



Responsible Editor: Rodrigo de Souza Gonçalves
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Evaluation Process: Double Blind Review pelo SEER/OJS

Different Effects of Transparency on Decision-Making within the Scope of the Prison System

ABSTRACT

Objective: To understand how the citizen's preferences can regulate the effects of levels of transparency in decision-making with conflicting choices of public policies within the Prison System.

Method: Supported by behavioral theories, a survey experiment was developed based on speeches by parliamentarians, given in the Chamber of Deputies, related to decision-making in the Prison System. Research participants pointed out their preferences and analyzed the transparency of decision-making promoted by an external source, prioritizing two public policies: the adoption of Alternative Sanctions and Measures and the Construction of More Prisons.


Originality/Relevance: Use of behavioral theories at the national level to point out possible positive and negative effects of a public policy of transparency, indicating incremental production of knowledge.

Results: It was demonstrated that citizens tended to perceive a greater degree of transparency and legitimacy when their preferences were aligned with the choices made in the political arena, revealing the limits of the transparency promoted and how a public transparency policy can work.

Theoretical/Methodological Contributions: The study contributes by demonstrating situations in which the behavior of citizens can affect the perception of transparency in decision-making within the scope of the Prison System using the transparency of decision-making as an independent variable and behavioral theories.

Keywords: Transparency, Decision-making, Perception of legitimacy, Prison System.

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Received: May 02, 2023
Revised: July 18, 2023
Accepted: August 04, 2023
Published: September 30, 2023



How to Cite (APA)

Pinheiro, F. M. G., Bruni, A. L. (2023). Distintos Efeitos da Transparência da Tomada de Decisão no Âmbito do Sistema Prisional. *Revista Contabilidade, Gestão e Governança*, 26 (2), 279-310.
<http://dx.doi.org/10.51341/cgg.v26i2.3058>

1 INTRODUCTION

The objective of the present study was to understand how the citizen's preferences can regulate the effects of levels of transparency in decision-making with conflicting choices of public policies within the scope of the Prison System.

Transparency is an important mechanism for democratic and corporate governance. However, transparency results can be positive in some circumstances but not in others (Cucciniello et al., 2017; Porumbescu et al., 2022). For these authors, instead of questioning, one should evaluate and understand where and how transparency works, including by comparing behavioral theories.

Regarding perceived legitimacy, transparency is expected to contribute to a greater understanding of decisions taken in a given context and result in legitimacy (de Fine Licht, 2014a; Tyler, 2000; 1997; 2006). In contemporary democracies, there is a strong defense of transparency as an instrument for reducing secrecy in the public sphere (Filgueiras, 2011; Worthy, 2010), which is important both for deliberative democracy (Bohman & Rehg, 1997) and for representative democracy (Mansbridge, 2009; Sacramento & Pinho, 2016; Zuccolotto et al., 2015).

Human behavior can explain the mismatch between what is expected from a transparency policy and its implications. Through the Theory of Cognitive Dissonance (Festinger, 1957), it is inferred that, when analyzing the transparency of decision-making, citizens will seek to act in a way that gives consistency to their preferences, to the detriment of the decision taken in the political sphere. In turn, it appears from the Relational Theory (Fiske, 1992; Fiske & Tetlock, 1997) and the Sacred Value Protection Model - SVPM (Tetlock et al., 2000; Tetlock, 2003) that, in the face of conflicting choices, non-rational behaviors may occur, when they involve options between secular and sacred values, impacting the level of perception of legitimacy.

Citizens' lack of interest in accessing public information and the possible difficulty in understanding it can also compromise the perception of the effects of transparency. People, when interested, prefer external sources of information, from the press, rather than those released directly by the State (de Fine Licht, 2014a; Hawkins et al., 2019).

Based on the above, we sought to answer the question: how can the citizen's preference regulate the effects of levels of transparency in decision-making with conflicting choices of public policies within the scope of the Prison System? To this end, a survey experiment was developed and applied considering political decision-making within the Security Area – Prison System, resulting in the adaptation of the experiment created by de Fine Licht (2014b). This system has a shortage of places and a growing number of prisoners, stigmatized individuals (Cabral & Santos, 2018; Rudnicki et al., 2017). A scenario that does not contribute to the recovery and resocialization of those in custody increases the burden on the system and social costs.

Research on the effects of transparency in decision-making is scarce, even using an experimental method and having transparency as an independent variable (Cucciniello et al., 2017; Marino et al., 2017). At the national level, research on the transparency of decision-making was not identified. However, studies focused on the concepts and classifications of transparency, identification of transparency practices, ranking public transparency in electronic portals, and determining factors of public transparency.

In addition to this introduction section, which deals with the context of the theme, problem, and justifications, the article has four more sections. The second section discusses the theoretical-empirical framework and hypotheses. The methodological procedures are in the third section, which deals with the Survey experiment. The fourth section contains the results, analyses, and discussion. Finally, the fifth and last section presents final considerations with possible contributions and implications of the research.

2 THEORETICAL-EMPIRICAL FRAMEWORK

Comparing a sacred or irreconcilable value with a secular value, depending on the society's culture of values, may be prohibited and result in taboo. The simple disclosure of the possibility of comparing trade-offs (conflicts of interest) can weaken, corrupt, and degrade the moral position of those who did it (Fiske & Tetlock, 1997).

According to the Relational Theory, individuals relate based on four models (Fiske, 1992). In the Communal Sharing model, the world is divided into classes with different equivalences, which allows for differentiation or contrast but not numerical comparisons. In Authority Ranking, rules are defined based on an ordinal ranking among people or social things. This model allows certain citizens to be prioritized by a policy based on a ranking. In the Equality Matching model, relationships are conducted in a relational structure that socially predicts significant intervals, which can be added or subtracted when choosing, allowing for a zero-sum relationship. Finally, based on a numerical scale in Market Pricing, the social structure allows decision-making by combining quantity and values. Thus, decisions are made by evaluating scarce resources for unlimited needs, allowing them to operate numerically, when, for example, working the budget deficit as a percentage of the Gross Domestic Product and the relationship between price and profit (Fiske & Tetlock, 1997).

