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Stephen E. Condrey and Tonya Neaves, Associate Editors

Gregory Michener
Brazilian School of Public and Business Administration, Getulio Vargas Foundation

Gauging the Impact of Transparency Policies

Gregory Michener is assistant professor of government in the Brazilian School of Public and Business Administration, Getulio Vargas Foundation (FGV-EBAPE), Rio de Janeiro. His research focuses on the politics, policy, measurement, and evaluation of transparency, freedom of information, and open data policies, with a focus on Brazil and Latin America. At the FGV, he leads the Public Transparency Program and the Transparency Evaluation Network, a regional research project sponsored by the Open Society Foundations.
E-mail: gregory.michener@fgv.br

Abstract: *To what extent do transparency policies generate positive impacts? This seemingly rhetorical question has become the subject of increasing contention, partly because of two research-based biases. First, researchers have been blinded by metrics and method. Using tools that are often ill suited to gauging the gradual, diffuse, and indirect effects of most transparency policies, research has found—unsurprisingly—spotty evidence of impact. Transparency studies would benefit from greater use of complementary approaches, such as careful tracing of impact processes and indicators, combined with sensible counterfactual reasoning. Second, researchers have been looking for impact with blinkered vision. In particular, a thematic fixation on accountability and participation has monopolized attention. Key preconditions—such as compliance with and implementation of transparency policies—remain relatively neglected, as do other areas of potential impact, including capacity building, how actors are leveraging previously restricted streams of information, and transparency's role in improving policy coordination and communication.*

Do governmental transparency policies generate net positive impacts? What once might have seemed a rhetorical question has now become a point of contention. Scholars and pundits increasingly caution against the unanticipated consequences of transparency and the dangers of too much transparency. Several have even questioned transparency's positive transformative impact more generally. To a degree, this questioning is as healthy as it is consistent with attitudes and research: from enthusiasm to growing awareness of unanticipated consequences and, now, introspection surrounding transparency's worth.

It is clear that unbounded transparency can trigger negative externalities, such as stifled deliberation and hefty bureaucratic burdens. Yet questioning the overall positive impact of transparency policies seems excessive in several respects, not the least of which is buoying proponents of opacity in an age of exclusionary politics and democratic retrenchment. This article takes to task prevailing understandings of transparency's impact. It proposes that current understandings reflect distorted views of *what impact means* and *where researchers seek to find it*. Two problems stand out. First, dominant approaches to measuring "transparency's impact" tend to employ direct, quantifiable evidence of causality, even though most transparency policies produce diffuse and indirect impacts. Second, assessments of transparency's impact have fixated on a handful of political and social outcomes—most prominently, accountability and participation—to the exclusion of others.

In sum, this article argues that evaluators of transparency's impact should contemplate a pair of implicit biases—one methodological, the other thematic—and it points to directions forward. The argument serves as a primer for the Sixth Global Conference on Transparency Research, "Measuring Transparency: Impact, Compliance, and Implementation."[1] However, the implications of the argument go beyond transparency, speaking to a challenge that is common to all social sciences—how to adequately measure impact.

Measuring Impact: Blinded by Metrics

Most transparency policies generate gradual, indirect, and diffuse impacts. These characteristics render impacts difficult to measure using standard methodological toolboxes and demand greater use of qualitative and mixed methods. Useful here are methods such as process tracing, as in the tracing of causal processes (see, e.g., Bennett and Checkel 2014), counterfactual reasoning (e.g., what, in the absence of transparency?), and focusing on indicators and context. This advice clashes with more fashionable micro approaches, most prominently, experimental interventions (e.g., randomized trials, survey experiments). This advice has also found few adherents; a relatively small number of scholarly works have attempted to map the causal pathways generated by transparency policies.

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This is not to say that impacts are difficult to infer from the evidence; it simply means that impacts may not be measurable in a conventional way. In a review of the impact of freedom of information (FOI), Calland and Bentley (2013, S84) lament that "there are very serious and substantial gaps in knowledge because of the absence of a robust methodology to measure impact." The conclusion that emerges is that because robust methodologies are lacking, we have "little evidence of the effectiveness of FOI" (Calland and Bentley 2013, S72). Yet the logic confounds measurement with effect. Just because we once had no reliable measure for calculating temperature does not mean that evidence of cold or heat was wanting.

