Vincent August
Fran Osrecki   *Hrsg.*

Der Transparenz-Imperativ

Normen – Praktiken – Strukturen

Springer VS

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Normen – Praktiken – Strukturen

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Transparency Imperatives: Results and Frontiers of Social Science Research

Vincent August and Fran Osrecki

Abstract

In Western societies, transparency has become an imperative and almost unquestionable norm. In this opening chapter, we provide an overview of social scientific debates about transparency. First, we trace the idea of transparency historically in order to contextualize past and present transparency imperatives. We start with the utilitarian tradition initiated by Jeremy Bentham and argue that transparency employs a mechanism of surveillance, formalization, and standardization that is supposed to transform insecurities into security and efficiency. This modernist legacy reaches into contemporary visions of transparency, for instance in institutional economics, new public management, or in current debates on big data. In a second step, we discuss the unintended consequences of these recent transparency imperatives. Based on a literature review, we show that transparency often does not achieve its self-proclaimed goals, as its rationale and practices produce unintended structural effects, such as organizational inefficiency, massive bureaucratization, and even intransparency. Building on these results, we propose a comparative approach for future social scientific research on transparency, outlining new frontiers and topics.

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We will refer to the articles collected in this book throughout the chapter and close with some remarks on the general structure of this anthology that combines contributions from sociology, political science, and anthropology and highlights the variety and ubiquity of transparency imperatives.

1   The Rise of Transparency Imperatives

In Western societies, transparency has become an imperative and an almost unquestionable norm. Its ubiquity is a remarkable phenomenon as most norms in modern, highly differentiated society are both contested and tied to certain social sub-fields. The semantics, rationales, and practices of transparency, however, can now be found in almost every part of society, ranging from politics and economics to science, sports, or journalism. Moreover, in all those fields, opposition to transparency is scarce. Transparency has become something of a social 'mega-trend'.

For an illustration, let us take an example from political sociology: It is very rare that non-governmental organizations, government agencies, and economic pressure groups share a common interest. But when the European Union negotiated the Transatlantic Trade and Investment Partnership, EU actors quickly accepted the demand for more transparency made by NGOs and economic pressure groups. The 'EU transparency initiative' set an extraordinary example as international trade agreements have usually been negotiated in the *utmost* secrecy, but it did not quiet the calls for more transparency (Abazi 2016; Gheyle and de Ville 2017). Transparency has become a universally acknowledged problem solver without stopping rule, and it has become directed at all different kinds of organizations, such as newspapers, hospitals, central banks, or universities (see Franzen; Mölders; Martini; Reilley in this volume).

As the demands for transparency unfolded over the past 40 years, transparency research has taken off as well. However, while public calls for transparency has only gotten stronger, the academic discussion shifted. In an early stage of transparency research, there were basically two normative approaches. The proponents of transparency claimed that it fosters 'good governance', whereas other researchers, usually with a poststructuralist or critical theory background, hinted to a close link between surveillance and transparency to argue against the "tyranny of transparency" (Strathern 2000). As those approaches co-existed over years without generating new insights, more analytical approaches from the social sciences surfaced, which study historical and current cases to interrogate the *empirical justifications*, *practices,* and *(un-intended) consequences* of transparency.

These new insights not only provide a basis to work towards a more general theory of transparency, they also proliferate a skeptical evaluation of what transparency actually achieves.

In the following, we will provide an overview of those approaches and their results, discuss their relevance, and sketch out future frontiers for transparency research. In a first step, we unravel the circumstances that foster transparency imperatives by discussing the history of transparency ideals and practices.[1] As we will show, transparency is a tool that implements distrust in order to create more certainty by installing practices of inspection. Those practices formalize and standardize behavior, aiming to effectively bind agents to given criteria and to generate reliable information that yield a neutral, rational judgment. However, social science research has demonstrated that transparency often fails to achieve such *self-proclaimed* goals. In a second step, we will review the strand of literature that nourishes doubts as to whether and when (if at all) transparency is a sensible strategy for organizations and whole social fields.

While those doubts have their base in profound analytical case studies, only a comparative approach can extensively map transparency imperatives and their alternatives. This is why we conclude by arguing for two re-orientations in transparency research. First, transparency research should systematically compare how transparency rationales, practices, and effects play out on different social levels, i.e. in interactions, organizations, and social fields. Do transparency imperatives affect all levels in the same way? Do all social fields adapt to those imperatives? What are reasons for (intended or un-intended) resistance to those imperatives? However, a comparative approach does not fulfill its potential when it only compares transparency imperatives and forgets about functional equivalents to transparency. The second frontier of transparency research, therefore, lies in detecting and discussing alternatives to transparency.

1.1   The Utilitarian Tradition

As transparency imperatives became ubiquitous, it also became difficult to distinguish 'transparency' from other forms of observation, publicity, or access. Social science as well as public actors often use transparency and publicity synonymously,

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[1]The first two sub-sections build on arguments already presented in August 2018b, 2019a, but they extend the literature review and add some new aspects, especially regarding *big data* and organizational strategies for coping with transparency imperatives.

or argue that transparency is a universal or natural element of democratic societies (e.g. Ritzi 2017). In contrast to and even in explicit defiance of universalization and naturalization, a lot of transparency research has been directed towards historicizing and contextualizing transparency demands (Baume 2011; Berliner 2014; Erkkilä 2012; Hood 2006; Pozen 2018; Rzepka 2013; Schudson 2015).[2] In sum, this research shows that transparency is a common framework used by a variety of actors since the beginning of modernity, but it also shows that the current wave of transparency imperatives took off in the 1970s. This development can be explained by a closer look at the *utilitarian tradition of transparency* and the *circumstances of insecurity* that foster transparency demands.