Given the above, four reasons are identified as obstacles to people achieving what the microeconomic theory postulates should be (Tetlock et al., 2000). The first refers to problems with incommensurability, given the lack of a common metric capable of translating competing values. Thus, it is understood that trade-offs require interdimensional comparisons. An example is, "How much freedom can I accept to increase public safety?" The second reason points out that reasoning in a trade-off situation is emotional, as people understand how dissonant it is to recognize that they have sacrificed one value for another, as they exaggerate the importance of having chosen a value and abolished the rejected value. The third obstacle concerns the fear of

being censored when making the wrong choice. Finally, the last hurdle indicates that reasoning in situations involving trade-offs is cultural.

In turn, resorting to the Theory of Cognitive Dissonance, Brehm (1956, p. 389) states that "[...] the choice between alternatives would create dissonance and try to reduce it by making the chosen alternative more desirable and the alternative not chosen less desirable". People tend to seek information that supports their beliefs (Nickerson, 1998), and knowledge and new information may not change their opinions, given the evidence neglected by individuals in the search for reinforcement for their ideas (Martino, 2014).

The term transparency in this study is related to the disclosure of information about an entity's decision-making processes, procedures, functioning, and performance. Its object focuses on the decision-making phase – information about the decisions taken and their reasons; in the policy content phase – information about the policy itself; and in the phase of policy results – dissemination of results achieved (Heald, 2006; Grimmelikhuijsen & Welch, 2012). Information clarity (Drew & Nyerges, 2004) and completeness (Grimmelikhuijsen, 2012) stand out among its dimensions.

Also of interest are the two degrees or levels of transparency addressed by Mansbridge (2009), transparency in rationale and transparency in process and the level without transparency (de Fine Licht et al., 2014; de Fine Licht, 2014b). The degree of transparency in rationale results in the disclosure of information about the decision and its justifications, while the degree of transparency in process lies in the disclosure of the content of the justifications that supported the decision and information about the decision process, being able to present the content and testimonials from the decision-makers discussions. The no transparency level results in the simple publication of the decision.

In terms of legitimacy, political theorists understand it to be a common belief on the part of members of society of the existence of rational motives for voluntary compliance with

the norms approved by the competent authorities, which enables the maintenance of the social order and the recognition of status authorities quo (Tyler, 1997). Thus, legitimized action is more efficient than coercive action, resulting in gains for groups with legitimized leaders (Tyler, 1997). For the author, legitimacy concerns the acceptance of what the leaders propose. Therefore, decision-making through fair procedures tends to legitimize the choice made, as "[...] procedural justice in legitimacy is found in a generalized and robust way and occurs in legal, political, and managerial configurations" (Tyler, 2006, p. 382). Legitimacy is related to accepting the decision of the people impacted (Schmidt, 2013).

Greater transparency of the decision-making process is expected to legitimize public policy choices (Tyler, 1997; Tyler, 2006). Thus, with a higher level of transparency, the aim is to increase the perception of legitimacy and reduce protest. From the normative and democratic perspectives, it is believed that transparency has positive effects, as greater transparency will increase the perception of legitimacy, as can be seen from Heald (2006).

Therefore, the perception of transparency, legitimacy, and probability of protesting depends on citizens' predilections, values, and beliefs. With this, research hypotheses were formulated based on behavioral theories (Festinger, 1957; Fiske & Tetlock, 1997; Tetlock, 2003), studies related to levels of transparency (Mansbridge, 2009; de Fine Licht, 2014b), and perception of legitimacy (Schmidt, 2013; Tyler, 1997; Tyler, 2006):

H1: The level of transparency of public policy decision-making contrary to the citizen's preference tends to affect the perception of transparency negatively.

H2: The level of transparency of public policy decision-making contrary to the citizen's preference tends to affect the perception of acceptance of the adopted process negatively.

H3: The level of transparency of public policy decision-making contrary to the citizen's preference tends to affect the perception of the decision's acceptance negatively.

H4: The level of transparency of public policy decision-making contrary to the citizen's preference tends to positively affect the perception of the likelihood of protesting.

The hypotheses were established through the theoretical-empirical framework and the context of the Prison System. For the perception of the level of transparency, the attributes of clarity, completeness, and the feeling of being informed were of interest. As for the perception of legitimacy, the variables related to acceptance of the process and acceptance of the decision taken were considered. In turn, for the probability of protesting, variables were taken into account: the willingness of citizens to complain about politicians through available communication channels.

Therefore, given the perspective of the Cognitive Dissonance Theory with possible confirmation bias, the Relational Theory and the Sacred Value Protection Model with conflicting choices with a possible taboo element, if the citizen's preference is aligned with the choice made in the political sphere, it is expected an increase in the perception of transparency and legitimacy. However, in cases where the citizen's predilection is not aligned with the political choice, a reduction in the perception of transparency and legitimacy is expected.

Finally, it should be noted that evidence indicates that, in an area related to crime and justice, aspects such as personal values, morals, and ethics matter and can compromise the citizen's perception of legitimacy (Murphy et al., 2009). Thus, it is suggested that the expectations of theories of democracy can be compromised, as citizens can ignore the level of transparency.

3 METHODOLOGICAL PROCEDURES

Conducting experimental studies has been advocated for the Public Administration area (Andrews & Vries, 2021; Jilke et al., 2017; Walker et al., 2017), with the Survey experiment

being a promising type as it allows the achievement of different samples and conducting studies on decision-making (Bouwman & Grimmelikhuijsen, 2016).

The survey developed was based on the context of the Prison System and the theoretical-empirical material explored, resulting in a model constructed from a postulate or postulate concept about the studied phenomenon, falling back on the use of a hypothetical-deductive method (Quivy & Campenhoudt, 2005). With this, it was possible to identify and evaluate relationships between the variables of interest and test the hypotheses.