The search for metricized impact has blinded us to alternative ways of inferring impact. One approach is to infer impact by carefully tracing processes and considering counterfactuals, such as whether an impact would have occurred absent information being rendered transparent. A second approach is to collect indicators of impact from transparency outputs, such as news stories, testimonials, or the use of FOI requests or open data sets by individuals or organizations. Few have attempted to count, estimate, or forecast what journalists or researchers who use transparency policies have revealed—the amount of money misspent, saved, and recovered or lives lost, transformed, and saved—but it is certainly possible.

Some scholars have made inroads in this direction. Examining entries to the annual prize competitions of Investigative Reporters and Editors, Hamilton (2017) finds that 40 percent of 12,500 stories "involved government record requests." Among the same entries, 24 percent of these stories "noted that laws had been passed because of the reporting." The example showcases a key expected benefit of transparency. By improving the availability and quality of information, transparency has a direct downstream (user-centered) impact on news media reporting. Transparency's more diffuse, indirect impact points upstream (supplier-centered)—affecting governance systems (e.g., laws). In sum, transparency contributes to high-quality media reporting, which, in turn, motivates better-quality governance, ultimately improving the quality of lives lived.

Although content analyses may help us infer transparency's indirect causal impact on news media quality and other downstream impacts, the smoking gun of direct causality may prove elusive. Transparency's immediate or intermediate impacts are relatively easy to infer (e.g., media reporting) but become more diffuse over time and space. And because transparency serves as an input (e.g., to good reporting), observers may attribute impact to the agency of actors (e.g., journalists) rather than transparency.

In this sense, it is no surprise that transparency impacts continue to mystify scholars. As a review of "25 Years of Transparency Research" published in this journal concedes (Cucciniello, Porumbescu, and Grimmelikhuijsen 2016, 25): "the mechanisms responsible for lending transparency its effects remain poorly understood." In a review of scholarship on fiscal transparency, de Renzio and Wehner (2017) come to a similar conclusion, finding that transparency is associated with improved budgets and development outcomes but that "only a handful of studies… convincingly identify causal effects." Understanding impact is important, but scholars and practitioners would be well advised to do so from diverse perspectives, using tools—quantitative *or* qualitative—that fit the task.

Looking for Impact: Blinkered Vision

If the impacts of most transparency policies tend to be diffuse and indirect, impacts will likely be broad in scope, both upstream (e.g., government professionalization) and downstream (e.g., improved coordination among stakeholders). Notwithstanding these ostensibly broad-ranging impacts, different actors—including donors, researchers, and pundits (likely in that order)—have fixated on very few policy outcomes. Most notably, research has converged on the transparency-as-a-means-to-accountability-and-participation paradigm (henceforth TAMTAP). Alasdair Roberts first noted (2015) the inordinate attention devoted to TAMTAP in 2015.

Although TAMTAP is of obvious popular appeal, framing transparency as a question of accountability may not have been the wisest approach. First, the focus on accountability and participation outcomes has diverted attention away from concerns surrounding implementation and compliance. Policy impact hinges on minimally functional policies, which many transparency measures around the world are not. Second, framing transparency as a means of controlling government has probably done little to promote transparency's appeal among politicians and public servants, without whose support policies do not work. Scholars such as David Pozen (2018) suggest that transparency's association with "holding to account" may have poisoned the relationship between citizen and state and encouraged resistance to transparency. Perhaps as a result, many treat transparency as a scapegoat for dysfunctional government. Pozen and other scholars, for example, argue that FOI gums up state machinery, generates adversarialism and distrust toward government, stifles deliberation, and has been usurped by special interests bent on deregulatory agendas. Yet just as transparency policies are relatively new and widely resisted (see Pozen, among others), so, too, is the certainty that they will exhibit design dysfunctions and require rethinking.

A rethink of transparency policy design should also be accompanied by a rethink of what outcomes we see as important for assessing impact. While transparency surely impacts accountability and participation, it may do the same for more directly measurable phenomena, too. Most obviously, transparency policies have opened up valuable new types of information and improved communication, search, and discovery. They also appear to have created new bureaucratic capacities, improved regulatory outcomes, and helped stakeholders better coordinate policies, among many other civic, private, public, and third sector benefits. Instead of dwelling centrally on accountability, might it not be more productive to grapple with more concrete subjects, such as transparency's impact on capacity building in government or citizen-based organizations? In effect, processes such as capacity building should improve accountability as a matter of course. Yet donors, scholars, pundits, and citizens have discounted these sorts of upstream and downstream impacts. The tidal force of popular imaginings—that transparency is an antidote to corruption and misgovernment—has dragged research inexorably back to TAMTAP.

