TRANSPARENCY AS A SUSTAINABILITY TOOL ACCORDING TO THE ETHICS OF ALTERITY

A TRANSPARÊNCIA COMO FERRAMENTA DE SUSTENTABILIDADE SEGUNDO A ÉTICA DA ALTERIDADE

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Abstract: Based on the theory of ethics of alterity, the present study identifies some challenges of the transparency system of public finances in Brazil. In order to support the study, the work lists the Sustainable Development Goals approved by the United Nations, as well as the relevance of the principle of transparency as a mechanism for sustainability. It's established the primary idea of sustainability to support the entire study and, as per such premises, it's promoted an appraisal of the most relevant points of Lévinas' theory on overcoming the purely ontological standard for the perspective of alterity ethics. Ultimately, the work points out aspects of Lévinas' theory that could positively influence the improvement of the monitoring system for public resources management.

Keywords: Sustainability. Access to information. Transparency. Social control of public policies. Ethics of alterity. Emmanuel Lévinas.

Resumo: A partir de uma análise da teoria de ética da alteridade consagrada por Emmanuel Lévinas, o presente estudo identifica alguns desafios do sistema de transparência das finanças públicas do Brasil. Com o escopo de subsidiar a análise, o trabalho relaciona quais são os Objetivos de Desenvolvimento Sustentável aprovados pelas Nações Unidas, bem como a pertinência do princípio da transparência como mecanismo de sustentabilidade. Fixa-se uma noção básica de sustentabilidade a fim de subsidiar todo o estudo e de acordo com tais premissas, promove-se um levantamento acerca dos pontos mais relevantes da teoria de Lévinas sobre a superação do padrão puramente ontológico para a perspectiva da ética da alteridade. Ao final, o trabalho aponta aspectos da teoria de Lévinas que poderiam influir de forma positiva no aperfeiçoamento do sistema de acompanhamento da gestão de recursos públicos.

Palavras-Chave: Sustentabilidade. Acesso à informação. Transparência. Controle social de políticas públicas. Ética da alteridade. Emmanuel Lévinas.

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I. INTRODUCTION

The data provided by the Federal Government reveals that the number of accesses to the transparency portal is growing substantially every year, consolidating the tool as a central mechanism for social control of public policies and the resources invested for promoting the common good. According to Byung-Chul Han, no other topic dominates public discourse today as transparency and this is effusively claimed, especially when it comes to freedom of information[1].It so happens that the high number of accesses and the availability of information by the Public Authorities in the so-called Transparency Portals does not necessarily matter in the effectiveness of popular participation in the inspection of the use of the public treasury.

The importance of social control mechanisms for public spending is unquestionable. However, since transparency has received the status of aspiration for the Sustainable Development Goals (SDGs), set by the United Nations, discussions about the effectiveness of such mechanisms received particular emphasis, and will surely be the object of countless debates.

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[1] HAN, Byung-Chul, *La sociedad de la transparencia*, Herder Editorial, 2013, p. 11.

Due to its importance and the status of SDG, several studies came about to assess the efficiency of the transparency portals available by Governments. In 2021, The *Revista do Serviço Público*[2] published a relevant analysis on the quality and usability of the transparency portals of the Federal Universities of the Northeast of Brazil and, despite all of them having had implemented their respective sites, it was found that much still needs to be done, especially in what refers to the access of users. Accordingly, the deficiencies indicated in the publication of the Revista do Serviço Público demonstrate that access to information is still limited to the formal aspect, warranted in various normative instruments, including the Federal Constitution, but has not yet been achieved success from a material point of view.

As one of the challenges of information access concerns precisely the citizen and how information is made available, Emmanuel Lévinas' work on ethics of alterity was sought for possible philosophical outlooks that could somehow influence the improvement of transparency portals and the public policy of citizen participation in the inspection of public resources. Thus, using the data from reference books, scientific journals and the Internet studied in this research, through the deductive method, starting from a macro-analytical premise of the said database to another microanalytical (deductive) database, it was possible to clarify the questions presented. As a result, the present work is based on bibliographic and documentary research, taking into account books, judicial proceedings, law texts, and scientific articles, which will provide a critical analysis of the problem theme.

Due to the nature of the present academic work, there is no pretension to exhaust themes such as transparency and the theory of the ethics of alterity, but only to establish a conceptual basis that enables the understanding of the discussed problem. Furthermore, the conceptual basis of this article will present and take into account the transparency as one of the Sustainable Development Goals, in particular SDG 16, a brief notion of sustainability and about the life and theory of Emmanuel Levinas, as well as the analysis of the challenges for access to information in the Brazilian State.

II. THE SUSTAINABLE DEVELOPMENT GOALS (SDGs)

The meeting in New York from 25th to 27th September 2015, the United Nations summit approved the document then called "Transforming Our World: The 2030 Agenda for Sustainable Development"[3], which defines itself as an action plan for people, the planet, and prosperity, intending to strengthen universal peace with more freedom and eradicate poverty in all its forms and dimensions. It resulted in the approval of the 17 Sustainable

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[2] PEREIRA, Jaílson Rodrigues *et al*. «A qualidade da usabilidade dos portais de transparência das universidades federais do Nordeste do Brasil». *Revista do Serviço Público*, v. 72, n. 4, 2021, p. 803-823.
[3] ORGANIZAÇÃO DAS NAÇÕES UNIDAS *Transformando nosso mundo: a agenda 2030 para o desenvolvimento sustentável,* 2015, available on: https://www.mds.gov.br/webarquivos/publicacao/Brasil_Amigo_Pesso_Idosa/Agenda2030.pdf.

Development Goals (SDGs) and their 169 objectives, which were considered crucially significant for humanity and the planet in the next fifteen years[4].

The objectives then approved were as follows:

Goal 1. End poverty in all its forms, everywhere.

Goal 2. End hunger, achieve food security and improve nutrition, and promote sustainable agriculture.