Therefore, the participants read the text produced (Figure 1), which briefly deals with the context of the decision to be taken within the scope of the Federal Legislative Power involving the prioritization of one of two public policies for the Prison System: prioritizing the adoption of MEASURES AND ALTERNATIVE PENALTIES or prioritize the CONSTRUCTION OF MORE PRISONS.

Figure 1

Context and public policy options.

To solve problems with overcrowding in the Prison System, the government must adopt long-term public policies aimed at improving the general social conditions of life of the population, such as education policies and employment and income generation, which can contribute to crime reduction. On the other hand, it must also adopt SHORT-TERM public policies, seeking to prioritize those that have the potential to reduce the problem of lack of places in prisons. Subsequently, the following question was asked: In your opinion, which of the two SHORT-TERM public policy options mentioned below should the government prioritize to solve the problem of the lack of places in prisons?

The response options were as follows:

- 1) It should prioritize the adoption of ALTERNATIVE MEASURES AND PENALTIES to reduce the number of prisoners (such as the use of electronic anklets, payment of fines, and distribution of food baskets); or
- 2) It must prioritize the CONSTRUCTION OF MORE PRISONS to increase the number of vacancies in the Prison System.

Based on the theoretical-practical framework, external transparency, fostered by journalists, was employed, and the three levels of transparency found in the literature were taken into account: no transparency level – only the disclosure of the simple report of the decision; transparency in rationale level – disclosure of information about the decision and its foundations; and transparency in process level – extensive disclosure of the content of the

foundations that supported the decision, as well as information about the decision-making process, including the content and testimonies of the discussions of the decision-makers.

According to research participants, citizens (Dallari, 1984) were previously informed that they could withdraw from the instrument applied online through a platform for electronic data collection. The application of the instrument took place with the availability of a link by email and social networks, characterized in a non-probabilistic sample for convenience. Each respondent accessed, randomly, one of the six stimuli created to disclose the decision taken by the deputies to solve the problems with overcrowding in prisons, and the type of transparency accessed, disclosed in three levels or degrees, could be favorable or contrary to the participant's preference.

To create the stimuli, we used the analysis of speeches given in the Chamber of Deputies (Legislative Branch) on the Prison System and the crisis generated by the recurrent rebellions and deaths of prisoners, published in the Official Gazette of the Chamber of Deputies, between October de 2016 and June 2017. The text produced in the stimuli sought to portray the context of the speech, which may indicate the prevalence of debate of one political option over another, focusing on the level of disclosure of each stimulus. Data collection took place in March and April 2018.

In the context of legislative decision-making, the debate takes place tensely. There are parliamentarians of a more progressive line, with speeches in favor of adopting alternative measures and penalties to reduce the overcrowding of the Prison System, while others of a more conservative line defend the adoption of measures aimed at incarceration; this creates a sensitive situation, as decision-making involves conflicting choices, such as prioritizing a particular policy over another due to the lack of resources.

Figure 2

Incentives for a high level of transparency (Transparency in Process)

The new priorities for the Prison System (for the Alternative Measures and Penalties option)
<p>Transparency: communicate the choice between the two alternatives, the justifications for the choice, and the discussions for and against the decision.</p> <p>Consider the following news to be true:</p> <p style="padding-left: 40px;">Encouraging the adoption of Alternative Measures and Penalties is a priority for the Prison System.</p> <p>In order to solve the problems of overcrowding in the Prison System, such as the recurrent rebellions with hundreds of deaths and prison escapes, the deputies decided that the government should encourage the adoption of ALTERNATIVE MEASURES AND PENALTIES (such as the use of electronic anklets, payment of fines, distribution of basic food baskets, provision of community services) instead of prioritizing the allocation of resources to increase the number of vacancies through the CONSTRUCTION OF MORE PRISONS. (Simple communication of the decision)</p> <p>One justification presented was that it is necessary to face the culture of incarceration since mass imprisonment is expensive, on average 3,500 reais per month, and has high social costs, and the adoption of Alternative Measures and Penalties, such as monitoring through electronic ankle bracelet, which costs an average of 600 reais a month, helps reduce the number of people arrested and costs for the government and society. Another justification was that the payment of a fine, the distribution of basic food baskets, and the provision of community services benefit society and can also contribute to the recovery and resocialization of inmates who have committed crimes of lesser harm. (Justifications)</p> <p>In defense of the Alternative Measures and Penalties, a congresswoman stated that the recurring complaints of overcrowding and the occurrence of barbaric crimes within prisons should not be tolerated and that the Prison System is bankrupt. For her, "the culture of incarceration must not continue because keeping an individual imprisoned must not be prevented by society." Supporting her colleague, another legislature member adds: "There is more, honorable deputy, the adoption of alternative Measures and Penalties for pre-trial prisoners and convicts of lower risk to society could represent savings of more than 3 billion reais per year for society ". According to these two parliamentarians, it is not fair to keep people imprisoned indiscriminately without considering the seriousness of the crime committed. In addition, they mentioned the costs of keeping a person in prison, which are much higher than the application of alternative measures and penalties for less serious crimes. (Favorable position)</p> <p>After reporting that in his state, a deputy in favor of the Construction of More Prisons police officer was murdered by a criminal using an electronic anklet, stating that "a good criminal is a criminal in prison." Agreeing with this speech, another deputy added, "I have news of the lack of monitoring of individuals who have benefited from alternative sentences. They are not properly monitored, so they should be imprisoned. Society knows and is willing to pay the price of Construction of More Prisons, even if it is more costly than the electronic anklet and results in not raising more financial resources with fines as an alternative penalty". This deputy understands that they intend to encourage the adoption of Alternative Measures and Penalties to save resources and not promote justice. (Opposite position)</p> <p>After heated debates, which considered the participation of representatives of civil society organizations and associations of professionals linked to the security area, with different opinions on the subject, the understanding of the group of deputies in favor of encouraging the adoption of Measures and Penalties prevailed Alternatives for the Prison System, as made available in full in the Official Gazette of the Legislative Branch.</p>

Source: Preparation based on the context of the Prison System and the model adopted by de Fine Licht (2014b).

