THE NEW APPROACH OF THE LEVIATHAN - THE ROLE OF GOVERNMENT TODAY

Baltador Lia-Alexandra
Management, Marketing and Business Administration
Faculty of Economic Sciences
"Lucian Blaga" University of Sibiu
Sibiu, Romania
Lia.baltador@ulbsibiu.ro

Abstract

This paper aims to provide a short overview on the role of government through history and to analyze its role in today's world. In order to achieve a sustainable development, governments – local and national – need to adjust its instruments and tools used for providing public services. Open government (OG) is the governing doctrine which holds that citizens have the right to access the documents and proceedings of the government to allow for effective public oversight. Additionally, government should be participatory. Public engagement enhances the Government's effectiveness and improves the quality of its decisions. In 2011 the Open Government Partnership has been launch in order to ensure an international platform for domestic reformers committed to making their governments more transparent, responsible and responsive to citizens. Romania is part of this partnership and recently published its progress in the matter. As a general conclusion, efforts and progress has been made, but there is still a long way ahead.

Index Terms—Sustainable development, Open Government

I. INTRODUCTION

Communities have always tried to organize themselves in order to provide their members the necessary means for life. Of course, the distribution and re-distribution of wealth between the members occurred according to the "collective programming of the human mind" [1]. The role of the "State" was adjusted to the accepted and familiar behavior of that particular society. Nevertheless, a "perfect" state has never been actually organized, except as an imaginary ideal or utopian version of many thinkers, throughout history.

In today's globalized world, many "fences" between states disappear. Not just international trade and finance are generally accepted, but also rituals, practices and norms. The Public Administrations in most countries are concerned that these new challenges can affect their activity, namely the quality of the services they provide to the citizens. Open government (OG) is

the governing doctrine which holds that citizens have the right to access the documents and proceedings of the government to allow for effective public oversight. It has been adopted by many countries and it will hopefully allow and encourage citizen's participation to the public affairs of their community. Romania is part of the Open Government Partnership and aims to fulfill the required measures that ensure a more transparent, open and participatory administrative process.

II. SOME THEORETICAL APPROACHES OF THE GOVERNMENT'S ROLE THROUGH HISTORY

The best organization form of communities, in other words, the role of the state and of its ruler, has been a topic of great concern, not just in modern times. In the Philosophy of the West, Plato's thoughts on the subject, which can be found in The Republic are probably the best known. The limits and challenges faced by states at the time are at the origin of the creation of this imaginary administration of the collectivity. The perfect State, if rightly ordered "is therefore wise and valiant and temperate and just" [2]. *Politeia*, understood as an organization form, a constitution of a(n) (ideal) state, should be based on the Principle of Oikeiopragia, "admitted to be the having and doing what is a man's own, and belongs to him". It can be understood as a sort of specialization of everyone which enables *justice*. Some other important themes, necessary for the foundation of the utopian Kalliopolis reflect the pre-eminence of the Polis over the individual, Wealth, Equality of Men and Women in rights and duties, the community – an enlargement of the natural family and Education of the Youth.

Centuries later, the requirements of a perfect state were still on debate. The troubled situation in Britain, the harsh living conditions and unfair treatment of the majority of its citizens are the context in which Thomas Moore elaborates on the coordinates of the ideal state. Impoverish and hungry peasants had no alternative then to abbey the unfair and unjust regulations of the state, which favors the rich and powerful landlords. Moore is presenting the situation of Utopia, as related by Raphael, a traveler that describes the best organized state, one in which there are few rules, but everyone respects them [3]. Furthermore, the common propriety of land and other factors of production will limit the pursuit of governors to elaborate rules that are in the interest of some preferential class, as all will share the same status.

Unlike his predecessors, Thomas Hobbes is not trying to imagine a utopian society. He doesn't challenge the absolute power of a Sovereign, but explains the source of its power as coming from men, from the people. In Hobbes conception, people are not naturally social, but rather egoistic and individualistic. But, because men are equal in power and needs and because of scarcity, they overcome the "state of nature", "where every man is enemy to every man" [4]. The "Leviathan" (Commonwealth or state) is artificially constructed through the willingness of men to relinquish natural rights for societal rights, in order to ensure the security "for whose protection and defense it was intended".

