Local Meanings of Targeted Transparency: Understanding the Fuzzy Effects of Disclosure Systems

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Local Meanings of Targeted Transparency

Understanding the Fuzzy Effects of Disclosure Systems

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ABSTRACT

Targeted transparency has become a popular regulatory instrument, but its effects are fuzzy because disclosure does not always lead to better compliance. To understand this fuzziness, it is necessary to study the meanings managers attribute to disclosure systems. An empirical analysis of disclosure systems for food safety in Denmark and for environmental safety in the Netherlands confirms that the range of managerial reactions is broader than expected on the basis of rational-choice theory, but can be explained by focusing on local meanings. The article illustrates the shortcomings of a homogeneous approach to targeted transparency policy. Regulators should adopt a bottom-up rather than a top-down approach and develop differentiated policies based on a more nuanced understanding of the meanings managers attribute to targeted transparency.

Government regulators use disclosure systems—also referred to as "targeted transparency"—to stimulate manufacturers, food processors, hospitals, water authorities, and other entities to improve their compliance to regulatory requirements (Fung, Graham, & Weil, 2007; Graham, 2002; Hood, Rothstein, & Baldwin, 2001; Weil, Fung, Graham, & Fagotto, 2006). The expressed idea behind disclosure as a regulatory instrument is that it will lead consumers and other stakeholders to press companies to comply with the rules, and managers will respond by making an effort to improve compliance (Meijer & Homburg, 2009; Van Erp, 2011). One would expect the popularity of this regulatory instrument to be based on sound evidence, but this does not seem to be the case. Studies on the relation between disclosure and compliance have found that the theory's effects are "fuzzy" in that it cannot explain why disclosure works for one company but not for a seemingly similar other one, and thus disclosure is not regarded as a precision instrument (Fung et al., 2007, p. 51; Kraft, Stephan, & Abel, 2011; Posner, 2000, pp. 95, 106; Van Erp, 2009,

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p. 167). Some companies seem to respond strongly to these systems, whereas other companies show no response whatsoever. The empirical studies cited above do not indicate how we can understand the different responses, since they mostly study effects at the system level and fail to pay attention to the meaning of targeted transparency for managers.

The basic idea behind the present research is that we can only understand the effects of disclosure systems on managerial compliance by studying how the disclosure systems are framed by the managers in question. The specific frames of consumers and stakeholders are also important, but they will only affect regulatory compliance if consumer and stakeholder responses are seen as meaningful by company managers. Disclosure systems and the variety of responses they may trigger are always interpreted from a specific frame. Yanow argues that a policy designed to produce changes in the behavior of a "target" population can only succeed if the target agrees to the terms of the transition (1996, p. 231). A disclosure system has no direct effects and should be regarded as a "text" that is "read" differently by different actors (p. 22). If managers are not aware of the system, if they attach little value to it or if they frame it differently than intended by the regulators, the system will not lead to the intended rise in compliance.

The following research questions were formulated:

1. How does the way in which business managers frame targeted transparency policies differ from the policymakers' framings?
2. Can the differences in frames explain the fuzziness of targeted transparency as a regulatory instrument?

To answer these questions, we analyzed the frames of policymakers in their use of targeted transparency as a regulatory instrument, the frames of managers of companies and their behavioral responses to targeted transparency, and the resulting (mis)match between these frames. The research questions were studied through a qualitative analysis of the frames of policymakers and managers in applying and reacting to disclosure systems. Expressed and self-reported perceptions and behavioral responses were analyzed and compared with structural characteristics to identify recurring themes in the regulators' and companies' framing of targeted transparency. The aim of the study is to enhance our understanding of the fuzzy relation between disclosure and compliance.

The empirical research reported in this article focused on two disclosure systems in different countries. The two cases were selected as different in terms of sectors, different in "modes" of disclosure, and most advanced in terms of specific information about compliance they released. The cases were not selected to conduct a specific comparison (Stake, 2000) but to maximize learning by studying the same issue, fuzzy effects, in different conditions, and to test whether the occurrence of fuzzy effects could be explained on the basis of the same argument—local meanings. Insights in these patterns can form the basis for subsequent systematic comparisons based on differences between disclosure systems. The first system is one developed by the Danish Food Inspection Agency. This agency publishes the results of food inspections on the Internet and also requires that restaurants post them in a clearly visible spot in the restaurant. The system is widely known in Denmark but has only a limited effect on regulatory compliance (Meijer & Homburg, 2009). The second system is one developed by the Environmental Inspectorate in Limburg province in the Netherlands. This agency publishes the results of environmental inspections on a Web site and also annually releases a list of the 10 companies most complained about by citizens. Disclosure of these inspection data has been endorsed by politicians, but, again, the effects on compliance are fuzzy (Meijer & Homburg, 2009).

We investigated the way in which policymakers and (quality) managers of companies framed the disclosure systems. Government policies are analyzed by reconstructing the framing of targeted transparency in terms of mechanisms, expected behavioral responses, and effects in terms of compliance on the basis of policy documents and interviews of policymakers. Documents provide access to official stories, and arguments and interviews help to reconstruct the regulators' framing of targeted transparency. Managers' framing of targeted transparency in terms of perceptions, reported behavioral responses, and compliance effects were explored through extensive interviews of managers from 12 companies in Denmark and nine companies in the Netherlands. Companies were selected on the basis of maximum variation to enhance our understanding of the variation of meanings of managers from companies with different structural characteristics operating in different contexts. The companies in Denmark varied from fast-food restaurants to exquisite restaurants to sushi bars, and the companies in the Netherlands ranged from small mushroom plants to large high-tech producers. Most interviews were with restaurant owners (case food safety) and quality managers (case environmental safety). The interviews explored their knowledge of the disclosure system, their observations of it, the value they attribute to the system, and the impact of the system on their behavior.

