Abstract

This article explores what happens when the much-discussed doctrine of transparency as a key to good governance meets the widely observed behavioural tendency of blame-avoidance in politics and public administration. It begins by discussing transparency as an idea and distinguishing different strains of the doctrine, proceeds to discuss blame-avoidance and to identify three common types of blame-avoidance strategy, and then explores what can happen when a widely advocated governance doctrine meets a commonly observed type of behaviour. The article identifies ways in which that conjunction can produce nil effects, side-effects and reverse-effects in the pursuit of transparency. It concludes that the tension between the pursuit of transparency and the avoidance of blame is at the heart of some commonly observed problems in public management, and suggests that something other than the 'bureaucratic' strain of transparency may be called for when those problems are serious.

WHAT HAPPENS WHEN TRANSPARENCY MEETS BLAME-AVOIDANCE?

Christopher Hood

Christopher Hood
All Souls College
Oxford
OX1 4AL
United Kingdom
Tel: +44 (0) 1865 279379
Fax: +44 (0) 1865 279299
E-mail: hood@christopher.u-net.com

INTRODUCTION

Transparency has a long history as a central principle for public management, and for democratic and corporate accountability more generally (see Hood 2006). But the term itself only became a general catchword at the end of the twentieth century. Since then, the word transparency has become pervasive as a prescription for better governance and accountability (though it is usually distinguished from accountability itself). It is true that a few commentators, notably Onora O'Neill (2002) have questioned the value of transparency as an all-purpose recipe for improving organizational performance and the quality of governance. But mostly transparency is one of those 'banal' ideas (pervasive but unexamined, as in Michael Billig's (1995) notion of banal nationalism) that are taken as unexceptionable in discussions of governance and public management.

If transparency has come to be a widespread normative doctrine for the conduct of governance, blame-avoidance is a *descriptive* account of a force that is often said to underlie much of political and institutional behaviour in practice. Over two decades ago, Kent Weaver (1986) argued that elected politicians in the USA (and in other countries as well) tended to prefer avoiding blame to claiming political credit, and since then blame-avoidance has been widely said to be a dominant motivation of contemporary elected politicians and bureaucrats. The theoretical literature on blame-avoidance is fragmented and diverse (see Sulitzeanu-Kenan and Hood 2005 for a partial survey). But the central issue turns on the handling of political risk and how the management of that type of risk shapes organizational architecture, operating routines and policy design.

The conventional assumption is that the management of political risk involves an 'upside' of acquiring credit or (further) office and a 'downside' of attracting blame and losing credit or office. And the argument put forward by Weaver and others that politicians and other officeholders are asymmetric in their preferences over upside and downside political risks is linked to the idea of 'negativity bias'. Negativity bias – the tendency of negative information to produce more activity and impact than positive information – has long been claimed to be a common phenomenon in politics, institutional life and indeed human behaviour more generally.

So what happens when the supposedly irresistible force of transparency as a doctrine of better governance meets the apparently immovable object of blame-avoiding behaviour in political and institutional affairs? Are the two forces inherently in conflict, as that metaphor of collision implies? Is it another case of those often-observed tensions between idealism and realism, or can transparency be an antidote at least to certain ways of avoiding blame? May it in some circumstances actually assist blame-avoidance? Or is its effect to shift blame-avoidance from one form to another?

Such questions seem to lie at the heart of some important debates about the behaviour of officeholders at every level in government and public management more widely. Accordingly, to explore the questions posed above, this article begins by briefly discussing the doctrine of transparency as a route to good governance and better

accountability. Then it discusses the idea of blame-avoidance as a driver of political and institutional behaviour, before going on to explore what happens when these two forces meet.

TRANSPARENCY AS A DOCTRINE OF GOOD GOVERNANCE, TRADITIONAL AND MODERN

Like so many good-governance catchwords in public management, transparency is more often invoked than defined. At the most general level the word can be said to denote 'government according to fixed and published rules, on the basis of information and procedures that are accessible to the public, and (in some usages) within clearly demarcated fields of activity' (Hood 2001: 701). As already noted, the roots of the idea can be traced far back in time, and the term itself has been used at least since the eighteenth century, for instance in the works of Jean-Jacques Rousseau and Jeremy Bentham (Hood 2006: 6 – 10). Three of the different pre-twentieth-century forms of the doctrine include the notion of government according to stable and known rules, the notion of maximum social openness and exposure to public scrutiny from every quarter and the notion of freedom of information in the sense of public access to government documents. One strain of this long-standing idea is Immanuel Kant's opposition to secret treaties as a method of conducting international relations (Kant [1795] 1996: 343), echoed by US President Woodrow Wilson over a hundred years later in his famous if problematic aspiration for 'open covenants of peace . . . openly arrived at' (Hecksher 1991: 517).