Goal 3. Ensure a healthy life and promote well-being for everyone, at all ages.

Goal 4. Ensure effective, inclusive, and equitable education, and promote lifelong learning opportunities for all.

Goal 5. Achieve gender equality and empower all women and girls.

Goal 6. Ensure the availability and sustainable management of water and sanitation for all.

Goal 7. Ensure reliable, sustainable, modern, and affordable access to energy for all.

Goal 8. Promote sustained, inclusive, and sustainable economic growth, full and productive employment, and decent work for all.

Goal 9. Build resilient infrastructure, promote inclusive and sustainable industrialization, and foster innovation.

Goal 10. Reduce inequality within and between countries.

Goal 11. Make cities and human settlements inclusive, safe, resilient, and sustainable.

Goal 12. Ensure sustainable production and consumption patterns.

Goal 13. Take urgent action to combat climate change and its impacts.

Goal 14. Conserve and sustainably use oceans, seas, and marine resources for sustainable development.

Goal 15. Protect, restore and promote the sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, halt and reverse land degradation and halt the loss of biodiversity.

Goal 16. Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

Goal 17. Strengthen the means of implementation and revitalize the global partnership for sustainable development.

Unlike what happened with the Millennium Development Goals, which were approved without extensive discussion on a global level, the SDGs are the result of a work that encompassed both the international and local scope and, therefore, reached a record number of suggestions[5]. Between 2012 and 2013, consultations were carried out in three segments:

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[4] ORGANIZAÇÃO DAS NAÇÕES UNIDAS, *Transformando nosso mundo: a agenda 2030 para o desenvolvimento sustentável*, 2015, available at: https://www.mds.gov.br/webarquivos/publicacao/Brasil_Amigo_Pesso_Idosa/Agenda2030.pdf.

[5] BARBIERI, José Carlos, *Desenvolvimento sustentável: das origens à Agenda 2030*. Editora Vozes, 2020, p. 175.

One involving more than eighty countries to detect national perspectives; another involving regional economic commissions such as the Economic Commission for Africa, for Latin America and the Caribbean and others linked to ECOSOC; and a third front of sectoral or thematic consultations, such as on education, health, global governance, natural disasters, energy, water[6].

In addition to these three sections, other surveys were carried out on the world wide web through social networks, which can be considered an innovation within the scope of the United Nations[7]. Hence, according to Barbieri (2020), *«the SDGs form an integrated and indivisible set of global priorities for sustainable development, but it is up to each government to establish its own goals according to its level of ambition and national circumstances»*[8].

1. The idea of Sustainability

Working on the notion of a parallel between sustainability and justice, Bosselman (2008)[9] establishes that both institutes are at the same time simple and complex, as most people can intuitively perceive fair things, the same way that it's possible to be fully aware of what may be considered unsustainable. In another direction, despite the simplicity identified by Bolsselman, both justice and sustainability would be worryingly intricate since they cannot be defined without a profound reflection on their guiding criteria, principles, and values. Moreover, the definition would be subjective by nature and always open to debate, which leads to the author's conclusion in the sense that every discourse on sustainability would necessarily be an ethical discourse[10].

Departing precisely from the idea that the discourse on sustainability is an ethical discourse, Enrique Leff (2003)[11] develops the idea of environmental rationality through a dialogue of knowledge based on Emmanuel Lévinas' work. The study proposed by Leff (2003)[12] confronts Habermas's notion of rationality and Lévinas's ethics to conclude, brilliantly, that the construction of a sustainable future depends on open dialogue, capable of accepting visions and negotiating antagonistic interests.

Estas vías serán contrastadas con el concepto de racionalidad ambiental y nos llevarán a desarrollar los principios de un diálogo de saberes en la construcción de sociedades sustentables. Esta indagación habrá de problematizar el concepto mismo del saber (ambiental) para pensar las relaciones de constitución entre el

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[6] BARBIERI, José Carlos, *«Desenvolvimento sustentável...»*, cit. p. 175.

[7] BARBIERI, José Carlos, *«Desenvolvimento sustentável...»*, cit. p. 176.

[8] BARBIERI, José Carlos, *«Desenvolvimento sustentável...»*, cit. p. 176.

[9] BOSSELMANN, Klaus. O princípio da sustentabilidade: transformando direito e governança. Tradução de Phillip Gil França. São Paulo: Revista dos Tribunais, 2015, vol. 22, p. 09.

[10] BOSSELMAN, Klaus. *O princípio da sustentabilidade...*, cit. p. 09.

[11] LEFF, Enrique. «Racionalidad ambiental y diálogo de saberes: sentidos y senderos de un futuro sustentable», *Desenvolvimento e Meio Ambiente*, 2003, vol. 7, p. 39.

[12] LEFF, Enrique. «Racionalidad ambiental...», *cit,* p. 39.

ser y el saber que permita trascender las relaciones de conocimiento del mundo entre sujeto cognoscente y realidad objetiva; de los límites de lo cognoscible y la apertura a lo Otro y lo Infinito desde la perspectiva ética. La racionalidad ambiental emergerá como el concepto de una razón razonable que trasciende a la racionalidad sujeta a la positividad de un presente sin futuro, de una utilidad sin valores, de un mundo economizado sin sentidos.

El diálogo de saberes es la tensión dialéctica del vacío de sentido, de lo que falta por decir al poner en tensión dos palabras, dos sentencias, dos propuestas, dos razones, dos argumentaciones. Este texto es el diálogo de saberes entre la racionalidad comunicativa de Habermas y la epifanía del rostro de Lévinas, de donde emerge la potencia de la razón, de la palabra, del habla y de lo inefable en el encuentro con la otredad más allá de la razón teórica y la ontología del ser. En este sentido, este texto es una puesta en acto (deescritura) de un diálogo en el que la relación de otredad de los saberes convocados se produce en un texto a texto (letra a letra), más acá del encuentro cara a cara y el diálogo fresco de la palabra viva de los actores sociales, quienes desde sus razones, ignificaciones y prácticas, apuestan por un futuro sustentable.