The interviews in the Netherlands were carried out in Dutch, and the answers were translated into English by the author, whereas the interviews in Denmark were conducted in English. Doing the interviews in English may have restricted the ability of the Danish managers to express their opinions, but their knowledge of English was fairly good. The interviews took place on-site, and observations of the restaurants in Denmark and the production facilities in the Netherlands were used in the interpretation of the interviews (e.g., by checking how and where food inspection results in Danish were posted for public view and seeing how production facilities were located in their environment in the Netherlands). The interviews were typed out and analyzed for patterns of convergence and divergence (see Weick, 1995; Wenger, 2000). Self-reported behavioral responses were compared with structural features to explore patterns in the local meanings that go beyond idiosyncratic reactions.

TARGETED TRANSPARENCY AND RATIONAL CHOICE

Transparency policies are underpinned by rational-choice logic. The basic idea is that managers will make a better effort to comply with regulatory standards if failure to do so results in negative feedback from consumers and stakeholders and negative reputational effects. The underlying argument is that correcting an information asymmetry problem will result in consumers and managers making rational, utility-maximizing choices that are more in line with the demands of public safety. The idea of disclosure as a policy instrument can be traced back to Ayres and Braithwaite's (1992) seminal work on responsive regulation, naming and shaming, and adverse publicity as an instrument for enhancing compliance. The popularity of this instrument has increased considerably since the 1990s, and it has been applied to food safety, health care, nuclear power, environmental pollution, and pedophilia (Hood et al., 2001, p. 152). Governments all around the world have been developing disclosure systems to enhance the effectiveness of regulatory efforts (Fung et al., 2007; Graham, 2002; Meijer & Homburg, 2009; Van Erp, 2011).

A targeted transparency policy is a regulatory instrument that informs and activates the stakeholder environments of companies and encourages them to push for better compliance (Meijer & Homburg, 2009). Fung and colleagues define targeted transparency policies as "mandated public disclosure by corporations or other public or private organizations of standardized, comparable, and disaggregated information regarding specific products or practices to further a defined public purpose" (2007, p. 6). The crucial difference between a targeted transparency policy and traditional regulatory instruments such as fines and legal measures is that traditional approaches regard regulation as a "game" between only two actors: the regulator and the regulatee (De Bruijn, Ten Heuvelhof, & Koopmans, 2007). Targeted transparency policies change the game into a multiactor game in which consumers, stakeholders, and media join in. This multiactor game fits perfectly with ideas about more horizontal or egalitarian approaches to regulation to enhance the effectiveness of government regulation (Börzel & Risse, 2010; Hood et al., 2001, p. 13; Löfstedt, 2004).

How is targeted transparency supposed to contribute to the reduction of risk? The key argument is analyzed by Fung and colleagues (2007, pp. 50–91; see also Meijer, 2007; Meijer & Homburg, 2009; Van Erp, 2011): Consumers or other stakeholders react to disclosure, and this may lead to a loss of profit or essential resources for firms. Disclosure is supposed to make the "market" more rational by providing all the actors with more complete information about compliance. According to Fung and colleagues (2007), the first success factor is the integration of disclosed information in the user's routine decision-making practices. To be integrated, the information needs to be valuable, compatible with existing routines, and comprehensible. The second success factor is the firm's response to changing user patterns. Firms that observe users changing their choices will respond by adjusting their practices and so reduce public risk. The basic idea is that enhanced transparency will lead to more rational choices by users and firms and therefore less market failure in terms of public risk.

On the basis of their analysis of disclosure systems, Fung and colleagues identify 10 principles for the design of effective transparency policies:

- provide information that is easy for ordinary citizens to use,
- strengthen user groups,
- help disclosers understand users' changed choices,
- design for discloser benefits,
- design metrics for accuracy and comparability,
- design for comprehension,
- incorporate analysis and feedback,
- impose sanctions,
- strengthen enforcement, and
- leverage other regulatory systems. (2007, pp. 177–180)

They emphasize that the instrument of disclosure must be used rationally if the regulators' policy objective is to be realized.

Rational choice arguments may seem convincing, but they are not substantiated by empirical findings, because the expected and desired increases in compliance hardly take place. As Fung, Graham, and Weil suggest, the limited and fuzzy effects of targeted transparency policies can be explained by the fact that this instrument is sometimes applied in situations where it cannot be expected to work (2007, p. 174). They argue that disclosure will only work when consumers can process and act upon the information, and when managers feel they need to respond to consumer reactions. Meijer (2007) suggests that managers of companies do not respond only to consumer signals, and that the direct effect of disclosure, "naming and shaming," is more important than consumer reactions (see also Gunningham, Gabrosky, & Sinclair 1998, p. 64). Managers of companies respond to targeted transparency because they feel the "public eye" on them, and variations in their responses can be explained in terms of their sensitivity to reputational damage (see Winn, MacDonald, & Zietsma, 2008). Kraft et al. (2011) explain the variation in terms of leaders and laggards—some companies are quicker than others to pick up on the importance of targeted transparency. In sum, various propositions concerning managers' perceptions and responses have been brought forward to account for the gap between expected and found effects of targeted transparency policies. All these suggestions revolve around the idea that we need to know more about the frames and specific local considerations of managers.

LOCAL MEANINGS OF TARGETED TRANSPARENCY

Local Meanings of Targeted Transparency

The dominant analysis of disclosure systems is based on a general rational-choice model for users of targeted transparency and managers of companies and a "universal rationality." Critics of rational-choice models, such as Tversky and Kahneman (1986), stress that these models presume a normative model of decision-making that is not grounded in an empirical analysis of actual decision-making processes. Tversky and Kahneman emphasize that we need to empirically analyze how decisions are framed. Fairhurst and Sarr define framing as "the ability to shape the meaning of a subject, to judge its character and significance. To hold the frame of a subject is to choose one particular meaning (or set of meanings) over another" (1996, p. 3). In addition, Fairhurst (2005, p. 168) indicates that framing is especially important when uncertainty or ambiguity mark a given subject. Since the rapid development of new disclosure systems seems to fall within these criteria, attention to the way managers frame such systems is warranted.