Further he tries to explain how an "artificial man, though of greater stature and strength than the natural" is created, using notions such as natural rights, liberty and Laws of Nature." This

"Beast" is animated by its sovereignty" an artificial soul, as giving life and motion to the whole body." The rest of the body he presents as follows "the magistrates and other officers of judicature and execution, artificial joints; reward and punishment (by which fastened to the seat of the sovereignty, every joint and member is moved to perform his duty) are the nerves, that do the same in the body natural; the wealth and riches of all the particular members are the strength; *salus populi* (the people's safety) its business; counsellors, by whom all things needful for it to know are suggested unto it, are the memory; equity and laws, an artificial reason and will; concord, health; sedition, sickness; and civil war, death. Lastly, the pacts and covenants, by which the parts of this body politic were at first made, set together, and united."

Adam Smith introduces the "invisible hand" as a foundation of liberalism. In his perception, the individual interest, when not disturbed by regulation, will lead to the welfare of the community. In other words, the market has its own force to regulate itself, so that demand and supply adjust optimal and contribute thus to the general welfare. States intervention should be limited to certain areas, such as education and health [5].

The debate on the role of the state continues during the 20st century. The aftermath of WWI and the great depression (1929-1933) indicated some limits of the markets self-regulated capacities, so that John Maynard Keynes introduces the state as an intervention-tool when markets fail [6]. His ideological counterpart, Friedrich von Hayek, contests the state's intervention and opts for liberalism and de-reglementation [7]. Today, several crises later, the problems of human societies have not found a proper approach.

III. PARTICULARITIES OF THE PRESENT

All this isolated Utopias are unimaginable in today's globalized world. The world has become a global village which cannot be restarted, as a whole. Furthermore, each part is so closely linked with each other, that any change in one part might affect another. Thus, a fundamental reform of a state, its administration and goals, has to be understood in this interconnected background. Todays "buzzword" is achieving a sustainable development, understood as "development that meets the needs of the present without compromising the ability of future generations to meet their own needs" [8]. Of course, the best way the present needs are weighted against the needs of future generation and further, the way environmental protection and present poverty relief is being balanced, has not yet been found.

As most of the world's countries have signed up in achieving this goal, most government are trying to implement the principle "Think global, act local!" in order to harmonize economic interests with social equity and environmental challenges. It's not an easy task, because sometimes these different interest are divergent. Knowledge, and thereon, technology, might provide a useful tool, but may also rise up several questions. There is an understanding between scholars that "the legitimization of sustainable development within business and policy circles changes the rules of the game, but also adds complexities, with implications for both incumbents and new entrants" [9].

The international debates on the role of government in providing the general context for sustainable development lead to various theories. Governments "regulate activities in society through laws and guidelines, thus there is a clear role of governments in regulating the quality and outcomes of entrepreneurial initiatives in order to advance a sustainable development of society" [10]. Open government (OG) is the governing doctrine which holds that citizens have the right to access the documents and proceedings of the government to allow for effective public oversight. In order to achieve this, the public administration must be committed to create an unprecedented level of openness in Government. All public servants should work together to ensure the public trust and establish a system of transparency, public participation and collaboration. Government should be transparent. Transparency promotes accountability and provides information for citizens about what their Government is doing [11]. Openness and transparency are yet not enough. Furthermore, government should be participatory. Public engagement enhances the Government's effectiveness and improves the quality of its decisions. Knowledge is widely dispersed in society, and public officials benefit from having access to that dispersed knowledge. Collaboration actively engages citizens in the work of their Government. Executive departments and agencies should use innovative tools, methods, and systems to cooperate among themselves, across all levels of Government, and with non-profit organizations, businesses, and individuals in the private sector.

There is an important difference between the traditional approach to open government and the current, renewed one. While the initial approach emphasized transparency, current approaches also involve key elements of participation, collaboration and innovation. Governments are seeking to deliver information in more useful ways to the citizen, and also opening new channels for participation and new approaches to collaboration.

In 2011, the Open Government Partnership has been launch in order to ensure an international platform for domestic reformers committed to making their governments more transparent, responsible and responsive to citizens. Romania is part of this partnership and recently published its progress in the matter. Since then, OGP has grown from 8 countries to 70 participating countries. In order to implement the Open Government principles, governments and civil society are working together with the purpose of developing and implementing ambitious reforms in the public institutions of these countries. As a forum for sharing good practices, OGP provides a unique platform that brings together, stimulates and expands the community of state reformers worldwide [12].

Open Government is a live, ongoing process and its success will depend on the capacity to adjust and to be flexible. So, in February, the OGP's Criteria and Standards subcommittee agreed that the Support Unit and IRM should draft a new set of guidelines for co-creation in OGP that would better reflect and encourage the partnership between government and civil society. The four essential components of good engagement are as follows:

- **Dissemination of information:** Government, in partnership with civil society, should ensure members of the public and wider civil society are provided with timely information about all aspects of the national OGP process — especially the key moments to provide inputs, discuss priorities and monitor performance.