While the rise of transparency imperatives since the 1970s was not a monolithic revolution, the arguments and practices employed by various actors have a very distinct predecessor in Jeremy Bentham's utilitarianism. Bentham was the first to formulate the "*Transparent-management principle*" (1962e, p. 381), which he considered to be a solution for the massive insecurities of his time. Those insecurities were manifest in at least three ways (see extensively Rzepka 2013). First, the dominant Christian epistemology was distorted since the religious wars of the 16th and 17th century discredited the certainty of salvation and divine order. Second, social structure was re-arranged as the industrial revolution gave birth to pauperism and to the modern middle classes, who feared their descent into poverty. Finally, the political coordinates had to be re-cast after the French Revolution disqualified absolute monarchies as well as republicanism, leaving a huge question mark as to how "security against misrule" could be guaranteed, as Bentham liked to put it (1962b, p. 99).

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[2]Transparency research offers two main approaches to distinguish transparency from other social phenomena, *nominal definitions* and *historico-critical reconstructions*. Nominal definitions define transparency in advance in order to operationalize the concept and apply it to a given data set. Transparency research usually defines transparency as "access to information" and distinguishes it from "publicity", which includes the understanding and discussion of information (e.g. Naurin 2006). Historico-critical approaches, on the other hand, draw on empirical material to reconstruct what transparency means 'in the field', including the actor's rationales for transparency norms and practices as well as the circumstances of use, its tacit assumption, and unintended consequences (e.g. Alber 2018; August 2018b). While both approaches can contextualize transparency demands in their own ways, historico-critical approaches also criticize nominal approaches that construct a natural link between transparency and democracy. Yet, researchers may also apply the reconstructions of historico-critical approaches as a nominal heuristic to new material.

In his attempt to cope with these challenges, Bentham turned to physics, where Isaac Newton's research on optics and mechanics had established a new paradigm. Newton based his natural laws on empirical observation, supporting a scientific approach to the problem of uncertain knowledge known as *empiricism*. For his empirical insights, transparent lenses, liquids, and prisms played a crucial role as they provided the media to study the planetary movements as well as the laws of light. Newton's laws, in turn, led his contemporaries to believe that the natural world could be deciphered *and controlled* mechanically. Bentham, too, chose to transfer this mechanistic view to the "moral branch" in order to regain social security (Bentham 1952–1954, pp. 100 f.).

In a first step, Bentham stated a moral law. The "principle of utility" maintains that "Nature has placed mankind under the governance two sovereign masters, *pain* and *pleasure*" (1962a, p. 11). This meant that people would always try to maximize their pleasure, which—although a fundamental law of behavior—is also dangerous, because the self-interest of one would always endanger the security of everybody else. Bentham, therefore, proposed to align the *self-interest* with the *universal interest* of security by utilizing pleasure and pain as levers to steer the individual self-interest.

In a second step, the (in-)famous Panopticon papers presented a universal method of steering that would implement Bentham's moral mechanics. If people assume that they are being watched, Bentham argued, they would always adapt their behavior to the (assumed) expectations of their watchdogs, hoping to avoid pain and gain pleasures. While at first directed at the prisoners of the Panopticon, who had proven to be dangerous to society, Bentham also applied the "inspection principle" to the management of the prison, as management actors are in a position of power and positions of power always grant many opportunities for self-interested corruption.

After Bentham transferred "transparency" from physics to architecture and from architecture to management, it is only in a third step that he applied it to politics (Bentham 1962b, 1999). Drafting a transparent democracy, Bentham derived several practices from the transparency metaphor, ranging from an institutional hierarchy via publication and monitoring systems to a transparent political discourse. He argued that "the transparency of the system" enables the sovereign 'public opinion tribunal' to distribute gratifications and sanctions as well as it feeds the 'tribunal' with purified information to improve decision-making (Bentham 1962b, pp. 62 f.). Only a transparent democracy would guarantee "security against misrule" *and* yield a neutral, rational judgement.

As we will see, the promises and semantics of transparency prevailed since the first formulation by Bentham. However, in the 1970s and 1980s, a new wave

of transparency imperatives rose, again fostered by a range of crises and insecurities (for an extensive discussion of those, see August 2019b).[3] For one, the *economy* of post-war Western societies experienced a substantial blowback. With rising unemployment rates, massive inflation, and a stagnant growth, the situation overthrew the dominant Keynesian theories and practices, opening the quest for a new economic order. Secondly, post-war *states* also had problems enforcing their monopoly on violence as terrorist groups, such as the Irish Republican Army, attacked elites and civilians alike. Finally, those crises fueled existing *conflicts among social groups*, including the classical cleavage of capital and labor as well as new conflict lines along the emancipation of women and people of color or the punitive handling of homosexuals. In their distinct combination, the crises of the 1970s disrupted the often state-centered patterns of post-war societies.

One group commenting those crises sharply solicited transparency. Referring to themselves as neoliberals, they proposed an alternative governance principle in order to regain stability. Their liberal-economic argument built on the ideas developed in *public choice theory*. From their perspective, the demise of *public goods* obvious in the 1970s crises resulted from the false approach of post-war institutionalism. Rather than acknowledge that people in power act like *utility maximizers*, who must constantly be hold accountable, post-war institutionalism naively trusted in the responsibility of the elites, thus encouraging corruption and exploitation of public goods (e.g. Brittan 1975; Watrin 1979).

To counter the demise of public goods, they proposed that transparency (or 'monitoring') would achieve two goals at the same time (e.g. Buchanan 1975): On the one hand, transparency would provide accountability, leading to the apt behavior of elites. On the other hand, it would provide the members of society with the information necessary to make reasonable choices and create more rational decisions. In short, they repeated the same arguments and semantics for transparency first launched by Bentham (Hood 2001; Hurtado 2008).

