



Citation for published version:

Moore, S 2018, 'Towards a sociology of institutional transparency: openness, deception, and the problem of public trust', *Sociology*, vol. 52, no. 2, pp. 416-430. <https://doi.org/10.1177/0038038516686530>

DOI:

[10.1177/0038038516686530](https://doi.org/10.1177/0038038516686530)

Publication date:

2018

Document Version

Peer reviewed version

[Link to publication](#)

Publisher Rights

Unspecified

Sarah Moore, Towards a Sociology of Institutional Transparency: Openness, Deception and the Problem of Public Trust, *Sociology* (52, 2). Copyright © 2017 Sage. Reprinted by permission of SAGE Publications.

University of Bath

Alternative formats

If you require this document in an alternative format, please contact:
openaccess@bath.ac.uk

General rights

Copyright and moral rights for the publications made accessible in the public portal are retained by the authors and/or other copyright owners and it is a condition of accessing publications that users recognise and abide by the legal requirements associated with these rights.

Take down policy

If you believe that this document breaches copyright please contact us providing details, and we will remove access to the work immediately and investigate your claim.

Towards a sociology of institutional transparency: openness, deception, and the problem of public trust

Abstract

Transparency has become the watchword of twenty-first century liberal democracies. It refers to a project of ‘opening up’ the state by providing online access to public sector data. This article puts forward a sociological critique of the transparency agenda and the purported relationship between institutional openness and public trust. Drawing upon Simmel’s (1906) work, the article argues that open government initiatives routinely prize visibility over intelligibility and ignore the communicative basis of trust. The result is a non-reciprocal form of openness that obscures more than it reveals. In making this point, the article suggests that transparency embodies the ethos of a now-discredited mode of ‘instrumental politics’, reliant on the idea that the state constitutes a ‘domain of plain public facts’ (Ezrahi, 2004: 106). The article examines how alternative mechanisms for achieving government openness might better respond to the distinctive needs of citizens living in late modern societies.

Key words: transparency / open government / trust / deception / public / democracy

Author

Sarah Moore
University of Bath

Corresponding author details

Sarah Moore
3 East
University of Bath
BA2 7AY
s.moore2@bath.ac.uk

Towards a sociology of institutional transparency: openness, deception, and the problem of public trust

Increasing the public's access to state agencies' processes and data has become a core aim of twenty-first century public policy. In the UK hospitals are now required to publish a range of statistics on patient outcomes, members of the public can make a freedom of information request, and schools must make data on high-performing and under-performing students publicly available. Such initiatives are not specific to this country. Barack Obama's flagship Open Government programme, launched on his first day in office, sought to produce an 'unprecedented' level of public access to the work of state agencies (Obama, 2009). This has resulted in, amongst other things, the online publication of public bodies' performance data, the broadcasting of as-live feeds from courtrooms and public enquiries, and open access to the spending records of government agencies. Initiatives such as these are aimed at opening up the state by making its bureaucratic operations — mainly its data-outputs — visible online. They are widely referred to in terms of 'transparency'. Despite the cultural currency of this term, there has been a lack of attention paid to the purpose, meaning, and effectiveness of transparency. It is, as Gupta (2008:1) puts it, 'an overused but under-analysed concept', largely, it might reasonably be suggested, because its value seems self-evident.

This article attends to this omission by setting out a sociological critique of the transparency agenda. It does so partly on the basis that scrutinising what transparency means and how it operates are necessary steps in working out what it achieves. Transparency promises to make citizens more informed, engaged, and better able to understand and trust the state. Asking whether (and in what sense) it is able to achieve these goals is not just a matter of evaluating a core plank of public policy; it means enquiring into the normative basis of the relationship between the state and the public in twenty-first century liberal democracies. This is what I take to be important about the task of unpacking transparency: it leads us to ask foundational sociological questions about how the state conceives of its role in engaging the public and what it means to have an open democracy.

To that end, this article traces the emergence, meaning, and function of institutional transparency. Following Ezrahi (2004), transparency programmes are taken to participate in a particular construction of the state and its citizens, one that sees the former as having a purely informational role and the latter as primarily witnesses to the mundane work of the state. This, as Ezrahi (2004) notes, is an idea that is now threatened by a countervailing discourse that takes truth to be contingent, especially if that 'truth' issues from the political realm. This article extends Ezrahi's (2004) argument by engaging with Shilling and Mellor's (2015) essay in this Journal detailing how late modernity involves distinctive possibilities for doubleness and duplicity. This provides an additional strain on the political fiction on which transparency relies; that is, the idea that open data serves as a window to the inner-workings of the state. This suggests that the relationship between transparency and public trust may be far less self-evident than is regularly presumed in policy documents. The penultimate section of the article focuses on this point, drawing upon Simmel's (1906) work on secrecy to argue that transparency neglects the communicative basis of trust and depends upon a decidedly non-reciprocal form of openness. The article goes on to explore how alternative models of state-citizen relations might open up opportunities for reciprocal transparency and more deliberate forms of democracy.

