Sweden", British Journal of Political Science, VI (April 1976), 203-216.
- Caulcott, T.H., and P. Mountfield. "Decentralized Administration in Sweden", Public Administration, LII (1974), 41-53.
- Chapman, Richard A. "Official Liberality", Public Administration, XLVIII (1970), 123-136.
- Christoph, James B. "The Press and Politics in Britain and America", The Political Quarterly, XXXIV (1963), 136-150.
- Cocks, Sir Barnett. "Privilege and the Official Secrets Acts", Parliamentarian, LI (1970), 170-174.
- Crick, Bernard. "'Them and Us': Public Impotence and Government Power", Public Law, (1968), 8-27.
- Drewery, Gavin. "Reform of the Legislative Process: Some Neglected Questions", Parliamentary Affairs, XXV (1972), 286-302.
- Fry, Geoffrey K. "Thoughts on the Present State of the Convention of Ministerial Responsibility", Parliamentary Affairs, XXIII (1969-70), 10-20.

- Friedrich, Carl J. "Political Pathology", The Political Quarterly XXXVII (1966), 75-80.
- Gallie, W.B. "An Ambiguity in the Idea of Politics and Its Practical Implications", Political Studies, XXI (1973), 442-452.
- Gwyn, W.B. "The Labor Party and the Threat of Bureaucracy", Political Studies, XIX (1971), 383-402.
- Heighberger, Neil. "Representatives' Constituency and National Security", The Western Political Quarterly, XXVI (1973), 224-235.
- Hughes, S. H. S. "The Public Official--Parliament, the Public and the Press", Canadian Public Administration, III (1960), 289-298.
- Jackman, Robert W. "Political Elites, Mass Publics, And Support for Democratic Principles", Journal of Politics, XXXIV (1972), 753-773.
- Kingdom, T.D. "The Confidential Advisers of Ministers", Public Administration, XLIV (1966), 267-274.
- MacCallum, Gerald C. Jr. "Negative and Positive Freedom". Philosophy Politics and Society. Fourth Series. Peter Laslett, W.G. Runciman, and Quentin Skinner, eds. Oxford: Basil Blackwell, 1972.
- MacIntyre, Alasdair. "Is a Science of Comparative Politics Possible?". Against the Self-Images of the Age, Essays on Ideology and Philosophy. Alasdair MacIntyre. London: Duckworth, 1971.
- Mallory, J.R. "Cabinet Government in Canada in the Seventies", The Quarterly of Canadian Studies for the Secondary School, IV (1975), 35-49.
- Moorhead, William S. "Operations and Reform of the Classification System in the United States". Secrecy and Foreign Policy. Thomas M. Franck, and Edward Wiesband, eds. New York: Oxford University Press, 1974.
- Reimer, Neal. "Watergate and Prophetic Politics", Review of Politics, XXXVI (1974), 284-297.
- Ronge, Volker. "The Politicization of Administration in Advanced Capitalist Societies", Political Studies, XXII (1974), 86-93.
- Rourke, F. E. "How Much Should the Government Tell?", Saturday Review, XLIV, No. 19 (May 13, 1961), 17-17 and 31.
- Sigal, Leon V. "Official Secrecy and Informal Communication in Congressional-Bureaucratic Relations", Political Science Quarterly, XC (1975), 71-92.

- Silkin, Arthur. "Green Papers and Changing Methods of Consultation in British Government", Public Administration, LI (1973), 427-448.
- Spadaro, Robert N. Role Perceptions of Politiciand Vis-a-Vis Public Administrators: Parameters for Public Policy", The Western Political Quarterly, XXXVI (1973), 717-725.
- Stacey, C.P. "Some Pros and Cons of the Access Problem", International Journal, XX (1964-65)
- Street, Harry. "State Secrets--A Comparative Study", Modern Law Review, XIV (1951), 121-135.
- Thomas, Hugh. "Towards a Revision of the Official Secrets Acts". Crisis in the Civil Service. Hugh Thomas, ed. London: Anthony Blond Ltd., 1968.
- Waldo, Dwight. "Reflections on Public Morality", Administration and Society, VI (1974), 267-282.
- Watt, D. C. "Foreign Affairs, The Public Interest and the Right to Know", The Political Quarterly, XXXIV (1963), 121-136.