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[3]Many historians and social scientists recently argued that the 1970s brought significant changes in many areas of Western societies, ranging from industrial structure, management principles, welfare and party politics to cultural values and cleavages. The abundant literature includes very specific studies, for instance on youth unemployment or media representations, as well as very general thesis that diagnose a structural change of modernity. See, amongst others, Black et al. (2013); Boltanski and Chiapello (2005); Bösch (2019); Chabal (2015); Doering-Manteuffel and Raphael (2008); Leendertz and Meteling (2016); Reckwitz (2017); Wirsching (2011).

Following this line of thought, the *new public management* movement started to promote and implement transparency practices in public administration (Erkkilä 2012; Hood 2001). Those practices include auditing, benchmarking, and monitoring, but they also extend to institutional arrangements and modes of communication. Just like Bentham, the International Monetary Fund, for instance, demanded "[c]lear assignments" and "[c]lear statements" as well as "[c]lear and simple statutes and implementations", because only "transparency in the overall structure and functions" will deliver "stability, allocative efficiency, and fairness" (Kopits and Craig 1998, p. 5 f., 13 (emphasis removed)).

Those promises and practices of transparency, however, can be applied to any kind of organization. Political and administrative institutions were only one specification of a more general approach advertised by *new institutional economics* and a number of related movements, which casted any institution in terms of a relationship between self-interested principals and agents (e.g. Becker 1978; Laffont and Martimort 2002; Moe 1984).[4] As this rational-choice perspective on organizations spread, it helped disperse transparency imperatives into different fields of society.

But Bentham's original formulation allowed for an even wider dispersion of transparency imperatives. Firstly, to him, transparency was not an idea(l) restricted to the political system, but a universally applicable *technique to steer human behavior*.[5] Secondly, this technique was founded upon a *more general belief in the perfectibility of human beings and human societies through mechanistic steering*. Looking into the history of transparency imperatives and practices demonstrates that those modernist and utilitarian ideas offered the opportunity to adopt and adapt them to different belief systems as well as different social fields.

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[4]Although this argument for transparency still prevails, some economists and rational choice researchers have meanwhile pointed to limits of transparency, arguing, for instance, for the necessity of (partly) secluding negotiations. See Naurin (2006), Prat (2005).

[5]The Panopticon papers presented a draft for a prison, but they explicitly entertained the idea that transparency is a suitable architectural and management principle for a wide range of organizations, such as schools and hospitals. However, Bentham also elaborated that for different purposes different degrees and arrangements of transparency would be in order. Another curiosity: At first, transparency did only apply to physical transparency, for instance the architecture of the building; it is only in a second step that Bentham transformed the material term into a management metaphor and melted it with a more general term of publicity. Publicity and transparency are, thus, two different things.

For example, at the beginning of the 20th century, there was a range of transparency imperatives inspired by socialist and social democratic worldviews. Among those were many architects of the Bauhaus, such as Walter Gropius. Following a utilitarian approach to social housing, factory buildings, and city planning, they praised glass for being a *perfect and pure* material that has the capacity to transform human beings and their society to the better (August 2018a; see Gropius 2005).

Another example from that period are 'progressive' American politicians and jurists, such as Louis D. Brandeis, who is one of the favorite references of present-day transparency advocates (Pozen 2018). But in contrast to many of the current claims, Brandeis did not direct his transparency imperatives primarily at the state but at companies, especially banks, in order to enable state control. Nevertheless, he used the same *semantics of hygiene and social control* characteristic of the liberal tradition when he advertised publicity as "a remedy for social and industrial diseases": "Sunlight is said to be the best of disinfectants; electric light the most efficient policemen" (Brandeis 1914, p. 92).

1.2   Transparency's Modernist Strategy of Governance

As the historical overview demonstrates, transparency is a polyvalent, adaptable nexus of norms and practices. It derives its versatility from the more general historical background, because its rationale is formed by typically modern challenges, principles, and hopes. To handle the massive amount of *uncertainties* in modern societies, transparency implements a mechanistic concept of *causal steering.* Its goal is to canalize potentially arbitrary behavior into *morally approved procedures* and transcend 'sinister interests' into a *neutral, rational judgement*. This modernist train of thought explains the broad-spectrum support of today's transparency imperatives (August 2019a; Christensen and Cheney 2015).

The history of transparency as well as other empirical investigations suggest that transparency is often evoked in situations of perceived insecurity (e.g. Alber 2018; Kühnert 2018; Stark 2018). In those situations, uncertainties are interpreted as threats and they are answered in form of distrust. Bentham, for instance, feared that anybody in power would use this power for "his own greatest happiness" (1962b, p. 44). Transparency, then, translates distrust into practices of inspection in order to regain security. The metaphor of transparency is very instructive for inventing new management practices without losing a common reference point. Yet, it is possible to distinguish four classes of transparency practices that reappear at different times and in different organizational settings:

1. *Transparent architecture*. Being the 'original' approach from which transparency was transferred to other management practices, these practices unfold from Bentham's drafts of prisons, ministerial offices, and plenary rooms via the already mentioned Bauhaus architecture up to contemporary buildings, such as the former German parliament in Bonn (Barnstone 2005).

2. *Transparent organizational structure.* Not only the material but also the organizational 'architecture' can be made transparent. As we have already seen, both Bentham and *new institutional economics* argued for an institutional hierarchy, reaching from the highest principal (often termed 'the' public) down to the lowest functionary (e.g. Moe 1984, pp. 765 f.). The 'transparent' hierarchical structure would give power to single agents while isolating them and making them susceptible to sanctions.

