

Open Government: Connecting Discourses on Transparency and Participation

Albert Meijer, Maarten Hillebrandt, Deirdre Curtin, Gijs Jan Brandsma
Utrecht School of Governance
Corresponding author: Albert Meijer (a.j.meijer@uu.nl)

*Paper to be presented at the NIG Conference 2010
Good Governance Colloquium
Maastricht, November 2010*

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1. Separate discourses

Openness has long been a hallmark of democratic government. Openness provides the basis for active citizenship and thus is highlighted in pluralistic, discursive and participatory theories of democracy (cf. Michels, 2008). The basic idea of open government is that it should not conduct its business secretly, behind closed doors, but rather out in the open. As Supreme Court Justice Louis Brandeis once put it: 'Sunshine is the best disinfectant.' The importance of openness can be followed back to the idea that openness will lead to superior outcomes from collective decision-making. Openness enables discussion and discussion will eventually lead to better ideas. In view of the direct line between openness, criticism and better ideas, it is no surprise that Popper (1966: 1) is not only the proponent of falsificationism, but also of open societies. Openness forms a barrier to totalitarianism and sets free the critical powers of man. Open government can be regarded as the form of government that is appropriate for an open society. It has now become a cornerstone in the design of democratic institutions as openness is vital for feeding the 'intelligence of the crowd' that makes democracy a superior system of government (cf. Van Gunsteren, 2006).

Over the past years, the term open government has become extremely popular among politicians and policy makers. The European Union for example, which is said to be suffering from a democratic deficit, prominently features open government in the first articles of its Treaty: '[...] decisions are taken as openly as possible and as closely as possible to the citizen' (Article 1, Treaty of the European Union), and 'The institutions shall (...) give citizens and representative associations the opportunity to make known and publicly exchange their views in all areas of Union action. The institutions shall maintain an open, transparent and regular dialogue with representative associations and civil society' (Article 11, Treaty of the European Union). Another prominent example is the Open Government Directive which President Obama signed on his first day in office, which stated the following: 'My Administration is committed to creating an unprecedented level of openness in Government. We will work together to ensure the public trust and establish a system of transparency, public participation, and collaboration.'¹ The term 'openness' is easily used but what do policy makers and scientists actually refer to when they use it? Both the European and the American example illustrate that open government is not only about the availability of information, but also about interactions between government and citizens. Put differently: open government is not only about openness in informational terms but also about openness in interactive terms. The term open government connects the discourse on government transparency to the discourse on participation.

¹ http://www.whitehouse.gov/the_press_office/Transparency_and_Open_Government/.

In the academic literature, the two dimensions of openness (transparency and participation) are mostly considered separately. Sometimes, in research into government transparency the question is raised whether information is actually used to strengthen participation, but generally this does not feature prominently in the debate. Likewise, some of the research into participation does pay attention to the question whether citizens have been informed properly and can have access to the information they need to participate but, again, this is the exception rather than the rule. Although openness is widely propagated by political leaders and in policy documents, the academic discourse is only beginning to touch on this concept as a whole. The publications that discuss both transparency and participation generally fail to connect these concepts in a holistic conceptualization of openness.

The aim of this paper is to obtain more insight into the concepts of openness, transparency and participation, and their interactions, as observed in the literature. We would like to bring more precision into a debate and argue for more precise use of the concepts openness, transparency and participation. The central question is: how can (and should) we study open government? President Obama and other political leaders may rhetorically highlight the importance of open government but social scientists need to study empirical practices in order to understand and assess actual practices. We acknowledge the importance of studying these practices from a multidisciplinary perspective and we believe that a more explicit conceptualization of open government is needed to facilitate a multidisciplinary exploration of open government. A study of open government needs to be based on insights from both the study of transparency and the study of participation. Combining insights from the legal, political, organizational and economic sciences will help to understand and explain practices of open government and provide the basis for more empirical studies.

This contribution will start off by identifying the constitutive elements of open government, and addressing the relevance of this concept in relation to the most frequently used conceptions of democracy. This provides us with a conceptualization of open government. Thereafter, the key challenges in research into open government and its constitutive components are presented, followed by a systematic analysis of 103 journal articles, presenting as many different viewpoints as possible. This overview seeks to discern lines of approaches to open government and its key challenges, succinctly and coherently organized. On the basis of this systematic literature review, we argue that our conceptualization of open government greatly facilitates scientific debates and empirical analyses.

2. Connecting the discourses on transparency and participation

In the literature, openness and transparency are often used interchangeably. Piotrowski (2007: 10), for example, states that 'governmental transparency equates to open government'. Usually such statements are made in the context of research that only addresses access to information, in which case it makes no analytical difference to distinguish between transparency and open government. This, however, fails to acknowledge that openness can also refer to open interactions, which is not linked to the availability of documents to interested citizens. Weinberg (2010) stresses that transparency is one component of openness and participation the other. Transparency is defined as being able to observe government decision-making processes whereas participation refers to the opportunity to participate in these decision-making processes. Openness as a whole, thus, refers to interactions between citizens and governmental actors that go beyond the act of electing a representative. In that sense, Weinberg makes a connection between the literature on transparency and access to information on the one hand and on political participation and access to decision-makers on the other.

Weinberg’s perspective is very helpful in the attempt to conceptualize openness more rigorously. Equating openness and transparency may work when the object of research is only access to documents. Openness and transparency, in this perspective, only refer to access to documents. Citizens can obtain access to documents through proactive release by governments or through freedom of information requests. Alternatively, citizens can also obtain access through whistle blowers (e.g. Wikileaks). The literature on decision-making uses the term ‘openness’ to refer to access to decision-making arenas. Klijn et al. (2008), for example, refer to openness as wider access of other actors to management choices about complex projects. This component of openness is very similar to Weinberg’s idea that participation is one component of openness. Beyers (2004: 213) uses the term ‘access’ to refer to access to decision-makers or lobbying. Access strategies of lobbyists are meant to directly influence decision-makers. Openness is then about who has access to decision-makers and decision-making arenas. Much of the literature on lobbying is about gaining access to decision-making arenas (cf. Van Schendelen, 2005). Access to decision-making arenas thus refers to both formal access in terms of processes of participation through meetings and hearings but also to informal access as discussed in the literature on lobbying.