In Figure 2, by way of demonstration, there is the type of stimulus designed for the dissemination of decision-making in the area of the Prison System in favor of the adoption of alternative measures and penalties in the highest degree or level of transparency, characterized

by containing the decision, the justifications, and debates given by parliamentarians, against and in favor of the decision. At this point, aiming at confirmation bias, information or evidence was used that might not have coherence or consonance with the person's beliefs (Grimmelikhuijsen & Meijer, 2014). A stimulus was produced following the same structure, announcing a favorable decision to construct more prisons.

For the No Transparency stimuli, disclosure favorable and contrary to the participants' choice, only the first part of the text was disclosed, which resulted in the simple communication of the decision (hatched section in Figure 2 for demonstration). To disseminate transparency in rationale, favorable and contrary, the first (Simple communication) and the second parts of the text (Justifications) were considered. In Figure 3, there is a representation of the types of transparency and randomized disclosure levels:

Figure 3

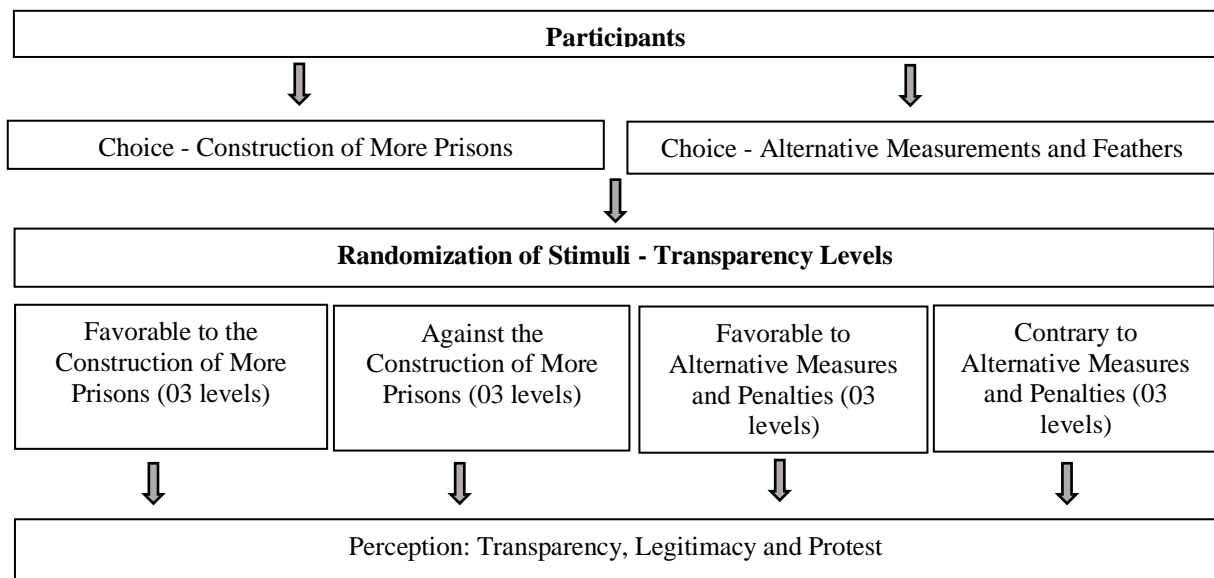
Types of Transparency

No Transparency	Transparency in Rationale	Transparency in Process
Simple communication of the decision (favorable and contrary to the participant's choice)	Simple communication of the decision plus justifications (favorable and contrary to the participant's choice)	Simple communication of the decision plus Justifications and Positions for and against the decision taken – balanced disclosure (favorable and contrary to the participant's choice)

With this, citizens' perception of transparency, legitimacy, and probability of protest was captured, and who could access information favorable or contrary to their preferences at different levels. Also, information was collected on gender, color or race/ethnicity, level of qualification, age, and professional performance. Figure 4 shows the structure developed and applied to the hypothesis tests.

Figure 4

Design do survey experiment



The dependent variables of the study are shown in Figure 5.

Figure 5

Study dependent variables

Perception		Variables	Opinion	Base references
Transparency		Clarity	about the clarity of the information	(Drew & Nyerges, 2004)
		Completeness	about the completeness of the information	(Grimmelikhuijsen, 2012)
		Informed	about feeling informed	(de Fine Licht, 2014b)
Legitimacy	Process Acceptance	Form	about how the decision was taken	(de Fine Licht, 2014b)
		Fair Process	regarding the fairness of the process adopted	
		Treated	regarding the feeling of treatment given by the process adopted for decision-making	
	Acceptance of Decision	Decision Opinion	on the decision taken by Members	
		Fair decision	on the correctness of the decision taken	
Protest		Accept the decision	on acceptance of the decision taken	
		Protest by email	about the likelihood of protesting by phone call or email	(de Fine Licht, 2014b)
	Social media protest	on the probability of protesting through social networks		

Therefore, for the perception of the level of transparency, the attributes of clarity, completeness, and the feeling of being informed were of interest. In contrast, for the perception of legitimacy, the variables related to acceptance of the process and the decision taken were

considered. For the probability of protesting, variables on the willingness of citizens to complain about politicians through emails, telephony, and social networks were taken into account.

Hypothesis tests considered the database divided by the type of policy of preference of the participants, comparing groups using Ordinal Logistic Regression (OLR), as these are ordinal variables originating from a Likert-type scale (Marôco, 2011). For the election of the main effects, the chi-square test of association and trend was considered with a significance level of 25% (Abreu et al., 2009).

4 RESULTS AND DISCUSSION

4.1 Study Sample

There were 503 valid participations from 22 states of the Federation, with emphasis on Bahia (345; 68.6%). For the Alternative Measures and Penalties option, the chi-square value was 2.370, with a p-value of 0.796, while the option Construction of More Prisons had a chi-square value of 8.375, with a p-value of 0.137, indicating the random assignment of the stimuli for the participants (Table 1).