These routes will be contrasted with the concept of environmental rationality and will lead us to develop the principles of a dialogue of knowledge in the construction of sustainable societies. This inquiry will come from problematizing the concept of (environmental) knowledge for the constitutional relations between being and knowledge that allows us to transcend the world knowledge relations between the known subject and the objective reality; of the knowable limits and the opening to the Other and the Infinite from the ethical point of view. Environmental rationality will emerge as the concept of a reasonable reason that transcends the rationality, subjected to the positivity of a present without a future, of a utility without values, of a world without meanings.

The dialogue of knowledge is the dialectical tension of the emptiness of meaning, of what remains to be said when tensioning two words, two sentences, two proposals, two reasons, two arguments. This text is the knowledge dialogue between Habermas's communicative rationality and the epiphany of Lévinas' face, whence the strength of reason, word, speech, and the ineffable emerges in the encounter with otherness beyond theoretical reasoning and ontology of being. In this sense, this text is a (written) enactment of a dialogue in which the relation of the summoned knowledge's alterity is produced from text to text, but here about the face-to-face meeting and the fresh dialogue of the word life of social actors, which by its reasons, meanings and practices bet on a sustainable future. (Free translation)

Lévinas' theory of alterity serves as the foundation for Leff's (2003) argument, in the sense that the "Other" is not just another face, but another knowledge, another cultural baggage that must be considered and will certainly influence the dialogue and, consequently, the construction of the notion of sustainability:

El Otro es rostro, pero también es lo otro del saber totalizador. El ambiente, en tanto que es un saber, aparece como esa externalidad (lo absolutamente Otro) del conocimiento objetivo que busca la mismidad entre la palabra y la cosa, la identidad entre el concepto y lo real, el reflejo del ente en el conocimiento. Por ello, el ambiente no es una dimensión internalizable o asimilable dentro de un sistema teórico, una economía del saber, o en los paradigmas objetivantes del conocimiento.

The Other is a face, but it is also the other of totalizing knowledge. The environment, as knowledge, appears as that externality (the absolutely Other) of objective knowledge that seeks the sameness between the word and the thing, the identity between the concept and the real, the reflection of the entity in knowledge. Therefore, the environment is not an "internalizable" or assimilable dimension within a theoretical system, a knowledge economy, or in the objective paradigms of knowledge. (Free translation)

Despite the notorious link between the notion of sustainability and ethical discourse, Bosselman (2018)[13] ends his lesson by noting that the term has received different interpretations over time, most often associated with the economy, the environment, among other fields of knowledge, however, this study will be based on the premise established by the author in the sense that sustainability means the balance between competing interests[14].

2. The SDG 16 and the transparency of Government

The SDG 16 encompasses the promotion of peaceful and inclusive societies for sustainable development, providing access to justice for all and building effective, accountable, and inclusive institutions at all levels[15]. Hence, the doctrine points out that SDG 16 is predominantly about the political and institutional dimension of sustainable development, that is, about dimensions related to citizenship, the Democratic Rule of Law and its institutions, as such institutes serve as a prerequisite for the other rights and basis for the formation of a participatory community[16]. In this sense, two goals stand out for this study: a) develop effective, accountable, and transparent institutions at all levels (goal 16.6); b) ensure public access and protect fundamental freedoms, under the legislation and international agreements (goal 16.10).

Even before the enactment of Federal Law No. 12.527 of November 18, 2011 (Access to Information Law)[17], the principle of transparency in public administration was already supported by the Brazilian legal system due to the interpretation of the principle of publicity provided for in art. 37, "caput" of the Federal Constitution, verbis:

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[13] OSSELMAN, Klaus. *O princípio da sustentabilidade...,* cit. p. 09.

[14] BOSSELMAN, Klaus. *O princípio da sustentabilidade...,* cit. p. 09.

[15] ORGANIZAÇÃO DAS NAÇÕES UNIDAS (2015), *Transformando nosso mundo: a agenda 2030 para o desenvolvimento sustentável.*

[16] BARBIERI, José Carlos, «*Desenvolvimento sustentável...*», cit. p. 148.

[17] BRASIL, *Lei n. º 12.257 de 18 de novembro de 2011*. Available on: http://www.planalto.gov.br/ccivil_03/_ato2011-2014/2011/lei/l12527.htm.

Art. 37. The direct and indirect public administration of any of the Powers of the Union, States, Federal District, and Municipalities shall obey the principles of legality, impersonality, morality, publicity, and efficiency, and also the following[18]:

With the edition of Constitutional Amendment no. 19 of June 4, 1998[19], article 37 began to provide for access to information as a form of user participation in public administration. The norm, however, suffered from regulation, which only came about in 2011 with the enactment of Law nº. 12,527/2011.

Access to information, according to Law no. 12,527/2011, has as guidelines: a) observance of publicity as a general precept and confidentiality as an exception; b) the disclosure of information of public interest, regardless of requests; c) the use of means of communication made possible by information technology; d) fostering the development of a culture of transparency in public administration; e) the development of social control of the public administration and includes the right to obtain:

Art. 7 Access to the information referred to in this Law includes, among others, the rights to obtain:
I - guidance on the procedures for obtaining access, as well as on the place where the desired information can be found or obtained;
II - the information contained in records or documents, produced or accumulated by its bodies or entities, collected or not from public archives;
III - information produced or held in custody by an individual or private entity arising from any link with its bodies or entities, even if this link has already been ceased;
IV - primary, complete, authentic, and up-to-date information;
V - information on activities carried out by bodies and entities, including those relating to their policy, organization, and services;
VI - information about the administration of public assets, use of public resources, bidding, administrative contracts; and
VII - relative information:
a) the implementation, monitoring, and results of programs, projects, and actions of public bodies and entities, as well as proposed targets and indicators;
b) the result of inspections, audits, renderings, and rendering of accounts carried out by the internal and external control bodies, including the rendering of accounts related to the previous years[20].

