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Discursive Dimension in the Trajectory of the Brazilian Transparency Portal

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Abstract

This study analyzes how power intentions and discursive practices have forged policy-making of transparency coupling this ‘preventive solution’ with the ‘problem of corruption’. It assumes that there is an immanent discursive dimension even in reforms for openness, which means that actors that promote policy changes of transparency generally adopt such practices to orient them to subjacent intentions. Evidence indicates the government website was promoted as a corruption-prevention solution and its creation took place amidst efforts to ensure the continuity of a Federal Government auditing program to monitor small-municipality governments.

Keywords: transparency; discursive dimension; solution-problem coupling; policy-making.

Introduction

This study analyzes how power intentions and discursive practices forge policy-making of transparency coupling this ‘preventive solution’ with the ‘problem of corruption’. It assumes that there is an immanent discursive dimension even in reforms for openness, which means that actors that promote policy changes of transparency generally adopt such practices to orient them to subjacent intentions. The theoretical background addresses skeptical works on transparency reforms and the literature on the policy process based on coalitions-balancing, solution-problem coupling, and the application of discursive analysis and process tracing on policy-making. Here, it proposes a framework that considers that transparency-corruption coupling represents a causal mechanism that can elucidate the discursive dimension of policy-making and its implication on resulting solutions.

This framework was tested to analyze the most popular and award-winning ‘proactive transparency solution’ of the Brazilian government called *Portal da Transparência*¹ (website of transparency), a web page that makes available online information on public revenue and spending. This instrument was created in 2004 by the anti-corruption office of the Presidency of Brazil in a context characterized by good governance reforms, new anti-corruption

conventions, and the first electoral victory of the center-leftist President Lula. Its first version was restricted to data on federal funds transferred to local governments and beneficiaries of allowance programs that were selected by these governments. Until 2010, there were two updates of this website that took place in contexts of political crisis. The first one was the expansion of the information on ‘government corporate cards’ spending and the second a list of companies punished for irregularities in public procurements.

These tests used data from News in private and state-owned media, speeches and public hearings in Congress, government documents, interviews with parliamentarians, representatives of NGOs and IGOs, and officials of the body responsible for this website, as well as from previous academic studies. Evidence indicates that power intentions and discursive practices have oriented the creation and updates of *Portal da Transparência*. This website was promoted as a corruption-prevention solution, but it was developed and released amidst efforts to ensure the continuity of a Federal Government audit program to monitor small-municipality governments. At that time, opposition parties, which led most of these governments, heavily criticized this program. Besides, updates above mentioned were promoted and implemented following scandals, criticisms of anti-corruption policy and conflicts between accountability agencies that could affect the power of the presidential cabinet central core.

These results point out that discursive dimension matters for explaining the policy-making of such solutions. The transparency-corruption coupling was essential to legitimize and expand the monitoring power of the anti-corruption office of the Presidency on other federal bureaucracies and lower-level governments contributing to the increase of surveillance over political parties in the presidential cabinet and the strengthening of the executive’s legislative control.

1. The Literature on Transparency Reforms

This section analyzes recent studies on transparency reforms focusing on Latin America and regimes in transition to openness in the context of good governance reforms since the 1990s. It aims to verify in this literature how characteristics of political systems and dynamics of coalitions-balancing have driven policy changes toward transparency.

The conventional explanation for the spread of transparency in the last three decades has associated it with the taken-for-granted assumption that openness reduces inefficiencies of the state, especially corruption (CANELA GODOY, 2017; FOX, 2007; FOX e HAIGHT, 2010). The literature focused on such phenomenon has highlighted the existence of a transparency-monitoring relationship. Works that advocate that openness represents a necessary value for human rights, as well as the official documents and political speeches seeking to promote reforms for transparency, commonly attributed to it the sense of a requirement for ‘social monitoring’ of governments (DARBISHIRE, 2009; MENDEL, 2003). On the other hand, studies that adopt more skeptical perspectives indicated other possible intentions and results of this highlighted relationship. While ‘official arguments’ for transparency focus primarily on the importance of expanding social monitoring, such policy has represented a powerful tool of high government members for controlling other groups in the state apparatus including those at different government levels, impacting on coalitions-balancing (FOX, 2007; MICHENER, 2015; XIAO, 2013).