We define openness as the extent to which citizens can monitor and influence government processes through access to government information and access to decision-making arenas. Open government refers to a government that preaches and practices openness. Our definition thus incorporates both elements of transparency, which usually comes in the form of access to documents, as well as participation, which can take a variety of forms such as lobbying or consultations. We will further specify these elements in the course of this contribution, and also address the manner in which these two sub-concepts are inter-twined.

Figure 1 below may help to understand the relation between transparency, participation and openness. In the remainder of this paper, we will use the term ‘open government’ as the more encompassing term and ‘participation’ and ‘transparency’ when we refer to specific aspects of openness.

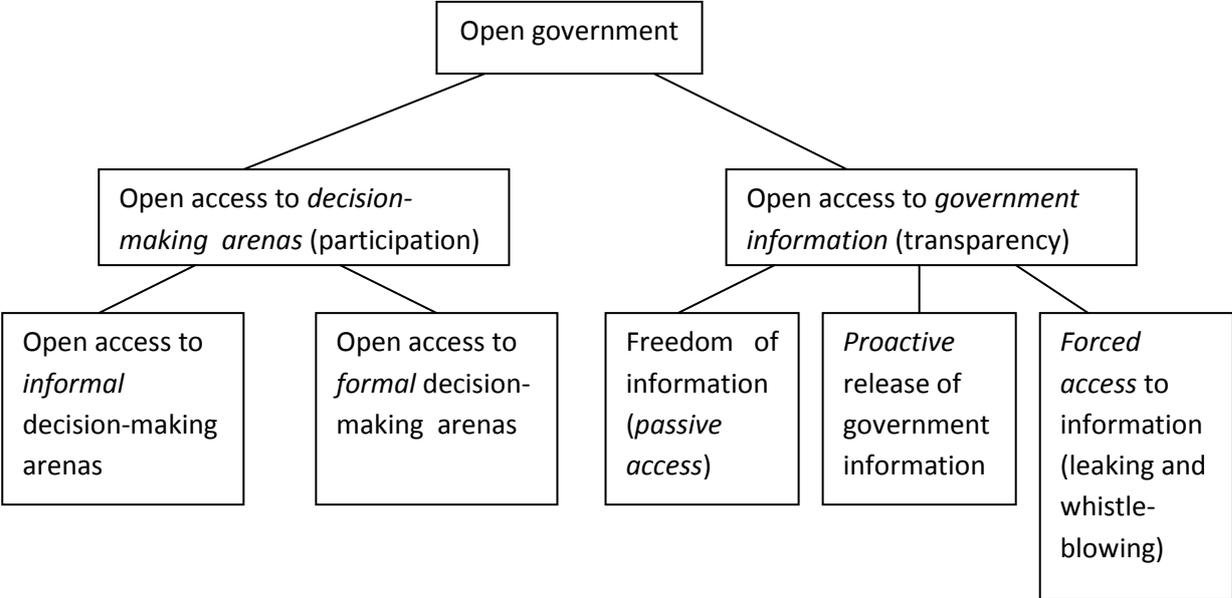


Figure 1. Relations between openness, transparency and participation

The figure shows that when one limits the research to only one single component of openness – either access to decision-making arenas or access to documents – it is not necessary to distinguish

between openness on the one hand and transparency or participation on the other, and these can be equated. This can be described as a *narrow perspective* on openness. In a *broad perspective*, both transparency and participation are components of open government. It is important to note that the two main components of openness may sometimes blur. Notices about public meetings and access to agendas and minutes of meetings can be regarded as access to documents but at the same time this form of access strengthens access to decision-making arenas. The minutes of meetings are important documents but they can also be regarded as a form of access to decision-making arenas. The relation between the two components of openness is not straightforward. One could argue that access to information is a precondition for access to decision-making arenas since one has to know when and where a meeting will take place and which issues will be discussed to have access to the meeting. Conversely, access to decision-making arenas may be a precondition for access to documents since certain documents may be handed out at meeting.

Publicity is seen as the essential linking mechanism between transparency and participation. It points to the fact that transparency can in fact never, almost magically, improve popular legitimacy, public participation or anything else that is built on some kind of popular engagement. The increased availability of documents in an on-line database, even when neatly ordered and ready-for-use, can only affect public engagement if members of the general public actually expose themselves to that information (Hueller 2007). The information that circulates within the general public may thus very well be different from what is made available by governing institutions. Conversely, participation in the absence of information about government processes will be idle. Citizens can be invited to participate in the generation of ideas about various policy areas but when they are not informed about the status of policy plans in those areas, decision-making procedures, previous explorations, etc. their participation cannot influence decision-making arenas. Participation needs to be linked to these arenas and information provision is a crucial aspect of this link. Uninformed participation risks being without effect.

In addition one might also ask what open government is not. It seems obvious that the opposite of openness is secrecy. Government decision-making which is not open is carried out behind closed doors. Julia Black (1997: 476) indicates: '[Transparency] is contrasted with opaque policy measures, where it is hard to discover who takes the decisions, what they are, and who gains and who loses.' A more sophisticated analysis, however, shows that government behind closed doors is not necessarily secret to everybody: a selective group of actors takes place in the decision-making process. This indicates that openness and secrecy are at different positions on a scale of openness: general openness refers to access to decision-making arenas or documents for the general public, secrecy refers to access to a selective group of actors. In the governance literature (e.g., Klijn et al. 2008) closedness is mentioned as the opposite of openness. They define these dimensions as wide access to other actors or restricted access. Closedness has a more neutral meaning: secrecy refers to deliberately hiding something on the basis of bad intentions and can hence be regarded as a specific form of closedness. Nearly all governments employ forms of closedness (Prat 2005), and the same is true for the European Union, which refers to closedness as 'professional secrecy' (Article 339, Treaty on the Functioning of the European Union).

Having provided a preliminary answer to the questions what open government is, we now turn to the positioning of this concept in discourses on democracy. It emerges that different appearances of open government are relevant in different models of democracy, which leads in turn to several key challenges.

3. Themes and approaches in academic debates about openness

We see 'open government' as a broad concept that includes all direct relations between a government and its citizens that go beyond elections and the publication of legal acts. In this regard, open government is part of the fabric of all the major approaches to democracy that are embedded in much of the existing literature, addressing issues such as effectiveness, accountability or democratic legitimacy in a broader sense, in different forms and with different functions depending on the model of democracy that is used. Obviously without being exhaustive and providing all the nuances within the limited scope of this contribution, we distinguish between the following three major approaches or models of democracy.

