ESF Exploratory Workshop on

GOVERNMENT TRANSPARENCY

Lausanne (Switzerland), June 29th to July 1st 2014

Convened by:
Albert Meijer ①, Martial Pasquier ②
and Jean Patrick Villeneuve ③

① Utrecht University, Netherlands
② IDHEAP, Switzerland
③ University of Lugano, Switzerland

SCIENTIFIC REPORT

1. Executive Summary

The 'Exploratory Workshop on Government Transparency' took place between June 29 and July 1 in Lausanne, Switzerland in the premises of l'Institut de Hautes Etudes en Administration Publique (IDHEAP), University of Lausanne. The event was convened by Albert Meijer (Utrecht University); Martial Pasquier (IDHEAP) and Jean-Patrick Villeneuve (University of Lugano).

The workshop aimed to generate a shared understanding of transparency as a basis for more systematic comparative research into government transparency. As Freedom of Information Acts are enacted all over Europe, a shared definition of what transparency entails has yet to be established. Its proponents claim that this transparency strengthens democracy and the quality of governance but opponents argue that it undermines public trust and produces an administrative burden. Comparative research is needed to identify converging and diverging trends that allow for an effective transparency architecture in the public sector.

Discussants and presenters were 25 scholars from 11 European countries. Representing various academic disciplines (law, political science, public administration, public management, information systems, etc.); they are all engaged in research projects on transparency in public organisations.

The knowledge base was thus multi-national and multi-disciplinary, generating vivid discussions during the sessions. In between sessions, participants continued their exchange on research projects and their specific understanding of the subject. The general atmosphere was collegial and cooperative. Participants appreciated the opportunity of an explorative discussion within a wider forum of scholars – a setting that conventional conferences formats rarely allow for.

The workshop started with an introduction of the objectives and expectations by the convenors followed by an introduction of participants, their institutional affiliation and their research field. The framework of the workshops aimed to shed light on the fussy concept of transparency from four distinct angles: ontological, epistemological, methodological and normative. Each session was structured by five short presentations of selected participants followed by a group discussion of shared and diverting understandings of transparency and related concepts.

- Session I: The discussion on ontological aspects of transparency sought to understand transparency in the various forms in which it appears and/or is perceived and/or framed by public actors. Described as a 'fluffy concept', this first discussion aimed to provide a *tour d'horizon* of transparency interpretations and related concepts.
- Session II: An epistemological approach to transparency promised to shed light on the impact of cultural embedding, history and genealogy of the concept. Strengths and vulnerabilities stemming from transparency`s historical development were also identified.
- Session III: Deliberating on the various methodological approaches to capture transparency brought insight into scholars' experiences, promising research approaches and gaps.
- Session IV: The discussion on the normative nature of transparency addressed it as an ideal or a standard - as well as the enabling role of transparency with regard to other values, such as democracy, rule of law or accountability.

Overall, two different approaches to future research emerged:

Modestly Positivist Approach: Overall, participants underlined the need for more systemic research, ideally taking a comparative approach in order to generate a better understanding of benefits and downsides of transparency and its relation to the context in which it occurs. Thereby, short- and long term results should be differentiated. Additionally, transparency and access to information processes and tools should be analysed from citizens' own perspective, possibly considering the role of different ICT formats. Local governments as units of analysis are a good starting point; also private and public private-actors should be researched in the future.

Social Constructivist Approach: Researching the cultural and historical context of transparency in different national settings allows understanding differences in applications, successes and failures of transparency initiatives. Political rhetoric, public discourse and genealogical research would generate such insight. Research in this field would also need to consider the various value dimensions of transparency.

2. Scientific content of the event

I) Ontological Issues of Transparency

Discussions on the ontological questions of transparency focussed on culture and context. Discussants agreed that different understandings of transparency are determined by the historic-cultural genesis present in individual countries. The application and effectiveness of transparency regulations is subject to these cultural patterns as well as context. Hence, research could either be social constructivist, researching dynamics and path-dependencies or modestly positivist assessing transparency at a point in time in a specific context.

Modestly Positivist	Social-Constructivist
Increased complexity; multiple instruments	Context Analysis
Multiple Layers (process, procedure, philosophy, perception)	Historic Institutionalism Institutional Practices
Domain specific	Narratives
Consider continuum of secrecy	Politics of Transparency

Daniel Naurin (University of Gothenburg) addressed the impact of transparency regulations on the institution/setting observed, posing the questions whether a behaviour change of/within the representatives/ institutions observed can be part of the desired goals of transparency regulations. He pledged for a stronger distinction between researching transparency and Freedom of Information (FOI) legislations. A further distinction is the one between regulations in place and the actual information level of citizens.

The subsequent discussion addressed the role of information receivers within the transparency equation: effective disclosure requires informed citizens asking the right questions. The attitude of these observers ultimately shapes the way information are received, processed and used.