What does targeted transparency mean to managers? Do they see disclosure as a punishment or a reward? Do they see Internet transparency as an important phenomenon or as something relatively unimportant? This article questions whether commonly held perceptions and understandings of disclosure systems reflect the "true" nature of things (see Malloy, 2010, p. 274; Sarbin & Kitsuse, 1994). Not an instrumental but an interpretative approach is needed to understand the variety of local meanings: A contextualized analysis looks beyond intended effects to include other frames in the societal context (Yanow, 1996). The frames of managers need to be studied to understand the differences between policy intentions and actual responses to disclosure systems. Managers' cognitive perceptions and behavioral responses should be understood as resulting, not from a universal rationality, but rather from a contextual or local rationality. Specific meanings should be understood as resulting from the situational and historical characteristics of the company and the manager.

The relation between the local meanings of access to information and government regulation is the starting point for research into the relation between disclosure and compliance. To understand the behavioral responses to government policies, we need to study the policies at two levels: the government or system level, and the managerial or local level. The system level is where a government agency develops strategies and instruments to realize policy objectives. It can be studied in terms of the logic of the regulator (i.e., the assumptions and ideas underlying the use of the instrument). What does targeted transparency mean to the regulator? What are the specific objectives, and how are they to be attained? At the local level, managers of companies frame the disclosure of data and react—or do not react—to the policy instrument. An interpretative approach focuses on of the way these systems are framed and whether disclosure is framed as an (un)important signal. The frame relates to direct perceptions of the disclosure but also to the perception of how stakeholders (consumers, neighbors, media) react to the disclosure of inspection data. These observations may result in changes in the behavior of managers as the "enactment of this knowing and meaning" (De Vries, 2000, p. 67; Turner & Gray, 2009, p. 1260).

The analysis of frames focuses on patterns of divergence and convergence in repertoires, or—put differently—on shared and incommensurate meanings (Yanow, 1996, p. 222). We will compare the frames of managers of companies with those of other managers and with those of policymakers in government, and we will map the differences and similarities. These patterns will indicate to what extent there are different frames and, in consequence, different behavioral responses to the application of disclosure as a regulatory instrument. This means that targeted transparency policies may elicit responses that are quite different from the general rational choices that were expected. An identification of these patterns will help us to understand the fuzzy effects of disclosure systems.

GOVERNMENT FRAMES

Danish Food Safety Inspection

The goal of the Danish Veterinary and Food Inspectorate is to guarantee the supply of safe, high-quality food. Since 2001, and in reaction to concerns about mad cow disease, the Danish Food Inspectorate has been disclosing its inspection data. It introduced the smiley system as an easy-to-interpret, simple, and timely method of displaying assessments in the form of labels posted at the front doors of restaurants and food stores. Based on a publicly available manual, inspectors assess food hygiene at specific sites and mark their findings by issuing smileys to be posted at the entrance of specific premises in such a way that consumers can view the judgment of the Food Safety Inspectorate. Smileys vary from big smiles (no remarks whatsoever) or small smiles (inspector recommends additional compliance to specific rules or regulations), to "neutral" (inspector issues specific measures to be taken into account) and "unhappy" (inspector has issued a fine, reported issues to local police, or rendered a permit void).

Since January 2004, the smileys have been available not only in restaurants, cafes, and food stores but also on the Internet (www.findsmiley.dk). Consumers can visit the Web site of the Food Safety Inspectorate and obtain information. They can search on general categories, town and neighborhoods, or specific businesses. Both the smileys and the underlying reports are available through the Web site. The Web site has become fairly popular, with more than 1,000 unique visitors per day (Meijer, 2008, p. 34).

The official "publication philosophy" of the Danish Food Safety Authority is simply stated:

> Make the inspection results public. Make the content easily understood by the smiley-faces. Then consumers can use the results to make a more informed choice on where to shop. Consequently enterprises have another powerful incentive to secure a high food safety. Such is in short the philosophy, behind the Danish smiley-scheme. (www.findsmiley.dk/en-US/Forside.htm)

According to the interview respondent from the Danish Food Safety Inspectorate, the reason for disclosing these data is threefold: provide consumers with reliable information, create an incentive for companies to perform better, and enhance trust in the Danish food sector: "The market forces are subsequently supposed to give enterprises an extra incentive to stay on their tiptoes: this increases food safety overall."

The government policy of the Danish Food Safety Inspectorate clearly fits within the general rational-choice frame: More information is supposed to lead to a better market, which creates an incentive for companies to improve their compliance. More rational behavior by consumers, stakeholders, and companies is expected to lead to a reduction of risk.

Environmental Safety Inspection in the Netherlands

In Limburg province, the provincial environmental authority enforces environmental laws with respect to a wide variety of businesses, from multinational chemical companies to quite small enterprises. Since 2003, the Web site of the provincial environmental authority has featured a so-called Complaints Top 10, disclosing the names of the 10 companies most complained about by local residents. This system is meant to be a system of naming and shaming (Pawson, 2007)—the regulator releases the list, and local newspapers publish it to shame the companies publicly.

Since 2006, the agency has also disclosed more nuanced information about company compliance. A geographic system presents representations of permits and compliance of businesses with the relevant rules and regulations. This system provides information about the companies' permits, inspection results, and sanctions. The Web site also provides information about complaints from citizens. The Web site is updated frequently, and changes are implemented within three working days. The Web site is quite different from the Complaints Top 10, since it provides information about all companies and shows not only the number of complaints but information of many other kinds.

The compliance map was an initiative driven by civil servants and endorsed by politicians. An explosion at the fireworks factory in Enschede (Netherlands) in 2001, which led to 23 casualties, was a major driver of transparency.

Environmental regulators all over the country felt that people had the right to be informed about risks and risk management in their direct environment. According to the respondents at the regulatory agency in Limburg and also to internal documents, the disclosure system has three objectives: provide information to citizens, increase compliance, and strengthen the province's legitimacy by showing its regulatory effort.

These Dutch disclosure systems are not directly based on market logic, and the regulator does not expect consumers to use the information to push for more compliance. The underlying logic is more community oriented: Public shaming through the Complaints Top 10 is expected to create an incentive for companies to improve compliance. Providing information to citizens and stakeholders is seen as a way to strengthen their position vis-à-vis the concerned company. In sum, rational-choice arguments dominate the government's logic but are based on a community model rather than on market relations. Danish citizen are expected to exert market forces, whereas Dutch citizens are expected to exert community forces (Lee, 2010, p. 306).