Several analysts have begun to distinguish different dimensions of, or approaches to, transparency. For instance, David Heald (2003, 2006) contrasts event transparency (open information about inputs, outputs and outcomes) and process transparency (open information about the transformations that take place between inputs, outputs and outcomes). He also distinguishes real-time transparency (information that is released as soon as it is created) and retrospective transparency (information available only after embargoes or time-delays), and four different 'directions' transparency can take (downwards, upwards, inwards and outwards). From an economic-theory principal – agent perspective, Andrea Prat (2005) has contrasted the type of transparency that increases a principal's control over an agent from that which has the opposite effect, and has shown that there are some significant theoretical exceptions to a famous dictum by Jeremy Bentham (2001: 277) that 'the more closely we are watched, the better we behave'. (For Bentham (2001: 277), this proposition was 'an indisputable truth . . . that is one of the corner-stones of political science'.)

We can also distinguish between what might be called direct and indirect transparency. By direct transparency is meant the sort of openness that comes from activities or results that are directly observable by the public at large, or from face-to-face encounters between officeholders and those they serve, as in the town meeting

tradition of the Eastern United States (Bryan 2004). By indirect transparency is meant the sort of information or reporting procedure that makes activity or results visible or verifiable, but only to agents or technical experts. A parallel can be drawn with Ulrich Beck's (1992) discussion of the kinds of modern risk (such as radiation) that are only detectable by scientists or experts, which he sees as part of the growth of what he calls 'risk society'. The first strain of transparency is broadly 'populist', the second 'technocratic', and evidently the two can come into conflict. For instance, the jurist Lon Fuller (1964: 45) in his classic *The Morality of Law* discusses the tension between accessibility and reliability in the law — two different dimensions of transparency. Accessibility means making law accessible to the public at large by writing it in everyday language that is readily intelligible to laypersons, while reliability means writing it in precise and technical language such that judges and law courts interpret it in consistent ways, even if such language means little to the general reader. Increasing accessibility will tend to reduce reliability and vice-versa.

Even more broadly, we can distinguish between general and more particularized transparency. By general transparency is meant the sort of society in which no-one can be anonymous, privacy is impossible and everyone is subject to scrutiny from everyone else. Jean-Jacques Rousseau approximated to this vision of transparency in his 1772 plans for the government of Poland. That plan required all public officeholders to operate 'in the eyes of the public' and even to wear a form of uniform so they could never be anonymous as they went about their daily life (see Rousseau 1772/1985: 72; Putterman 2001: 489; Bentham and Spinoza both put forward similar ideas.) Indeed, the former German Democratic Republic has been claimed by some to have been a transparent society in this sense, given the extent to which citizens observed each other and reported their observations to the state authorities (Lloyd 2005; Heald 2006: 28). The opposite of this version of social transparency is a more particularized version, meaning the sort of society in which there are sharp divisions between 'private' and 'public' life, with transparency applying only to the latter.

The vision of general transparency was embraced by the French revolutionaries in their perhaps selective reading of Rousseau and Bentham, and is often found in other radical recipes for social life, from the protestant communitarianism of seventeenth-century Salem to the Chinese Cultural Revolution. The more differentiated or bureaucratic vision of transparency, is one of the things that puts the 'liberal' into liberal democracy, and involves rules that apply to a public sphere of officeholders and organization, and a separate and indeed contradictory set of rules applying to that part of life which is said to be personal and private. These two approaches to transparency can also conflict. For instance, in a democracy, how much should voters be entitled to know about the sexual or financial activities of candidates for election to be able to assess those candidates' suitability for public office? How much should patients be entitled to know about their doctors? And which vision of transparency is to prevail in cases where collective risk and security comes into conflict with individual data protection (for instance over terrorism or child abuse)?

Table 1 is a simple 2 × 2 combination of the direct/indirect dichotomy discussed earlier and the distinction between generally applicable forms of transparency and those applying to particular parts of particular officeholders' lives. These distinctions do not appear in Heald's (2003, 2006) catalogue of types of transparency that was mentioned earlier, but they are nevertheless important, as the brief examples given in each cell of the table show. And indeed, as with Heald's own analysis, when we put together such distinctions, we start to move away from a banal view of transparency (that is, positive but unexamined) to a world of 'transparency with adjectives',[1] in which tradeoffs appear and the different adjectival forms of transparency can come into conflict.

The four different variants of transparency identified in Table 1 from the combination of the direct/indirect and the particular/general distinctions are labelled as 'open mutual scrutiny', 'general surveillance', 'public forums' and 'bureaucratic transparency'. By open mutual scrutiny (cell 1) is meant a world, usually found only in 'total institutions' or organizations that approximate to them, in which (almost) everyone's doings are directly observable by everyone else. By general surveillance (cell 2) is meant a world in which all our doings are under scrutiny, but only by expert observers via their watchtowers or phone bugs or CCTV cameras. By public forums is meant a set of ways in which citizens can observe and scrutinize officeholders (through public meetings, freedom of information laws and the like). And by bureaucratic transparency is meant the various processes by which officeholders are watched by experts or agents such as auditors, regulators or tutelary bureaucracies of various kinds.