Although duly regulated and in a way even expanded with the enactment of Law No. 12,527/2011, it is evident that transparency and access to information in public

[18] BRASIL (1988). *Constituição da República Federativa do Brasil.* Available on: http://www.planalto.gov.br/ccivil_03/constituicao/constituicao.htm.
[19] BRASIL (1988). *Constituição da República...*, cit.
[20] BRASIL, *Lei n.º 12.257 de 18 de novembro de 2011*. Available on: http://www.planalto.gov.br/ccivil_03/_ato2011-2014/2011/lei/l12527.htm.

administration have other normative instruments, such as those provided for in Chapter IX of the Complementary Law Nº 101 of May 4, 2000, the Fiscal Responsibility Law (LRF). More precisely, the LRF deals with transparency as a genuine principle of fiscal management and aims to provide public access to information relating to the State's financial activities and trigger the necessary procedures for data disclosure considered to be of a public nature[21]. The forecast contained in the LRF considers several instruments of transparency in fiscal management, including plans, budgets, and budget guidelines laws, the rendering of accounts and the respective prior opinion, the summary report of budget execution, and the management report tax, in addition to their respective simplified versions.

Following the need to provide transparency to public information and provide citizens with monitoring of public management acts, the Federal Comptroller General (CGU) launched in 2004 the Federal Government Transparency Portal. It is an open-access electronic portal, where citizens can find information about the management of public treasury, in addition to access data on other matters related to the Federal Government. The information released on the portal[22] itself shows that the tool has been consolidating itself as a great instrument of social control. In 2018, the portal was restructured and, among the innovations, the tool reformed the way of presenting data, and created integrated and intuitive search engines. It received better usability, more graphic resources, integration with social networks, and a better way of offering open data, adaptation to mobile platforms, and greater interactivity. Therefore, naturally, the initiative spread throughout the national territory and the various federative units started to include transparency portals. In the State of Minas Gerais, for example, the transparency portal found the State Audit Court (TCE/MG) as a great ally, and the Court of Auditors has services such as its own Transparency Portal and the information tool called "Inspecting with the TCE".

It is instinctive that the mere disclosure of data relating to public accounts does not necessarily matter in compliance with the principle of transparency, which includes the disclosure of information in an accessible manner to the population[23]. It is the reason why the portals must update themselves to favor the interpretation being inclusive to those who do not have prior accounting knowledge. In addition to the challenge of understanding, the question regarding the distinction between the scope of the principles of transparency and publicity arises. Professor Fabrício Motta's lesson (2008)[24] clarifies that the ideas of advertising and transparency seem to be complementary, as advertised can be understood as a characteristic of what is public, known, and not kept secret, while transparency is an

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[21] CRUZ, Flavio *et al. Lei de responsabilidade fiscal comentada*: *Lei Complementar nº 101, de 4 de maio de 2000*, Atlas, São Paulo, 2001, 2ª ed., p. 75-94.

[22] BRASIL, *Portal da Transparência do Governo Federal*. Available on: http://www.portaltransparencia.gov.br/sobre/o-que-e-e-como-funciona.

[23] NETO, Orion Augusto Platt, *et al.* «Publicidade e transparência das contas públicas: obrigatoriedade e abrangência desses princípios na administração pública brasileira», *Contabilidade Vista & Revista*, 2007, vol. 18, no 1, p. 75-94.

[24] MOTTA, Fabrício. «Notas sobre publicidade e transparência na lei de responsabilidade fiscal», *Revista Eletrônica de Direito do Estado*, Salvador, 2008, no 14. p. 02.

attribute of what it is transparent, limpid, crystalline, visible, it would be what lets itself pass by light and see clearly what is behind it[25].

The international historical background report normative acts related to the transparency of governments in Sweden, in 1776, when Andres Chydenius proposed the first Press Freedom Law, which is cited in the literature as the first Law on Access to Government Information, then called the Law on Freedom of the Press and the Right of Access to Public Records[26]. Nowadays, in an international context, the inclusion of the right to information in the SDGs is not exactly what can be called new, as UNESCO considers the right to information an element that contributes to building peace and promoting sustainable, economic, and social development, precisely through knowledge of the many challenges that involve the management of public resources that promote social well-being. In fact, it is impossible to think about sustainability without proper citizen access to information about public resources, all because the balance between competing interests necessarily depends on adequate, efficient, and, above all, ethical management. There is no way to talk about ethics, however, without acknowledging Lévinas' legacy.

3. The study of ethics according to Emmanuel Lévinas

Emmanuel Lévinas was born on January 12, 1906, in Lithuania, he learnt about Russian tsarist anti-Semitism in his home state and, in 1939, came into contact with Nazi anti-Semitism during the Second World War when he was captured and arrested by the Nazis. In Lithuania, Lévinas' family lived relatively well. His father owned a bookstore that sold Russian books to gym teachers, while his mother was primarily responsible for his intellectual career. The First World War, however, brought the first difficulties for the Lévinas, especially when the region in which they lived – Kovno – was taken by Germans in October 1915[27]. On that occasion, the Lévinas family had to take refuge in Ukraine, an opportunity in which Emmanuel was able to resume his studies of Biblical Hebrew. Later, in 1920, the Lévinas family returned to Lithuania and after completing his studies, young Emmanuel decided it was time to leave his homeland to continue his education in France. During college, Emmanuel Lévinas dedicated himself to the study of Latin and the philosophy of the Philosophy Institute of the Faculty of Protestant Theology from 1924 to 1929, when he had as teachers Maurice Pradines, Henri Carteron, Charles Blondel, and Maurice Halbwachs[28], among other great names of philosophy. Lévinas published several works throughout his life, some written during captivity, at Stalag[29], and he was also appointed professor at the University of Nanterre and Sorbonne. Lévinas died in Paris in 1995, at age 90.