The origin and meaning of institutional transparency

The UK and USA were the first to launch public sector transparency initiatives (Margetts, 2014: 168). In the UK this was done tentatively at first, with the New Labour administration appointing two cross-department advisors in 2009 to increase the availability of government data. The Conservative and Liberal Democrat coalition, elected in 2010, went further in promoting transparency, albeit by pursuing non-statutory measures (Birkinshaw, 2014: 52-3). During their first year in office they oversaw the creation of a Public Sector Transparency Board and the launch of data.gov.uk, a data-hub publishing public sector datasets on health, education, transport, and crime and justice (Cabinet Office, 2012). The aim of this initiative, as with transparency programmes more generally, is to push out online as much state-produced data as possible; the emphasis, in other words, is on the near-instantaneous publication of large volumes of data (Cabinet Office, 2012).

The USA's public sector transparency programme was launched with more aplomb, with President Obama signing the 'Memorandum on Transparency and Open Government' on his first day in office in 2009. The Memorandum pledged a commitment to achieving 'an unprecedented level of openness in government' and asserted transparency as a core value of democracy (Obama, 2009). This idea was quickly taken up elsewhere: by 2011 Australia, Canada, Chile, Morocco, the Netherlands, Italy, Spain, and France had all launched comparable transparency programmes to those of the UK and USA (Margetts, 2014: 169). This development in domestic policy was accompanied by a shift in the language and aims of international partnership. Driven principally by the USA, transparency is now a priority for the United Nations as well as the Open Government Partnership, a multi-lateral organisation that was created in 2011 to promote transparency-related programmes around the world (Open Government Partnership, 2015). Government transparency has, within a very short space of time, come to be seen as a universal value and been incorporated into the language of twenty-first century public policy and administration. It has achieved a place in the culture as a self-evident principle of democratic governance, even entering the patter of high-ranking government officials in the most recent film in the *Mission Impossible* franchise. All this begs the question: where did the idea and language of transparency come from?

One important factor is the emergence of the Internet and its facilitation of what Taylor (2004) calls a 'direct-access society', that is, a society in which we expect individuals and organisations to be immediately available to us, albeit virtually and partially. Taylor points out — and he is not without antecedent here — that the direct-access society has helped reshape our shared conception of the social world, away from a top-down pyramidal structure and towards a 'lateral, horizontal view' of society, as if it were 'laid out in a tableau without privileged nodal points' (Taylor 2004: 158). This is precisely the view of society encapsulated in twenty-first century transparency programmes. Here, we are offered a snapshot view of what various public sector organisations are doing, if not quite 'right now', then as near as possible to it. We can access, amongst other things, the test results of this year's cohort of school pupils, today's Court of Appeal hearing, and the current records for hospital admissions. All of this information is forever updated and in a manner that declares that data is issued automatically, without prejudice or design. It forms, to return to Taylor (2004), an ever-growing, flat landscape of data.

From this perspective, transparency is bound up with a broader socio-cultural current — or, as Taylor (2004: 157) has it, contributes to a social imaginary that is premised on a ‘radical horizontality’. There are other ways of approaching twenty-first century transparency. It is also possible to see it as an answer to a direct threat to the state’s legitimacy, one that is intimately connected to the rise of the Internet and the decentering of power and authority to which Taylor alludes. I’m thinking here of the emergence of the anti-secrecy group WikiLeaks in late 2006 and, in 2010, the organisation’s dissemination of classified documents and whistle-blowers’ accounts. This material became the basis for probing news reports on US military action. Beyond this, and more importantly for our purposes, it made the issue of government secrecy headline news.

WikiLeaks represents another, broader problem for twenty-first century governments, namely that government data held electronically can be hacked and widely-disseminated via the Internet. Thus, as Brito (2010: 241) puts it, ‘[w]hen government refuses to make itself transparent and open and fails to make public information meaningfully available, hackers will liberate the data’. From this perspective, transparency is a preventative measure. For some, it serves also as a check on the culture of distrust that has emerged in a post-WikiLeaks era, or, put more cynically, a ‘front end or shallow veneer on an otherwise secretive and closed governmental organisation’ (Margetts, 2014: 169). One thing that might persuade us of the rhetorical function of transparency is the striking similarity of government transparency initiatives to anti-secrecy campaigns. Both construe the online publication of large sets of unedited official documents as constituting a moment of truth. Certainly, it is reasonable to suggest that the work of anti-secrecy groups has influenced the meaning and operation of government transparency.

The guerrilla tactics of groups like WikiLeaks are part of a cultural shift in which the hidden work of the state has come to be widely seen as a threat to democracy. Pressure groups such as openDemocracy and Democracy International have played a central role in this shift, by pushing both the private sector to reveal more data about environmental impact and the public sector to reveal more about government spending (Peters, 2013: 537). As a brief aside here, it is worth noting that the private sector has in the main supported and contributed to the push for greater transparency. Government data, after all, has a commercial value, and policy documents indicate that companies have been key beneficiaries of transparency programmes (see, for example, Cabinet Office, 2012).