As indicated earlier, all of the four variants of transparency summarized in Table 1 have been advocated in some times and places. None of them are completely absent from current debates – perhaps especially the second variant, in a time of heightened

Table 1: Four types of transparency, derived from combining 'who' and 'how' dichotomies

	How transparency works	
	Direct (observable by people at large)	*Indirect (observable by experts or agents)*
Who transparency applies to		
Individuals at large (general)	(1) Open mutual scrutiny Example: Rousseau's (1772) plans for Poland	(2) General surveillance Example: Brin's (1998) transparent society
Governments, organizations, officeholders (particular)	(3) Public forums for officeholders Example: FOI laws and virtual or physical public forums as advocated by Shrader-Frechette (1991) for risk management	(4) Bureaucratic transparency Example: The EU's various transparency directives

anxiety about security and terrorism. But, as also indicated earlier, the vision of transparency associated with liberal democracy is the more particularistic form associated with variants (3) and (4) in Table 1 rather than the general forms (1) and (2).

Variant (3) — the idea of transparency that involves direct observation by citizens, but is particularistic, applying to officeholders but not the public at large, and to their public activity rather than their 'private' lives — is indeed often advocated. The widespread diffusion of freedom of information (FOI) laws since the US FOI Act of 1966, giving citizens the legal power to obtain information from government and public bodies that might otherwise be denied, is an obvious case in point. A second strain of this approach to transparency is the point at which social theory and architecture come together. Deborah Ascher Barnstone (2005) shows how transparency has been a central theme of democratic architecture in German thought, with the assumption that transparency in parliamentary and governmental buildings translates into social openness, accessibility and greater democracy. The logical conclusion of the architectural approach is to make politicians work literally in a glass house, as with the 1996 Flemish parliament building in Brussels (Heald 2006: 26) but then go home to their 'private lives'. Such arrangements reflect the traditional court-like property of meetings that are open to the general public directly or through TV or other media reporting. A third strain of this approach to transparency is the notion of special public forums in which risk issues affecting communities are debated face to face among corporate leaders, public officials and the affected public at large. Such forums are central to Kirstin Shrader-Frechette's (1991) self-proclaimed 'populist' vision of how public decisions over collective risks should be taken.

However, much of the kind of transparency that has been in high favour as a doctrine of governance in the developed world over the past forty years has been a variant of type (4) in Table 1. That variant is indirect and bureaucratic rather than direct or society-wide. Much of it has been about spelling out institutional procedures and decision rules that would otherwise be implicit, and establishing paper audit trails or their electronic equivalents. Those developments allow auditors and inspectors of various kinds — the exploding world of 'waste-watchers, quality police and sleaze-busters' (Hood et al. 1999) — to verify that the written rules, procedures and protocols have been followed (see Power 1997; Pollitt et al. 1999). That is a vision of transparency that is essentially about organizations, their methods of governance and those who head them or staff their upper echelons. And indeed, at the same time as this approach to organizational transparency has developed, data protection and privacy measures to protect the 'private' lives of individuals have been a major growth point in most liberal democracies. Data protection laws have come before freedom of information laws in some of these countries (such as the UK) and after FOI laws in others (such as the United States), but their development constitutes a move away from rather than closer to the sort of transparency favoured by the French revolutionaries.

Formal measures to increase that particular variant of transparency in government and public services across the developed world over recent decades have been of at least

three types. One is the development of more elaborate accounting rules – opaque to the general public but said to increase 'transparency' of government and public services in the sense of type (4) in Table 1. The disaggregated 'cost centre' approach to government budgeting that has been central to the public management movement in numerous countries since the 1980s is one example of transparency in the accounting sense. Another is the development of accounting approaches such as the various EU Transparency Directives (the first issued in 1980), designed to expose cross-subsidization between core government and state trading enterprises and to promote arm's-length dealing between organizations within the state structure.

A second variant of this type consists of the obligation to publish policies and procedures and keep records in particular fields of policy for scrutiny by international bodies such as the UN arms inspectorate or the WTO (indeed, that requirement was written into the original GATT obligations of 1948), the EU or national inspectors and auditors. A third variant, perhaps most salient for the mainstream public management literature, consists of obligations on managers of agencies delivering public services to provide performance and other information to central departments or third-party audit, inspection and ranking bodies. Such obligations have been central to the growth of target, ranking and other quantified performance indicator regimes in public services, and can be considered to be a key part of the explicit or implicit bargain under which such managers operate (see Hood 2002).

To the extent that transparency measures affecting government and public management in the recent past have consisted more of the 'indirect' and the 'particular' types shown in Table 1 than of the sort of open mutual scrutiny favoured by the French revolutionaries, the question that now arises is, how are we to understand the relationship between the doctrine of transparency in this sense and blame-avoidance behaviour?

BLAME-AVOIDANCE AS A DRIVER OF POLITICAL AND INSTITUTIONAL BEHAVIOUR

As has already been said, blame-avoidance is often claimed to be central to both political and bureaucratic behaviour. And, as noted earlier, it is often linked to negativity bias, which denotes the commonly observed cognitive tendency for more attention to be paid to negative than to positive information and for losses to be valued more highly than gains of an equivalent amount (Baumeister *et al.* 2001; Rozin and Royzman 2001).[2] Its political manifestation is said to be a tendency for dissatisfaction to produce proportionately higher levels of activity and changes in allegiance (particularly in voting turnout, vote switching among parties and voter punishment of poor performance) than corresponding levels of satisfaction (see Lau 1985).