Ben Worthy (Birkbeck University of London) introduced the four layers of transparency that should be distinguished during the research process: **P**hilosophy (historic-cultural understanding); **P**rocedures (FOI laws in place); **P**rocesses (implementation of FOI laws); **P**erceptions (users and evaluators).

The following discussion mentioned an additional dimension of analysis: Protection of information requesters as well as public servants. Moreover the need for transparency research regarding the private and public-private sector was emphasised; currently, research focusses mainly on the public sector.

Deirdre Curtin (University of Amsterdam) shed light on 'flip-sides' of transparency and called for a more nuanced understanding of them: secrecy (intentional concealment), privacy (insider knowledge) and opacity (absence of transparency). Discussing especially the concept of secrecy, she pledges for a nuanced understanding for different levels of secrecy (e.g. deep levels of secrecy, open secrets, empty archives etc.); intentional and unintentional secrecy; and finally the time-dimension of secrecy (classification durations).

Subsequent discussions enriched the understanding of secrecy for the dimension of power relations, the 'bonding function' of secrecy and the benefits of secrecy for the public (e.g. in diplomacy).

Oana Stefan (King's College London) presented the boundaries of transparency through the lens of her research on judicial secrecy – especially distinguishing between transparency of process versus transparency of outcomes. Starting from that, she asked about the trade-off of transparency against other democratic values such as protection of privacy. Finally, she introduced the concept of openness as an alternative to transparency, implying active cooperation and exchange; while transparency could be passive only.

Participants emphasised the need for comparative research to get a more holistic understanding about possibilities and limitations of transparency regulations.

Tero Erkkilä (University of Helsinki) discussed in his presentation the role of transparency narratives put forward by elected officials and the rationales promoted in the name of transparency. Such an exploitation of transparency for political purposes and government PR impacts on the way transparency is implemented in administrations and poses a challenge for transparency research.

Following discussions on the role of transparency narratives emphasised the strategic importance for a common understanding of transparency. Research in this field could concern the outcomes of FOI regulations in comparison to related narratives and thus help to distinguish between ideology and evidence.

II) Epistemological Issues of Transparency

Modestly Positivist	Social-Constructivist
Study outcomes	Deconstructing the transparency concept
Focus on significant aspects (requires smart methods)	Social usage of the term: narratives, rhetoric, discourse
Analyse intentionality	Analyse functional effects

Provider vs. receiver perceived transparency	Genealogical analysis
Compare: rhetoric, measures, outcomes	Analyse performativity

*Regina Connolly(*Dublin City University) urged for more research on the results of transparency initiatives, arguing that transparency is not an end in itself, but a tool for improving e.g. public administration. Downsides of transparency should be considered within such a research approach, since transparency is mainly a perceived value – and thus has to be tested against empirically measurable benefits.

The discussants addressed possibilities for researching results of transparency initiatives, highlighting the difference between long- and short term results, increased research needs on the user perspective (what do citizens make of increased transparency?), the adequate framing of disclosed information (e.g. media headlines versus more elaborate use of information). Even the study of "negative" outcomes might be desirable, such as a lack of trust enhancing citizens' awareness and engagement.

Vincente Pina (University of Zaragoza) emphasised the need for more evaluation of transparency initiatives. Passing FOI laws does not make governments automatically transparent or more accountable. Relevant research units are a) citizens' reactions/ engagement fostered by transparency initiatives; b) government's/administration's reaction to disclosed deficits, C) comparison of disclosure methods, such as the use of ICTs.

Afshin Mehrpouya (HEC Paris) underlined that transparency is a fluffy and dynamic concept, making a standard measurement challenging. Consequently, he urged for a constructivist approach to transparency research. He cautioned that existing measurements of transparency and related concepts are representative, possibly following a political agenda or specific world-view.

Sandrine Baume (University of Lausanne) suggested a genealogical approach to understanding transparency addressing the question under which conditions transparency emerges and what social functions of transparency concepts are.

III) Methodological Issues of Transparency

Approaches:	**Notions:**
▪ Empirical ▪ Legal/Doctrinal ▪ Theoretical	▪ Level of analysis: national, local, policy domains ▪ Comparison: nations, domains, departments ▪ Use available instruments ▪ Mixed methods ▪ Cost-benefit analysis ▪ Design oriented approach

Maeve McDonagh (University College Cork) supported in her presentation an evaluation of transparency initiatives identifying successes and downsides; the need to formulate exceptions; possibilities to improve enforcement measures. Suggested methods included: surveys, focus groups, experimental research with FOI requests. It was underlined that local governments represent an interesting unit of analysis.

The discussion evolved around the downside of interviewing public officials, who tend to take a negative stand on transparency regulation. Another point raised was that citizens are more interested in services improved through transparency rather than in transparency itself.

