

## **TRANSPARENCY, PUBLIC ADMINISTRATION AND THE COMMON LAW**

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**ABSTRACT:** *One of the central challenges that any advanced system of public administration faces is the need to reconcile effective decision-making with that which is legitimate. In general terms, this “effectiveness-legitimacy” problematic often reduces to the question of how far a decision-making process should be transparent. The purpose of this paper is to give some examples of how the common law addresses the question of transparency and the effectiveness-legitimacy problematic.<sup>1</sup> Using as case studies three areas of recent and ongoing development, it highlights some of the established strengths of the common law as well as one area in which further development of the law may be desirable.*

**KEYWORDS:** *transparency, decision-making process, effectiveness-legitimacy problematic, common law.*

**JEL CLASSIFICATION:** *K 00, K 23*