COMPARING GOVERNMENT FRAMES

The discussion of disclosure systems in Denmark and the Netherlands shows that all four systems aim to improve compliance by companies. The basic idea behind all systems is that external pressure will stimulate better risk management. Three different frames were identified:

- *Transparency stimulates consumer choice.* The dominant government framing of transparency in Denmark is to facilitate consumer choice. Providing information about food safety to consumers is expected to influence their choices, and changes in their choice patterns will stimulate restaurants to improve compliance with regulatory standards. Additionally, providing adequate choice information to consumers will enhance the legitimacy of the regulator.
- *Transparency is a form of naming and shaming.* The dominant government framing of transparency in the case of the Complaints Top 10 in the Netherlands is naming and shaming. Publishing a list of the companies that have been complained about most frequently is expected to stimulate the companies to improve compliance. Targeted transparency is not meant to inform the public about the behavior of companies but only to name and shame them. The regulator increases its visibility in society by publishing the list, and this visibility is expected to result in more legitimacy.
- *Transparency triggers stakeholder pressure.* The government framing of transparency in the case of the compliance map in

> the Netherlands is to facilitate stakeholder pressure. Providing information about the compliance of companies enables public action by stakeholders, such as citizens and protest groups, and this, in turn, is expected to result in better compliance. The transparency of inspection results is also expected to boost citizens' trust in the regulator.

These frames are partly related to sectoral differences. When it comes to food safety, citizens are consumers; they can choose whether or not to eat in a given restaurant, and they can make this choice every time they go out for dinner. In contrast, when it comes to environmental safety, citizens are neighbors of the production facilities. Theoretically, they can move, but this is a far-reaching decision with important consequences. Consequently, whereas in food safety citizens can use both "exit" and "voice" as responses to a decline in quality, using the exit option is much more difficult in environmental safety and they need to rely more on voice (Hirschman, 1970).

These frames result in different implementations of targeted transparency. One difference concerns the location of disclosure. Location is highly relevant in the Danish system but irrelevant in the Dutch systems. Consumers need to be able to access the information when they make their choices. Therefore, the smileys are presented both on the Internet and in the restaurants, whereas the Complaints Top 10 and the compliance map are only available on the Internet. A second difference concerns the complexity of information: Do the systems provide simple or comprehensive information? The Danish smiley system and the Dutch Complaints Top 10 are efforts to reduce the information to one simple score, whereas the Dutch environmental compliance map presents a rich overview of the information. A third difference concerns the usefulness of the information: Is it useful for individuals or not? The smiley system in Denmark and the environmental compliance map in the Netherlands provide information to individual consumers and citizens for choice and voice, whereas the Complaints Top 10 in the Netherlands is not meant for use by individuals. A fourth difference pertains to the amount of control the agencies exert over the information they release. The Danish regulator only publishes information that it has collected itself. In contrast, the Dutch regulator publishes information from the agency but also releases information about the number of complaints. The validity of the complaints is assessed only in a limited manner; the regulator does not try to ascertain whether the complaints are actually warranted by something the company has done or are just wild allegations.

This analysis shows that the government frames all assume that transparency will lead to external pressure and that companies will respond rationally to this pressure by improving compliance. We will now study the frames of managers to find out whether they follow the same logic as the policymakers' frames.

LOCAL MEANINGS OF TARGETED TRANSPARENCY

Table 1. Companies Investigated for Food Safety

	Number of employees[a]	Type of restaurant	Location	Customers	Smiley[b]
A	Low	Diner	Trendy urban area	Varied	2
B	Low	Exquisite	Outside the center	Middle-aged, many regulars	1
C	Low	Exquisite	Center	Businesspeople and tourists	1
D	Low	Indian	Trendy urban area	Yuppies	1
E	Low	Diner	Center	Trendy, celebrities	2
F	Low	Sushi	Trendy urban area	Yuppies	1
G	Middle	Catering	Far outside the center	Large companies	1
H	High	Fast food	Center	Varied	1
I	Low	Diner	Trendy urban area	Yuppies	1
J	Low	Diner	Center	Alternative	1
K	Low	Italian	Trendy urban area	Families	4
L	Low	Thai	Outside center	Varied	1

a. Low (0–10 employees), middle (10–20 employees), high (20+ employees).
b. The smiley indicates the inspection findings. 1 = inspector had no remarks; 2 = inspector emphasized specific rules to be obeyed; 3 = inspector issued injunction order or prohibition; 4 = inspector issued administrative fine, reported enterprise to police, or withdrew approval.

MANAGERS' FRAMES

Food Safety: Smileys on Location and on the Internet

The Danish government regulator expects the smileys to work as an incentive for companies to improve their compliance by avoiding negative reactions from consumers or other stakeholders. Do managers attribute the same meaning to the smileys? Managers at 12 companies were interviewed to reconstruct their meanings (see Table 1).

For some managers, the system does indeed work this way. As the respondent from a Thai restaurant (L) said: "The customers look [at the smiley]. It is very important for them. Some people look before they decide where to eat. . . . The Danish people believe what they read in the inspection report. They see a little smiley, and form image in their mind." The respondent from a fast-food restaurant belonging to an international chain (H) stresses that the restaurant makes an extra effort to achieve good compliance because he fears the way media can use the smileys: "We consider the system more as a risk than as a benefit. The upside is that the media see we are doing good; the downside is that they can focus on small mistakes."

These frames suggest that managers follow the same logic as policymakers and hence that the targeted transparency policy "works." Other respondents, however, frame the system differently. The respondent from restaurant C argues that the system is insignificant because the smileys are of no interest to regular customers: "Most of our customers are regulars. They have been coming here for years. . . . They make their choices on the basis of their own experiences, and attach little value to the judgments of the inspectors." The respondent from restaurant J emphasized that customers do not understand the posted information: "People don't understand the smileys. . . . The terms on the report are too technical for people to understand." Most respondents indicated that other stakeholders are not interested in the smileys: "No other stakeholders are interested. Not even the insurance company. I have good insurance. They pay up to even 70 deaths. Maybe the insurance would be cheaper if I had a good smiley" (G). Finally, one respondent (E) stressed that public restaurant reviews, especially the Web site "Everything About Copenhagen" (AOK), are much more important than the smiley: "That's much more important than the smileys. If AOK likes it, everybody likes it." These frames put a different perspective on targeted transparency policies: The meaning these managers attach to their stakeholder environment is clearly not the idea of rational consumers who use transparency for information-based decision-making processes. In the view of these managers, consumers use other information and base their decisions on habits and previous experiences.