Representative democracy

In this view, democracy essentially is about a competition for leadership, and the role of the people is most notably about electing their representatives (Michels and De Graaf 2010). Schumpeter is the strongest advocate of this view (Schumpeter 1976 [original publication 1942]), whereas Dahl seems to have a more nuanced view by referring to direct democracy as an ideal-typical form of government, with representative democracy as the best achievable substitute of it (Dahl 1956). This implies that a government that allows for direct participation of citizens in fact comes closer to the ideal type. Nevertheless, representative democratic theorists (including Dahl) argue that massive citizen participation might lead to a continuous challenge of the rules of the game with decreasing popular support for democracy as the result, or even authoritarianism or totalitarianism (Dahl 1956, Sartori 1987). The emphasis in a model of representative democracy, is that citizens control government by means of elections. In elections, citizens do not only choose between candidates whom they believe can represent them for another number of years, but they also evaluate the past performance of those who stand for re-election. Enabling them to do so is the key focus of open government in this perspective. The idea is that *reasoned administration* leads to more accountable administration on the grounds that if reasons are explicated and articulated it is easier for an outsider to take issue with them (Curtin 2009). It is needed to feed the 'intelligence of the crowd' that makes democracy a superior system of government (cf. Van Gunsteren 2006). In the view of a future election, corruption, abuse of power and 'runaway bureaucracy' can be prevented through openness. Openness is, therefore, one of the key elements of good governance (Addink 2005).

Participatory democracy

Participatory democrats argue that citizen participation in decision-making is vital to democracy, and that delegation of decision-making, that is common in a representative system, leads to an alienation of citizens from politics. The participatory view on democracy thus argues that the legitimacy of decision-making can be enhanced if there are more opportunities for citizens to participate other than merely voting in periodic cycles. Participation will also on this view contribute to citizens' civic skills and their sense of responsibility (Michels and De Graaf 2010). The focus of open government in a participatory perspective is thus to facilitate citizen participation in decision-making with a view to fostering citizen acceptance, cooperation and confidence in governmental and quasi governmental actors and their decisions. Openness gives citizens the tools to make the government more responsive to its wishes, and helps provide the additional information necessary to create and hold citizens interest in their government and ultimately to achieve ordered liberty in a democratic society.

Deliberative democracy

Deliberative democrats take this argument further by arguing that deliberation between those who are affected by a decision provides greater democratic legitimacy than voting. It does, however, require participants to be equal, reasonable and willing to change their preferences in order to produce a legitimate decision. The procedural quality of the deliberative process is of crucial importance in reaching a decision that is in the common interest as opposed to in the interest of the

most powerful actors (Elster 1998, Michels and De Graaf 2010). A deliberative process assumes openness so that unreasonable arguments and mistakes can be avoided. In Habermasian terms, it is crucial for opinion formation to lead to will formation in the political public sphere. There can only be public debate to the extent that information is publicly available. Otherwise, decision-making is not deliberative but negotiative, which produces epistemically worse decisions (Bohman 1998).

Debates on models of democracy are essentially normative, and hence the arguments for including open government as part of the fabric of each of these models are also essentially normative. Since our aim in this contribution is primarily to provide more conceptual clarity, we do not take a prior position in this debate ourselves, nor do we argue that the more open a government, the better it is. Rather, we argue that different aspects of openness towards different addressees are of particular importance depending on the model of democracy that is used and that it is important to be precise in this regard

In order to enable researchers to make a more empirically informed assessment of the actual contribution of open government within any of the above models of democracy, we identify four key themes in the literature on openness in a broad sense, and also in the literature on transparency and participation in a narrow sense.

The first is the issue of *use*. Is openness about opportunities or about actual use? Conceptually, one can make a distinction between the opportunities for access to decision-making arenas and the information that is made available and the use that is made of that. A user exclusive approach to openness stresses that openness is about opportunities: it does not stipulate who is looking into the inner workings of the organization. Whether these opportunities have beneficial effects depends on the use that is being made of these opportunities. A user inclusive approach emphasizes that it is senseless to investigate these opportunities: open government, participation and transparency only exist to the extent that these opportunities are being used.

The second issue is the issue of *desirability*. Is openness desirable for substantive or functional reasons? In publications from legal scientists we may expect to find a substantial argument. Citizens have the right to know what is going on inside government. Openness is regarded as a fundamental characteristic of the democratic system. It is exactly the characteristic that distinguishes democratic systems from non-democratic systems (cf. Popper, 1966). A functional argument does not regard openness in itself to be desirable, but highlights that openness leads to other desiderata such as legitimacy, effectiveness, efficiency, popular trust, accountability and integrity (which are also interrelated in various ways). The functional argument depends on the credibility of the relation between openness and other desiderata.

This functional argument ties in with the third issue in the debate on openness: the *scope of its effects*. The long list of desiderata can be brought about either directly by openness, or via an intermediary process. The direct route holds that government organizations and officials will change their behaviour directly when practices are opened up. This is what one of us has referred to as the effect of 'public eyes' (Meijer 2007). An example would be that officials tend to behave less corruptly when information about donations from organizations and lobbyists are publicly available, because they believe that members of the public may be watching them – regardless of whether they actually do so or not. The indirect route maintains that openness equips the public with instruments that will only produce effects when these are actually used. The British scandal about MPs' expenses is a case in point. Rules as to access to documents were put in place in Britain long before journalists started requesting information on the expense accounts of politicians and measures to cut expenses only started after these inquiries.

The final issue is that of *negative side effects*. Although many positive effects of openness are highlighted, not everybody is a proponent of openness. In the literature, various reasons are mentioned why openness should be limited. In fact, the literature increasingly focuses on the negative side effects of openness such as a decrease in trust (O'Neill, 2002) or efficiency (Prat, 2005). When compared to the desiderata we discussed above, these arguments are, to some degree, the flip side of the coin.

Now that we have provided a conceptualization of openness, addressed its significance with respect to various models of democracy and presented four crucial themes for making empirical contributions, we now turn towards the body of literature that is available on the themes of openness, transparency and participation. In applying our conceptualization of open government to the literature in a systematic fashion, it shows that the above key issues in studies of open government are far from resolved.