3. *Transparency as publication* is probably the most common class of practices, which encompasses auditing, monitoring, and benchmarking techniques. Transparency in this sense, first, demands organizations to record and publish information systematically, while also demanding other 'external' institutions to generate competing accounts, thereby guaranteeing apt behavior on both sides. Second, as Bentham (1962c, p. 130) put it, publicity in this sense "is of no avail without eyes to look at it", meaning that it also demands vigilant watchdogs. Transparent publicity, thus, has three steps: documentation, publication, and distrustful reception.

4. *Transparent speech acts.* Transparent publicity, however, even goes farther as it regulates speech acts by distributing formal specifications as to how to behave, write, or talk.[6] This kind of standardization of speech takes very different forms, ranging from forms (Stark 2018) via rules of procedures or standard operating procedures through to expectations to adapt any kind of speech to rules of 'simplicity', 'completeness', and 'clearness'.

The last class of practices illustrates a crucial point in the modernist governance approach of transparency: transparency practices formalize and standardize behavior so that the arbitrariness of possible actions is contained to previously

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[6]One of the most peculiar and revealing passages from Bentham's writings is that he wanted every member of parliament to swear an oath on keeping his discourse "pure": "my endeavours shall be constantly directed to the giving to them the greatest degree of transparency, and thence of simplicity, possible. […] to keep my own discourse, and, as far as depends upon myself, the discourse of others, as pure as may be from the taint of fallacy: of fallacy in every shape" (Bentham 1962b, p. 124).

approved, 'safe' behavior. If the actors follow these approved procedures, they will also yield 'pure', undistorted information, which, when aggregated, will automatically result in a rational, optimal decision. Transparency, thus, has a control and a content dimension, both attained by standardization, ranging from institutional hierarchies down to the formulation of speech acts that should result in pure information.

In recent years, those modernist beliefs in governance by perfect information were fostered through 'Big Data' and, more generally, the internet. Adding another element to understanding the recent wave of transparency imperatives, the socio-technological developments supported the spread of behavioral control through external inspection in at least two ways. On the one hand, since the spread of 'web 2.0'-approaches, it became much easier to set up so-called watch-blogs or other online-media based accountability practices (Baumann 2014; Eberwein and Porlezza 2014). They focus on monitoring and blaming actors, ranging from monitoring blogs, such as VoteWatch and AbgeordnetenWatch, to whistleblowing platforms, such as WikiLeaks. While the approaches and targets of those blogs and fora differ widely, they also compete with the classical control practices such as the free press, which is sometimes actively criticized, especially by whistleblowing platforms (see Mölders in this volume).

On the other hand, and probably even more powerful, Big-Data-technologies facilitate the belief in the perfectibility of governance by numbers (see Hansen and Flyverbom in this volume; Hansen 2015; Mau 2019). As they generate and analyze huge amounts of information, they provide the ideal environment for the idea that more information would result in a neutral and perfect judgement that is in the interest of all. Technology, for the first time, puts the utilitarian utopia within reach. Digitalization is, therefore, entwined with transparency: while programmer-activists may hold libertarian beliefs resonating with transparency that drive and frame software development (see Heibges in this volume), political activists draw on technology to advertise a "new age of transparency", reproducing the presented rationale for transparency (e.g. MacKinnon 2012; Sifry 2011).

However, one should be careful to assume that all 'open government' or 'open innovation' initiatives also subscribe to transparency. Although examining the rationalities of digitalization is an ongoing endeavor, research already demonstrates that 'openness' and 'transparency' are two different things, and that their relationship is ambiguous (Cucciniello et al. 2013; Meijer et al. 2012). Meijer et al. argue that openness entails at least two dimensions, vision (transparency) and voice (participation), which might help, complement, or even undermine each other. 'Open' or 'openness' inherits a much broader semantics than

'transparency', making the terms applicable in quite different contexts. In consequence, normative approaches that are highly critical of transparency ideals may nevertheless argue for 'openness'.[7]

As we have already seen, similar difficulties appear regarding the relationship of transparency and publicity (or 'the public sphere'). Research on democratic negotiations has long been discussing the impact of publicity on political discourses (Gosseries 2017; Riese; Schäfer in this volume). Those contributions found that publicity, indeed, makes agents more susceptible to external influences. But on the one hand, they highlighted that publicity might strengthen very specific influences, such as organized lobbyism. On the other hand, research has questioned if publicity really leads to the desired rationalization of discourse, as it can also result in a more emotional discourse or block learning processes out of a desire to not look weak.

Transparency imperatives, however, do not only demand *that* negotiations are public but also regulate *how to behave* in those negotiations in order to achieve rationalization. Elaborate proponents of transparency, thus, do not simply argue for publicity, but for a *specific way of how to organize it*. The modernist rationale and its practices behind this 'transparency model of publicity' have been laid out in this chapter. With those precautions, transparency explicitly aims for the impact of external influences. Its proponents use the attractive metaphor of transparency as it employs a rhetorical nimbus of neutrality. However, they ignore (or approve) that the arrangement of transparency favors specific actors. We will now turn to those unintended consequences and power effects of transparency.

2 Un-Intended Consequences and Power Effects of Transparency

Transparency proponents can draw on a well-established rationale that provides a normative justification for transparency based on modernist, utilitarian motives. It derives a set of practices from applying the transparency metaphor to management.

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[7]One example is Michel Foucault. While he argued against transparency, stressing its coercive dimension (Foucault 1975), he advocated open information and innovation, demanding to multiply the "channels of communication" (Foucault 1997, pp. 325 f.). The main difference is that transparency comes with a moral distinction of good and bad information that is rejected by Foucault, who praised unrestricted experimentation.