Table 1

Transparency types randomized according to citizen preference

Types of Promoted Transparency	Alternative Measures and Penalties		Construction of More Prisons	
	No	%	No	%
Construction of Prisons – No Transparency	52	16.7	40	20.8
Construction of Prisons – Transparency in Rationale	49	15.8	41	21.4
Construction of Prisons – Transparency in Process	60	19.3	24	12.5
Alternative Measures and Penalties – No Transparency	52	16.7	33	17.2
Alternative Measures and Penalties – Transparency in Rationale	53	17.0	25	13.0
Alternative Measures and Penalties – Transparency in Process	45	14.5	29	15.1
Total	311	100	192	100
	Chi-square 2.370 (p-value 0.796)		Chi-square 8.375 (p-value 0.137)	

Assignment to one of the types of public policies was based on the participant's preference. Alternative Measures and Penalties had 311 (61.8%) respondents, while Construction of More Prisons totaled 192 (38.1%), indicating an imbalance in representation, probably because people with higher levels of qualification have prioritized Alternative Measures and Penalties.

In Table 2, there is a balance in the distribution considering gender, although, for the Alternative Measures and Penalties option, lower male participation (135; 43.3%) was found concerning female participation (175; 56.3%), with one (0.3%) participant not responding. For the Construction of More Prisons option, a balance was found, with 97 (50.5%) male participants and 93 (48.4%) female participants, with two (1.0%) participants not responding.

Table 2

General information according to the preference of the participants

Categories		Alternative Measures and Penalties		Construction of More Prisons	
Masculine	Gênero	135	43.4%	97	50.5%
Feminine		175	56.3%	93	48.4%
Uninformed		1	0.3%	2	1.0%
Elementary	Qualification	1	0.3%	0	0.0%
High school		10	3.2%	20	10.4%
Graduation		75	24.1%	69	35.9%
Specialization		116	37.3%	54	28.1%
Master's degree		57	18.3%	22	11.6%
Doctorate degree		52	16.7%	25	13.0%
Other		0	0.0%	2	1.0%
White color	Color or Race/Ethnicity	115	37.0%	66	34.4%
Black color		55	17.7%	24	12.5%
Brown color		132	42.4%	95	49.5%
Oriental		3	1.0%	2	1.0%
Indigenous Ethnicity		2	0.6%	1	0.5%
Other		4	1.3%	4	2.1%
Range from 18 to 35 years old		Age Group	89	28.6%	74
Range from 36 to 50 years	181		58.2%	101	52.9%
Range from 51 to 75 years old	39		12.5%	16	8.4%
Uninformed	2		0.6%	1	0.5%
Total		311	100%	192	100%

Table 2 also shows the distribution of data considering the level of qualification, color or race/ethnicity, and age groups.

4.2 Hypothesis Tests

In assessing the data, stimuli were compared regarding the lowest degree of disclosure, the medium degree, and the highest degree through validated models of OLR (Marôco, 2011).

Table 3 compares the effects of stimuli on each dependent variable based on the highest level of transparency in process (disclosure of a contrary decision). The statistical results contemplated the regression coefficients, the p-values, the probabilities of occurrence, and the confidence intervals. However, as it is a comparison of the effects of the stimuli on the participants' perception, the analysis of the probability of occurrence was considered, accompanied by the indication of the significance.

Table 3

Comparison of the odds ratio of respondents' perception with randomized transparency stimuli

Stimuli - Degrees of Transparency	Perception of Transparency			Perception of the Adopted Process		Perception of Decision Acceptance			Protest Perception	
	Clarity	Completeness	Informed	Fair Process	Treated	About the Decision	Fair decision	Accept the decision	By Phone/Email	By Social Network
Preference - Alternative Measures and Penalties										
T. Alternative Penalty – No Transparency	prob. 1,627**	prob. 1,382	prob. 0,859	prob. 2,150**	prob. 2,398*	prob. 3,597*	prob. 3,165*	prob. 2,947*	prob. 0,917	prob. 0,688
T. Alternative Penalty – in Rationale	prob. 3,379*	prob. 2,948*	prob. 1,678*	prob. 2,942*	prob. 4,658*	prob. 5,580*	prob. 4,318*	prob. 4,321*	prob. 1,076	prob. 0,654**
T. Alternative Penalty – in Process	prob. 3,921*	prob. 3,154*	prob. 2,346*	prob. 4,221*	prob. 6,627*	prob. 6,508*	prob. 4,876*	prob. 4,353*	prob. 0,811	prob. 0,513*
T. Const. Prison – No Transparency	prob. 0,558**	prob. 0,434*	prob. 0,484*	prob. 0,270*	prob. 0,328*	prob. 0,547*	prob. 0,566*	prob. 0,597*	prob. 1,132	prob. 1,171
T. Const. Prison – in Rationale	prob. 0,746	prob. 0,591	prob. 0,716	prob. 0,334*	prob. 0,418**	prob. 0,931	prob. 0,668	prob. 0,787	prob. 1,298	prob. 1,004
T. Const. Prison – in Process ¹	prob. 1,000	prob. 1,000	prob. 1,000	prob. 1,000	prob. 1,000	prob. 1,000	prob. 1,000	prob. 1,000	prob. 1,000	prob. 1,000
Preference - Construction of More Prisons										
T. Const. Prison – No Transparency	prob. 1,413	prob. 1,522	prob. 1,140	prob. 1,788*	prob. 1,987*	prob. 17,008*	prob. 5,178*	prob. 2,876*	prob. 0,554**	prob. 0,317*
T. Const. Prison – in Rationale	prob. 2,245*	prob. 2,389*	prob. 2,086*	prob. 1,449	prob. 2,031*	prob. 12,836*	prob. 4,929*	prob. 2,943*	prob. 0,603*	prob. 0,361*
T. Const. Prison – in Process	prob. 2,483*	prob. 2,515*	prob. 2,355*	prob. 2,126*	prob. 2,161*	prob. 23,739*	prob. 6,765*	prob. 3,508*	prob. 0,695	prob. 0,237*
T. Alternative Penalty – No Transparency	prob. 0,818	prob. 0,995	prob. 0,967	prob. 0,478*	prob. 0,857	prob. 1,847	prob. 1,325	prob. 0,938	prob. 1,456	prob. 1,950
T. Alternative Penalty – in Rationale	prob. 1,497	prob. 1,659	prob. 1,737	prob. 0,728	prob. 0,811	prob. 2,011	prob. 2,035*	prob. 1,099	prob. 1,101	prob. 1,512
T. Alternative Penalty – in Process ¹	prob. 1,000	prob. 1,000	prob. 1,000	prob. 1,000	prob. 1,000	prob. 1,000	prob. 1,000	prob. 1,000	prob. 1,000	prob. 1,000