4. Literature review design

Our perspective on openness, transparency and participation was not developed to present the final, one and only, definition and conceptualization of these concepts, but rather to identify relevant categories for an analysis of the literature on these topics. We surveyed the literature to select a broad sample of both theoretical and empirical publications on the various aspects of openness, transparency and participation.

4.1. Analytical framework

Our aim is to contribute to a deeper understanding of openness, transparency and participation by analyzing the literature on the basis of the following research questions. These questions were meant to map the diversity in assumptions and effects of openness, transparency and participation in the literature:

1. How are the relations between openness, transparency and participation conceptualized in the literature? Does it refer to access to information, to decision-makers, or to both?
2. Do publications on government openness regard the availability of information as an element of openness or do they rather make a distinction between availability and actual use?
3. What are the normative presuppositions regarding openness, transparency and participation in these publications? Are they substantive or functional?
4. What is the mechanism through which openness, transparency and participation are supposed to have positive effects? Is it a direct or an indirect mechanism?
5. What negative side effects for openness, transparency and participation are mentioned in these publications?

4.2. Selection of publications

In order to focus the literature search and prevent it from sidetracking from the initial objective, we collected a corpus of the relevant literature and made clear decisions as to what types of literature would be most relevant (Fink 1998). On the other hand, as we are dealing with a conceptual exploration, we wanted to keep the corpus as inclusive as possible without a loss of quality. To attain meaningful results, it is important that the collected body of publications is both of high quality, and numerically substantial.

The current corpus consists of 103 publications from over fifty academic journals. Each of these publications has a different focus and links into one or more of the conceptual subcomponents that make up open government. These subcomponents are: passive access to information, proactive dissemination, forced access to information on the *transparency side*; formal and informal access to decision-making on the *participation side*. Despite its substantial size, the corpus selected for this article is certainly not exhaustive. Certain measures were however taken to assure its diversity and inclusiveness. Including publications from various countries and academic backgrounds, using various operational definitions, we feel that the corpus does indeed go a long way in providing a representative picture of possible conceptualisations around the theme of open government. Together, the publications in the corpus may be taken as a heuristic device that provides insight in discussions around open government, and the ways in which its different components interact with one another.

For the literature corpus, English-language publications were sought, with a predominant focus on academic literature such as journal articles, working papers, and conference papers. In the search for relevant publications on the topic of open government, we considered it vital to provide maximal transparency ourselves. A search log was thus kept to provide insight in the ways in which publications were retrieved, and how diversity within the corpus was ensured. The search was carried out via a number of online search engines, using various related key terms. In addition, oft-cited articles were included into the literature set using the snowballing method. A small number of newer academic journals were systematically checked for relevant literature. Finally, a number of articles were forwarded by colleagues.

Publications were selected that provide a detailed discussion on the workings of open government, whether theoretical or empirically based. First, a number of publications discussed ways in which government can be made visible to the outside world, which we describe here as *transparency*. Other publications dealt with ways in which access can be had to decision-making, here labeled *participation*. Finally, a number of publications used a “thick” conceptualisation of open government, encompassing both elements.

Any conceptual overview of a field of literature has to address the question of avoiding structural bias and what efforts have been made to diversify, including as many views as possible. In the case of this corpus, a number of measures were taken. First, a broad array of search terms were employed, ensuring a wide outreach to alternative conceptualisations. Secondly, efforts were made to ensure diversity of publications in terms of the academic background of authors, as well as of country of publication. This is reflected in the wide array of journals in which selected publications appeared. The largest number of articles to be taken from a single journal is six. Third, not only journal articles were included in the search. When relevant, conference papers, working papers, and a small number of non-academic publications (public lectures and articles) were included. Finally, efforts were made to include sufficient samples of research of both a quantitative and qualitative kind.

However, not all publications initially selected proved to be suitable. After all, the conceptual overview does not seek to provide insight in *openness* as such, but rather deals only with its subset, *open government*. Hence, publications that operated on definitions such as ‘openness of a country with regard to foreign trade and investments’ (De Jong et al. 2006: 111) or ‘the participation in studying abroad’ (Davies 2003: 101) could not be included. In some cases transparency, openness, or participation deals not so much with government as, in these instances, with economy or education. If transparency means ‘making the invisible visible’ (Strathern 2000: 390), the transparency that we are here concerned with must be applicable to making government visible. Similarly, not just any form of participation is of interest to us, but only the sort of participation in which groups outside government gain access to the decision-making process. Diverse as the selected literature may be,

both the need for detailed discussion and an inward focus on (preferably government) openness were used as hard criteria.

The composition of the literature corpus can be described along various dimensions. In the first place, as only English-language publications were selected, the country of publication is worthy of mention, as it provides an indication of the geographical breadth of this conceptual mapping. Although over half of the corpus (n=103) consists of publications from the United States (35) and the United Kingdom (23), the remainder of the corpus is composed of publications from a large number of other countries. In total, publications from 18 countries were included in the corpus. A second indicator of composition is the academic origin of the selected publications. Although the political (26) and legal sciences (13) dominate the field of publications on open government along with those of public administration (16), contributions from several other departments can be discerned, among them a number of notable contributions from outside academia (23). A full breakdown of all publications by country and scientific discipline can be found in Appendix 1.

As was mentioned above, most publications selected for the corpus are academic journal articles (79) or academic book chapters (5). In order to attain a broad set of conceptual approaches, among which some from practitioners or other sources from outside academia, a number of other publications were also selected. These include working papers and conference papers (13), non-academic publications (3), and public lectures (2).