This rationale declares two main goals of transparency: first, that it will align the behavior of agents to the interests of a principal, generating security against misconduct; and second, that it will thereby automatically yield better governance in terms of efficiency and quality. In recent debates within and outside academia, other positive effects are attributed to transparency, especially the enhancement of trust and citizen participation.

Empirical and theoretical research, however, has continuously raised doubts as to whether transparency achieves any of those goals. Here, it is argued that transparency practices miss their own goals due to the way they operate. In the following, we explore some of the main results presented in this line of research. We start with two normative conundrums (trust/distrust and privacy/surveillance) and move on to discussing the unintended outcomes in terms of efficiency, accountability, and participation, highlighting the power dimension of transparency practices.

2.1   Transparency's Relation to Privacy and Trust: Normative Contradictions?

Let us first turn to the normative discussion with which the dispute surrounding transparency started. With the spread of new public management, more and more critical accounts emerged that exposed transparency practices as surveillance (Strathern 2000). Although 'the transparency of the system' without doubt intrudes everyday life, in the liberal tradition there has always been a very clear distinction between areas of transparency and areas of privacy. Bentham, in particular, was very thoughtful to shield the individual citizen from the transparency of buildings and processes (Bentham 1962b, p. 325, 1999, p. 39). In the liberal tradition, transparency ends where the private interests of the *bourgeois* begin. If transparency is applied to the 'wrong' context, it transforms semantically into 'surveillance'.

This distinction is politically useful, but it also produces norm conflicts. It is politically useful in that it enables activists to discredit a 'surveillance society', while they demand more transparency at the same time (e.g. MacKinnon 2012). Here, the tilting semantics of transparency/surveillance helps to avoid cognitive and political dissonances. In concrete cases, however, those dissonances turn into arguments about the public or private character of information, and those situations have multiplied since information technology, information trading and the involvement of private actors in public decision making have expanded (for an

unconventional genealogy see Herder in this volume).[8] From this perspective, the transparency-surveillance debate resembles an internal conflict about which and how much information can be gathered, traded, or published without violating a normative frame of reference that is shared even by transparency advocates.

While surveillance is a normative critique used by transparency adversaries, *trust* is a normative argument presented by its proponents. Whereas current transparency proponents often claim that transparency fosters trust, historical proponents as well as empirical research are critical of this assertion. Empirical research did not support the positive link between trust and transparency. Rather, it even ponders whether transparency might have a negative impact on trust levels (Cucciniello et al. 2013, 2017; de Fine Licht 2011; Koch-Grünberg 2018; Richter 2017; Tolbert and Mossberger 2006; Wewer 2017). Looking into historical accounts, these results are less surprising. Neoliberal accounts argued that trust in office holders is misplaced, and Bentham explicitly stated that publicity is "a system of *distrust*" (Bentham 1999, p. 37). The link between transparency and distrust makes sense, because you do not need to inspect someone if you trust him or her—there is a reason why it is called 'blind trust'.

Linking transparency to distrust, however, does not automatically disqualify it. As trust, not unlike transparency, receives almost universal support, the discussion about whether distrust is problematic for organizations or democracies has often been forgotten (Suntrup 2018). Defying a moralistic approach, the German sociologist Niklas Luhmann (2017) offered a useful account of trust and distrust, arguing that they are functional equivalents in their attempt to reduce complexity. The main problem of distrust is that it re-inforces itself. As the validity and reliability of any information can be questioned, there is no final assurance without trust.[9] But without a stopping rule, distrusting becomes more and more time

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[8]To give one example, turn back to the TTIP negotiations mentioned at the beginning. In this case, the European Union was reluctant to publish documents that involve the private interests of United States citizens. This protection of private information, however, was at odds with the transparency demands of European NGOs.

[9]On the other hand, Luhmann also pointed to three main problems of trust. First, the consequences of misplaced trust can be enormous. However, they cannot be estimated in advance as trust is a powerful tool precisely because it chooses to act despite insufficient information. Second, the more complex a social system, the more trust is needed as it becomes impossible to control each and every action. At the same time, the more trust is given, the more often it will be disappointed (simply because complexity implies more opportunities for failure). Thirdly, trust is easier transformed into distrust than distrust is transformed into trust.

consuming and yields less and less trusted information. Excessive distrust, thus, destroys the grounds of action and paralyzes social systems, Luhmann argued. Many case studies support this theoretical reasoning. They have found both that transparency intensifies distrust and that transparency-related distrust, in turn, intensifies conflicts as ever more transparency can be demanded (Barry 2013; Gadinger and Yildiz 2016; Gheyle and de Ville 2017; Sampson 2010; Staffiere 2018).

2.2   Inefficiency, Bureaucratization, and Accountability

Looking into the conceptual and empirical relationship of distrust and transparency highlights two dimensions in which transparency's 'working mechanism' might undermine the declared goals of transparency: first, by reproducing distrust, transparency also *reproduces insecurity*, as there is no stopping rule for questioning the validity of information. And second, it suggests that transparency might *paralyze an organization by re-enforcing distrust* if there are no counter-rationales that secure trust. In organizational research and in ethnographic studies, those performative contradictions of transparency have been scrutinized for a long time. Although they often did not take notice of each other, they yielded similar results.

Meanwhile, a large body of literature analyzed accounting, monitoring, and auditing mechanisms spread by *new public management*, and revealed the *unintended organizational side effects* of transparency (e.g. Hansen et al. 2015; Power 2003; Rottenburg et al. 2015; Sampson 2010; Sampson; Bergmann in this volume). Those studies argue that transparency makes entrusted power, organizational structures, or decision-making observable for non-members by turning embedded, professional knowledge into de-contextualized data. Based on those data, quantitative indicators are used to compare, rank, and eventually to steer organizations *without first-hand knowledge of their actual tasks*. Those tactics present a paradigmatic example of how formal data and hierarchical rankings are combined to produce transparency that, in turn, aligns behavior to an externally given purpose. However, they also demonstrate two main immanent contradictions. Firstly, transparency practices foster bureaucratization, generating inefficiencies and informal deviant strategies; and secondly, they re-produce intransparency that must be compensated by actors opaque to external members.