¹ Greater degree of transparency. Note: Significance levels equal to * p-value < 0.05 and ** p-value < 0.10. Given the OLR and the comparison, the probability value (prob.) less than 1.000 indicates the opposite effect, with a negative regression coefficient.

Regarding significance, Andrews and Vries (2021) recommendation on experiments is observed that the effect size predominates over significance. Thus, even though no significant differences were identified in some comparison pairs, it was possible to identify distinct effects (Table 3).

The constant stimuli in Table 3 were designated as follows: T. Alternative Penalty - No Transparency means a lower level of transparency favorable to Alternative Measures and Penalties; T. Alternative Penalty – in Rationale means a rational level of transparency favorable to Alternative Measures and Penalties; T. Alternative Penalty – in Process means a higher level of transparency in favor of Alternative Measures and Penalties; T. Const. Prison - No Transparency means a lower level of transparency favorable to the Construction of More Prisons; T. Const. Prison – in Rationale means a rational level of Transparency favorable to the Construction of More Prisons; and T. Const. Prison – in Process means a higher level of Transparency favorable to the Construction of More Prisons.

For citizens who chose Alternative Measures and Penalties but accessed random transparency of the decision favorable to the Construction of More Prisons (No Transparency – simple news, transparency in rationale, and transparency in process), the perception of clarity, completeness, and information of the policy favorable to incarceration was probabilistically lower than the transparency favorable to reducing incarceration (see Table 3).

Comparing the five degrees of disclosure with the transparency in process, favorable to the Construction of More Prisons (T. Const. Prison – in Process), according to Table 3, the perception of clarity for those who chose the public policy Alternative Measures and Penalties and had access to the dissemination of information favorable to the choice (T. Alternative Penalty – in Process), had a probability (odds ratio) of being 3.921 times greater (p -value < 0.05) than the perception of the participant who had access to the stimulus contrary to his choice (T. Const. Prison - Proceedings)—same finding for the perception of completeness and information.

For the Construction of More Prisons choice, the second part of Table 3, the chances of perception of greater clarity, completeness, and feeling informed were also verified, although variations in patterns between the two public policy options were observed. In this sense, the

hatches in the table indicate significant comparisons with positive (light gray) and negative (dark gray) effects, which supports the validation of the experiment, which resulted in different levels of perception of the participants.

By analyzing the parameters, the fact that the participant accessed contrary information resulted in a lower perception of clarity, completeness, and feeling informed. Thus, H1 is not rejected: The level of transparency of public policy decision-making contrary to the citizen's preference tends to affect the perception of transparency negatively.

For the H2 test, the latent variables for the perception of the process adopted were the object of analysis, with the probabilities of occurrence being demonstrated for the validated variables, fair process, and (feeling of) treated. The data demonstrate that the probability of citizens perceiving fair process and satisfactory treatment increased when the disclosed information was favorable to their preferences. It can be noticed that, concerning the Construction of More Prisons option, the disclosure of information compatible with transparency in rationale did not result in a significant difference, which did not happen concerning the Alternative Measures and Penalties. However, by the parameters of the analyzed models, H2 is not rejected: The level of transparency of public policy decision-making contrary to the citizen's preference tends to affect the perception of acceptance of the adopted process negatively.

Concerning the perception of acceptance of the decision (H3), results were also identified that point to the tendency of citizens to confirm their preferences. The findings show a trend of acceptance of the decision by the participants who accessed the disclosure of information favorable to their preferences. However, the odds ratio was higher in the option Construção de Mais Presídio, as shown by gray hatches, with significant differences. In summary, accessing contrary decision information resulted in a reduction in the perception of acceptance. Therefore, the findings support the statement in H3: The level of transparency of

public policy decision-making, contrary to the citizen's preference, tend to affect the perception of acceptance of the decision negatively.

For the probability of protesting (H4), a reduction was expected with the increase in the perception of legitimacy because when people assimilate that the procedures adopted for decision-making were fair, they tend to accept the decision and not protest against the choice (de Fine Licht, 2014b). Thus, the perception of the probability of protesting is inversely related to the perception of legitimacy. With this, the analysis sought to understand how citizens behave, considering the possibility that public policies prioritized by deputies did not contemplate their preferences. The objective was not to compare whether greater legitimacy reduces contestation, although this is expected, but to verify the effects of the type of transparency promoted concerning the public policy of interest to the participant.

As shown in Table 3, a distinct pattern can be seen regarding the Perception of Protest, revealed by the hatches in the comparison of significant differences, with a higher incidence for the choice Construction of More Prisons. Another form of comparison to demonstrate the effect was adopted, referencing the greater degree of transparency favorable to the choice; this allowed us to visualize the significant increase of protest for a randomized stimulus of a decision contrary to that indicated by the participants (Table 4).

For the Construction of More Prisons choice, people in the highest age group (36 to 75 years old) expressed a greater willingness to protest by telephone/email and social networks. Those who chose Alternative Measures and Penalties indicated a greater willingness to protest through social networks, with a significant difference for those in the highest age group (36 to 75 years old), pointing out that younger people (18 to 35 years old) tend to protest less.

By way of clarification, the possibility of challenging with protest through social networks, in the highest category, was 0.332 times that of the participant who saw an opposite

result, that is, the chance of challenge for those who saw information with a decision opposite to their choice was 3.012 (1/0.332) times that of the participants who saw a favorable decision.