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[25] MOTTA, Fabrício. «Notas sobre publicidade e transparência...», cit. p. 02.
[26] TOSTADO, María del Carmen Morales; VALENZUELA, María de los Ángeles Monterde; MEDINA, Ivone Edith Ochoa. « La transparencia como estrategia para el cumplimiento del objetivo de desarrollo sostenible 16 de la agenda 2030: paz, justicia e instituciones sólidas», *Memorias del Congreso Internacional Convisión Empresarial*, p. 184.

[27] DE MELO, Nelio Vieira. *A ética da alteridade em Emmanuel Levinas.* EDIPUCRS, 2003, p. 12.

[28] DE MELO, Nelio Vieira. *A ética da alteridade...*, cit, p. 12.

[29] DE MELO, Nelio Vieira. *A ética da alteridade...*, cit, p. 12.

Lévinas' work, in its essence, proposes to change the paradigm in the sense that the first philosophy should not be ontology, but ethics. Ethics in the spirit of doing the right thing, in the spirit of helping the Other, absent any previous thought that questions their being[30]. In order to better understand Lévinas' critique of the ontological paradigm, it is necessary to understand the core of the thought identified by the philosopher as "totalizer".

Since the beginning, it is undeniable the interest presented by philosophy, governments, and even current technology in categorizing the universe, the world, objects, and people. Based on that claim, we are constantly seeking to identify patterns, repetitions, movements of nature, of societies, and human beings[31]. In fact, it is currently notorious people's categorization according to their interests identified from "clicks" on the world wide web. This need for categorization reveals the logic of Western thought that intends to identify everything there is to be understood. The comprehension of the Being occupies the position of guiding north that provides direction to all philosophical thought[32]. Hence, according to professor Jacilene Maria Silva (2018), the delimitation of being is precisely what gives identity and definition to the object of study:

> Therefore, according to the Western way of thinking, it is the limitation to the Being that gives identity and definition to the object of investigation. This delimitation to which we refer is presupposed to any knowledge that one intends to have of this object. In this way, everything that can be thought of has become subject to a prior and superior principle, namely, the delimitation that establishes what something is. This way of "reading the world" is the distinctive feature of the Western way of thinking[33].

The author also emphasizes that the branch of Western thought that is concerned with seeking to understand the more general properties of being is called ontology[34]. Philosophical activity then begins to seek the fundamental element that characterizes something, aiming to find its essence and, in this way, place it in a limited category. At first, it seems indeed simple to categorize objects and assign an identity to them.

The criticism of Lévinas' work is precisely opposed to purely ontological thinking, which he came to call "totalization". Studying in-depth the essence of a table, a chair and categorizing them according to the results achieved is truly feasible. According to Lévinas, however, this purely ontological premise is not verifiable in the dimension of alterity, that is, in the dimension of the Other human being. Accordingly, Lévinas realized that human beings should not be treated in the same way as any other object[35]. Lévinas's critique is set up from the premise that the Other is not a mere phenomenon, therefore, it is not possible to be totalized in a being and that as for the Other, one can only respect. In addition, Lévinas critique is profound and began to fiercely question ontology, rethinking the paradigm

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[30] SILVA, Jacilene Maria. *Identidade vs Alteridade: a identidade justificada pela ética da alteridade, segundo o pensamento de Emmanuel Lévinas*, Recife, 2018, p. 15.
[31] SILVA, Jacilene Maria. *Identidade vs Alteridade...*, cit, p. 15.
[32] SILVA, Jacilene Maria. *Identidade vs Alteridade...*, cit, p. 15.
[33] SILVA, Jacilene Maria. *Identidade vs Alteridade...*, cit, p. 15.
[34] SILVA, Jacilene Maria. *Identidade vs Alteridade...*, cit, p. 15.
[35] SILVA, Jacilene Maria. *Identidade vs Alteridade...*, cit, p. 15.

established by Western culture. Furthermore, Lévinas concluded that the purely ontological way of thinking legitimized unjustifiable ethical-moral horrors such as the holocaust itself[36].

Lévinas' proposal for changing the paradigm presupposes that the philosophical approach migrates from the primacy of being to the primacy of the Other, that is, according to Abimael Francisco Nascimento (2020)[37], before any thematization, there is a responsibility, ethics as acceptance of the otherness of someone. As a result, Lévinas proposes the overcoming of Heidegger's ontological model, as the subject is no longer the center of philosophical reflections and starts to be anticipated by the Other:

> *This new ethical paradigm, invested by Lévinas, disputes the modern subject and even Heidegger's ontology because it removes the subject, the being from the center of philosophical reflections.* The subject or being ceases to direct relations to be anticipated by the other, that is, before these themes, he is immediately there, foregoing the Same, so that the first occupation is not with ontological or epistemological themes, but with ethics[38].

The basis of Lévinas' thought is not limited to the critique of Heidegger's ontology, but it receives a relevant influence from Jewish wisdom, in addition to resorting to the concept of infinity proposed by Descartes:

> In addition to the phenomenology present in his thought, Lévinas also receives influence from Jewish wisdom, especially that coming from Talmud. The Talmud in its method is a dialogue about the Jewish Law, a set of expositions that emerged after the acceptance of the Law, these dialogues have an infinity governed by the reality of relationships, in an attempt to give practical order to the Law in people's lives; this practical order is ethical, it is an ethical application contemplated especially in the foursome: the poor, the orphan, the widow, and the foreigner. These are faces that speak of the human condition, its nudity, and fragility. Judaism in Lévinas reinforces the ethics of alterity as a welcome before any approach. The other is first accepted, their vulnerability, this is the first ethical action.
> *Using Descartes, Lévinas appropriates the idea of infinity, not as an autonomy of the subject, but as a heteronomy, that is, in Descartes, the concept of infinity comes from outside, but it has a certain dependence on the subject, whereas for Lévinas this idea appears in the face, which is a vestige of infinity.* Such an idea marks the resistance of the other to be encompassed in totality, in it there is an infinity; generality does not exhaust it, it surpasses it, it is otherness. Its otherness speaks of an infinite, refers to someone else. In the face to face, in the escape from the domain, the other exposes the absolutely other. The

36 SILVA, Jacilene Maria. *Identidade vs Alteridade...,* cit, p. 15.

37 NASCIMENTO, Abimael Francisco do, *Emmanuel Lévinas*: *um estudo sobre a ética da alteridade*, Brazil, Curitiba, Publishing, 2020, p. 17.