The empirical observation that transparency produces *less efficiency,* rather than more efficiency (as claimed by transparency proponents) rests on a very simple mechanism. As transparency practices produce formal information through

the filling in of forms, listing of activities, accounting for costs, or through other forms of writing, archiving, and publishing reports, considerable resources of organizations and individuals flow into tasks that are not 'intrinsic' goals of the organization or the profession. In other words, transparency generates a great amount of *bureaucratization* sustained either by additional personnel or by diverting time and attention from the actual professional activity, creating a sense of senseless activities (Bannister and Connolly 2011; Farrell and Morris 2003; Hood and Dixon 2015; Stark 2018). While being praised for fostering less bureaucratic and more efficient governance, transparency is *actually* producing the opposite outcome—and it does so due to its own logic.

Organizations confronted with such an intrusive mode of transparency, therefore, may develop strategies to reduce the costs of transparency practices. One main strategy is to shift important decision-making into *less observable, informal areas*—making the organization in fact less transparent for external observers (Anechiarico and Jacobs 1996; Osrecki 2015; Ringel 2019). In other cases, transparency demands are answered by various forms of *window dressing*. While organizations produce standardized reports for external use, the actual practices within the organizations diverge significantly from those reports. This phenomenon is often observed in organizations with highly professionalized staff who can circumvent transparency practices because auditing bodies have little insight into the daily routines of professionals' interactions with clients (Courpasson et al. 2012; Evetts 2011; Levay and Waks 2009; McGivern and Ferlie 2007; Numerato et al. 2012).

Both strategies—*deviant informality* and *window dressing*—illustrate a more fundamental contradiction in the way transparency operates: *transparency produces intransparency*. While proponents of transparency might argue that both strategies call for even more transparency, the intransparency resulting from transparency practices is actually endemic. As transparency produces more and more information, a single piece of information becomes a needle in the haystack. In other words, the surplus of information creates an *information overload* (Bannister and Connolly 2011; Edmunds and Morris 2000; Etzioni 2010). Thus, arguing for more transparency on the one hand ignores the fact that organizations act reasonably, for evading transparency mechanisms might be efficient. On the other hand, they do not see that the information overload also undermines the accountability function ascribed to transparency.

As a major consequence of this self-defeating mechanism, transparency changes the power structures in modern society. The information overload calls for organizational actors who have the relevant resources to process, analyze, evaluate, and act upon the huge amount of information created by transparency

mechanisms. Those capacities especially lie with large companies, official audit-ing bodies, or professionalized non-governmental organizations. In many cases, proponents of transparency openly argue for such intermediaries to manage trans-parency (Bentham 1999, p. 35; Bowles et al. 2014).[10] The intransparency pro-duced by transparency practices thus results in a power shift towards intermediary organizations. Yet, those organizations are obviously not transparent for a wider audience, be it citizens or consumers. While this undermines the general promise of transparency fostering citizen participation, many scholars also argue that the shift favors already powerful actors and their special interests (Barry 2013; Coles 2007, pp. 191–233; D'Angelo and Ranalli 2019; Nicola 2015).[11]

The resulting power asymmetries would be less of an issue if transparency's selling point were not neutrality. It promises to transform a world dominated by power asymmetries and special interests into a world dominated only by the rationality of a universal interest. This promise rests on the premise that trans-parency practices make visible 'what is actually going on' without any interfer-ing bias. It does not so much 'produce' a perspective but "uncover[s] the *true essence*" of the observed interactions (Christensen and Cheney 2015, p. 77; see also Ananny and Crawford 2018, pp. 974 f.; Dymczyk and Schwalbe 2018, pp. 83–86). At the same time, however, transparency is also supposed to align the behavior of the observed with the general interest of the observers. It is, there-fore, no surprise that most of the studies mentioned above show that transparency practices do not simply make organizations observable, but actively change them. Transparency is not a neutral, but a highly performative tool that *transforms what is going on* and *who is participating in it* (in this volume esp. Mahlert; Reilley; in the literature e.g. Espeland and Sauder 2007).

In sum, our review of the literature reveals that transparency is a highly prob-lematic tool as it often does not live up to its promises, let alone to the hopes many actors associate with it. Transparency is, under specific circumstances,

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[10]Bentham's account is remarkable in this respect. While he saw that "as the mass increases, the transparency diminishes" Bentham (1962d, p. 28), he did not register a prob-lem as he relied on two moments. On the one hand, he stressed the purifying power of transparency practices, on the other hand, he argued that transparency would enable the *relevant* actors, that is the educated middle classes that have access to the universal interest.

[11]Democratic theory, in particular, has argued that not only information overload but also standardizing the public discourse leads to exclusion of lower classes, marginalized actors (such as women), and deviant cultural practices of voicing opinions (Fraser 1990; Young 1990).

able to enhance accountability and align the behavior of the watched to external standards. However, it often produces a massive amount of bureaucratization, it reduces efficiency, intensifies distrust, privileges resourceful actors, and thus undermines exactly those goals it promises to achieve. The main reason for this problem lies in the mechanism of transparency itself: as transparency produces more and more information, it necessarily re-produces intransparency. More transparency is likely to intensify the problems, rather than offer a viable solution. Transparency will only be useful if embedded in a setting that counteracts transparency's problems. Moreover, while we have seen that individuals and organizations may react with different strategies, ranging from choosing to exit or comply to window dressing and deviant informalization, the conditions for choosing one of the strategies are still unclear. A comparative approach that explains differences and looks for alternatives could, therefore, be the future of transparency research.