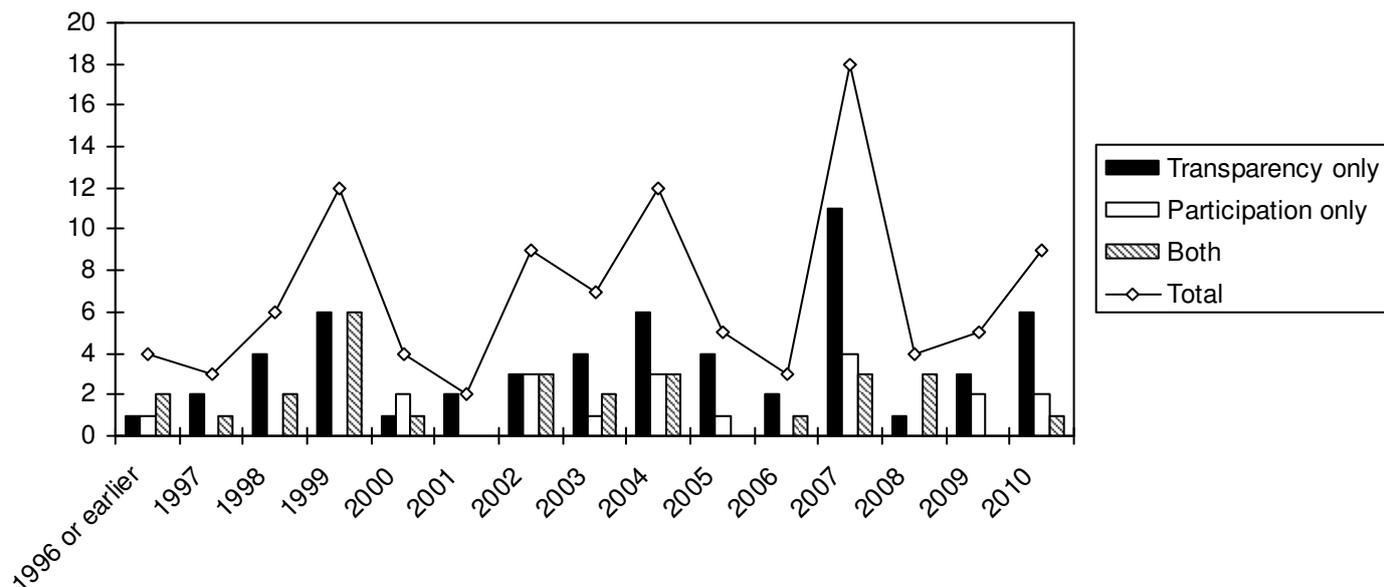


Figure 2: Number of publications per year

Finally, in terms of the number of years of publication, it can be noted that some three-quarters of the selected publications were published over the last decade, while only two publications that were used were published before the nineties of the last century. In part, this is due to our specific search for up to date and state of the art publications of the field. It is however also likely that the concepts of in particular transparency and open government have only squarely emerged over the course of the past fifteen years or so. Peak years of the corpus are 1999, 2004, and 2007, from which more than ten publications each were incorporated.

5. Findings

5.1 Open government: transparency, participation, or both?

As we have argued above, open government entails a conceptualization of two elements. On the one hand, transparency ensures that the public gets access to information about the government. On the other hand, participation provides the public with access to that same government. It is clear that transparency and participation relate to each other in various ways. For example, for effective participation to be possible, a minimum standard of transparency is required. In reverse, transparency may derive from the process of participating (Piotrowski and Borry 2010: 163, Best 2002: 105). In the data set, efforts were made to include sufficient publications on both of the 'narrow' conceptualizations and on a 'broad' conceptualization (incorporating both). However, a complete balance could not be attained using a search method with unprejudiced search terms. In total, 19 publications were incorporated focusing on participation, 56 publications on transparency, and 28 publications approaching the field with a unifying, broad perspective.

The definitions chosen for each of these concepts have an important bearing upon the conceptual models in these publications and subsequent data collection. Definitions are used to categorise a concept and relate it to others in a theoretical framework with a view to illuminating the area under investigation. Table 1 puts forward some of the distinctions found between the narrow and broad conceptualizations, presenting examples of definitions in each instance. As may be observed, regrettably many publications still lack an explicit definition of the concepts that they write about.

	<i>Transparency</i>	<i>Participation</i>	<i>Both</i>
Type of conceptualisation	narrow	narrow	broad
Short definition	Access to information	Access to decision-making	Both access to information and decision-making
Examples of definitions from literature corpus	<p>'Secrecy means deliberately hiding your actions; transparency means deliberately revealing them' (Florini 1998: 50)</p> <p>'Making the invisible visible' (Strathern 2000: 390)</p> <p>'transparency is reached if certain issues, acts and processes are published and there are no severe restrictions to their visibility' (Hüller 2007: 563)</p>	<p>'the access of business interests to the EU institutions' (Bouwen 2002: 366)</p> <p>'new forms of 'conventional' [...] as well as 'unconventional' political participation' (Abels 2007: 103)</p> <p>'the communication of citizen preferences to public officeholders' (Kuklinksi and Stanga 1979: 1090)</p>	<p>Access to information, access to the thinking behind decisions, and the opening up of the decision-making process to non-governmental actors' (Mather 1997: 3)</p> <p>'Publicly accessible and open to public criticism' (Wall 1996: 502)</p> <p>'...the availability of information on matters of public concern, the ability of citizens to participate in political decisions, and the accountability of government to public opinion or legal processes' (Cotterrell 1999: 414)</p>
Number of publications in the literature corpus	56	19	28
Number of publications without definition	15	4	7

Table 1: Salient features of the different conceptualizations

The table shows that the search has led to the identification of a substantial number of publications on transparency. The search terms that we used in our literature review seem to correspond most with the body of literature on transparency. The number of publications on participation is more limited which is surprising since participation is considered to be a core topic in the study of the public sector. This seems to indicate that publications on participation are less frequently framed in terms of openness. The number of publications with a broad conceptualization is substantial. This indicates that the connection between transparency and participation is already being made in a number of academic fields. The different conceptualizations were analyzed for the different disciplines to find out whether certain disciplines have a preference for certain conceptualizations (table 2).

	<i>Transparency</i>	<i>Participation</i>	<i>Both</i>
Political science (26)	50%	11.5%	38.5%
Legal science (13)	76.9%	0%	23.1%
Public administration (16)	62.5%	25%	12.5%
Economics and commerce (7)	71.4%	28.6%	0%
Other academic department (23)	39.1%	34.8%	26.1%
<i>Other of which</i>			
<i>academic publications written by non-academics (15)</i>	53.3%	6.6%	40%
Unknown (3)	33.3%	33.3%	33.3%

Table 2: Contributions to each conceptual perspective per academic discipline (N=103)

The table shows that transparency is an important issue in the legal sciences, Public Administration, and economic and commerce. We found a substantial number of publications on participation in most academic fields. The legal sciences were the notable exception. The limited number of publications on participation in the legal sciences may reflect limited attention but could also indicate that other terms to refer to participation are used in the legal sciences. In political science we find the highest percentage of publications with a broad conceptualization of openness. Public Administration shows a surprisingly low number of publications that is based on a broad conceptualization.