Do these evaluations of the smiley system and its importance for the company result in changes in behavior? The respondents were divided: Seven of the 12 highlighted that the smileys do not influence their behavior. One of the respondents who did not change his behavior said that he is mainly influenced by financial sanctions and not by targeted transparency: "It would be the same without the publications. We would get fined, and a fine really means something for a small restaurant" (C). Another respondent stressed that their own standards are higher than the regulator's standards: "Our own standards are much higher than the standards of the smiley system. The smiley system only monitors what we have been doing for many years" (H). Five of the 12 respondents indicated that the smiley system does influence their behavior. One respondent: "We try to follow the rules as much as we can, because we don't want a bad smiley" (E). The main change in behavior resulted from the introduction of a quality system whereby managers make more effort to improve their information management. One respondent: "It does not make us do things differently. We document it now. Now we can prove that we do things right" (G). The administrative logic also influences the way they do things. "We changed the way we do things. We need to clean everything at regular intervals. . . . Now we do things on a more regular basis. Before we would do it when things needed to be done" (C).

The improvements in quality management can be regarded as a contribution to the management of food risk. Some of the respondents, however, have a different opinion about the systems. "You get a bad smiley if you forget the paperwork. It should be more clear [in differentiating] when you get a bad smiley when the food is not safe and when you get one because you have not done your paperwork" (D). Another respondent complained that administrative tasks take too much time: "Little companies do not have the time to do all the self-controls. It is irritating. We could use our time in a more sensible way. I have to check the fridge with Coca-Cola and write everything down. It takes time and time is money" (A). One respondent stressed that the bureaucratic system is in conflict with professionalism: "Every cook hates it that he has to document everything. They find it degrading. It hurts their professional pride" (G). This respondent indicated that administrative control can work for fast-food chains but not for exquisite restaurants, since these need the freedom to treat certain foods in specific ways and cannot function with the "childish" rules suitable for fast-food restaurants.

More specifically, the research showed that managers feel that the system forces them to frame food as safe if all the bureaucratic requirements for food management are satisfied, such as registering the temperature of the freezer, labeling food, and developing a manual for employees. From the perspective of the managers, a specific mode of risk management is imposed on them, shifting from an emphasis on safety to a focus on administrative correctness. The managers feel that the disclosure system is used to impose this new meaning of safety on their sector. As a result, it becomes more important to adhere to the standards for administering food safety than to pay attention to actual food safety. The government maintains that food safety is to be achieved through a bureaucratic logic and not through local intelligence. The horizontal style of regulation is, paradoxically, used to implement a traditional, bureaucratic form of regulation. The disclosure system strengthens the position of government and forces restaurants to focus on administrative obligations. Put differently: All restaurants have to become McDonald's (see Ritzer, 1993). The only restaurant that cannot comply is the Italian restaurant (K). Managers feel that there is no longer room for alternative ways of quality control, and administrative self-control systems are imposed. These systems may enhance food safety, but they also create a false sense of control when administration is decoupled from actual practice (see Power, 1999).

When asked about the smileys, all the managers referred to the smileys posted on site. The Internet system is regarded as much less important, and nine of 12 respondents said they never looked at the smileys on the Internet. They know their own inspection reports, and most of them have little interest how their competitors were rated. The main exceptions were the respondent from the fast-food restaurant (H), who felt that the smileys on the Internet would be used by the media, and the Thai respondent (L), who thinks that Danish customers use the Internet system for their rational decision-making.

In sum, the research shows that most managers frame consumer behavior quite differently than the regulator does. While the regulator assumes that consumers make rational choices on the basis of neutral information, the managers stress that most consumers are not very interested in the information or do not understand it, and make their choices based on habit or on information in newspapers and on Web sites. The disclosure system is framed as irrelevant by the manager of a posh restaurant, as a liability by the manager of a fast-food restaurant, as degrading by the manager of a diner, as bureaucratic by the manager of an Italian restaurant, and as irritating by the manager of another diner. Their self-reported behavioral responses follow from the way they frame the disclosure system: Some make an effort to comply with the standards (mostly by improving their bureaucratic behavior) and others do not change anything. There are no indications that the system has more effect on the restaurants that do not fully comply. Behavioral responses can best be understood on the basis of the specific framing of the disclosure system.

Environmental Safety: Compliance Map and Complaints Top 10

One can only frame a phenomenon when one knows of its existence, and very few people know about the environmental compliance map in Limburg Province. When we approached companies for an interview about the map, 20 of the 37 contacts knew nothing about it. One replied: "I have never heard of that Web site. I am sure large companies are familiar with the Web site. They have people to do that. But we are trying to get some work done here, and therefore we don't do anything with the Web site." Nine managers who had at least some knowledge of the compliance map were interviewed (see Table 2). Their companies varied in type of product, number of employees, location, level of technology, and type of nuisance. Some of the companies had received complaints, and some incidents had occurred. The regulator had imposed a penalty on only one company (D).

The nine interviewees were asked a more specific question: Who in the company is aware of the disclosure system? In most instances, the compliance map was known only to a few experts (quality managers). The director of one company stated: "I never look at the environmental compliance map. I know it exists, but I have never visited it. The province informed us about the map one and a half years ago. For me, that was no reason to have a look at it" (E).

This means that for most managers the environmental compliance map has no meaning at all. The compliance map can be expected to have an impact only on the limited group of companies that are aware of it, whereas systems that capture the attention of companies penetrate through the whole organization.