This is to note the role of external, non-governmental drivers of transparency. The move towards a data-driven audit culture within the public sector has also played a key role. This was a shift that began in the mid-1980s, with public sector organisations becoming subject to routine audits aimed at assessing and measuring their performance — the so-called new public management. As Power (1999) observes, auditing serves as a powerful tool for regulating work. Whether it is a school’s exam results or a police force’s arrest targets, under-performance is deemed to be a problem with indigenous causes; the responsibility, in other words, resides with the individual school, prison, or local council. In this sense, public sector data is performative. That is, it does work to define and enforce a particular vision of institutional success, one based on the decidedly narrow criteria of efficiency and end-results.

The rise of an audit culture within the public sector was an important precursor to transparency. Others suggest that the essential principle of open government embodied in twenty-

first century open data programmes has been around for quite some time. Peters (2013: 537), for example, sees government transparency as the logical extension of the freedom of information reforms undertaken in many economically-developed countries during the late twentieth century. In the UK, these reforms eventuated in the Freedom of Information Act in 2000, a piece of legislation that has had an extraordinary impact on journalists and campaign groups' ability to hold the political elite to account, leading, most notably, to the MPs expenses scandal in 2009. The political debate about freedom of information and government openness is in fact a long-running one, dating back to the post-Second World War period (Chapman, 2011: 11-12). Thus, in discussing precursors to twenty-first century transparency, some point to the newly-created international organisations of the 1940s and their promotion of freedom of information both as a human right and a key responsibility for democratic, open governments (Chapman, 2011: 12).

There is, then, an important pre-history to transparency. To see transparency as old wine in new bottles is, though, to miss the important ways in which it differs from earlier conceptions of freedom of information. One key distinction lies in the fact that where freedom of information was generally *reactive*, depending upon pressure groups and the public to identify and request information, transparency seeks to be *proactive*. The point is to offer, unprompted, a full and frank disclosure of what is going on within public agencies and departments — though, as discussed below, what transparency initiatives deliver is actually something far narrower than this. Nonetheless, conceptually, transparency is about a 'culture of candor', as the after-the-colon title of one of the earliest management books on the subject puts it (Bennis, Goleman, and O'Toole, 2008). There are other differences between transparency and freedom of information. For example, in its twentieth century formulation, freedom of information was seen as just one factor in the realisation of open government. Thus, in an influential 1987 edited collection addressing the political challenges of instituting open government policies in the UK, Chapman refers to 'open government' as 'the ability of the public in a democracy to hold the government fully accountable for its actions and to assess the validity of actions taken' (Chapman, 2011: 11). Here, governments are 'open' due to the actions of the public, the underlying principle being that the relationship between citizens and the state is based on collaboration (Cohen, 2014). Freedom of information is a necessary but not a sufficient condition for this relationship.

In contrast, in twenty-first century open government programmes, the dissemination of information — or, transparency — is regularly taken to be both a means-to-an-end and an end-in-itself (Backer 2013: 478). Open government, in turn, now tends to be conceived of as a condition achieved by the state, rather than a two-way relationship between the state and its citizens (see, for example, Cabinet Office, 2012; Open Government Partnership, 2015). Thus a 2010 edited collection defines 'open government' as 'the notion that the people have the right to access the documents and proceedings of government' (Lathrop and Ruma, 2010: xix). In this articulation of 'open government', the public play a decidedly passive role. 'Access', here, is something a government *grants* by publishing documents and proceedings, rather than something the public *does*. Where the public's ability to access information does feature as an issue in twenty-first century debates about transparency and open government, it is conceived of in very narrow terms, as a matter of data formatting and exportability (see, for example, Cabinet Office, 2012). Broader concerns about accessibility — the public's ability to *comprehend* and *assess* government data — as well as the public's ability to act on what is made visible, are almost entirely absent from today's transparency

initiatives. Peters (2013: 535) concedes as much when she suggests that institutional transparency means ‘the mere accessibility of information’ (Peters, 2013: 535), and, again, she means ‘accessibility’ in a narrow sense, as a matter of information being in the public domain. By way of distinction, she points out that ‘publicity’ refers to ‘the fact that information is actually accessed’. ‘[T]ransparency’, she adds, ‘is no guarantee that publicity will really come about’ (Peters, 2013: 535). In other words, transparency does not serve as a mechanism for communicating with the public; it is about filing information in a virtual space to which the public have been permitted access.

One reasonable objection here is that lay members of the public are not the intended users of open data, but rather campaign groups, journalists, think-tanks, and companies digest and filter data on the public’s behalf. Certainly, these groups are better able to locate, sift, and make sense of the information, and, in the case of journalists, have been innovative in their use of open data to illuminate how the state spends public funds. This view of open data, its users and beneficiaries, ignores the rhetoric of transparency, its stated purpose, as well as its potential as a form of dialogue between the state and its citizens. Put simply, as a political discourse, transparency refers to the state’s relationship *to the public*. Take, by way of example, Obama’s (2009) ‘Memorandum’, where transparency sits alongside public collaboration and participation as core objectives of open government. Transparency is presented here, and elsewhere, as central to the project of participatory democracy. Yet the nature of and basis for the relationship between government openness and public participation remains obscure. Thus, most initiatives launched as part of the USA’s Open Government programme — for which the ‘Memorandum’ serves as a declaration of purpose — are focussed on openness as something achieved unilaterally by the state. Transparency, in other words, is the privileged goal, and it is frequently treated as its own reward.