38 NASCIMENTO, Abimael Francisco do, *Emmanuel Lévinas...*, cit. p. 17.

relationship with the infinite is not given by definitions, but by ethical testimony, by the responsibility assumed by the other, in a "here I am"[39].

In this sense, it is clear that ethics guides Lévinas' thought by establishing the shift from the paradigm of being to the Other, a theory that has been identified in philosophy as the ethics of alterity. The author's thought transcends his own life and remains highly relevant to contemporary philosophy.

4. The challenges of access to information

Not even the best of regulatory frameworks could guarantee that the simple implementation of transparency portals or the execution of Government programs aimed at accessing information would, in reality, achieve what was expected from such measures. Access to information and control of public policies by the population presupposes not only a government policy or making data available to the people, but effective popular participation and, of course, that the data are understandable by the recipient.

Lévinas' lesson on the ethics of alterity is relevant for the present study along with the improvement of access to information, based on the premise that the performance of human beings must always take the Other into account. Thus, for the basis of this work, the effectiveness of transparency and access to information goes through two key challenges: a) to promote popular participation in monitoring the management of public resources; b) guaranteeing access to information through the dissemination of data accessible to the citizen's understanding.

III. POPULAR PARTICIPATION IN MONITORING THE MANAGEMENT OF PUBLIC RESOURCES

The challenge of citizen participation in monitoring the management of public resources is based precisely on the population's disbelief both in the managers themselves and in the systems for monitoring public information. Hence, although the statistics presented by the Federal Government show an advance in the number of accesses to the Transparency Portal[40], it's an effortless task to come across complaints about the incompatibility of the information posted on the portal with reality, or even the assertion that the manager, somehow, concealed the data before launching it on the portal, to evade some responsibility. However, the population's mistrust or even lack of interest in monitoring public management, should not be interpreted as the sole fault of the people, as the countless corruption scandals in Brazil explain the contempt for matters involving the political class.

Even with the aforementioned disbelief, it is possible to see that the population's interest has been growing concerning the transparency portals, and not only due to the

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[39] NASCIMENTO, Abimael Francisco do, *Emmanuel Lévinas...,* cit, p. 17.
[40] BRASIL, *Portal da Transparência do Governo Federal.* Available on: http://www.portaltransparencia.gov.br/sobre/o-que-e-e-como-funciona.

growth in the number of accesses, but also due to the computerization of the accountability system to the respective Courts. This digitalization process of accountability contributed to more dynamic information monitoring, in addition to making the release of data more reliable, as managers do not have the prerogative to manipulate deadlines, dates, values, percentages, etc.

Frank Pasquale, in the work of Black Box Society – The Secret Algorithms That Control Money and Information[41], even emphasizes transparency as a tool to confer intelligibility not only to the market, but to the world as a whole. In this sense, the issue of legal regulation of markets will only progress if it is possible to create mechanisms of transparency and accountability, since it is not possible to regulate what is not known. According to the author, the deliberate conduct of not granting transparency to data and systems in order to protect business models is extremely worrying, as it imposes a real limit on the user and subtracts from the freedom of dissemination of information, thus imposing a risk to the intelligibility.

Currently, public managers are required to provide information through various electronic systems such as the Information System on Public Budgets in Education (SIOPE), a tool responsible for the collection, processing, dissemination, and public access to information regarding the Union's education budgets, of the states, of the Federal District and the Municipalities. Through the system, citizens can monitor the faithful execution of the investment goals established in favor of the educational service[42]. In addition to SIOPE, managers also submit to the Federal Executive Branch's Government Communication System (SICOM), a tool intended, among other objectives, to provide society with broad knowledge of the Federal Executive Branch's policies and programs[43].

The implementation of electronic information systems was not limited to alleviating the population's disbelief, as it optimized the work of inspection of the application of public resources, enabling the so-called "crossing of data" effectively. In this sense, from the perspective of data collection and availability, it appears that access to information has received important allies and, as a result, the number of accesses has grown significantly since the implementation of the first transparency portal.

1. Ensuring access to information through data dissemination accessible to citizens' comprehension

The second challenge, in turn, still faces significant obstacles, especially from the point of view of the technology used to make data available and the understanding of

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[41] PASQUALE, Frank. *The black box society: The secret algorithms that control money and information.* Harvard University Press, 2015. p. 08.

[42] BRASIL, Ministério da Educação, Fundo Nacional de Desenvolvimento da Educação, *Sistema de Informações sobre Orçamentos Públicos em Educação.* Available on: http://www.fnde.gov.br/fnde_sistemas/siope.

[43] BRASIL, *Decreto n.º 6.555 de 08 de setembro de 2008.* Available on: http://www.planalto.gov.br/ccivil_03/_Ato2007-2010/2008/Decreto/D6555.htm.

citizens. The Oct/Dec 2021 edition of the Revista do Serviço Público[44] published an applicable study on the quality of usability of the transparency portals of the Federal Universities of the Northeast of Brazil and, as this is a recent study, it will serve as the basis for the present analysis. The work entitled "The quality of the usability of the transparency portals of the Federal Universities of Northeast Brazil" and published as a scientific article, proposed to analyze the quality and usability of access to information according to the portals maintained by 09 federal universities, which are:

> a) Alagoas Federal University; b) Bahia Federal University; c) Pernambuco Federal University; d) Paraíba Federal University; e) Ceará Federal University; f) Maranhão Federal University; g) Piauí Federal University; h) Rio Grande do Norte Federal University; i) Sergipe Federal University[45].