3 Expanding Social Scientific Approaches to Transparency

The previous sections demonstrate that the current social scientific debate over transparency is marked by a high degree of ambiguity. To sum up, we can distinguish at least three positions or modes of evaluating transparency: an *affirmative,* a *dismissive* and an *asymmetrical* mode.

In the affirmative mode, transparency is understood as an instrumental value (Heald 2006) or a steering technique for achieving a wide array of desired goals, for instance stability, efficiency, accountability, and trust. This position has, following Bentham, its strongest support in public choice theory and institutional economics, from where it has spread into reform programs for all kinds of organizations.

The dismissive perspective, on the other hand, questions the value of transparency. Here, one major concern was a strong connection between transparency and surveillance (Han 2012; Strathern 2000; Tsoukas 1997). For many critics, 'transparency' was little more than a sugarcoated term for what Foucault (1975) described as punitive practices in a *disciplinary society*, where both agents with entrusted power *and* the principal ('the' public) are watched and disciplined into standardized and standardizing patterns of behavior. More recently, this position grew in prominence because of new techniques of gathering and processing 'big data', for example in relation to medical and criminal records, voting behavior, or consumer data (Bishop 2009; Zuboff 2019).

Many researchers who do not disapprove of the concept *tout court*, adopted an *asymmetrical perspective* on transparency. From this perspective, techniques of transparency should be targeted at agents with entrusted power but *not* at the principal who entrusted them. In other words, those social scientists are adherents of what Hood (2007, p. 196) called a "populist-particularist" vision of transparency: highly appreciated when aimed at political, economic, professional, or administrative 'elites', but heavily criticized when framed as 'surveillance' of the general public. As we discussed above, this position, in the end, shares Bentham's liberal approach that was asymmetrical as well, but avoids discussing the empirical validity and stability of the transparency/surveillance-distinction.

In relation to these three positions, we saw two major trends in social scientific approaches to transparency in recent years. First, skeptical accounts (dismissive or asymmetrical) have gradually moved beyond concerns about surveillance. Rather, more general and comprehensive arguments were developed that stressed an *immanent form of critique*: practices of transparency might not only threaten privacy and facilitate surveillance, they also undermine their own, *self-proclaimed goals*. Second, this form of critique was not primarily deduced from general social scientific theories, but predominantly empirical, focusing on rationales, practices, and effects of transparency in concrete situations and organizations. In particular, this empirical strand of the debate focused on the *unintended organizational side-effects* of transparency we discussed above.

Having laid out the major trends in the debate, we want to propose several topics and approaches that can be explored to expand social scientific perspectives on transparency. To explore these new frontiers, we suggest an (admittedly conventional) scheme of *macro*, *meso*, and *micro* levels. On a micro level, we locate norms, practices, and structures of transparency relating to face-to-face interactions as well as forms of self-justifications and -practices. The meso level relates to formal organizations and how they enact norms and practices of transparency. Finally, on a macro level, we discuss transparency with reference to the 'largest building blocks' of modern society: social fields or social macro-systems.

It is important to note that most social phenomena play on all three levels simultaneously. So, for example, many face-to-face interactions happen *within* organizational or institutional contexts and many formal organizations have very close ties to specific social fields (e.g. universities to the scientific field or system). The scheme is, thus, a heuristic in which each category might offer an original perspective on a phenomenon.

3.1   The Macro Level: Transparency as a Generalized Principle

On a macro level, as we have noted above, transparency has largely been treated as a value in certain economic and political theories, especially in (neo-)liberal theories of (public) institutions that inspired programs of governance reform. However, there is little *comparative* research on how and why social fields (Bourdieu 1998) or function systems (Luhmann 1982) differ in their way of envisioning, promoting, and implementing transparency.[12] Our discussion of the origins and organizational side-effects of transparency showed that rationales and practices of transparency can be applied not only to elected officials and political institutions, but also to entrusted power in the broader sense of the term, that is entrusted *expertise* as in the case of transparency measures targeted at *professions*. With professions becoming targets, modern society witnesses a *generalization of the transparency principle* that moved well beyond the political field or system and into medicine, education, mass media, social work, care etc.

With its generalization, the transparency ideal in modern society became powerful even in fields where the concept of entrusted power (or expertise) cannot be applied neatly. For instance, this is the case in the system of modern *science* (see Franzen in this volume), where expertise is typically not judged by external actors who 'entrust' scientists, but by mechanisms of *peer control*. Hence, practices of transparency (e.g. university rankings or quantified measures of academic 'excellence') often diverge from well-established modes of accountability and justification and transform the quality standards in science. Many more examples of a creeping generalization of the transparency ideal can be found, for instance in media or sports (e.g. doping and embezzlement).

One theoretical perspective that can guide a comparative macro approach would take the ubiquitous calls for transparency as evidence of a more general trend that simultaneously permeates different parts of society without being reducible to rationales of transparency in one social system or field only. As we have noted above, one aspect that seems to guide many, if not all, concepts of transparency is rendering social processes and structures observable for non-members, i.e.

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[12]The concepts of "social field" (Bourdieu) and "function system" (Luhmann), of course, differ to some extent. However, for the purpose of this article it suffices to say that they offer theoretical equivalents in addressing the largest 'components' of modern society. For a comparison of the concepts, see Nassehi and Nollmann (2004).

external observers of social fields or systems. From this angle, transparency is, to a large degree, a mechanism of *social inclusion*. Inclusion here means that most social macro-systems not only develop highly professionalized and autonomous personnel, but also some mechanism for including *laypersons*.