It is worth pausing here to note another idiosyncrasy of twenty-first century transparency, and that is the elision of the state with its administrative and performance data. Take the fact that, in the UK, as in the USA, the main action taken in ‘building a transparent society’ has been to get each government department to produce an Open Data Strategy that commits to the routine publication of datasets (Cabinet Office, 2012: 11). In both countries, government agencies and departments are urged to radically alter their mindset and adopt the view that ‘all data must be freed’, as the US Open Data programme puts it (Peled, 2011: 2085). Despite this, much public sector data remains unpublished. Indeed, one of the common criticisms of institutional transparency is that government agencies fail to comply with top-down requests to publish data (Birkinshaw, 2014; Cohen, 2014; Koelkebeck 2010; Peled, 2011). This body of literature tends to approach transparency as an unfinished project. What is rarely considered is the effectiveness of ‘putting the data out there’, as the UK Open Data White Paper describes the project of transparency (Cabinet Office, 2012: 11). In this document and elsewhere, government data is seen as most empowering when it is automatically ‘pushed out’. For Margetts (2014: 167) such an approach means that government open data initiatives are exercises in ‘dump[ing] data for the sake of it’. This, she points out, risks creating a ‘deluge’ of data that is overwhelming and incomprehensible, that inhibits, rather than facilitates, lay members of the public knowing more about the work of the state (Margetts, 2014).

The problem here is not so much a lack of regard for the end-user of government open data, but rather — to return to the point made above — how transparency programmes conceive

of the relationship between the public and the state. In the UK Open Data White Paper ‘pushing out’ reams of data is conceived of as the *best route* to transparency on the basis that each individual has specific needs that can only be met by a personal sifting of the information (Cabinet Office, 2010). In other words, it is individuals who ‘know best how to make the decisions that shape their lives...as long as they have all the information at their fingertips’ (Cabinet Office, 2012: 11). From this perspective, second-guessing citizens’ needs in using the data dampens innovation. Instead, the Open Data White Paper insists that government data should be seen as ‘raw material’ that can be harvested by individuals to make better personal choices (Cabinet Office, 2012). The expectation is that the public will approach this data in such a way that operationalises their idiosyncratic and fluid needs as citizen-consumers, then ‘vote...with their feet’ and thereby provide a check on the quality of public services (Cabinet Office, 2012: 12). Lest this appears to be a conception of transparency that is distinctive to European, post-welfare regimes, it is of note that the USA’s National Action Plans also repeatedly frame transparency as a means of ensuring a competitive public sector (Open Government Partnership 2011; Open Government Partnership 2013).

None of this is to suggest that government transparency programmes entirely eschew the idea of a collective public. Such programmes frequently claim to promote public trust — it is there in the opening paragraph of Obama’s (2009) Memorandum, and serves as the basis for a stand-alone chapter in the UK’s Open Data White Paper (Cabinet Office, 2012). The presumption in these documents, and others besides, is that public trust is a fragile thing that needs buoying, or ‘building’, as the UK White Paper repeatedly puts it. The public is conceived of here as a combative body of opinion, rather than an active collaborator in the project of open government. In fact, a distrustful public is lightly-drawn in these documents. Whilst improving public trust is presented as central to the project of transparency, the levers of public trust are given little consideration. The UK White Paper, for example, repeatedly pictures the relationship in a graphic that shows ‘enhanced access’ as an arrow leading to ‘building trust’, but omits to provide any evidence for this apparently cause-and-effect relationship, nor discuss the mediating factors that might shape it (Cabinet Office, 2012). This article turns now to consider why transparency initiatives routinely take the relationship between transparency and public trust to be self-evident.

Transparency as instrumental politics

In his account of the performative foundations of democracy, Ezrahi (2004) points out that the emergence of liberal democracy in the West was based upon a social imaginary where common-sense realism — a sense of the world as subject to laws of causation and ‘real’ in its material aspects — became the dominant political epistemology. One consequence of what Ezrahi calls the ‘demystification of the political’ is ‘the association of the real with the visible [and] the belief in ocular witnessing as the guarantor of factuality’ (Ezrahi, 2004: 104). To put it simply, political authority came to be based on things that could be shown and seen, rather than metaphysical forces. Central to this shift, Ezrahi (2004) notes, is the gradual emergence, starting in the seventeenth century, of politics as a discrete sphere of activity separate from the Arts and religion, which in turn became associated with fantasy and the imagination. Thus, Ezrahi argues, the line between fact and fiction was firmly drawn. Borrowing a scientific language, politics and statecraft became the realm of literalism, democracy synonymous with a ‘domain of plain public facts’ (Ezrahi, 2004: 106).

For Ezrahi, the apotheosis of this development was the emergence of what he calls instrumental politics, a political mode that involves framing the work of the state as dispassionate, ends-oriented, mundane, and, above all else, visible. The materialisation of the state through statistics, publicity, and transparency are, he argues, crucial to this political fiction because the sheer act of manifesting the state as an external reality is ‘a precondition for the perception of factuality’ (Ezrahi, 2004: 174), much in the same way that Durkheim’s conception of society as a reality *sui generis* serves as a precondition for social facts. In the realm of politics, Ezrahi (2004) argues, the idea that the state resides in an edifice of brute facts has allowed for the depoliticisation of decisions taken by governments, the discourse of ‘best evidence’ participating in a fiction that democracy is a material entity, with measurable and objective ‘needs’. Central to this political fiction, Ezrahi argues, is the work done to call ‘the public’ into being. Indeed, it is ‘the public’ that lends legitimacy to the instrumental mode of politics, their ‘presumed continual gaze’ attesting to the idea that democracy can be found — actually, literally *found* — in the administrative records of the state (Ezrahi, 2004: 105).