The problem with TAMTAP is not only that it has generated scant evidence of direct causal impact; it has also advanced several

fallacies and misattributions. A key fallacy sees stagnating or growing perceptions of corruption as evidence of transparency's ineffectiveness in combatting graft. The logic is clearly wanting. Transparency improves the likelihood of discovering waste, incompetence, and corruption; these discoveries, in turn, unveil a larger number of scandals, heightening perceptions of corruption. Rather than scapegoating transparency, critics should be focused on anemic accountability institutions (e.g., investigators, prosecutors, courts) that sustain impunity. Transparency can indirectly transform these institutions by facilitating discovery, casting light on systemic weaknesses and triggering concomitant reactions on the part of both citizen and state. This is an incremental, historical process, but one that many countries have undertaken or are now undergoing. It is vividly illustrated by Brazil, which has invested heavily in transparency since the 1990s and whose investigative and prosecutorial institutions have unarguably become more effective over time.

That transparency is generating greater distrust in government is another proposition that deserves greater scrutiny. Scholars and pundits have advanced claims that increases in transparency are not only correlated with declines in government trust but also may have fostered trust-withering adversarialism toward government. Curiously, the work of most scholars begins with the exact opposite assumption: that transparency increases trust in government. Yet micro-level experimental and survey-based works have not been able to identity transparency's impact on trust in any conclusive fashion. Transparency can generate cynicism and distrust, particularly when citizens are exposed to the finer details and processes of government (i.e., sausage making) (de Fine Licht et al. 2013). But studies show that trust is strongly mediated by other variables, from prior knowledge of issues, types of transparency usage (e.g., e-government or social media), the degree of political activism among users, to culture (see works by Stephan Grimmelikhuijsen and Gregory Porumbescu, among others). Given the diffuse (macro) effects of transparency, it is not surprising that few studies on trust find direct relationships.

From a macro perspective, there are simply too many potential confounding rationales to attribute declining trust in government to transparency. For example, most U.S. citizens watched the *CBS Nightly News* in the 1950s, but as media competition increased, so did the number of outlets vying for market share through negative news, better news (investigative journalism), sensational editorialized news, and ideological tribalism. A media-based explanation for increasing distrust of government is far more compelling than one centered on transparency.

Similar to TAMTAP, trust exemplifies another intangible concept that has commanded more attention than areas in which transparency has had significant, concrete impacts. Such areas are often the most straightforward. Government statistics from Brazil and anecdotal evidence from other countries show that public servants make significant use of FOI laws (Michener, Contreras, and Niskier 2018, 618–19). The insight that public servants rely on transparency signals information and intragovernmental communication deficits. Another area of potential impact, so obvious as to be neglected, is transparency's impact in making available previously restricted information. In Latin America, abusive expenditures on government advertising in the news media (i.e., public service announcements) constitute an important example. Still difficult to access in most countries, detailed information on government advertising expenditures has been obtained via budget transparency, (open) data sets, FOI requests, and corresponding appeals and litigation.

Presidents, governors, and mayors in nearly all Latin American countries allocate public money to advertising in local or national media in order to promote themselves politically, influence editorial lines, or illicitly feed political slush funds. Government advertising expenditures, a relatively small budget item, exerts a powerful negative multiplier on the democratic process. For example, Mexico's federal government spent close to US$2.5 billion on advertising during the presidency of Enrique Peña Nieto (2012–18) to allegedly "buy" media support for key reforms, bury criticism, and engage in self-promotion. In Brazil, research has found advertising expenditures in large cities to be significantly and positively correlated with mayoral reelection. The average citizen knows virtually nothing about the abusive influence of government advertising precisely because most news media outlets stifle coverage of the issue to protect lucrative revenue streams. Absent independent media coverage, many positive impacts associated with transparency are not likely to emerge.

