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All too often, the link between transparency and trust in government is oversimplified by both supporters and critics of public sector transparency measures such as the so-called sunshine laws. Proponents believe that transparency can bring increased public trust in government by reducing secrecy and increasing understanding of decision making. Detractors, on the other hand, argue that the abuse of freedom of information laws, combined with the political and legal fallout that can follow from negative headlines, can perversely reduce public trust rather than increase it.

The article by Jenny de Fine Licht, “Policy Area as a Potential Moderator of Transparency Effects: An Experiment,” presents a deeper and fascinating examination of the duality of transparency in political decision making and government policy making. The article gets it just right by showing that transparency is not a one-size-fits-all proposition: in some cases, particularly when the stakes involve relatively routine policies and trade-offs, transparency can produce the desired effect and legitimize the process. In other cases, however—particularly when life-and-death or culturally sensitive policies are at play—maximizing transparency can backfire by leading the public to believe that policy makers are careless, uninformed, or unethical.

De Fine Licht’s work makes clear that transparency, like many other parts of public leadership, is not a static set of procedures to be followed but rather a set of tools that must be managed carefully. During my nearly 20 years in New York State government, I discovered that—as doctors know—even the most powerful medicine has to be administered at the proper time and in the correct dosage to cure rather than kill a patient. By the same token, skilled public officials must master the art of applying the proper degree of transparency to a particular challenge.

In 2003, when New York State attorney general Eliot Spitzer undertook a sustained campaign to investigate and prosecute wrongdoing in the financial services industry, the effort required educating the public about the Martin Act, a powerful but little-used state law unique to New York. Public understanding of the law, which conferred broad authority on the attorney general, was crucial to persuading the public that Spitzer’s crusade, while aggressive, was necessary, narrowly tailored, and legal. As de Fine Licht would put it, Spitzer committed to transparency of process and rationale and built public support for the policy.

By contrast, the long-standing, opaque operations of the Port Authority of New York and New Jersey—even before the “Bridgegate” scandal, in which officials allegedly orchestrated a horrific, man-made traffic jam lasting several days as an act of political punishment—have made the public skeptical of the Port Authority’s honesty and competence.

A case in point is a set of tough toll increases enacted in 2011. According to former Port Authority officials, a cynical, choreographed process was pursued in the name of transparency in order to push the increase through. First, a deliberately inflated toll hike was announced, after which the governors of New York and New Jersey, who appoint the agency’s commissioners, expressed surprise and outrage about the actions of their appointees and demanded a lower (but still sizable) increase.

The agency issued a blitz of 36 press releases reportedly by supporters of a toll hike, followed by an unusual set of eight public hearings scheduled for a single day—during morning and evening rush hours to minimize participation by a hostile public. The end result was a hike—and a deeply skeptical public that probably had less trust in the authority than if it had attempted a more serious effort to get public input.

A final example of the politics of transparency is former New York City mayor Michael Bloomberg’s penchant for enacting policies on an experimental basis, openly informing the public that some efforts...
might not work. Over the course of three years, for instance, Bloomberg tried an antipoverty program called Opportunity NYC Family Rewards that paid stipends to low-income families for things like attending school ($25 to $50 per month), passing a regents exam ($600), or holding a full-time job ($150 per month).

The Bloomberg administration eventually dropped the project and explained that the effort had failed: the cash payments made no measurable difference in the educational and economic prospects of the participating families.

“"If you never fail, I can tell you, you’ve never tried new, innovative things," Bloomberg said. "And I don’t know that this is a failure. I think it is, some things worked, and some things didn’t, and some things the jury’s still out on.”

The most important takeaway from de Fine Licht’s research is that transparency works best when officials are applying it thoughtfully, calibrating the type and degree of openness to the policy in question. I would add one additional factor: officials must approach their work in a spirit of confident experimentation and not be afraid to share their degree of uncertainty with the public.

More officials need to stage their own version of Bloomberg’s antipoverty experiment—including, most importantly, the willingness to try and fail and to explain those findings to the public. As de Fine Licht explains, telling the full truth may lead to diminished confidence and increased protest in some quarters, but the alternative, as in the case of the scandal now engulfing the Port Authority, is worse.

More than ever, officials should see the trend toward transparency as an opportunity to engage the public in a spirit of humility and openness. If anything, officials should make transparency a two-way street by connecting with the public through social media and inviting the public to help solve problems. We need that in government.