5.2. User inclusion

In conceptual work on open government, it is not directly obvious that a distinction is made between the availability and the use of openness. In many cases, the concept of participation is discussed using existing cases, which entails a de facto recognition of user inclusion. In other cases, authors write about existing instruments while omitting a user perspective, as may be the case with legal sciences which tends to have a strong emphasis on de jure transparency and how this is applied in Court. In both the literature on transparency and the literature on participation, a distinction can be made between those publications that do include users in the definition, and those that do not.

<i>Conceptual perspective</i>	<i>Availability</i>	<i>Both availability and use</i>
Transparency (56)	50%	50%
Participation (19)	10.5%	89.5%
Both (28)	53.6%	46.4%
Total (103)	43,7%	56,3%

Table 3: User inclusion in conceptual definitions (N=103)

The data in table 3 show that users are included in the conceptualizations in a majority of all publications in our corpus (56,3%). We found a marked divergence between the transparency and participation literature in this respect: users are included in 50% of the publications on transparency and in nearly 90% of the publications on participation. This is perhaps unsurprising, as participation, more than transparency, is a strongly relational concept. Transparency is more often conceptualized as a feature of government (organizations). The great majority of publications on participation provide a discussion of the types of users that (are likely to) participate. For transparency, exactly half of the publications solely relates to the availability of information whereas the other half also refers to the use that is made of this information, depending on the objectives of the publication. The literature that deals with both aspects of openness has the lowest inclusion of users in their conceptualizations (46,4%). This seems to indicate that this literature highlights openness as a feature of government and not as a relational concept.

One must be cautious in dismissing publications that exclude the use of open government instruments from their definition. In fact, a number of authors make a strong case for keeping availability and use conceptually separate. Naurin, for example, argues that making this distinction ‘is not making the case for secrecy and elitism’ but rather for ‘taking transparency’ seriously’ (2002: 7). He highlights the fact that various causalities are often lightly derived from transparency and participation, without the corresponding empirical evidence. Thus, de jure transparency without a de facto efficient system of implementation may amount to little openness (Roberts 2010), while available channels of participation do not automatically entail government by the people, or by all people equally (Bouwen 2002).

We also investigated to what extent differences can be found in the inclusion of users in the definition of openness, transparency and participation between the various academic fields (see table 4).

<i>Academic discipline</i>	<i>Availability</i>	<i>Both availability and use</i>
Political science (26)	38.5%	61.5%
Legal science (13)	53.8%	46.2%
Public administration (16)	56.2%	43.8%
Economics and commerce (7)	42.9%	57.1%
Other academic department (23)	30.4%	69.6%
Academic publications written by non-academics (15)	46.6%	53.3%
Unknown (3)	66.6%	33.3%

Table 4: User inclusion per academic discipline

This table shows the contrast between political science and legal science: political science has an emphasis on user inclusion (61,5%) and legal science on availability only (53,8%). These findings also seem to result from the fact that political science focuses more on participation and the legal sciences more on transparency. It is interesting to see that Public Administration is, in this respect, more similar to the legal sciences than to political science.

5.3. Normative presuppositions

Normative stances taken on open government can first be distinguished in two categories. In the first, characteristics of open government are principally of an intrinsic worth that should be promoted in itself. In a second stance, open government is argued to be important for its various functions, an assumption that is much more widely shared. Put simply, the distinction made here is

one between open government as an end in itself or as a means to other ends. Table 5 sheds light on which assumptions are generally made per conceptual perspective.

<i>Conceptual perspective</i>	<i>Substantive</i>	<i>Functional</i>	<i>Not mentioned</i>
Transparency (56)	19.6%	78.6	1.8%
Participation (19)	15.8%	73.7%	10.5%
Both (28)	7.1%	92.8%	0%
Total (103)	15.5%	81.6%	29.1%

Table 5: Normative basis of publication (N=103)

It can be observed that transparency is among the perspectives still the one where an intrinsic right is most frequently cited, independent from its functions (19,6%). This is generally framed within the right of access to information or freedom of information. The literature on participation pays slightly less attention to substantive considerations (15,8%). In this literature participation is regarded as a democratic right. The literature that discusses both aspects of openness pays least attention to substantive arguments. This may indicate that the literature on openness is more instrumental in its nature than the literature on the two separate aspects.

Flanagan argues that although historically many scholars have emphasized the functional component of transparency, its substantive value has been ‘perceived as so obvious’ that its protection has received relatively little attention (2007: 596). The self-evident right to at least a minimum amount of transparency or participation may be the reason that most publications pass it by completely to focus more on weighing it against other rights or theorizing the functions of open government within their own conception of democracy.

To enhance our understanding of the discussion of substantive and functional arguments, we also analyzed these per academic field (see table 6).

<i>Academic department</i>	<i>Substantive</i>	<i>Functional</i>	<i>Not mentioned</i>
Political science (26)	7.7%	92.3%	0%
Legal science (13)	23.1%	76.9%	0%
Public administration (16)	18.6%	75%	6.4%
Economics and commerce (7)	28.6%	71.4%	0%
Other academic department (23)	17.4%	73.9	8.7%
Academic publications written by non-academics (15)	6.6%	9.3%	0%
Unknown (3)	33.3%	66.6%	0%

Table 6: Normative basis of publication per academic discipline (N=103)

When viewed per academic discipline, we see that a substantive approach to open government is more common in a number of departments, notably among economists (28,6%), legal scientists (23,1%) and public administration scholars (18,6%), although in each of these disciplines a majority still adopts a functional stance on openness. The publications that are least receptive to the substantive argument are by political scientists (7,7%) and non-academics (6,6%). Substantive rights are not a focus of interest in political science; researchers show more interest in intended effects.