The purpose of the work is to analyze, under the aegis of non-functional quality and usability requirements, the transparency portals of the aforementioned universities to detect possible deficiencies and propose improvements to the systems. As for usability parameters, were considered the effectiveness, efficiency, and operator satisfaction and, in the characteristics of quality software aspect were evaluated, the functionality, reliability, usability, efficiency, maintainability, and portability. In addition, issues related to the display of information were also evaluated according to consistency, feedback, skill levels and human behavior, human perception, metaphors, memory load minimization, functional classification of commands, and independent design of the monitor's resolution criteria, besides aspects related to data entry such as help mechanisms, error prevention, and correction.

The research was structured in three stages, the definition of the data collection strategy, the choice of the transparency portals that would be the target of observation and the research field, and data collection occurred through observation and the reports of the portal evaluators. In addition, regarding the analysis criteria, the method based on the taxonomy of non-functional usability requirements was used[46]. As a result, the research concluded that the portals, for the most part, still depend on many advances from a technological point of view. The analysis listed one by one in the piece reveal that the portals still have an interface restricted to texts, do not have signs that denote information or functions, have static inconsistent menus that do not have a list of functions, poor distribution of items and variable behavior from the page. In fact, the authors of the study themselves highlighted that public transparency should not be restricted to normative acts, but to real mechanisms that facilitate the access by citizens:

> The present work analyzed and evidenced how the transparency portals of nine federal public universities in the Northeast manifest themselves under the prism of quality requirements and non-functional usability.

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[44] PEREIRA, Jaílson Rodrigues *et al*. «A qualidade da usabilidade dos portais de transparência...», cit. p. 803-823.

[45] EREIRA, Jaílson Rodrigues *et al*. «A qualidade da usabilidade dos portais de transparência...», cit. p. 803-823.

[46] EREIRA, Jaílson Rodrigues *et al*. «A qualidade da usabilidade dos portais de transparência...», cit. p. 803-823.

This analysis allowed a glimpse of a specific perspective on the behavior of active transparency *online* in Brazil from transparency portals such as information management systems. The results obtained corroborate the literature, which emphasizes that the efficiency of public transparency should not be linked only to freedom of information laws, but also to mechanisms that facilitate citizens' access (Song; Lee, 2015; Svärd, 2017; Cardoso *et al*., 2018), as is the case of the quality of the *online* environment perceived in the transparency portals[47].

There is no doubt that deficiencies in interactivity and accessibility reduce the level of efficiency of the portals and significantly affect the exercise of the right to access information. However, such limitations in accessing the portals are not restricted to technological difficulties, as many portals are restricted to merely technical information of an accounting nature, which also makes it difficult for citizens to understand and becomes a fertile field for distorted interpretations. Therefore, when designing information access portals, it cannot be assumed that all recipients are on an equal footing in terms of understanding the data entered. Not every citizen has prior knowledge to safely master typical concepts in public management such as commitments, liquidations, budget availability, financial availability, among many others. Consequently, the absence of such conceptions by the citizen does not reject the right to monitor the destination of public funds, and it is precisely in this aspect that Lévinas' thought can contribute to the improvement of the transparency system.

Lévinas' theory of otherness supports the argument that the primary philosophy should not be ontology, but ethics, with the Other being primarily observed. In the case of access to information, even though the transparency portals are mechanisms that contributed to the construction of the current context, the development of access tools still depends on many improvements, especially concerning the encouragement and understanding of citizens. It is necessary that the tools for accessing information start to observe its recipient from the perspective of the Other consecrated by Lévinas. Based on this presupposition, one can see, at first, Lévinas' view of respect for the Other and, in this light, the need to understand the Other's limitations, including those of an intellectual nature, emerges. Thus, in addition to encouraging the monitoring of public accounts, the portals must start to work on fundamental notions of the concepts necessary to understand the themes. Furthermore, it is essential to invest in the dissemination, not only of information relating to the Public Authority, but of which is necessary for its understanding. Educational measures linked to electronic portals would certainly contribute to the consolidation of transparency, in addition to denoting respect for citizens who seek to participate in the social control of public policies.

Another aspect that can be influenced by Lévinas' theory concerns the premise that it is not possible to categorize the human being. By releasing the information in the transparency portals in a standardized way and assuming prior accounting knowledge of all interested parties, the Public Power incurs the same mistake pointed out by Lévinas as the

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[47] PEREIRA, Jaílson Rodrigues *et al*. «A qualidade da usabilidade dos portais de transparência...», cit. p. 803-823.

foundation of Heidegger's ontological theory, that is, of categorizing the object of study. In fact, observing the premise of the Other due to the ethical contours of Lévinas's theory, it's impossible to discuss standardized dissemination of information as if the recipients of information were somehow included in a single group: those who are technically prepared to interpret accounting information. Hence, under the influence of Lévinas, the transparency portals would be much more effective if there was a gradation of information to privilege both people who enjoy prior knowledge and those who do not.

Last but not least, the culture of access to information and transparency in Brazil still needs a clearer public policy regarding future generations. Based on Lévinas' lesson, it would be natural to conclude that the ethics of alterity would recommend the implementation of measures aimed at reaching younger audiences and those still in formation. Currently, effectual lessons about the organization of the State, transparency, and access to information are limited to legal courses or levels of schooling incompatible with the intent to expand popular participation for the next generations. In this sense, the existence of educational public policies, even in the primary stages of education, would strengthen the system of access to information as it would encourage, since youth, understanding for future participation in the democratic process of social control of the performance of the Public Power.