Such asymmetry has often been noted in voting studies, and it often appears in studies of institutional behaviour as well. In particular, a similar bias is often said to

operate in public bureaucracies, with more reaction to negative than to positive outcomes producing what is loosely called 'risk aversion'. For example, a German civil servant interviewed in a study of public service bargains said,

> [Policy] must not be a flop...a good initiative appears once in the newspaper and if one is extremely successful then our industry has an additional growth rate of 0.2 per cent. Nobody notices it. [But] a politician is remembered for ten years if there is a flop. That is why we are very risk averse here.
>
> (Hood and Lodge 2006: 102)

Some students of innovation (or the lack of it) in public services have made similar observations, with the absence of an innovative culture in public organizations often put down to a politico-bureaucratic imperative to avoid risk and the possibility of blame (see, for instance, Borins 2006: 7). But in fact the relationship between blame-avoidance, negativity bias and innovative behaviour remains curiously obscure.[3]

There must be some other and countervailing behavioural processes that work to limit such bias, or trust of any kind would seldom or ever exist or survive (see Eiser and White 2005). And of course in many situations officeholders face risk — risk tradeoffs rather than a simple choice between risk and its absence. It is also not clear whether negativity bias is a relatively unchanging feature of human behaviour, perhaps hard-wired into human cognitive processes as a result of a long process of evolutionary selection, or whether its salience alters in different circumstances. Some observers, notably Kent Weaver (1986, 1988) have claimed that political negativity bias increased in several ways in the USA and other developed democracies in the 1970s and 1980s. But we have little direct survey evidence for changing negativity bias (let alone a developed 'negativity bias index'). Nor are the causes of negativity bias clearly established, for instance as between competing 'figure-ground' and 'loss aversion' explanations.

However, several scholars have plausibly suggested that the incidence of negativity-bias-salient issues — that is, the supply of things to be negative about — may depend on environment and technology. Social institutions may also shape negativity bias. For instance, the way the media is organized and how it works will affect how much attention is devoted to negative events and stories, and what kind of negative stories are selected. One broad way in which the media are said to shape negativity bias is by amplification of figure-ground effects, as in Roger Kasperson's (Kasperson et al. 1992) controversial notion of 'social amplification of risk'. (The argument, originally developed by a group at Clark University in the 1980s, is that the signals about hazards that shape individuals' perceptions of risk are filtered through 'social amplification stations' (including politicians, bureaucracies, scientists, mass media and activist groups) that amplify or attenuate risks in ways that are predictable from the social circumstances of those stations.) A related idea is the claim that media tend to expose society to more information that decreases trust or reduces credit than to information that increases trust and credit (Koren and Klein 1991).

Other institutional conditions can also shape the way negativity bias works in law and politics. That is, if actual or potential loss tends to attract more political and legal activity than equivalent gains (for instance, if victims are easier to mobilize than beneficiaries, or the claims of losers more readily attuned to legal and policy entrepreneurship than feelings of contentment or gratitude on the part of winners), the more focus there will tend to be on potential instances of failure, malfeasance and avoidable risk. Similarly, the more lobbyists, experts, elected politicians and compensation lawyers there are, the greater is likely to be the demand to discover and act upon such instances. Indeed, John Dryzek (1996) claims that developments in the 'risk industry' along precisely these lines may account for the increasing salience of risk in public policy and public services. Similarly, Frank Furedi (2005) has written of the rise of 'fear entrepreneurs' in modern societies, and Dan Kelemen (2006) has argued that, despite pious aspirations to the 'open method of coordination', the EU's institutional structure has strong built-in incentives for the growth of adversarial legalism.

As noted already, there are no doubt important exceptions and limits to this process. Indeed, a key test of political power can be said to be the ability to overcome or counteract negativity bias. Government reform programmes now typically include aspirations to counter excessive blame-aversion in public administration through red-tape-busting activity, for instance in attempts to reduce the incidence of back-covering checking processes inside government, or to assess the worth of regulatory burdens against risk. A whole new bureaucratic language and practice of risk management has emerged, sharing at least its vocabulary with business practice, to balance desires to avoid blame if things go wrong against cost and other desiderata. And governments and public managers put in a great deal of effort and investment to stress the positive aspects of their performance and achievement in the face of critics accentuating the negatives. But it is at least an open question as to whether such mechanisms in practice counter or augment blame-avoidance imperatives in executive government.

In political science there is no definitive account of the various strategies officeholders can pursue for blame-avoidance, and the literature on the topic is fragmented, as has already been noted. But in previous work, I have argued that at least three broad kinds of blame-avoidance strategy can be identified from that literature, namely agency strategies, presentational strategies and policy strategies (see Hood 2002; Sulitzeanu-Kenan and Hood 2005).

Agency strategies can be defined as attempts by officeholders or institutions to avoid or limit blame by the way that formal responsibility, competency or jurisdiction is allocated among institutions and officeholders (Hood 2002: 16). Agency strategies have been much discussed as a means of blame-avoidance in the literature on delegation and so-called 'lightning rods' for diverting blame away from high officeholders (see Ellis 1994). Blame-shifting, buck-passing and risk transfer to others who can be placed in the front line of blame when things go wrong – advisers, managers, regulators – is often argued to be a central preoccupation of both elected politicians and bureaucrats.