Jenny de Fine Licht (University of Gothenburg) named experiments as a powerful tool to test hypothesis. Case studies represent a natural experiment that could be interesting in comparative research. Such comparative studies can help to find, map and analyse effects of transparency. A databank of expert interviews on government openness produced by the Quality of Government Institute in Gothenburg would be a worthwhile starting point.

The discussion following underlined the need for comparative research, such as comparative experiments, researching different government branches/departments or conducting time-series comparisons.

Lourdes Torres (University of Zaragoza) presented her research on e-governance tools, websites and social media outreach of local and regional governments and administrations. As a very hands-on and detailed research approach it assesses how e-tools can promote better governance beyond service delivery and dissemination of information.

Greta Nasi (Università Bocconi) suggested to build on existing research and improve measurement tools as well as to apply a variety of methods to get more solid results. She suggested to evaluate how useful citizens find disclosed information and/or to conduct a cost/benefit analysis of transparency initiatives.

Anneke Zuiderwijk (Delft University of Technology) approached disclosure from the perspective of experimental design and suggested to focus research on the usability, comprehensibility and usefulness of released data. In terms of methods, experimental research was suggested.

Discussants agreed that usefulness of data should be a key research aspect. Another field for research mentioned was to identify tools that help citizens to understand information easier.

IV) Normative Issues of Transparency

- Transparency as an intrinsic value vs. instrumental/ process value
- What are the limits of transparency (harms/ costs) – empirical research required
- Get a better understanding of the principle of transparency
- Transparency as a contextual value

Frank Bannister (Trinity College Dublin) discussed in his presentation the question whether transparency represents an intrinsic or an instrumental value. He suggested that transparency can have an instrumental value, which, however, remains ambiguous.

In the discussion responding to his presentation, participants showed different approaches to transparency as a value; no consensual understanding was achieved. Other understandings

mentioned were transparency as a process value and an evaluation of the value of transparency seen from its outcomes.

Fabrizio Scrollini (London School of Economics and Political Science) emphasised that transparency goes beyond FOI legislations; it is rather a normative baseline in democracy; an expectation citizens have. Even as a fundamental value, it can have downsides; yet still be accepted in principle.

Discussants subsequently engaged in a vivid exchange on transparency`s instrumental function for democracy versus its functioning for the rule of law.

Maarten Hillebrandt (University of Amsterdam) addressed the trade-off and synergies of transparency vis-a-vis other democratic values. With more insight into the positive functions of transparency in certain contexts, a normative framework could be created. Without such a classification, transparency remains a loose concept, applied more or less coincidentally.

Transparency`s role with regard to democratic values such as accountability, trust or free flow of information were discussed subsequent to the presentation. The exchange revealed that it might also be challenging to find a common notion for other democratic values: is accountability only a punctuated equilibrium or a function of state systems, i.e. a process. Is trust an effect or only an externality of transparency?

Sarah Holsen (Aalborg University) presented a normative approach to transparency from a public administration perspective, i.e. its process value. In that context, transparency can be measured through the quality of laws in place and processes putting it into practice. If transparency is assessed through its outputs, one can develop an understanding of where it fails and where it works and where processes can be optimised.

There were different understandings of whether the downsides of transparency received too much attention in research throughout the last years. This bias might partially stem from interviews with civil servants, who tend to take a negative stand, yet their examples are often qualified as hypothetically or anecdotal.

Stephanie Novak (Hertie School of Governance) perceived transparency as an instrumental value and took the stand that this approach makes it easier to conduct research. Measures should address how transparency supports other intrinsic values within a democratic system. Negative impacts of transparency should not be left out, however.

3. Assessment of the results, contribution to the future direction of the field, outcome

The multi-national and multi-disciplinary nature of the group of scholars gathered for the exploratory workshop helped to define the outer boundaries of the ontological, epistemological, methodological and normative analysis of the concept of transparency in the public sector.

While not leading to the development of one definition or of one best approach to frame the "fluffy concept" of transparency, workshop discussions successfully managed to map out possibilities and research gaps. Scholars underlined the necessity for a more comparative approach (notably at the European level) in the study of dynamics triggered by transparency initiatives as well as outlining the complexities associated with this endeavour.

Building on the discussions, both formal and informal, the decision was taken to ask the convenors to plan the road ahead for the development of a COST Action Plan related to transparency and to explore the relevance and feasibility of an Horizon 2020 project. Both these avenues will be explored in the coming months, and the participants to the workshop all directly involved and informed of the steps ahead.