Table 4

From the perception of protest

Alternative Measures and Penalties	By Phone/Email			By Social Network		
	Coef.	p-value	Prob.	Coef.	p-value	Prob.
Stimuli/Age/Qualification						
Range 18 – 35	-0.533	0.001*	0.587	-0.413	0.005*	0.662
Range 36 – 75 ¹	0.000	Null	1.000	0.000	Null	1.000
Up to Graduation	0.439	0.005*	1.551	-	-	-
Up to Master's/Doctorate ¹	0.000	NULL	1.000	-	-	-
T. Const. Prison – No Transparency	0.333	0.182	1.395	0.826	0.001*	2.284
T. Const. Prison – in Rationale	0.470	0.061*	1.600	0.672	0.006*	1.958
T. Const. Prison – in Process	0.209	0.388	1.232	0.668	0.004*	1.950
T. Alternative Penalty – No Transparency	0.122	0.629	1.130	0.294	0.205	1.342
T. Alternative Penalty – in Rationale	0.282	0.254	1.326	0.244	0.290	1.276
T. Alternative Penalty – in Process ¹	0.000	Null	1.000	0.000	Null	1.000
Construction of More Prisons						
Stimuli/Age/Qualification						
Range 18 – 35	-0.334	0.073**	0.716	-0.643	0.041*	0.526
Range 36 – 75 ¹	0.000	Null	1.000	0.000	Null	1.000
Up to Graduation	-	-	-	0.317	0.257	1.373
Up to Master's/Doctorate ¹	-	-	-	0.000	Null	1.000
T. Alternative Penalty – No Transparency	0.740	0.023*	2.095	2.110	0.001*	8.244
T. Alternative Penalty – in Rationale	0.460	0.182	1.585	1.855	0.004*	6.394
T. Alternative Penalty – in Process	0.364	0.281	1.439	1.442	0.021*	4.228
T. Const. Prison – No Transparency	-0.226	0.495	0.797	0.292	0.642	1.338
T. Const. Prison – in Rationale	-0.143	0.663	0.867	0.422	0.489	1.525
T. Const. Prison – in Process ¹	0.000	Null	1.000	0.000	Null	1.000

¹ Parameter set to zero as redundant. Significance levels equal to *5% and **10%.

Therefore, even considering the signs of different behaviors among the participants who prioritized Alternative Measures and Penalties and those who prioritized the Construction of More Prisons, the analyzed data support H4: The probability of protest tends to increase when transparency in decision-making is promoted by public policy contrary to the preference of the citizen.

4.3 Discussion

The research results validated the adopted design control mechanisms. Promoting a higher level of information tended towards a greater perception of transparency and legitimacy, in line with the assumptions of modern democracy and the normative perspective in defense of

transparency practices. However, the type of information disclosed, contrary or favorable to the citizen's preference, indicated different effects within the Prison System, which may limit expectations concerning increased transparency. When citizens' preferences were not contemplated in the political sphere, promoting transparency signaled the opposite (negative effects). The tendency was for people to behave in harmony with their preferences, to the detriment of the reality presented, a finding in line with the Theory of Cognitive Dissonance.

Participants perceived a lower level of transparency when the information disclosed was public policy approval that was not in line with their preferences. The same situation was observed for the perception of legitimacy. The expectations expected with the increase in transparency for the legitimacy of a public policy, at least for the Prison System, tend to be frustrated by the citizen's preference.

Having transparency as a trigger for contestation, the probability of protest concerning a given decision-making process showed signs of being linked to individual characteristics, such as the citizen's predilection and ideological positioning, to the detriment of the degree of transparency promoted; this may mean little or no association between the degrees of transparency promoted and the likelihood of protesting. The reported outcome of public policy can be a marker in terms of protest, although age group and skill level can be significant in some circumstances. Regarding qualification, there may be greater opposition in Latin America among uneducated people (Ribeiro & Borba, 2015). In turn, aspects related to participation and legitimacy also involve cultural and value issues (Nederhand & Edelenbos, 2022).

Based on the Theory of Procedural Equity, people are more willing to accept decisions when they perceive that the procedures adopted are fair (Tyler, 1997; 2000; 2006). However, within the scope of the Prison System, citizen preference tended to regulate the perception of legitimacy. Another finding contradicts the expectation that a higher level of transparency tends

to drive protest, as it was found that a lower level of transparency induced greater contestation when the political choice was not aligned with the citizen's preference.

When aligned with the citizen's preference, the participants were more willing and more likely to perceive the level of information promoted and acceptance of the decision taken; this tends to be confirmed from the justice perspective, as people's values matter more than fair processes (Gifford & Reising, 2019; Murphy et al., 2009).

In addition to citizen preference, the type of public policy can regulate the effects of transparency. In some situations, as in the case of prioritizing the Construction of More Prisons, transparency in rationale disclosing a favorable public policy signaled less legitimacy when compared to the lower level of information promoted, not being verified concerning public policy Alternative Measures and Penalties. However, when faced with concrete regulatory decision-making, individuals suddenly do not change their ideological inclinations, probably because they are grounded in their basic political orientations (Beyers & Arras, 2020).

Ensuring access to a higher level of information on the decision taken, as defended in the democratic and republican spheres, can represent a challenge since the effect of transparency tends to be regulated by the citizen's ideological preference. Greater transparency can affect or even postpone decision-making, especially when it involves taboos in a neglected and stigmatized area, and decision evasion may occur (Tetlock et al., 2000; Tetlock, 2003). In turn, the effect of transparency depends on the context, as identified in studies (Michener, 2019; de Fine Licht, 2014b).

The results may not be as encouraging concerning the effects of transparency as a driver of the perception of legitimacy since, in some situations, the effects can be positive, negative, or neutral, which does not make a transparency policy immune to manipulation. However, this does not mean that public transparency has no value in promoting democratic and republican

ideals, but that it is necessary to identify and understand its effects in the context of several areas of public policy.