Indeed, a conventional rational-choice approach to institutional design assumes that legislators and other elected politicians face a basic choice between direct control versus delegation of policy or operations. Direct control is assumed to be a high-risk, high-reward option that brings credit if outcomes are positive, but blame if the reverse occurs. Delegation to others is assumed to be a risk-averse strategy that limits blame if outcomes are adverse, but limits credit if those outcomes are positive (see Fiorina 1982, 1986). Exactly the same logic applies in principle to higher-level appointed officials.

Clearly, it is attitudes to political risk that determine the outcome of a blame/credit cost—benefit analysis over whether to 'direct' or 'delegate'. If those politician and bureaucrat officeholders themselves exhibit negativity bias in their risk preferences over blame and credit, then delegation is the 'minimax' option they will prefer, and we would expect to see widespread delegation of potentially blame-attracting activities. But of course delegation of that kind is only one kind of agency strategy. Partnership arrangements (public—private or among different institutions) for delivering public services can also be considered an agency strategy in this sense, since, whatever their managerial strengths and weaknesses may be, they have the politically convenient property of spreading the blame when things go wrong, and that probably explains much of their current popularity in public management.

Presentational strategies are attempts to avoid or limit blame by spin, timing, stage-management and argument, for example by offering plausible excuses, turning blame into credit by justificatory arguments that accentuate the positive or by diverting public attention onto other matters (Hood 2002). Presentational strategies have attracted much attention in the current age of 'spinocracy', with its so-called media class, its armies of flak-catchers and PR professionals and its public relations bureaucrats often in central and increasingly influential positions in government and public organizations because of their supposed expertise in 'spin doctoring' media debate (see Jones 1996, 1999; Kurtz 1998; Oborne 1999). The high political centrality of presentational strategies and strategists suggests that they are widely believed to be effective and necessary for warding off blame. As with the effectiveness of advertising, we have limited evidence for that assumption, but Mark Bovens and his colleagues (1999) argue on the basis of qualitative crisis-management case studies drawn from the Netherlands that presentational strategies in the form of argument can at least sometimes be more effective than other blame-avoidance strategies. And after a crisis has struck, presentation is typically the main strategy available, since agency and policy strategies involve action being taken in advance of the 'blame event'.

Policy strategies are attempts by officeholders or institutions to avoid or limit blame by the substance or content of what they do rather than in how its presentation is handled or who is placed in the front line of responsibility for directing it (Hood 2002). If negativity bias is central to the concerns of officeholders, their policy selection is likely to be heavily based towards limiting institutional or individual blame and liability rather than towards potential credit-claiming. Blame-avoiding policy strategies can include: the avoidance of discretion by various forms of automaticity or protocolization,

as discussed by Weaver (1988); the preference for 'inheritance over choice', said by Richard Rose to be reflected in a tendency for governments to rely heavily on tax laws and other unpopular policies that were enacted by their predecessors (see Rose and Karran 1987; Rose 1990); and simply not providing services (such as public swimming facilities) that are likely to attract blame or compensation claims from losers. The greater the real or perceived negativity bias in the population at large, the more is policy likely to be dominated by such defensive approaches all the way down the food chain of executive government.

These three types of blame-avoidance strategy, summarized in Table 2, are not claimed to exhaust all the possible approaches to avoiding or limiting blame. Moreover, each of them comes in a variety of different forms, which are not detailed here for reasons of space, and each of them is problematic at the margin. For example, agency strategies will reach their limits as a method of deflecting blame when formally declared lines of responsibility are not credible. Presentational strategies will reach their limits at

Table 2: Three types of blame-avoidance strategy in public management

	Work on	*Example*	*Assume*
Agency strategies ('Find a scapegoat')	Distribution of formal responsibility, competency or jurisdiction among institutions and officeholders	Formal delegation of potentially blame-worthy tasks to 'lightning rods' (Ellis, Fiorina)	Formal allocation of responsibility within the institutional structure is sufficiently credible and salient to last through blame firestorms
Presentational strategies ('Spin your way out of trouble')	Arguments for limiting blame (excuses) or turning blame into credit (justifications) and other methods of shaping public impressions	Shaping of public perceptions through news management (Kurtz, Jones, Oborne)	Presentational activity will limit or deflect rather than exacerbate or attract blame
Policy strategies ('Don't make contestable judgements that create losers')	Selection of policies or operating routines to minimize risk of institutional or individual liability or blame	Protocolization and automaticity to remove or minimize the exercise of individual discretion by officeholders (Weaver)	There is a low- or no-blame option (e.g. in choosing between errors of commission and errors of omission or between opting for automaticity and opting for discretion)

Source: Developed from Hood (2002).

the point where the 'spin' activity of officeholders itself becomes the central source of criticism, with spin-doctors acting as blame magnets rather than blame deflectors. Policy strategies will reach their limits when there is no available blame-avoiding position, or an equal level of blame can be expected from all the available courses of action. For example, where errors of commission will attract exactly the same amount of blame as errors of omission, there is no single most efficacious blame-management. Nevertheless, each of these types of strategy is recognizable, albeit implicitly, in the literature of public policy, and each has at least some place in the literature of blame-avoidance. The question is, how do such strategies affect the outcome of transparency measures?