Thinking about the performative foundations of modern democracy should prompt us to recognise that transparency contributes to a political fiction that the state’s role is to reveal itself in its bureaucratic operations and the public’s role is to lay witness. As Ezrahi (2004) convincingly argues, this is a view of state-citizen relations that has decreasing cultural purchase. For him, an important driver of this shift is the rise of social media and its dissemination of alternative versions of reality. The backdrop to this, he argues, is the postmodern turn and the decline of old, cherished categories of truth and reality, which have come to be seen as contingent, perspectival, and fluid. We are witnessing, Ezrahi (2004) argues, the ‘end of the external’, the end, that is, of the idea that ‘assertions about the properties of the world [can be separated] from particular worldviews’ (Ezrahi, 2004: 263). This shift has had a really significant impact on the social imagination and, with it, our conception of democracy and politics. One consequence is the decline of democracy as a stable external referent, and the emergence, in its place, of the idea that official accounts of the state are one-sided and disputable. The effect, Ezrahi (2004) argues, is that doubt is cast on the political realm’s claims to factuality, the most obvious manifestation of which is the widespread perception that politicians are given to falsehood and disingenuous posturing. This has important implications for the meaning and operation of transparency, and we turn to these now.

Transparency, doubleness, and deception

Ezrahi’s (2004) account of the rise and fall of instrumental politics points to a potential threat to the legitimacy of transparency. In a social context where different versions of events proliferate, and there is less primacy given to official accounts, *anything* an organisation is known or perceived to do can be factored into the public reception of institutional openness, if not as something that *is* officially on show, then as something that the state has seemingly tried to hide. If, for example, there is an upsurge of social media reports concerning incidents of police racism and official data published online appears to contradict this view, it is at least a possibility that the latter will be taken as a flat denial of the former, and, more than this, *part of the problem*. Shilling and Mellor’s (2015) recent contribution to this journal is useful in helping us think through exactly what ‘the problem’ might be. They argue that late modernity has given rise to new possibilities for duplicity, both at the level of

the individual and the organisation. The growth of geographical mobility, social media, and reflective decision-making have, they suggest, produced novel opportunities for us to self-consciously promote different versions of the self. Like Ezrahi (2004), Shilling and Mellor (2015) are interested in the idea that late modernity has given rise to alternative realities that blur the distinction between fact and fiction. Unlike Ezrahi (2004), they are expressly concerned with how this feeds into a pervasive sense that the modern world is prone to doubleness — not just a sense that there is a potentially huge range of alternative realities, but that there is a stark split between a contrived ‘reality’ and a hidden realm of the real.

Contemporary social theory has been centrally concerned with the effects of doubleness on the individual, particularly in terms of a perceived split between her private and public personae. Indeed, for some, a characteristic feature of late modernity is the prizing of the private, inner self as the ‘real me’ and the parallel rejection of the idea that identity stems from public roles and membership to social groups (see, amongst others, Bauman, 2004; Campbell, 1987; Sennett, 2003). Sociologists have had relatively little to say about the problems twenty-first century organisations encounter in negotiating their identities as public-facing and open, but it might reasonably be suggested that the late modern presumption of doubleness poses an existential problem here too. If, to return to Shilling and Mellor (2015), modern organisations are commonly perceived to be prone to duplicity, the question of what is on show and its relationship to reality becomes particularly pressing. Transparency, in this context, is more likely to frustrate than assuage concerns about doubleness, not least of all because it expressly denies the possibility that anything is being hidden. The *very word* ‘transparency’ precludes any discussion of institutional openness as necessarily contingent and partial, asserting, as it does, that information has been transposed directly and without mediating effects. To present institutional openness in this way — as free from decisions about what gets shown — is to risk public cynicism, especially, as Ezrahi (2004) points out, in a cultural context where politics appears prone to dissimulation.

Transparency and the problem of public trust: how can we trust what we see?