This perspective was first formulated by Thomas Marshall (1964), taken up by Niklas Luhmann (1981, pp. 25–32) and further refined by Rudolf Stichweh (2003, 2009, 2016). In contrast to Max Weber or Pierre Bourdieu, laypersons here are not only passive bystanders in the process of rationalization, professionalization, and functional differentiation, but have an active role in it. The modern medical profession, for example, could develop only in combination with large hospitals for the *general public* where the class background of single patients did not interfere with the process of treatment and, thus, medical procedures could be applied in a *universalist mode*—treating sick persons not as persons, but as *cases* (Stichweh 2016, p. 19).

Similar developments can be observed in many social macro-systems, where laypersons either play an active role in the operations of professional personnel (patients, students, members of religious communities), or where social systems or fields constantly monitor preferences and actions of distant laypersons (voters, consumers). In any case, the most important aspect of inclusion, as defined here, means that considerable resources of social systems flow into handling demands of non-members. From this perspective, transparency can be described as a mode of *intensifying lay involvement* in the duties carried out in professional roles. The perhaps most evident case in point is the formalization or standardization of conduct envisioned in many transparency imperatives. The guiding idea seems to be making decisions readable without much contextual knowledge of the field in question, thus enabling observation and control by either non-professionals and/or actors professionalized in observing standardized data (e.g. auditors).

With this theoretical background, it is possible to compare ideals and modes of transparency across different social macro-systems and to ask in what ways calls for transparency diverge or converge with already institutionalized channels for lay involvement. More generally, with a comparative macro-perspective the question arises if, why, and to what extent certain social systems or fields are more susceptible to rationales of transparency than others. Is the political system, with its institutionalized forms of lay control, the prime example or target of transparency? Is the generalization of transparency rationales thus an illegitimate (and possibly harmful) over-extension of transparency principles, or just a consequent application of the principle of lay inclusion? And if observability by non-members through standardization is illegitimate or harmful in some social

fields or social systems, what alternative or functionally equivalent principles of observability, accountability or lay inclusion could apply in such areas? While those questions are open regarding Western societies, a global or cross-cultural comparative perspective on the attractiveness and implementation of transparency is also a derivative.[13]

3.2   The Meso Level: Limits of Organizational Transparency

We already showed that one major focus of transparency measures are formal organizations. Now, the empirical literature in this field suggests that formal organizations are very inventive when it comes to evading observability by non-members. This is actually a very old topic in the sociology of organizations. From the 1940s onwards, many authors stressed that formal organizations build up *informal structures* that diverge from official organizational goals, hierarchies, and formal division of labor (Crozier 1964; Gouldner 1954; March and Simon 1958; Selznick 1948). In this context, it was also argued that informality not only factually exists, but is also *functional* in maintaining organizational flexibility in an unpredictable and highly complex environment. It keeps formal structures from petrifying into an over-bureaucratized and formally immobilized structure.

Though the term 'transparency' was not prominent in this discourse, one central point was that such informal arrangements must be *shielded from the public's eye* as they are often not only useful additions to the formal structures, but sometimes incompatible with formality. Most organizations trying to maintain formal coherence and public legitimacy, thus, have to hide informal structures from external observers; even within organizations, informality is tolerated rather than openly communicated or encouraged. Some authors explained this cautious handling by the fact that informality sometimes fosters organizational adaptability by *significantly violating* formal organizational procedures and/or legal prescriptions. In organizational sociology, this phenomenon is called "useful illegality" (Luhmann 1964, pp. 304–314) or "functional deviance" (Bensman and Gerver 1963).

In this respect, transparency and informality are countervailing concepts, though large parts of the pro-transparency literature do not discuss the possibly

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[13]A few articles already address this perspective, e.g. Cucciniello et al. (2013).

harmful effects transparency can have on informal structures and the functions they serve for organizations. Both the recent empirical literature and the classic approaches in organizational sociology suggest, however, that there are *limits to organizational transparency* and that they are set by the crucial role played by necessarily intransparent informality in organizations. Focusing on limits of organizational transparency shifts the current debate from techniques of informally evading transparency toward methods of *mediating* transparency and informality in formal organizations.

Again, classic approaches provide some promising conceptional clues. Many authors argued that informality in organizations itself relies on a *communal* or *in-group* form of transparency. Melville Dalton (1959), for example, described how informality in organizations is kept from turning into private rent-seeking and embezzlement by groups or cliques of co-workers who develop informal methods of mutual surveillance and control. Such mechanisms of informal mutual monitoring can develop on the basis of some sort of professional *ésprit du corps* or some shared concern for the well-being of the organization (Pinto et al. 2008). More often, however, they tend to be institutionalized for a largely self-interested reason: the fear that management would punish the excessive use of informality and, henceforth, tighten operational control. In any case, there seem to be many functional equivalents for observability by non-members—and *informal peer control* seems to be a very widespread one (Segal 2012).

Further research in this field should ask not only how organizations circumvent transparency mechanisms, but how they institutionalize, manage, and legitimize *alternative forms of observability*. Here, a possible line of research could ask *what type of organization* uses *what kind of organizational observability*. Classic approaches would stress that tight networks of trust, a relatively stable workforce, and a shared work ethic are needed for informal monitoring to work effectively. New empirical approaches have shown, however, that even in organizational environments with permanently changing personnel, low levels of task identification and high levels of repetitiveness, informal mutual control can be institutionalized and even yields better production results than transparency (Bernstein 2012). In line with such questions, it is important to discuss if and to what extent organizations with strong ties to a specific social field or system can choose among different types of transparency—with some organizations, for different reasons, perhaps being forced to install certain modes of organizational transparency. The results in this area of research are still highly inconclusive and call for further investigation.