WHAT HAPPENS WHEN PARTICULARIZED TRANSPARENCY MEETS BLAME-AVOIDANCE?

Beginning the analysis with the 'particular' forms of transparency (types (3) and (4) in Table 1) that were argued earlier to be the forms that had been emphasized in recent 'good governance' debates, blame-avoidance is likely to have strong, albeit perhaps unintended, effects on the way such measures work out in practice. If blame-avoidance is indeed, as argued above, a strongly entrenched feature of organizational behaviour by both elected and appointed officeholders in executive government and public services, it is likely to present major obstacles to the optimistic view of transparency in its 'particular' forms discussed earlier – namely the claim that such measures can be a central part of a cultural shift to more open conduct of public affairs, moving society closer towards some idealized Habermasian world of blame-free communicative rationality. That optimistic view rests on the possibility and likelihood of achieving a wholesale value-transformation within executive government that would enable second-order organizational change, in the jargon of institutional theory (see Levy 1968). First-order institutional responses are normally defined as those that leave core values and other basic institutional features unchanged, while second-order changes involve changes in those basic elements.

Now organization theory in general contains many accounts of the difficulties of achieving second-order change, and the same applies to studies of transparency measures in particular. For instance, Alasdair Roberts' (2006) comparative work on governmental adaptation to freedom of information regimes suggests that the achievement of 'a new culture of openness' tends to be elusive, to say the least (see also Hood and Rothstein 2001; Hood et al. 2001). So what is the likely effect of 'particular' forms of transparency (i.e. types (3) and (4)) if second-order change to a new value system is not after all achieved and blame-avoidance remains central to the behaviour of organizations and officeholders?

If motivations for blame-avoidance remain high, the effects of such transparency measures are likely to be some mixture of 'futility', 'jeopardy' and 'perversity' (in the

language of Albert Hirschman (1991)) rather than the intended transformative effects. In Hirchsman's analysis, futility denotes outcomes of 'dynamic conservatism' in which no effective change occurs; jeopardy denotes outcomes in which effective change occurs, but at the cost of other important values; perversity denotes reverse effect outcomes, in which the result is the opposite of that intended by reformers (see also Sieber 1981). Table 3 gives a few examples of fairly commonly observed ways that the three types of blame-avoidance strategies summarized in Table 2 can produce futility, jeopardy or perversity effects for transparency measures of types (3) and (4) in Table 1.

The classic 'agency' approach to dodging transparency measures of type (3) in order to escape blame is through 'venue-shifting' or alteration of institutional status to avoid disclosure requirements. FOI laws generally contain escape clauses for bodies not included in official definitions of public bodies, or for issues of commercial confidentiality and state security – provisions that may lead to an increase in usage of those institutional forms to avoid FOI if blame-avoidance stakes are high enough, as Alasdair Roberts (1998) has claimed for Canada. Similarly, at least from the Versailles peace conference of 1919 to present-day debates about the desirability of imposing transparency requirements on the EU Council of Ministers, it has commonly been argued that such requirements merely result in the substitution of other venues for 'real' negotiations behind closed doors. Agency responses of that type will tend to produce a 'futility' result, in Hirschman's language. Moreover, if that sort of agency route is blocked off, the result may be jeopardy, if in those circumstances the negotiating parties instead choose the policy strategy of preferring deadlock to

Table 3: Particularized transparency, blame-avoidance and Hirschman-esque 'futility, jeopardy, perversity' outcomes: Some selected examples

Type of transparency	Type of blame avoidance strategy		
	Agency	Presentational	Policy or operations
#3 FOI laws and virtual or physical public forums (observability by individuals at large)	Venue shifting or shifting of institutional status to avoid public disclosure requirements *Result:* futility	Avoidance of careful record keeping or defensive 'snowing' *Result:* perversity or jeopardy	More defensive central management of information or withdrawal of services *Result:* perversity
#4 Bureaucratic transparency (observability by experts or agents)	Exploitation of ambiguity over lines of demarcation in managerial contracts *Result:* futility or worse	Stage management of outcomes by gaming reported performance numbers *Result:* jeopardy	Context-insensitive low-intelligence box-ticking routines *Result:* jeopardy

agreement, out of fear of blame from 'ultra' elements within their own camps for any public concession. The result is jeopardy because in such cases transparency conflicts with the value of reaching agreements or striking bargains in fraught conditions where the negotiating parties are trying to find a way to avoid deadlock resulting from intransigence without excessive accommodation to the other side.