Evidence indicates the relevance of understanding the effects to know how to use transparency satisfactorily to avoid unwanted results due to misuse. Adeoye and Ran (2023), through a systematic review of the literature, identified eight paradoxes and dilemmas related to government transparency (1. Privacy – Dilemma; 2. Personal Interpretation – Paradox; 3. Functional Skill – Paradox; 4. Taking Risks – Dilemma; 5. Collaborative Governance – Paradox, 6. Regulation – Paradox, 7. Public Safety – Dilemma, and 8. Media Interpretation – Paradox). Therefore, they argue that the discussion regarding the transparency policy should be centered on resolving tensions rather than discussing the positive and negative aspects of government disclosure. Thus, the authors present another perspective to deal with tensions, an invitation to reconcile the conflicting elements to promote public transparency.

To deal with paradoxes and dilemmas that are not reciprocally exclusive, Adeoye and Ran (2023) indicated three steps in managing conflicting elements for reconciliation purposes. The first step is to recognize and understand the interdependence of conflicting aspects. The second step consists of accepting to live with reality. Finally, the third step concerns synergy as a way to enable a dynamic process, which enables the design of new mechanisms to deal with conflicting aspects, aiming at long-term success.

5 FINAL CONSIDERATIONS

The study's objective was to understand how the citizen's preferences can regulate the effects of levels of transparency in decision-making with conflicting choices of public policies within the Prison System. It was evident that the effects of transparency in decision-making can be positive, negative, or without repercussion in terms of the perception of the feeling of being informed and of legitimacy within the scope of public policies of the Prison System. Therefore,

the levels of transparency matter, as well as the type of public policy that can regulate its effects, according to signs of distinction concerning the prioritization of the two public policy options.

A contribution of the study is to demonstrate how the behavior of citizens can have different effects on the perception of transparency in decision-making within the Prison System. In summary, even though the different degrees of transparency have signaled subtle differences, in some situations and significant ones, in others, signs of the citizen's choice as a regulator of the effects of transparency prevailed.

From an experimental perspective, the use of transparency in decision-making as an independent variable also points to a contribution on the national scene, aimed at demonstrating how groups opposed and in favor of a given public policy can deal with transparency to benefit from the decisions. In this sense, when it comes to the Prison System, whose ideological aspects matter and can compromise rational decision-making and the promotion of accountability, practices of balanced transparency can be encouraged, despite the possible compromise of expectations of transparency as a governance mechanism that promotes legitimacy.

As a practical implication, the study signals the viability of promoting public policy transparency considering each area's specificities. In the case of the Prison System, for example, it may be taboo to hold people who commit low-risk crimes in prisons with a high risk of death and release criminals due to the lack of resources for the Prison System. The study contributes by awakening to advantages, limitations, and negative aspects related to the transparency of decision-making.

Promoting a greater or lesser level of information on the decision taken, as advocated by the democratic and normative perspectives, can challenge the Prison System since the effects of transparency tend to be regulated by the ideological preference of the citizen.

As limitations, we highlight the fact that the survey experiment was applied online, and it was not possible to verify the commitment of the participants; having dealt with the

simplification of reality in an area that permeates public administration and the justice system; having used a non-probabilistic sample, although with the application of randomized stimuli; and using an external transparency model, promoted by journalists, who can distort the information originally disclosed through a policy of public transparency. However, it was elaborated by comparing the literature with the comparison of experimental groups mediated by the OLR.

The study indicates a promising research agenda at the national level aimed at identifying and understanding the advances and limitations of a public transparency policy. Thus, identifying and understanding the behavioral mechanisms that can influence the effects of a transparency policy in Brazil seems opportune, including using Survey experiments (Beyers & Arras, 2020; Grimmelikhuijsen et al., 2019; de Fine Licht & de Fine Licht, 2020; Porumbescu et al., 2022), as well as developing studies that seek to identify paradoxes and dilemmas related to the transparency of public policies at different levels (Adeoye & Ran, 2023). Regarding contestation, verifying the effects of transparency in promoting accountability is recommended in the face of signs that young and qualified people tend to protest less.

Finally, it is also opportune to understand aspects of transparency that can harm or delay decision-making because visibility and invisibility may be opportune without compromising the democratic value of transparency.

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Distintos Efeitos da Transparência da Tomada de Decisão no Âmbito do Sistema Prisional

RESUMO

Objetivo: Compreender como a preferência do cidadão pode regular os efeitos dos níveis de transparência da tomada de decisão com escolhas conflitantes de políticas públicas no âmbito do Sistema Prisional.

Método: Mediante teorias comportamentais, desenvolveu-se um survey experiment tendo como base discursos de parlamentares proferidos na Câmara dos Deputados, relativos à tomada de decisão no âmbito do Sistema Prisional. Os participantes da pesquisa apontaram suas preferências e analisaram a transparência da tomada de decisão promovida por fonte externa, tratando da priorização de duas políticas públicas: adoção de Medidas e Penas Alternativas e a Construção de Mais Presídios.

Originalidade/Relevância: Utilização de teorias comportamentais em âmbito nacional para apontar possíveis efeitos positivos e negativos de uma política pública de transparência, indicando produção incremental de conhecimento.

Resultados: Ficou demonstrado que os cidadãos tendiam a perceber maior grau de transparência e legitimidade quando suas preferências estavam alinhadas às escolhas realizadas na arena política, revelando limites da transparência promovida e como uma política de transparência pública pode funcionar.

Contribuições Teóricas/Metodológicas: Mediante a transparência da tomada de decisão como variável independente, o estudo contribui por demonstrar como o comportamento dos cidadãos pode afetar a percepção da transparência da tomada de decisão no âmbito do Sistema Prisional.

Palavras-chave: Transparência, Tomada de decisão, Percepção de legitimidade, Sistema Prisional.

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Recebido: Maio 02, 2023

Revisado: Julho 18, 2023

Aceito: Agosto 04, 2023

Publicado: Setembro 30, 2023