Transparency, and instrumental politics more broadly, depends upon the idea that the more the state shows the public, the more the public will trust the state. As argued above, this is dependent upon an out-dated idea that the public perceive truth to reside in the ‘domain of plain public facts’ (Ezrahi, 2004: 106). The transparency agenda also misconceives the distinctive features of trust at the organisational level and its relationship to visibility, and it is this point that we turn to next. Simmel (1906), in his writing on secrecy and trust, makes some important observations about the difference between what Luhmann (1979) and Giddens (1991) would later call individual-level and system trust. Imagine, Simmel writes, the problem of trusting a local market trader (Simmel, 1906: 447). She loudly hawks her wares — “these are the best vegetables in town!” — and we strongly suspect that her selling pattern is deceitful because it is so obviously self-interested. In contrast, when we enter a store — a supermarket, perhaps — the problem of distrust is of another sort. For one thing, we do not think that shop assistants are liable to dupe us into buying the shop’s wares; they have no personal interest in us doing so. Distrust lies elsewhere: it lies with the unseen organisation. Simmel suggests that distrust of the market trader, though perhaps more visceral, is also more easily off-set, and this is because our direct interaction with her makes her deception more intelligible to us. It also allows us to negotiate our mutual interests: her, to earn more, me, to pay less. Simmel refers to this as ‘reciprocal transparency’ (Simmel, 1906: 448): it is

a social situation wherein we come to understand each other's aims and meanings more clearly because we have each forced the other to make her motives more evident. The ability to *see* the market trader — the self-interested party — is part of this, but interaction and negotiation provide the means whereby we can make sense of what we see of her and work out what remains hidden from us.

There are several implications here for our understanding of institutional transparency. Simmel prompts us to recognise that visibility in and of itself does not promote trust. The glass-fronted boardroom that overlooks the factory floor might allow workers to look at company big-wigs, but it does not make the decisions that are made therein more *intelligible*. Similarly, criminal justice statistics might allow us to 'see' the decisions made within our courts, but they do not make that work comprehensible. Nor do they make the criminal justice *institution* more accessible to us; it is the individual incumbents of the system that are revealed to us, not the organisation. Just as when we walk into a supermarket and do not hold the shop assistant to account for the decisions made by the organisation, we understand that those who enforce the law are operating within structures and parameters set by the (still hidden) institution. More than this, institutional transparency is unreciprocal; there is no negotiation of what is shown on the basis of what each needs to see in order to trust the other.

It might be tempting to see these as intractable problems; public institutions can not, after all, forge the same communicative bases for trust as individuals. They can, though, establish robust means for citizens to scrutinise, make sense of, and act on information. As discussed above, this conception of public access is currently absent from transparency programmes, focused as they are on the importance of 'pushing out' data. It is in the field of political philosophy that we find the most interest in alternative models of open democracy where the state plays an expanded role in disseminating information. Forst (2014), for example, argues for a model of deliberative democracy that safeguards citizens' right to justification, that is, the right to demand the state justifies its actions and decisions. In practical terms, this means 'that there be no political or social relations of governance that cannot be *adequately justified* to those affected by them' (Forst, 2014: 2, italics added). This conception of state-citizen relations requires the state to do more than simply 'push out' data; for governance to be 'adequately justified', the state must take an active role in explaining, evidencing, and defending decisions and actions. Thus, Forst (2014: 181) suggests that a necessary precondition of the right to justification is a strong public sphere of 'information, argumentation, and contestation'. Key to this is the promotion of citizens' rights to object to an official decision or version of events, and here Forst (2014) points to the importance of robust judicial mechanisms for contesting the official line.

For Forst (2014), such mechanisms create the conditions for participatory democracy. For Papakostas (2012), there is something else at stake. In his theoretical study of state-level trust in European countries he argues that citizens' ability to closely scrutinise the work done by state agencies is a means of improving public trust. Papakostas (2012) suggests that liberal democracies should *embrace* the late modern tendency to approach state power from a position of cynicism and give citizens the tools that enable them to inhabit a position of 'structured skepticism'. A particularly important mechanism, for Papakostas (2012), is the publication of rational explanations for the institutional rules and processes that shape official decisions. To be clear, he is by no means suggesting that the state ought to release *more*

information. The real problem, to Papakostas' (2012) mind, is that late modern states' administrative processes have become overly complex and, at times, irrational. 'Structured skepticism' thus depends not just on greater depth of information and more context to the state's decisions; it requires the state's processes to be simplified so that they can be more readily explained and understood. A similar point might be made about transparency: the problem of voluminous, raw open data is exacerbated by the fact that public sector processes have become increasingly inscrutable.

Both Papakostas (2012) and Forst (2014) believe the state has a responsibility to make its work intelligible, and not simply visible to the public. More than that, their work is deeply suggestive of the fact that the benefits of transparency (such as improved public trust) only accrue if work is done to equip people with the means of making sense of and acting upon public data. To see transparency in this way — as one of several mutually-dependent factors in the creation of open democracy — means thinking about it alongside mechanisms such as access to justice and education, public participation in official fora, and collective associations (which have historically played a key role in challenging the official line). As a brief aside here, it is striking that these forms of provision and participation have undergone a very significant decline in the last few decades. We might have much more public data available to us, but, for many people, the means by which we might understand, act upon, and collectively challenge that information have been slowly eroded.

Concluding Discussion

This article concludes by identifying a set of problems with institutional transparency and exploring how alternative routes to government openness might point the way to an era of post-instrumental politics. This critique forms the basis for a new, sociological approach to transparency, one that seeks to scrutinise and theorise the model of state-citizen relations to which transparency answers. This approach is principally directed towards denaturalising the aims, ethos, and achievements of transparency. This means, amongst other things, asking how transparency programmes conceive of 'the public', reflecting upon the state's role and responsibility in opening up the state to public scrutiny, and considering the function of transparency as a rhetorical device.