There are some indications that the disclosure system may work as the regulator intended. The respondent from company I indicated that the system

Table 2. Companies Investigated for Environmental Safety

	Type of production	Number of employees: on site/total	Location	High or low tech?	Type of nuisance	Number of complaints	Number of incidents	Sanctions?
Company A	Recycling	20/220	Industrial area	Low	Smell, noise, dust	0	1	—
Company B	Recycling	45/100	Industrial area	Low	Smell	1	0	—
Company C	Composting	4/4	Countryside	Low	Smell	27	0	—
Company D	Recycling	8/8	Industrial area	Low	—	0	0	Penalty
Company E	High-tech	130/20,000	Industrial area	High	Hazardous materials	0	1	—
Company F	Large-scale production	265/265	Industrial area	Medium	Smell	8	8	—
Company G	Large scale production	650/650	Industrial area	High	Smell	12	7	—
Company H	Recycling	50/50	Industrial area	Medium	Floating around paper	0	3	—
Company I	Composting	53/200	Countryside	Medium	Smell	194	8	—

has increased his company's focus on complaints. A new residential neighborhood has been built close to the mushroom plant, and many "people from the city, who are not used to this smell," have bought houses. Their complaints about the smell drove the company into the Complaints Top 10, and it takes this matter quite seriously. Another manager said that his company (C) does not want bad publicity because it is applying for a new permit: "Our image is important in limiting the number of formal objections to our request for a new permit. For that reason, I take a close look at the information about our company on the environmental compliance map."

The Complaints Top 10 is a strong incentivizer, but most respondents saw little value in the compliance map. Few of the interviewed managers regard it as a reason to improve compliance. Several said that the public doesn't even know that the compliance map exists, so negative information on the map does not harm their image. One respondent said: "The environmental compliance map is a relatively unknown phenomenon, especially among citizens" (A). Another respondent said that most of his customers are not Dutch and therefore will not use the information on the environmental compliance map: "Our customers are German, and they do not understand the information, since it is in Dutch" (H). According to several respondents, the media are not interested in the environmental compliance map. One respondent noted: "We have had some fires at our company recently, and these have received some attention in the media, but there were no references to information on the environmental compliance map" (A). One respondent stressed that requirements by other companies in their chain of production are more important and stricter than the legal requirements: "The automotive industry demands that suppliers qualify and adhere to strict standards. Our company mainly focuses on these standards" (E). As in the Danish case study, the meaning these managers attach to their stakeholder environment is clearly different from the idea of rational stakeholders that use transparency for information-based community interactions. The managers apply a different logic. In their view, stakeholders hardly use the information, and other forms of stakeholder pressure are more important.

Do these evaluations of the compliance map and the Complaints Top 10 and its importance for the company result in changes in behavior? The respondent from the only company (I) named on the list indicated that managers try to get off the list: "We do not want to be in the limelight." This respondent's company has improved its manufacturing practices, is building a higher chimney and covering an open tank to reduce bad smells in the surrounding residential area, and is using performance pay to employees to bring down the number of smell-producing mistakes.

According to the respondents, the environmental compliance map does not trigger strong behavioral responses. Four of the eight respondents who were not listed in the Complaints Top 10 said that the targeted transparency has no effect at all, while four respondents stressed some effect. One respondent said that mistakes can make nuisances for the neighbors and therefore it is important to reduce the number of mistakes: "We try our best to do well, but you can always make mistakes. [Targeted transparency] keeps us focused" (B). Another respondent (D) indicated that he uses the transparency to make others live up to their responsibility to follow procedure. One of the companies tries to limit complaints by keeping the needs of its neighbors in mind. For example, it considers time of day and wind direction when planning certain composting operations: "The transparency influences these decisions" (C). The last respondent who indicated that there was some effect said that the company punctiliously provides information about incidents to the regulator (F).

More specifically, most of the behavioral responses focus on minor nuisances, such as smell and noise. Companies in the Netherlands that are exposed in terms of the number of citizen complaints tend to frame these nuisances as important because that is what citizens complain about. In effect, there is a growing emphasis on limiting these nuisances, and hence a shift from a focus on legal norms to a focus on societal norms (see Parker, 2002). These societal norms are not based on an expert analysis of risks but on a nonprofessional's experience of nuisance. They result from the shift to a more horizontal form of regulation. One could argue that this shift will only improve the social performance of the company in the sense that it will comply with both legal and societal norms. Alternatively, the focus on societal norms could divert the company's attention from complying with legal norms.

In sum, the Complaints Top 10 seems to trigger behavioral responses that are in line with the expectations of the regulator: Managers make an effort to get off the list by reducing nuisances that bother their neighbors. The relevance of the environmental compliance map is limited, mostly because it is relatively unknown. The managers of companies that need something from their environment (e.g., a permit from local government) or want to avoid problems with their neighbors frame these systems as relatively important. Their behavioral responses are more limited and nuanced than is sometimes suggested in the literature on regulation and disclosure in environmental policies (Gunningham et al., 1998).

Targeted Transparency and Compliance: Frames and Behavioral Responses

The foregoing discussion of the meanings attributed to disclosure in two different countries through different systems shows divergence and convergence between and within the systems. The convergence *between* the systems concerns the limited importance of targeted transparency. The overall picture is that—apart from the Complaints Top 10—managers downplay the use of disclosure systems by citizens and stakeholders. Both the owners of restaurants in Denmark and the owners of production facilities in Limburg indicated that they receive few if any signals that such information is used by citizens or stakeholders. However, this does not mean that they frame the systems as irrelevant. The systems are seen to have some importance in their influence on the reputation of companies. Some companies want to avoid damage to their (broadly defined) reputation. The will to maintain or create a good reputation mediates the effect of disclosure systems on behavioral compliance.

Divergence *between* the systems can be related to the various differences analyzed above. In general, systems that provide simple information that requires attention from the public—the on-site smileys and the Complaints Top 10—are seen as most important. The two Internet systems are more difficult to use. The effect of the on-site smiley postings can be explained in terms of their "user embeddedness" (Fung et al., 2007). Customers can readily incorporate the information into their choice of a restaurant. The strong effect of the Complaints Top 10 in terms of being framed as a signal that cannot be ignored can be understood as a form of naming and shaming (Pawson, 2007).