- **Channels and platforms for dialogue and co-creation:** Government, in partnership with civil society, should facilitate inclusive ongoing dialogue and collaboration through a variety of mechanisms, and a multi-stakeholder forum should be established to oversee and guide the national OGP process.
- **Documentation and feedback:** Government, in partnership with civil society, should document and make publicly available all individual written contributions received for the NAP development and monitoring processes, as well as provide feedback on how inputs were taken into account.
- **Improving participation/collaboration over time:** Government, in partnership with civil society, should improve the quality of each cycle of the national OGP process, complying with more of the requirements outlined in the co-creation guidelines and moving from consult to collaborate [13].

IV. OPEN GOVERNMENT IN ROMANIA – A 2016 UPDATE

Romania has joined the Open Government Partnership in April 2012, through a Memorandum and approved also the National Action Plan 2012-2014. As all other states committed in implementing an Open Government, Romania had to fulfill the eligibility criteria, regarding fiscal transparency, Access to Information, Disclosures Related to Elected or Senior Public Officials and Citizen Engagement [14].

Some good practices that strive to support and extend civil participation have already appeared. One of the most often used motive for the lack of citizen's involvement in public affairs, even with regard of the participation at election is the lack of confident that's usually an outcome of opacity and corruption. The Governmental Program for the period 2013-2016 included also the creation of a new Department for Online Services and Design, directly coordinated by the Prime-Minister.

As Romania is struggling to address and implement the OG principles, some of the more stringent aspects are with regards to increasing transparency and fight against corruption, the encouragement of civil participation and the introduction and use of New Technologies in the Public Administration. In order to address these issues, some common actions with the civil society have been organized, such as discussion panels and meetings. The OGP Club organized several gatherings in which free access to public information or the transparency of public acquisitions were in the main focus. Furthermore, in 2016 the Ministry for Public Consultation and Civil Dialogue has been established, which aims to improve access to information, transparency and civil consultation and participation.

Interesting for the monitoring process is the report of the Independent Reporting Mechanism, published in February 2016 [15]. It contains several observations with regard of the way the National Action Plan 2014-2016 has been implemented. Suggestions have been made in order to: approve the National Action Plan for 2016-2018 by a Governmental Decision, so that the document receives a superior normative force; increase the responsibility for Open Government

at national and local level, but also allocate enough resources for this purpose (implementing pilot projects in several territorial-administrative units); improve the visibility and promote institutional responsibility regarding Open Government in Romanian Public Administration (by cooperation between the OGP-unit of the Prime-minister Chancellery, the Ministry for Regional Development and Public Administration, the Ministry for Public Consultation and Civil Dialogue and other important stakeholders); enhance the role of Public Consultation (possibly by introducing a standard procedure for Public Consultation for the 3200 territorial-administrative units); increasing the awareness of the public with regards to the National Action Plans, for which the involvement of all relevant stakeholders is crucial. According to the Self-Assessment Report 2014-2016 of the OGP unit in Romania, there were four main targets for this period, which would contribute to the compliance with the OGP principles: Enhancing transparency and efficiency of the administration, Increasing the number and Quality of Open Data, Training the Human Resource in the field of Open Data and Dissemination of the OGP- principles and Open Data concept, in an appropriate manner [16].

There are several projects that aim to ensure the transparency- and efficiency enhancing of the administration. So, the portal TRANSPARENTA.GOV.RO should centralize all public information required by Law 544/2001. Unfortunately, there are some delays in achieving this information in a standardized and facile format. Another important project reflects the data sets provided by ministries and other bodies under their coordination. So, over 650 data sets were available until September 2016, provided by over 70 public institutions, even though some didn´t take into consideration the specified requirements for Open Data. There were more than 600.000 unique users in the last years that accessed data.gov.ro. Some of the relevant data sets include the public acquisitions in the sanitary domain and the feedback platform in order to prevent corruption in hospitals. In order to facilitate the access to the national and European Legislation, the portal legislatie.just.ro has been developed and is available since 2015. Some adaptation of the existing legislation was also needed, therefore the Law 299/2015 modified and completed the former Law 109/2007 with regard of the re-use of information provided by public institutions.

Increasing the number and Quality of Open Data is another important field of action on the way to Open Government. The availability and quality of data sets represent characteristics of a modern administration. Therefore, the permanent update of available data set on the portal data.gov.ro is crucial and can contribute to a better business and living environment. For instance, Open Contracting might be a useful tool for citizens and businessmen to follow up the entire process and obtain information about Buyer, Tender/Initiation, Award, Contract, Implementation, Planning, Document, Budget, Item, Amendment, Classification, ContactPoint, Value, Period, in a standardized manner.