Agency responses can also undermine the intended effect of the more bureaucratic type of transparency that involves the demarcation of cost centres within government and of the distinction between policy and administration. This type of transparency was much emphasized in New Zealand's 1980s public management reforms, which were ostensibly intended to clarify lines of responsibility for various aspects of performance (as were the British executive agency reforms a decade later). Yet in both cases the lack of fully contingent contracts allowed ambiguity in the agency arrangements to be exploited when the allocation of responsibilities between ministers and chief executives really mattered politically, in a small but significant number of cases (see, for instance, Gregory 1998: 235 – 6). The distinction between policy setting and management, that is at the heart of such arrangements intended to clarify responsibilities, tends to leave plenty of scope for mutual buck-passing when stakes are high and blame-avoidance is paramount. As suggested in Table 3, to the extent that preoccupations with blame-avoidance prompt such 'agency' responses, the result will again tend to be futility – or worse.

More presentational responses to transparency measures of type (3) include the avoidance of record-keeping (or the keeping of records in such a form as to be unintelligible to outsiders), perhaps combined with the tactic of producing so much data that only the most pertinacious and initiated individuals can effectively distinguish signal from noise. Folklore about bureaucratic responses to FOI laws often includes colourful stories about avoidance of careful or intelligible record-keeping or filing, leading to organizational amnesia that may be convenient for blame-avoidance in that no evidence of wrong-doing or dubious purposes can be found by inquiries or inspectors. Variants on this theme, such as using Powerpoint presentations that would be unintelligible to outsiders as a record of meetings, commenting on documents by using 'post-it' notes that can be conveniently removed when documents are filed or conversations by telephone or in person that are not recorded at all, also often figure in folklore (and have been much discussed in recent criticisms of 'sofa government' at the centre of Whitehall).

A related response is that of 'snowing', in which the pursuit of blame-avoidance leads to so much data being produced with so little interpretation or quality control that it has the effect of reducing rather than increasing effective openness and information, in the strict cybernetic sense of that which reduces uncertainty. One-way information flows rather than real dialogue lie at the heart of such strategies, and for Onora O'Neill (2006) only effective two-way communication can produce real transparency. To the extent that such presentational responses to type (3) transparency are commonly found in fact as well as in folklore, the effect may tend to go beyond futility into perversity

(producing less rather than more effective public information, and a growth of one-way communication that dis- or mis-informs) or jeopardy, with the response to transparency measures involving a loss of institutional memory and with it the capacity to learn from poor performance or decisions.

When it comes to the more bureaucratic variant of transparency – the type (4) vein of transparency that lays the stress on the way accounts are kept and performance data organized, as a key to making the operation of government as visible as possible and pinning down what budgetary unit or cost centre is responsible for what measured outputs – the classic 'presentational' response by actors concerned with blame-avoidance is creative manipulation of the performance numbers. Much has been written about gaming of quantified production targets to achieve the letter but not the spirit of the target-setters' objectives where blame-avoiding managers are driven by fear of failure – 'hitting the target and missing the point', in a memorable phrase coined by a senior British civil servant at the height of the UK Blair government's obsession with public-service delivery targets in its second term (Hood 2006). The former USSR's system of measured performance targets has produced a large literature about threshold effects, ratchet effects and other forms of output distortion produced by managers' fear of failure to meet targets (see, for instance, Nove 1961; Dobb 1970; Berliner 1988; Brown *et al.* 1994).

As Table 3 suggests, the results of this sort of familiar presentational response to type (4) transparency are likely to amount at least to jeopardy, in so far as organizational effectiveness will be reduced if managers are led by transparency measures into displacement activities that detract from activity or division of labour appropriate to the tasks in hand. Robert Gregory (1995) has certainly claimed that for a leading attempt to develop managerial transparency – the New Zealand government reforms of the late 1980s that re-cast the public accounts to include measured indicators of government outputs and outcomes for each category of funding as a means of holding officeholders accountable. Gregory claims that this attempt at transparency produced at best distortion and at worst a form of corruption, as all government activities came to be forced into a 'production' mode (the term used by James Q. Wilson (1989) to refer to a form of organizational activity for which both the process and the output can be observed by outsiders), even though many are better understood as activities in which outputs and/or processes cannot readily be observed. Other administrative values that such presentational responses may jeopardize include the integrity and public credibility of official statistics, and long-run system performance (as in the case of the former USSR, according to observers such as Yablinksi and Braguinski (2000)).

Policy-strategy responses to transparency of type (3), according to Alasdair Roberts (2006b) on the basis of his work on government responses to freedom of information laws, typically involve more active and defensive central management of information than before, to lower political risks of blame. They may also consist of charges for information that had previously been freely supplied, price levels not likely to be readily

affordable by ordinary citizens or even (the ultimate policy logic of blame-avoidance) the abandonment of services, such as the giving of advice, where blame might ensue, even if the net effect is welfare-reducing. To the extent that blame-avoidance prompts policy strategy responses of this type, the result is likely to be at least jeopardy and, in Roberts' argument, perversity. His central claim is that, while FOI measures are almost invariably introduced with the promise that they will produce a new culture of openness in executive government, the effect in practice tends to be the opposite, in the form of a climate of tighter central management of politically sensitive information.