We have also seen convergence and divergence *within* the disclosure systems: Managers of different companies react differently to the same system. By and large they fall into two groups: managers who do not respond to targeted transparency and managers who do. One reason managers give for not responding to targeted transparency is that their own norms are much stricter than the regulator's norms. The firm in the Netherlands that supplies products to the automotive industry is a good example. Since norms in the automotive industry are very strict, the targeted transparency has no effect. Another reason why targeted transparency does not result in responses is that managers do not see targeted transparency as a sanction. The manager of a waste company in the Netherlands was not interested in the environmental compliance map because none of its stakeholders was interested in this information.

Why do the managers of some companies respond to targeted transparency? Since clients and stakeholders use this public information, some managers make an effort to prevent it from being a "dissatisfier," to use a term from marketing science (Johnston, 1995). Several restaurant managers in Denmark indicated that consumers could use the information in selecting a restaurant. Another reason managers are sensitive to the information is that it is used internally. Some Dutch quality managers indicated that they use the targeted transparency to motivate others in the company to improve their quality management. One manager said: "I use the information to inform management. Once a year, I send a report with an overview of the number of complaints about our company."

What is the nature of these changes in behavior? The general pattern is more management attention to issues of compliance (see also Lee, 2010, p. 307; O'Rourke & Lee, 2004). Most of the improvements in Denmark took place in the domain of information management. Companies needed to develop or improve their self-reporting systems to adhere to the standards of the regulator. Several behavioral changes, both in Denmark and in the Netherlands, related to giving more attention to work procedures and reducing the number of mistakes. The interviews also identified specific self-reported behavioral responses, such as putting tiles behind the ice machine in Denmark, building a higher chimney in the Netherlands, and changing the timing of manure processing in the Netherlands.

These findings indicate that some managers frame targeted transparency in line with the logic of government, albeit they attribute much less importance to the disclosure system than their government would like. The patterns of convergence explain why targeted transparency has some effect, but to understand the fuzziness of these effects, we need to look at the patterns of divergence. A variety of frames emerges that build upon different logics. Divergence takes a form related to both the structure and the identity of the company and to differences in the external environment. We took the basic characteristics of the Danish restaurants (size, clientele) and the Dutch factories (location, type of nuisance) and analyzed the differences in framing. For the Danish restaurants, we identified the following patterns in local logics:

- *Corporate logics and small-business logics.* Mass media have little interest in the reputations of small companies but are keen to taint the reputations of large firms. The respondent from a large fast-food chain said that the media are of crucial importance to him, whereas nearly all the other respondents attached little value to the media. The size of a company is also a source of divergence when it comes to behavioral changes and results in different logics. Large companies develop a corporate logic based on formal control mechanisms, whereas small companies function on the basis of informal control mechanisms grounded in a small-business logic. Through their corporate logic, chain restaurants can easily relate to the bureaucratic logic of the government regulator, whereas small restaurants resist processes of formalization, since adopting the (bureaucratic) logic of the regulator is costly and may undermine their professional style of working.

- *New-consumer logics and regular-consumer logics.* Some restaurants have regular customers, whereas others have a continually changing clientele. Restaurants develop different logics in response to these conditions: a new-consumer logic emphasizes the importance of being attractive to one-time customers, whereas a regular-consumer logic stresses long-term customer relations. The dominant argument that targeted information will influence consumers has little meaning in regular-consumer logic, where personal contacts form the basis for trust in food safety. One respondent stressed that regular customers make their decisions on the basis of their previous experiences and not on the basis of a disclosure system. The new-consumer logic is more prominent in restaurants in the busy shopping center, and transparency is considered to be quite important in this frame because the institutional context is important to the production of trust in food safety.

For environmental safety, we also found a varied range of local logics. We identified the following patterns:

- *Good-neighbor logics and no-neighbor logics.* The managers of certain companies have problems with people who live close to the production facilities, and disclosure tends to be important in this relation. These companies develop a good-neighbor logic in which maintaining relations with neighbors is considered to be important. In this logic, disclosure is relatively important because it can have an impact on relations with neighbors. The managers of other companies have no relation with neighboring citizens and hence develop no-neighbor logics: relations with neighbors do not play a role in business considerations. In the no-neighbor logic, disclosure is less important. The presence of an active group of citizens makes all the difference and can change a company from a no-neighbor logic to a good-neighbor logic.
- *Clean-production logics, polluting-production logics, and hazardous-production logics.* Certain companies create a major nuisance in terms of noise or smell. Under such conditions, companies develop a polluting-production logic that stresses the importance of minimizing pollution. Disclosure of data is framed as important because it "objectifies" this nuisance. Other companies do not create a nuisance and develop a clean-production logic." Considerations of pollution are not often discussed, and disclosure is given less importance. A company may have a dangerous production process, but if this does not result in a detectable nuisance, the environment will not develop a polluting-production logic. Awareness of the hazards of this production, possibly induced by the regulator, may result in a hazardous-production logic. Disclosure of complaints can only play a limited role in this logic because the complaints refer to nuisance rather than risk.

A complicating factor here is that these sources of divergence in framing interact in various ways and lead to unpredictable behavioral responses. How will a manager in a large company with a regular clientele and a negative evaluation by the food inspection agency frame targeted transparency? These responses can only be understood from the local frames of targeted transparency, and the fuzziness of the relation between disclosure and compliance can be explained as a result of the broad variation in frames. The variety of frames and behavioral responses is broader than was suggested on the basis of more general theories of system characteristics (Fung et al., 2007), reputational effects (Gunningham et al., 1998; Meijer, 2007), and diffusion of effects among a population (Kraft et al., 2011) and depends on the characteristics of the specific domain of regulation.