The third target of the National Action Plan for 2014-2016 was concentrated on Training the Human Resource in the field of Open Data. The experience indicated that some of the public servants and workers don't understand the role and opportunities that Open Data brings about. Therefore, they are reluctant. According to the representative of Smart Cities Association, the training has to be tailored for the different stakeholders, such as public servants, academia,

entrepreneur etc. In this way the motivation and understanding of the significance of open data can be ensured.

With regard to the dissemination of the OGP principles and Open Data concept, there have been several gatherings: some for different ministries, others for employers of the prefectures and others, for the general public. Electronic media was another way to disseminate the information regarding OGP and Open Data.

V. CONCLUSIONS

The role of the state has been discussed over decades. There is no Utopia, no perfect state, just governments that strive to become more flexible and adaptive to the new challenges. In today`s globalized world, more governments become sustainably more transparent, more accountable, and more responsive to their own citizens.

Romania is part of the OGP. It has completed the National Action Plan for the period 2014-2016. Some progress has been made, but further effort is needed. Corruption scandals and abuse from public servants are, unfortunately, not seldom. Therefore, enhancing transparency and co-participating in the decision-making process might be tools that can be used by every citizen to fight against.

As stated in the Self-Assessment Report, the OGP unit must further strengthen the dialogue between the administration and the civil society, the private sector, citizens and media, so that more and more stakeholder can be involve and participate at the "opening" of governments. This engagement would contribute to a more efficient and effective administration, so that, by extending it at the local level, the ultimate goal of improving the quality of governance, as well as the quality of services that citizens receive will be granted. As stated in the IRM-Report, "*Romania has made progress in increasing public access to information through a range of open data commitments. However, with the majority of the current commitments focused on the release of open data, more could be done to increase the focus of future commitments towards the OGP-specific values of civic participation and public accountability. In particular, there is a need for commitments that address core issues in corruption-prone areas, such as public procurement, health, and education" [15].*This will require a shift in norms and culture to ensure genuine dialogue and collaboration between governments and civil society.

REFERENCES

[1] G. Hofstede, G.J. Hofstede and M. Minkov, "Culturi si organizatii", Humanitas Publ., Bucharest, 2010, pp.17-18

[2] Platon. "The Republic", The Internet Classics Archive by Daniel C.Stevenson, http://classics.mit.edu/plato/republic.mb.txt

[3] T. Moorus, "Utopia", Incitatus, Bucharest, 2000

[4] T. Hobbes, "Leviathan or The Matter, Forme and Power of a Common-wealth Ecclesiasticall and Civill", Andrew Crooke,at the Green Dragon, 1651, pp.78

[5] A. Smith, "Avutia natiunilor", Publica, Bucharest, 2011

[6] J. M. Keynes, „Teoria generală a ocupării forței de muncă, a dobânzii și a banilor", Publica, Bucharest, 2009,

[7] Fr.v Hayek, "Drumul catre servitute", Humanitas, Bucharest, 2006

[8] U.N., "Our Common Future", 1987,   http://www.un-documents.net/our-common-future.pdf

[9] J.K. Hall, G.A. Daneke, M.J. Lenox, "Sustainable development and entrepreneurship: past contribution and future directions" in Journal of Business Venturing, 25 (2010), pp.439-448

[10]   C. Busiku, J.P. Bustamente Candiotti, E. Millertrop, "Fostering sustainable entrepreneurship by governmental Entrepreneurship Agencies / The case of Almi Blekinge, 2015, Master Thesis, www.diva-portal.org/smash/get/diva2:827323/FULLTEXT02

[11]   A. Cierpiot, L.A. Baltador, P. Bellis, G. Chamouroudis, A. Gogos, A. Traianou, " Guide of   Open   Government",   2015, http://www.opengoveu.eu/index.php?option=com_content&view=article&id=66&Itemid=496

[12]   Open Government Partnership, http://www.opengovpartnershio.org

[13]   Star   Reforms   in   the   Open   Government   Partnership, https://medium.com/@opengovpart_/help-improve-the-ogps-co-creation-guidelines-9f90de318f4d#.qlnjqqa4o

[14]   National Action Plan, http://ogp.gov.ro/planul-national/Independent Reporting Mechanism, Self-Assessment Report on National Action Plan for 2014 2016, www.ogp.gov.ro

[15]   www.data.gov.ro