Yet precisely by bringing government manipulation of the media to light, transparency policies are contributing to greater news media independence and a fairer electoral playing field. Consider a set of counterfactuals: absent transparency policies to guarantee disclosures, advocates in Mexico[2] and Uruguay would not likely have succeeded in forcing their national legislatures to pass new laws on government advertising. Nor would Mexican activists have managed to include government advertising expenditures in their country's new General Transparency Law or successfully petitioned the Supreme Court for a judicial remedy when the law regulating advertising expenditures did not meet stipulated objectives. Although this example fits into an accountability narrative, the more important point speaks to heretofore unavailable information, information that impacts the quality of news media coverage, democracy, and the opportunity costs of misallocating public money.

Casting light on government advertising expenditures ties into downstream impacts of transparency that are indirect and challenging to measure. Many other downstream impacts are in need of greater analysis. For example, how has government-held information of reported abuse (child, spousal, racial, etc.) been used by nonprofits, community organizations, or scholars to influence the policies and actions of businesses, schools, and government services more broadly? Albeit many important subjects are in need of research, downstream impacts are the ones that have been most commonly assessed, whereas upstream impacts, such as the impact of transparency on citizen and state capacities, have not.

A first question that merits attention is a cost–benefit analysis of transparency's upstream impacts. Are the critiques of researchers who work with the United States' FOIA—regarding adversarialism and bureaucratic burdens, among other problems—relevant in other countries? Alternatively, do these critiques mainly reflect

the idiosyncrasies of a unique regulatory environment, polarized two-party politics, and an anachronistic transparency infrastructure in need of a rebuild? In some countries, the committed implementation of transparency policies such as FOI and open data portals appears to be boosting state capacity. Policies and procedures germane to disclosure, data production, privacy, and record keeping necessitate the adoption of new infrastructure, technology, routines and skills. All of these inputs may be generating multiple backwards and forwards linkages. Add to these developments the deterrent effect of transparency on ill-advised decision making, due process, and slipshod information handling, and transparency obligations should be engendering—when compliance is the norm—greater administrative fitness.

Toward Corrective Vision

No one debates that information—the lifeblood of transparency policies—has transformative impact. Admittedly, not all of transparency's impacts are positive, but negative or null impacts seem to have received disproportionate theoretical and empirical attention. Scholars and pundits have gone so far as to question the net positive impact of some transparency policies. This article has advanced several arguments to explain why.

First, dominant methodological approaches to measuring impact frequently make for a poor fit with the indirect, diffuse, and gradual impacts generated by most transparency policies. It is of little surprise, then, that reviews of transparency's impact have found inconclusive evidence surrounding causality and causal mechanisms.

Second, donors, practitioners, and scholars have devoted excessive attention to measuring a limited number of transparency's expected areas of impact, namely, accountability and participation. This fixation on the transparency-as-a-means-to-accountability-and-participation paradigm (TAMTAP), has diverted "research capital" away from more concrete impacts. More attention should be devoted to understanding upstream impacts (e.g., capacity building) and little researched downstream impacts (e.g., communication, policy coordination, and how new streams of information are used).

Finally, we cannot expect any policy to generate much impact when it has not been adequately implemented. Transparency policies suffer lapses of implementation and compliance virtually everywhere. A focus on impact might therefore seem premature, if not of equal or lesser urgency than a focus on the nuts and bolts of compliance and implementation. This nuts-and-bolts approach should include the advancement of "common denominator" standards and measures to comparatively gauge transparency policies across jurisdictions and levels and branches of government. These might include standard definitions and procedures for reporting FOI audits or open data evaluations, definitions of what constitutes a "response rate," or template evaluations of how to score common active transparency obligations such as government procurement data or contact information.

If impact is to satisfy skeptics, implementation and compliance must improve; only rigorous, comparative measures are likely to motivate governments to move in this direction.

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Notes

1. The Global Conference on Transparency Research is being cohosted by the Getulio Vargas Foundation (FGV) and Columbia University Global Centers in Rio de Janeiro and will be held June 27–28, 2019, at the FGV: https://eventos.fgv.br/en/transparency2019.
2. See Fundar (http://fundar.org.mx/) and Artículo 19 (https://articulo19.org/) for relevant documents. Interviews conducted in April and June 2018 with Justine Dupuy (Fundar) and Ana Cristina Ruelas (Artículo 19), respectively.

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