A sociology of institutional transparency should also be directed towards researching and theorising the communicative bases for public participation and trust in the state. This article has argued that the transparency agenda is based on a simplistic conception of the relationship between visibility and public trust that sees the former as a straightforward condition for the latter. In developing this point, future research might examine the tendency within transparency programmes to conceive of the public through the lens of trust, in terms of a problem to be solved rather than a co-participant in the creation of an open society. A broader aim here might be to highlight and explain the absence within transparency programmes of an underpinning conception of the relationship between the state and the public — its character, bases, and the responsibilities on each side. This article has suggested that this is no accidental omission. In transparency programmes, the core responsibility of government agencies is to 'push out' as much data as possible, the presumption being that individuals are best placed to sift the information and decide its uses (not, it should be added, because they have been equipped with the skills and abilities to interpret the data, but because they are discerning citizen-consumers). It is an approach based upon the idea that the

state's role is to manifest itself in a 'domain of plain public facts' (Ezrahi, 2004: 106) and the public acts as a homogenous group of spectators. A sociological approach involves laying bare this set of assumptions, and, as part of this, revealing transparency's lack of interest in what the public might need to know, how people approach official data, and the uses to which they put it.

This should prompt us to recognise that if transparency is supposed to serve no-one in particular, there's a risk that it serves no-one at all, least of all lay members of the public for whom accessing government data is more than a matter of data exportability. In attending to this problem, future sociological work might advance an expanded definition of public access, and place this at the heart of research and analysis. In the absence of such a critical perspective, the purpose of transparency remains vague, its outcomes difficult to assess, and its remit loose. Take the fact that, under the auspices of transparency, government openness is now regularly viewed as a means of helping companies become more knowledgeable and so, in many official documents, business leaders and citizens are imagined users of the same sets of government data (see, for example, Cabinet Office, 2012; Open Government Partnership). That there might be substantial differences in each group's needs and abilities to interpret data — or that transforming transparency into a business asset might introduce competing demands concerning which datasets get published — are considerations beyond the scope of twenty-first century transparency programmes. In turn, they are precisely the sort of considerations that might characterise a new sociology of institutional transparency.

Assessing the limitations of transparency in facilitating government openness should also involve suggesting practical alternatives. This article has pointed to mechanisms for 'structured skepticism' (Papakostas, 2012) as one such possibility. Modern democratic states, Papakostas (2012) argues, must provide means of allowing a skeptical public to assess and make sense of official decisions and actions. In this model of state-citizen relations, the public is conceived of as an inquisitive, critical, and active body, and the state has a central role in facilitating public scrutiny. This involves more than making the state's work visible, it means making it intelligible and promoting the public's ability to exercise a level of autonomy over what they look at and how. Papakostas (2012) identifies the creation and communication of coherent official rules as one such mechanism, pointing out that these offer the public a set of tools by which they might make sense of official decisions. The public's physical presence at official fora is another mechanism, allowing them to exercise some control over their point of view as is, Forst (2014) suggests, a strengthened public sphere that promotes argumentation and clear through-routes for the public to challenge the official line.

An important task of the sociology of institutional transparency is to identify and assess meaningful exercises in informing and engaging the public. As part of this project, it should seek to ascertain how late modern liberal democracies can transform the act of passive seeing into active scrutiny so as to facilitate something approaching 'reciprocal transparency' (Simmel, 1906). In doing so, sociological analyses should pay heed to Ezrahi's (2004) observations about the performative basis of democracy and recognise that mechanisms for reciprocal transparency work towards a political fiction, one that is 'better' in so much as it chimes with the late modern social imaginary. This article has suggested that transparency, as it is currently conceived, is a vestige of a now-outdated mode of instrumental politics. This is perhaps most evident in its flat denial that there are processes of selection at work in

making the state accessible to the public. This is a particularly grievous problem considering that, as Shilling and Mellor (2015) point out, late modernity has given rise to a strong sense that individuals and organisations are composed of different aspects or fronts, and are thus prone to deception. In such a social context, transparency's claim to provide an open window to the work of the state — particularly clear in its privileging of liveness and directness — is likely to be treated as disingenuous and rhetorical.

A sociology of institutional transparency would be usefully directed towards researching how the public engage with and make sense of the state through transparency initiatives. As well as establishing the effects of transparency, such an empirical base might help demonstrate that the view of the state provided by transparency programmes is decidedly narrow. Of particular note is the way in which transparency programmes conflate the work of the state with official data produced by front-line state agencies. In doing so, they transform government openness into a matter of releasing information about discrete events that take place in official fora. Thus, government transparency allows us to find out how many people died at a given hospital, how many London-bound trains turned up on time in January, how many schoolchildren under-performed in a particular exam in 2015, and how much was spent by an MP on taxis. Amongst all this data, there are some things that are very evidently *not* on show, namely the structures and principles that underpin official decisions — or, put differently, the state as a system. The sheer volume of 'pushed out' data might mask this, but it also might give the impression that something important is being hidden. Either way, twenty-first century transparency is more likely to calcify than reduce the gap between the public and the state. Refocussing the policy and academic debate to make this a thoroughgoing concern must be the chief task of a new sociology of institutional transparency.