IV. FINAL REMARKS

For all the foregoing we can extract that:

The Sustainable Development Goals approved by the United Nations in New York from the 25th to the 27th of September 2015, contrary to what happened with the Millennium Development Goals, are the result of a broad work that took into account both perspectives of an international and local nature, thus achieving a record number of suggestions. The 17 approved SDGs were broken down into 169 goals of crucial importance for the implementation of a sustainable world following the 2030 Agenda. Specifically, the SDG 16 recognizes the transparency of governments as an indispensable institution for sustainability, which is why two goals were set in this regard: a) to develop effective, accountable, and transparent institutions at all levels (goal 16.6); b) ensure public access and protect fundamental freedoms, per legislation and international agreements (goal 16.10). In Brazil, even before the approval of the SDGs, there was already a legal provision for the right to access information either through the express provision of the Federal Constitution or through Federal Laws.

Despite the impossibility of universally and objectively conceptualizing sustainability, this study was based on the premise established by Bosselman in the sense that sustainability means the balance between competing interests. In the same sense, Enrique Leff[48] confronts Habermas's notion of rationality and Lévinas's ethics to conclude that the construction of a sustainable future depends on open dialogue, the capability of accepting visions, and negotiating antagonistic interests. On the other hand, Emmanuel

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[48] LEFF, Enrique, «Racionalidad ambiental…», cit. p. 39.

Lévinas' work proposes a break from the purely ontological traditional Western thought to the conception of the ethics of alterity. Lévinas rejects the idea of categorization of the human being and its totalizing vision, thus proposing philosophy from the perspective of the Other.

Despite all the advances and the consolidation of the transparency portals as sustainability mechanisms, the tools still face challenges that need to be overcome. As challenges, the promotion of popular participation in the monitoring of the management of public resources and the guarantee of information access through data dissemination comprehensible by the citizens were identified. In addition, other challenges to be overcome include the technological aspect of transparency mechanisms, according to a study published in 2021 by the Revista do Serviço Público after analyzing the transparency portals of 09 Federal Universities in the Northeast of the country. Faced with such issues, this study proposes that the identified obstacles of accessing information be worked on according to the theory of Emmanuel Lévinas, in the sense that solutions are studied according to the ethics of alterity, that is, taking into account the Other, especially about the elaboration of a public sustainability policy for future generations.

V. BIBLIOGRAPHY

BARBIERI, José Carlos *Desenvolvimento sustentável: das origens à Agenda 2030*. Editora Vozes, 2020.

BOSSELMANN, Klaus. «O princípio da sustentabilidade: transformando direito e governança». Tradução de Phillip Gil França. São Paulo: *Revista dos Tribunais, 2015, vol. 22,*

BRASIL, *Constituição da República Federativa do Brasil*, 1988. Available on: http://www.planalto.gov.br/ccivil_03/constituicao/constituicao.htm.

BRASIL, *Decreto n. º 6.555 de 08 de setembro de 2008*. Available on: http://www.planalto.gov.br/ccivil_03/_Ato2007-2010/2008/Decreto/D6555.htm.

BRASIL, *Lei n. º 12.257 de 18 de novembro de 2011*, http://www.planalto.gov.br/ccivil_03/_ato2011-2014/2011/lei/l12527.htm.

BRASIL, Ministério da Educação, Fundo Nacional de Desenvolvimento da Educação. *Sistema de Informações sobre Orçamentos Públicos em Educação*. Available on: http://www.fnde.gov.br/fnde_sistemas/siope.

BRASIL, Portal da Transparência do Governo Federal. Available on: http://www.portaltransparencia.gov.br/sobre/o-que-e-e-como-funciona.

CRUZ, Flavio *et al. Lei de responsabilidade fiscal comentada*: *Lei Complementar nº 101, de 4 de maio de 2000*, Atlas, São Paulo, 2001, 2ª ed.

DE MELO, Nelio Vieira. *A ética da alteridade em Emmanuel Levinas*. EDIPUCRS, 2003.

HAN, Byung-Chul, *La sociedad de la transparencia*, Herder Editorial, 2013.

LEFF, Enrique. «Racionalidad ambiental y diálogo de saberes: sentidos y senderos de un futuro sustentable», *Desenvolvimento e Meio Ambiente*, 2003, vol. 7.

LÉVINAS, Emmanuel. *Ethics and Infinity*, Pittsburgh, Duquesne University Press, 1985.

MOTTA, Fabrício. «Notas sobre publicidade e transparência na lei de responsabilidade fiscal», *Revista Eletrônica de Direito do Estado*, Salvador, 2008, no 14.

NASCIMENTO, Abimael Francisco do, E*mmanuel Lévinas: um estudo sobre a ética da alteridade*, Brazil, Curitiba, Publishing, 2020.

NETO, Orion Augusto Platt, et al. «Publicidade e transparência das contas públicas: obrigatoriedade e abrangência desses princípios na administração pública brasileira», *Contabilidade Vista & Revista*, 2007, vol. 18, no 1, p. 75-94.

ORGANIZAÇÃO DAS NAÇÕES UNIDAS (2015). *Transformando nosso mundo: a agenda 2030 para o desenvolvimento sustentável*. Available on: http://www.mds.gov.br/webarquivos/publicacao/Brasil_Amigo_Pesso_Idosa/Agen da2030.pdf.

PASQUALE, Frank. *The black box society: The secret algorithms that control money and information.* Harvard University Press, 2015.

PEREIRA, Jaílson Rodrigues *et al*. «A qualidade da usabilidade dos portais de transparência das universidades federais do Nordeste do Brasil». *Revista do Serviço Público*, v. 72, n. 4, 2021, p. 803-823.

SILVA, Jacilene Maria. *Identidade vs Alteridade: a identidade justificada pela ética da alteridade, segundo o pensamento de Emmanuel Lévinas*, Recife, 2018.

TOSTADO, María del Carmen Morales; VALENZUELA, María de los Ángeles Monterde; MEDINA, Ivone Edith Ochoa. «La transparencia como estrategia para el cumplimiento del objetivo de desarrollo sostenible 16 de la agenda 2030: paz, justicia e instituciones sólidas», *Memorias del Congreso Internacional Convisión Empresarial*.