4. Final programme

20.00   **Informal get-together**

Monday June 30, 2014

Session 1: Introduction and opening: *What is the objective of the workshop? How is the program set up? How will we do the discussions? What is the role of ESF?*

9.30 – 11.00   **Introductions by organizers**
Albert Meijer (Utrecht University)
Martial Pasquier (IDHEAP)
Jean Patrick Villeneuve (University of Lugano)

Session 2: Ontological issues: *The question here is what transparency actually is. Should we understand it as a condition? As a relation? As a system? Does it mean the same in each culture? Is transparency socially constructed?*

11.30 – 13.00   **Introductions**
Daniel Naurin (University of Gothenburg)
Ben Worthy (Birkbeck University of London)
Deirdre Curtin (University of Amsterdam)
Oana Stefan (King's College London)
Tero Erkkila (University of Helsinki)

Session 3: Epistemological issues: *The question is what kind of knowledge we can obtain about transparency. Can we measure it in a neutral manner? Or is something only transparent when people think it is transparent?*

14.00 – 15.30   **Introductions**
Regina Connolly (Dublin City University)
Vicente Pina (University of Zaragoza)
Afshin Mehrpouya (HEC Paris)
Sandrine Baume (University of Lausanne)

Session 4: Methodological issues: *Which research methods should be used to study transparency? Do we need to do surveys? Or case studies? Which questions can be answered on the basis of which methodologies?*

16.00 – 17.30   **Introductions**
Maeve McDonagh (University College Cork)
Jenny de Fine Licht (University of Gothenburg)
Lourdes Torres (University of Zaragoza)
Greta Nasi (Università Bocconi)
Anneke Zuiderwijk-van Eijk (Delft University of Technology)

Tuesday, July 1, 2014

Session 5: Normative issues: *Should transparency be seen as an intrinsic or an instrumental value? How can we understand transparency in a broader perspective on democratic societies?*

9.30 – 11.00   **Introductions**
                Frank Bannister (Trinity College Dublin)
                Fabrizio Scrollini (London School of Economics and Political Science)
                Maarten Hillebrandt (University of Amsterdam)
                Sarah Holsen (Aalborg University)
                Stephanie Novak (Hertie School of Governance)

Session 6: Discussion on future research: *How can we proceed from here? What are the issues that need to be investigated through empirical research? How can use our multidisciplinary knowledge to investigate these issues?*

11.30 – 13.00   **Summary**
                Albert Meijer (Utrecht University)
                Martial Pasquier (IDHEAP)
                Jean Patrick Villeneuve (University of Lugano)

5. Final List of Participants

Convenors:

Prof. Albert MEIJER
School of Governance
Utrecht University

Prof. Martial PASQUIER
Swiss Graduate School of Public
Administration
University of Lausanne

Prof. Jean-Patrick VILLENEUVE
Institute for Public Communication
University of Lugano

Participants:

Prof. Sandrine BAUME
Centre of Public Law
University of Lausanne

Prof. Frank BANNISTER
Information Systems
Trinity College Dublin

Dr. Regina CONNOLLY
DCU Business School
Dublin City University

Prof. Deirdre CURTIN
Amsterdam Centre of European Law and
Governance
University of Amsterdam

Ms. Jenny DE FINE LICHT
Department of Political Science
University of Gothenburg

Dr. Tero ERKKILÄ
Department of Political and Economic
Studies
University of Helsinki

Prof. Greta NASI
Department of Policy Analysis and Public
Management
Università Bocconi

Ms. Marlen HEIDE
Institut for Public Communication
University of Lugano

Mr. Maarten HILLEBRANDT
Amsterdam Centre for European Law and
Governance
University of Amsterdam

Dr. Sarah HOLSEN
Aalborg University

Mr. Vincent MABILLARD
Swiss Graduate School of Public
Administration
University of Lausanne

Prof. Maeve MCDONAGH
Faculty of Law
University College Cork

Dr. Afshin MEHRPOUYA
Accounting and Management Control
HEC Paris

Dr. Daniel NAURIN
Department of Political Science
University of Gothenburg

Dr. Stéphanie NOVAK
Hertie School of Governance

Prof. Vicente PINA
Accounting and Finance
University of Zaragoza

Mr. Fabrizio SCROLLINI
Government Department
London School of Economics and Political
Science

Dr. Oana STEFAN
Dickson Poon School of Law
King's College London
Strand

Prof. Lourdes TORRES
Accounting and Finance
University of Zaragoza

Dr. Ben WORTHY
School of Social Sciences, History and
Philosophy
Birkbeck University of London

Ms. Anneke ZUIDERWIJK
Information and Communication
Technology
Delft University of Technology

Mr. Raphaël ZUMOFEN
Swiss Graduate School of Public
Administration
University of Lausanne

6. Statistical information on participants

Country of origin (by institutional affiliation):

Switzerland	6
Netherlands	4
Ireland	3
United Kingdom	3
Sweden	2
Spain	2
Finland	1
Italy	1
Denmark	1
France	1
Germany	1

M/F repartition:

Male	Female
13	12