On the basis of a qualitative analysis, sorts of functional reasoning can be distinguished. Based on the literature corpus, the following ordering can be made:

- *Openness as a precondition for optimal market.* Within the economic discipline, openness is directly related with markets. Rational behavior can only be exerted if actors have access to information (Florini 1998, Crombez 2003, Garcia Lorenzo 2003). One example of optimisation through openness is made with reference to decision-making processes: as actors come and go, the need for open and retraceable records is pivotal for such processes in the long run (Drew and Nyerges 2004: 34). Hale furthermore observes that organizations which withhold important information are increasingly boycotted or campaigned against (2008: 77).
- *Openness as a precondition for political participation.* Political scientists emphasize that openness is needed for political participation by citizens and stakeholders. Quoting a 1962 Harvard Law review article, Piotrowski & Borry (2010) highlight that open meetings provide public knowledge that is essential to a democratic process and indicate that government officials will be more responsive to the public when there is an opportunity for public participation at a meeting. They also stress that the public may be more understanding and willing to accept undesirable policy outcomes when they have a better understanding of complex and difficult decisions. Furthermore, political participation can improve the quality of decision-making when factual misconceptions are corrected by members of the public who may know more about a specific local issue. Various authors have pointed out that in the context of the EU, selective openness can be seen as a tool for influencing the type and extent of participation of outsiders. Such selectiveness is a method to control the uncertainty of the consultative procedure while simultaneously it shores up public confidence (Mahoney 2004: 454, Bouwen: 2007: 278, Bouwen 2002: 269-70).
- *Openness as an incentive for integrity.* Some social and legal scientists indicate that openness is needed to curtail corruption. Quoting the same article, Piotrowski & Borry (2010) stress that openness will deter misappropriations and conflicts of interest when the public can observe how public money is spent. In the literature on whistleblowing, a similar viewpoint is expressed. This is closely connected to theories of power. As is pointed out, information is a basis of power, and power abuses can in turn be counterbalanced through the use of information (Skivenes and Trygstad 2010: 1079). Jubb moreover argues that disclosure of sensitive information is a 'very direct, unambiguous form of dissent' based on the ethical values of the whistleblowers. The whistleblowers seeks to bring information out into the open, with the underlying idea of altering the course of perceived injustice (Jubb 1999: 79). In general, a tendency exists in organizational sciences to view closedness as an example of 'hierarchic, introverted and risk-averse' behaviour (Pasquier and Villeneuve 2007: 157), while openness on the other hand is believed to go hand in hand with 'a high degree of integrity, transparency and responsibility (Reid in Pasquier and Villeneuve 2007: 159, see also Roberts 2004: 77, Stiglitz 1999: 10).
- *Openness as a precondition for trust.* Many papers suggest a direct connection between openness and trust. Wall, for example, argues that government proceedings should be 'publicly accessible and open to public criticism', since '[p]olitical decisions made behind closed doors or shrouded in mystery are destructive of public trust' (1996: 502).

Some other radicalize the functional argument. Ball (2009), for example, argues that transparency is subsuming the place of accountability in debates about good governance. Hood, for example, holds that 'we might almost say that 'more transparent-than-thou' has become the secular equivalent of 'holier-than-thou' in modern debates over matters of organization and governance' (2006: 9). In a similar vein, Billet (2006) speaks of theologies of transparency that leave little room for debate or flexibility in their position. Transparency is no longer a means to an end but has become the sole means to reach several ends such as legitimacy, legality, effectiveness and, to sum it all up, good governance.

When the functional reasoning is radicalized, it leads to substantive reasoning. Fox (2007) underwrites this position. As he argues, '[t]ransparency mobilises the power of shame, yet the shameless may not be vulnerable to public exposure' (2007: 663). He therefore points out the need for a more stringent conceptual delimitation of the concepts of transparency and accountability which 'are both quite malleable and therefore – conveniently – can mean all things to all people' (2007: 664). Perhaps the most eloquent summary of objections to a rights-based approach comes from Dror. 'Transparency and openness are serious norms', he argues. 'But they must not captivate thinking. They are what the Greeks called a *pharmacon*, that is a material which, if taken in correct dosage, heals, but is poisonous if taken in too large quantities' (Dror 1999: 62).

5.4. Mechanism

In the literature, open government is alleged to affect those involved and their environment in several ways. Often, causal effects are implied, although in also many instances such effects are not well-grounded. As Naurin points out, 'It does not take much to argue '...and increased transparency is also important' (2002: 7). Such positive effects are either direct, in the sense that they positively influence government, parts of government, or government actors. In an indirect sense, open government can "arm" the public with certain instruments that are beneficial for a proper exercise of citizenship. Do we find both mechanisms in the literature? The results are presented below in Table 5. Please note that the cited effects and perspectives may come in various constellations and do therefore not add up to 103.

	<i>Direct positive effect</i>	<i>Indirect positive effect</i>	<i>No mechanism mentioned</i>
<i>Conceptual perspective (no. of publications)</i>			
Transparency (56)	50%	82%	7%
Participation (19)	79%	94%	11%
Both (28)	64%	93%	0%
Total (103)	59%	83%	6%

Table 7: Mechanisms (N=103)

Overall, the most frequently cited positive effect is indirect: 83% of the articles mention such an effect in some way. Such indirect effects may be either of a rational-actor type of character, where full information is seen to enhance rational behaviour. Other indirect effects are a participatory effect, or a fundamental rights effect. The mentioning of mechanisms appears to be unrelated the geographical origin of the literature. Direct effects are also mentioned in a majority of the articles (59%) but not as frequently as the indirect effects. More publications stipulate that openness has an effect through the activation of stakeholders.

When analyzing the differences between the bodies of literature on openness, transparency and participation, the result that attracts most attention is that the participation literature holds the largest proportion of publications arguing for a direct positive effect (79%). This may reveal a functionalist logic underlying these publications, in which output-legitimacy stands central. In this approach, not the added value for the participator is capitalized on, but that for the government that is opening up (Finke 2007: 6). A strong underlying indirect mechanism is often put forward in the literature with a broad conceptual approach. This forms part of a theoretical tradition that emphasis the role of open debate in the public sphere, and is exemplified by Eriksen and Fossum, who put forward an argument for transparent decision-making and the participation of all in society-wide policy debates. 'Decision-makers are [...] compelled to enter the public arena in order to justify their

decisions and to gain support’, they hold, ‘They cannot allow themselves merely to pose for the masses, as the Roman emperors did’ (Eriksen and Fossum 2002: 403). Entering the public arena entails both transparency and participation and hence we can understand the focus on the indirect route in both bodies of literature.