Acknowledgements

I'd like to thank the GW4 Media and Criminal Justice Studies research group, Graham Room, and the two anonymous reviewers for their feedback and advice.

References

Backer LC (2013) Transparency and Business in International Law: Governance between Norm and Technique. In Bianchi A and Peters A (eds) *Transparency in International Law*. Cambridge: Cambridge University Press, 477-501.

Bauman Z (2004) *Identity*. Bristol: Polity Press.

Bennis W, Goleman D, and O'Toole J (2008) *Transparency: How Leaders Create a Culture of Candor*. San Francisco: Jossey-Bass.

Birkinshaw P (2014) Valuing Transparency in Government and Media. In: Bowles N, Hamilton JT, Levy DAL (eds) *Transparency in Politics and the Media: Accountability and Open Government*. London: I.B. Tauris, 49-72.

- Brito J (2010) All Your Data Are Belong to Us: Liberating Government Data. In Lathrop D and Ruma L (eds) *Open Government: Collaboration, Transparency, and Participation in Practice*. California, USA: O'Reilly, 241-8.
- Cabinet Office (2012) Open Data White Paper: Unleashing the Potential. Available at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/78946/CM8353_acc.pdf.
- Campbell C (1987) *The Romantic Ethic and the Spirit of Capitalism*. Oxford: Blackwell.
- Chapman RA (2011) Introduction. In Chapman RA and Hunt M (eds) *Open Government: A study of the prospects of open government within the limitations of the British political system*. London: Routledge.
- Chapman RA and Hunt M (2011) *Open Government: A study of the prospects of open government within the limitations of the British political system*. London: Routledge.
- Cohen S (2014) Transparency and Public Policy: Where Open Government Fails Accountability. In: Bowles N, Hamilton JT, Levy DAL (eds) *Transparency in Politics and the Media: Accountability and Open Government*. London: I.B. Tauris, 95-102.
- Ezrahi Y (2004) *Imagined Democracies: Necessary Political Fictions*. Cambridge: Cambridge University Press.
- Forst R (2014) *The Right to Justification: Elements of a Constructivist Theory of Justice*. New York: Columbia University Press.
- Giddens A (1991) *The Consequences of Modernity*. California, USA: Stanford University Press.
- Gupta A (2008) 'Transparency under Scrutiny: Information Disclosure in Global Environmental Governance', *Global Environmental Politics*, 8: 1-6.
- Koelkebeck T (2010) Transparency Inside Out. In Lathrop D and Ruma L (eds) *Open Government: Collaboration, Transparency, and Participation in Practice*. California, USA: O'Reilly, 273-87.
- Lathrop D and Ruma L (2010) *Open Government: Collaboration, Transparency, and Participation in Practice*. California, USA: O'Reilly.
- Luhmann N (1979) *Trust and Power*. New York: Wiley and Sons.
- Margetts H (2014) Data, Data Everywhere: Open Data versus Big Data in the Quest for Transparency. In: Bowles N, Hamilton JT, Levy DAL (eds) *Transparency in Politics and the Media: Accountability and Open Government*. London: I.B. Tauris, 167-78.
- Obama B (2009) 'Memorandum on Transparency and Open Government'. Available at https://www.whitehouse.gov/the_press_office/TransparencyandOpenGovernment.

Open Government Partnership (2011) 'National Action Plan for the United States of America'. Available at https://www.whitehouse.gov/sites/default/files/us_national_action_plan_final_2.pdf.

Open Government Partnership (2013) 'Second Open Government National Action Plan for the United States of America'. Available at https://www.whitehouse.gov/sites/default/files/docs/us_national_action_plan_6p.pdf.

Open Government Partnership (2015) 'What is the Open Government Partnership?' Available at <http://www.opengovpartnership.org/about>.

Papakostas A (2012) *Civilizing the Public Sphere: Trust, Distrust and Corruption*. Basingstoke: Palgrave Macmillan.

Peled A (2011) 'When transparency and collaboration collide: The USA Open Data program', *Journal of the American Society for Information Science and Technology*, 62(11): 2085-94.

Peters A (2013) Towards Transparency as Global Norm. In Bianchi A and Peters A (eds) *Transparency in International Law*. Cambridge: Cambridge University Press, 534-607.

Power M (1999) *The Audit Society: Rituals of Verification*. Oxford: Oxford University Press.

Shilling, C. and Mellor, P. (2015) 'For a Sociology of Deceit: Doubled Identities, Interested Actions and Situational Logics of Opportunity', *Sociology*, 49(4): 607-23.

Sennett R (2003) *The Fall of Public Man*. London: Penguin.

Simmel G (1906) 'The Sociology of Secrecy and of Secret Societies', *American Journal of Sociology*, 11(4): 441-98.

Taylor C (2004) *Modern Social Imaginaries*. USA: Duke University Press.

Author biography

Sarah Moore is a Lecturer at the University of Bath. Her research ranges across the sociology of criminal justice and the sociology of health. She is particularly interested in the social mechanisms for attributing blame and responsibility, as well as the meaning of accountability. She has written on a wide range of topics, including the emergence of 'awareness' campaigns, the feminisation of breast cancer, cautionary tales about sexual violence, detective fiction, and sex education.