LOCAL MEANINGS OF TARGETED TRANSPARENCY

TARGETED TRANSPARENCY POLICIES AND THE VARIETY IN MEANINGS

Let us now return to the first research question: How does the way in which business managers frame targeted transparency policies differ from the policymakers' framings? The literature highlights that firms react to a disclosure system because they think it triggers responses from stakeholders and influences their reputation (Graham, 2002, p. 144; Gunningham et al., 1998; Meijer, 2007). On the basis of our research, we can present a more nuanced perspective on the reactions of managers. The research provided some support for the effect that was predicted on the basis of general theories of rational choice: In some companies transparency is framed as public information that can have an impact on their reputation, but in many others it is framed as unimportant and insignificant. Some managers even frame the targeted transparency as degrading to their professional pride or as a means to impose childish rules on them. The specific framing of reputation depends, among other things, on the structural characteristics, the context, and the background of the company. A variety of frames were identified even among the limited set of respondents in this research, and only some of the managers frame targeted transparency exactly in line with regulators' intentions.

The second research question asked: Can the differences in frames explain the fuzziness of targeted transparency as a regulatory instrument? The research shows that current models of decision-making fall short of describing how managers factually frame disclosure systems. While some managers find disclosure highly relevant and make an effort to improve their ratings, others do not or respond in unexpected ways. How can we understand this? The identification of sources of divergence in framing can help us develop a more sophisticated theory about disclosure and compliance. Corporate logics versus small-business logics, new-consumer versus regular-consumer logics, good-neighbor versus no-neighbor logics, and clean-production versus polluting-production and hazardous-production logics were some of the local logics that influence how disclosure is framed by managers. A complicating factor is that all these factors may interact in unpredictable ways. A small Thai restaurant and a large fast-food restaurant both tried to comply in response to disclosure, whereas a small pizzeria and a posh restaurant did not. Why? The research shows that the emerging relation between disclosure and compliance may best be understood from its diversity in local context, and the variety of frames explains the fuzzy effects of disclosure systems in various domains of regulation. The effects of disclosure on compliance are fuzzy from a top-down perspective but understandable from a bottom-up view.

This study has important implications for theories about regulatory instruments in general and about targeted transparency in specific. Its divergent perspective on the relation between disclosure and compliance is an important addition to the literature that emphasizes the general effect of reputation. "Companies respond early because they understand that reputation, always hard to gain, is increasingly easy to lose" (Graham, 2002, p. 145). Government regulators develop instruments on the basis of a universal rationality and make an effort to impose certain meanings upon the subjects of regulation (cf. Scott, 1998). They have some success: Our research found that some firms react strongly to presumed damage to their reputations, whereas others do not care about their reputations. Specific responses can only be understood as emerging from previous experience and the specific internal and external context of the company and its historical development. Local logics differ considerably from the regulators' universal logics. The research showed, moreover, that the local logics in the food sector and in environmental regulation are quite different. This finding is in line with other literature that challenges homogeneous approaches to regulation (Malloy, 2010; Turner & Gray, 2009). The variation in experiences and contexts results in a wide range of frames and, consequently, of responses. The variety of frames helps us to understand why disclosure systems, seen from the perspective of a universal rationality, have fuzzy effects. This study underscores that regulatory instruments need to be understood both from a top-down and a bottom-up perspective. A failure to study local meanings will lead to incomplete understanding and incomplete accounts of the behavioral responses to regulatory instruments.

The study also has implications for a theoretical understanding of the role of technology in government. Internet disclosure systems were found to be least influential because managers attributed little meaning to this mode of disclosure. These systems have a limited impact because they are largely invisible to the managers. In contrast, the smileys posted in their restaurants are highly visible, and they see customers checking them. The Complaints Top 10 is published in local newspapers that are read by company quality managers and other employees. Customers and other stakeholders may consult the Internet smileys and environmental compliance maps, but their use of information is invisible to the company managers. The Internet systems can only become influential if their visibility is strengthened. Perhaps social media could play a role here. If Tweets and Facebook postings can increase the visibility of relevant information both for stakeholders and for companies, this will increase its saliency for management. Theories about information technology in government need to pay more attention to the *saliency* of digital government communications.

The overarching question is whether targeted transparency leads to the reduction of risk. Overall, we found no indications that these disclosure systems actually triggered behavioral responses that help to prevent major disasters. Incidents such as the explosion of the fireworks factory in Enschede and food scares, for example, outbreaks of salmonella and BSE, triggered the development of these systems, but the systems do not seem able to prevent the future occurrence of such incidents. Targeted transparency may result in minor changes and fewer minor annoyances, such as smells and noise or minor food problems, as the activation of the environment of companies shifts the focus to societal norms. This activation may stimulate companies to carry out production processes more carefully. In line with this finding, research on the Toxic Release Inventory (TRI) suggests that this disclosure system has had an effect on pollution levels (Khanna, Quimio, & Bojilova, 1998). In the case of the TRI, societal norms may be in line with the regulators' norms, but in the case of environmental pollution the norms may differ considerably. Noise, for example, is seen as a major nuisance by most people, but regulators do not consider it a hazard to human health or the environment. This is not to say that societal norms are not important, but disclosure, as a response to major disasters, has predominantly a *symbolic value*. Regulators take action, but the research shows that these actions are hardly connected to changes in the practices of companies that contribute to reducing the possibility of a major disaster.

Do these results mean that Fung, Graham, and Weil's 10 principles for the design of effective transparency policies are useless? Our research shows that the 10 principles may be important, but they are too general to form a basis for targeted transparency policies in different regulation domains with many different regulation subjects. Regulators should determine whether their system reduces risk in specific situations and take care in applying a system logic based on overall risk assessments. When can the instrument be expected to create the right incentives, and what does this mean for the mix of instruments? How can regulators create the right balance between professional and societal norms? Regulators should avoid the trap of getting lost in a homogeneous and instrumental focus that does not allow them to differentiate their regulatory efforts.

An understanding of local logics should be the basis for regulatory efforts. Regulators should acknowledge the variety of contexts that they need to regulate and embed targeted transparency policies in a set of measures that fits the specific context. To be able to work with the interaction between the universal logic of the regulator and the local logics of managers, policy implementation needs to be formulated in a dynamic, participatory manner with stakeholders and regulation subjects. Government regulators do not have a complete overview of the regulatory domain and need to be modest about their cognitive capabilities. Fruitful interactions must be organized in a horizontal, bottom-up manner—"policymaking from below" (Pautz & Schnitzer, 2008)—rather than by trying to fine-tune regulatory instruments from a top-down position.

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