5.5. Alleged negative side effects

Besides the mechanisms of openness that contribute to improvements of government, negative side effects are also mentioned in the literature. Compared to the variety of mechanism appraisals that we presented in the previous section, such downsides are cited relatively less frequently. In part, this may be due to the normative flavour of the dual concepts of transparency and participation. As an example, Piotrowski and Borry point out that ‘[o]pen meetings have been compared to motherhood: No one wants to be on the record as being against them’ (2010: 163). Table 6 presents how often negative side effects get mentioned in the literature corpus, and if these effects are direct or indirect.

Conceptual perspective (no. of contributions in brackets)	<i>Direct negative effect</i>	<i>Indirect negative effect</i>	<i>No mechanism mentioned</i>
Transparency (56)	50%	46%	34%
Participation (19)	16%	37%	53%
Both (28)	15%	36%	36%
Total (103)	44%	42%	38%

Table 8: Negative effects (N=103)

The table shows that, overall, negative effects are far less frequently mentioned than positive mechanisms. 38% of the articles do not make any reference to negative side effects. Nevertheless, the majority of the publications in our corpus discuss direct and indirect negative effects. There is an interesting difference here between the two bodies of literature: negative side effects play a more important role in the literature on transparency than in the literature on participation. Participation is more often discussed in terms of whether desired effects are attained or not but less frequently negative side effects are mentioned.

On the basis of a qualitative analysis of the corpus, we identified some patterns of alleged negative effects of openness, transparency and participation:

- *Full information may hamper rational behavior.* Some authors highlight that policy makers need a certain intimacy for the process of deliberating for policy making. Openness may make them risk adverse and prevent the thinking through of new alternatives. This direct negative side effect is often represented through principal-agent games. Prat (2005), for example, points out that all countries with open government legislation also have inbuilt requisites of closedness. The reason that is usually cited for this is that ‘some form of short-term secrecy, while the decision process is still ongoing’ is desirable (2005: 869, also Dror 1999: 63, De Fine Licht and Naurin 2010: 10).
- *Public participation may hamper public policy.* In the literature corpus, indirect perverse effects of open government are also cited. They are indirect in the sense that they originate within the public but affect the proper functioning of government. Thus, in the case of infrastructural plans, public knowledge may hamper public policy. When real estate agents know about government plans, they may buy certain tracts of land and may boost prices.

Stiglitz cited yet another example. When international organizations such as the world bank would publicise all shortcomings in a financial restructuring project, these shortcomings would be exploited by third parties, while providing the aided country with a strong disincentive to seek assistance (Stiglitz 1999: 18). National security is another oft-cited field that would suffer under excessive openness. may endanger the national interest.

- *Privacy of persons and company interest.* Public access to documents can be limited when these documents explicitly refer to persons or provide sensitive information about companies or organizations. Openness may have negative effects on the right of individuals to privacy.

6. Open government: from a fragmented field to a coherent research program

Open government is often preached, but research so far hardly addresses questions of how open government is practiced. Researchers often focus on different aspects of openness without truly integrating its various sub-components. Our literature review shows that the research area of open government attracts the attention of a wide array of academic disciplines. In principle, multidisciplinary leads to a richer understanding of phenomena due to the multiplicity of viewpoints and research approaches that each discipline takes with it. The legal science perspective, for example, primarily takes laws, regulations, case law and, to some extent, evolving institutional and legal practices regarding openness as its focus. For a political scientist, in turn, it is interesting to see how openness results from power relations and results in changes in balances of power (e.g. Snider, 2010). Economic approaches will tend to focus on the contribution of openness to the functioning of (political) markets, while organizational and administrative scientists (and also information scientists) are mostly interested in the way transparency is organized. There is much relevant material available but the field is highly fragmented. How can we deal with this rich fragmentation? How can (and should) we study open government?

The first answer to this question of how to study open government is the conceptual scheme we presented in paragraph 2. The identification of transparency and participation as two building blocks of openness can help to develop a sophisticated approach to a fragmented field of study. Equating openness to transparency is not a fruitful approach to study practices in public administration since it lacks analytical rigor. Making a clear distinction between these three concepts can help us to develop a better understanding of changes in access to government information, access to decision-making and combined forms of access.

The second answer to the question about how to study open government is a list of guidelines that has been developed on the basis of the literature review:

- *Make a distinction between openness as an opportunity and openness as use.* We acknowledge that openness as an opportunity can be hollow since opportunities that are not used do not lead to any effect. Still, an analytical distinction between opportunities and use is needed to understand why opportunities may be created but not used. Normatively, a distinction between opportunities and use may be of lesser relevance but analytically it is quite important.
- *Take both substantive and functional arguments for openness into account.* Legal scientists tend to focus on substantive arguments for openness whereas social scientists are generally more interested in functional arguments. A multidisciplinary approach should acknowledge both types of arguments. A substantive approach may lead to ignoring effects of openness whereas a functional approach may fail to acknowledge substantive reasoning about openness.

- *Analyze both direct and indirect effects of openness.* Some researchers argue that openness does not have any effect if opportunities are not being used. This argument is too simple. Researchers should acknowledge that openness can also have direct effects: the fact that citizens can have access to information and decision-making may already influence government processes.
- *Acknowledge negative side effects in the appreciation of open government.* A variety of negative side effects has been mentioned in the literature. Researchers should acknowledge these side effects and should not only analyze whether openness delivers its promise. The variety of insights from the literature can be used for a nuanced appreciation of the effects of openness.

Researchers who are interested in open government can stand on the shoulders of their predecessors but are advised to do so in a cautious manner. Previous publications can be used, but it is necessary to carefully analyze how these previous publications can be positioned in a broader perspective on open government, and if the meanings attached to the words 'openness', 'transparency', 'participation' or any of their corresponding adjectives are actually comparable across papers. This contribution has presented a broad perspective on open government and identified key issues for the study of open government. The perspective and guidelines can help the research community to build a more coherent research program on open government.

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Appendix 1. Composition of the literature corpus

Breakdown of publications by country of origin

USA	35
UK	23
Netherlands	8
Sweden	5
Germany	5
Belgium	4
Denmark	3
Norway	3
Australia	3
Italy	3
Spain	2
Israel	2
Luxembourg	1
Switzerland	1
Cyprus	1
Austria	1
South Korea	1
Canada	1
<i>Unknown</i>	1
Total	103

Breakdown of publications by scientific discipline

Political science	26
Legal science	13
Public administration	16
Economics and commerce	7
Other academic department	23
Academic publications written by non-academics	15
Unknown	3
Total	103