Policy strategy responses to the more bureaucratic form of transparency have also been much discussed. If blame-avoidance is the dominant motivation of the individuals concerned, they can be expected to respond to transparency measures by rigidly sticking to paper trails or standard protocols to avoid blame or litigation by leaving an audit trail to establish due diligence (or possibly the opposite pole of destroying all intelligence information other than that at the criminal-proof standard of evidence), rather than responding to the particularities of each case. Onora O'Neill (2002, 2006) is perhaps the most well-known of many observers who have argued that a mixture of economizing on rationality and blame-avoidance in the face of transparency tends to turn what ought to be deliberative, context-specific and individually focused responses into low-intelligence box-ticking routines. To the extent that blame-avoidance prompts policy responses of this kind to type (4) transparency, the result can be expected to be jeopardy, in Hirschman's language. The rival value that is jeopardized, according to O'Neill's argument, is the desirability of appropriately context-sensitive judgements about, or treatments of, specific cases in conditions of risk or uncertainty – a central problem for the delivery of public services, for instance in health, education, crime and security. Box-ticking policy strategies for blame-avoidance are likely to create alienation and frustration in practice and produce inappropriate case decisions in conditions of complexity and uncertainty.

More radically, and perhaps on the borderland between pre-emptive and reactive responses to transparency measures, critics such as Richard Elmore (2000; compare Dunleavy 1992) see the development of 'transparently' measured performance and ranking systems in public services as a policy strategy for blame-avoidance on the part of national and international policy elites, who protect themselves from blame by imposing 'transparent' testing and performance indicator systems on those in the front line, thus casting themselves in the role of arm's-length performance monitors rather than responsible co-producers of the services involved. On Elmore's analysis, central elites follow the policy strategy of selecting the kinds of bureaucratic transparency that establish alibis for themselves, but not the forms of transparency that make it harder for them to avoid blame. But the result of such pre-emptive policy strategies for blame-avoidance may well be jeopardy, for example with effective service delivery damaged by excessive testing of school students for the purposes of ranking and performance measurement, conflictual rather than co-operative relationships between central policy directorates and local-level delivery staff, and conflict between delivery units that works

against mutual support at that level, for example over problem students coming under the radar of several units.

What may be put in jeopardy from such responses is the ability to preserve social or organizational cohesion, or what used to be called 'system maintenance' in political science (see Easton 1965: 88 – 9). The continuing existence of some kinds of institutions without high levels of conflict can sometimes depend on a degree of ambiguity about who benefits and who pays for what – the central point in the late Aaron Wildavsky's (1964: 136 – 8) criticism of more transparent budgetary processes, and a particular version of Moore and Tumin's (1949) idea of the 'social functions of ignorance'. Transparency in the form of ranking and performance measurement systems imposed from the top at arm's length can come at the price of high conflict, deadlock or social stress, and while that may often be an intended effect of reform measures, it is not costless.

CONCLUSION

The account given here, and summarized in Table 3, is necessarily sketchy, and the discussion in the last section has been confined only to the particularized forms of transparency that have figured so large in good governance rhetoric in recent decades. But perhaps enough has been said to suggest that when such forms of transparency meet blame-avoidance both in politics and in bureaucracy, the result can be anything but 'banal' in Billig's sense. Indeed, what happens when normative doctrines of transparency meet behavioural tendencies to blame-avoidance in modern public service systems is something that takes us to the heart of the trickiest issues in institutional analysis and public management, because the handling of risk and associated problems of 'proportionality' are central to public service provision.

That is why a number of widely observed but often-criticized behavioural patterns in public management seem to constitute a set of agency, policy and presentational strategies that lie precisely on this troubled frontier territory between the force of transparency and the apparent imperative of blame-avoidance. Examples include the well-known phenomenon of managers 'managing to audit' to minimize the risk of blame, the learning problems that arise in politicized blame-obsessed organizations where any admission of failure is taboo and apparent disproportionality in approaches to some kinds of risk (such as 'gold-plating' in the transposition of guidelines or directives to lower levels, efforts to eliminate the last few per cent of any problem, irrespective of cost (Breyer 1993), and a preference for blind rule-following over common sense or sensitivity to context).

The bureaucratic strain of transparency (type (4)) seems particularly prone to generate the first and third of these kinds of behaviour, and where that happens some of the other strains of transparency discussed earlier, particularly the face-to-face approach to transparency (types (1) and (3)), may merit more attention. So it seems safe to conclude that unless bureaucratic transparency measures can be part of a wider package

of measures that changes the powerful incentives for blame-avoidance in both political and bureaucratic life and therefore produces second-order change among officeholders and institutions, some creative agency, policy and presentational blame-avoidance strategies are likely to be produced. In short, funny things are likely to happen when the bureaucratic strain of transparency meets blame-avoidance.

NOTES

1 Paralleling Collier and Levitsky's (1997) well-known article on 'Democracy with Adjectives'.
2 Slovic's (1993) observation that favourable traits require more confirmation than unfavourable traits (what he calls 'trust asymmetry') is a related observation, and Kahneman and Tversky (1979) and others have also observed human tendencies to incur greater risks when faced with a choice among potential losses than occurs when faced with a choice among equivalent potential gains.
3 For example, van de Ven *et al.*'s (2000) 720-page book on innovation research has no index entry for 'blame' and does not discuss how blame-avoidance relates to innovation; for a 'Pavlovian' (low-intelligence) model of innovation designed to avoid blame see Hood and Lodge (2005).

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