While reactive ones make public information available responding to specific requests, proactive policies represent those aimed at publishing with no demands on-line information on revenues, expenses, salaries, contracts, and results of governments (DARBISHIRE, 2009; FÉLIX, 2011). For Michener (2014, p. 85), proactive transparency policies tend to “facilitate ‘police-patrol’-type monitoring”. According to Fox (2007, p. 665), ‘practical expressions [of

proactive policies] can range from toxic-release inventories to organic certification, third-party policy evaluations, and post-authoritarian truth commissions’.

Analyzing Weibing Xiao’s study on the Chinese reform of freedom of information, based mainly on proactive transparency policies, it is possible to highlight two relevant aspects. First, government agencies, especially anti-corruption agencies, may be very interested in expanding proactive transparency to increase their monitoring of other bodies. Second, high government cabinets may also have a great interest in this expansion to reduce the impact of rumors exposed by the media (XIAO, 2013).

Highlighting some contexts where and when stronger laws emerged in Latin America, Michener (2014; 2015) indicates that strategies and time also matter. Focusing on requirements for the rising of transparency policies proposed by chief executives, he emphasizes the need of “cogent justifications to advance such laws. Such justifications typically assume the form of a ‘convergent burden of obligations’ stemming from domestic or international pressures” (MICHENER, 2014, p. 78).

Referring to reforms in Latin America in the 2000s, he points out that governments led by coalitions that have just taken the power of previous dominant parties, but with legislative minorities, enacted strong *de jure* laws. Focusing on the Mexican case, such author indicates this reform took place in a context that combined two aspects. The first one ‘opposition parties eager to cast scrutiny on governing administrations and establish reputations for transparency. on the other, gridlocked presidents keen to secure the cooperation of opposition parties and establish favorable legislative legacies’ (MICHENER, 2015, p. 94).

These analysis and framework suggest that there are other theoretical ‘political uses’ of transparency policies beyond monitoring parties in presidential cabinets and state apparatus agencies mentioned above. First, the expansion of this monitoring tends to strengthen the executive’s legislative control and vice versa. Second, transparency reforms produce positive

feedbacks to the reputation of actors that promote them. Third, leading coalitions of the executive also tend to promote transparency because of the risk to lose the dominance of the presidential cabinet and state apparatus. The motivation of this last use results from the inherent 'risk of alternation' in democracies and the double sense of transparency for governing coalitions, which allows monitoring allies and opposites, but also make these dominants more accountable.

2. Theoretical References on the Policy Process

This section analyzes theories on policy-making focused on coalitions-balancing, solution-problem coupling, and the application of discursive analysis and process-tracing. It aims to support the analytical framework proposed in the next section. As mentioned above, more skeptical studies on the transparency-monitoring relationship indicate that resulting political conditions of specific contexts represent drivers of transparency reforms. Work on results of coalitions-balancing in policy-making has stated the importance of power preferences and beliefs of coalitions' members (politicians, bureaucrats, etc.,) and rules on decision-making to analyze policy changes related both to domestic and international issues (ALLISON e ZELIKOW, 1999; WEIBLE e JENKINS-SMITH, 2016). Beach and Pedersen (2013) and Falleti (2010) propose causal mechanisms founded on deterministic and mechanistic approaches² aimed at analyzing how power preferences of chief executive coalitions at federal levels and bureaucracies forged domestic policies with intended power effects. The components of such mechanisms try to grasp the transmission of causal forces inside reform processes indicating the actors' power preferences as the independent variable, mobilization of power-resources and application of decision rules as intervenient ones, and the reproduction of actors' power preferences in outcomes as the dependent variable.

Studies based on power-distributional perspectives on gradual institutional shift have pointed out that not only the political conditions matter to explain policy change, but also the

ambiguity related to the target policy. In this sense, actors usually promote policy changes oriented to power and reputation adopting strategies forged by veto points resulting from the dynamics of political conditions, as well as the range of possibilities of institutionalizing them (MAHONEY e THELEN, 2010; SHEINGATE, 2010). Therefore, minor policy changes³ can represent not only achievable overcomes resulted from coalitions-balancing and decision-making rules, but also a satisfactory and chosen path of actions guided by the possibilities to materialize them.

Policies represent common sets of actions, built from different perspectives and preferences on a stated complex problem that ‘arises in specific moments’ and must to be solved by correspondent solutions. Because of the dynamics and complexity of target problems, incrementalism based on cognitive bricolage would be immanent to policy change. In addition, considering the inherent ambiguity of policy-making and power effects of resulting policies, policy changes, on the one hand, are very depended on time and ‘policy windows’, and on the other, are not necessarily defined to overcome the problem that justifies them (COHEN, MARCH e JOHAN, 1972; KINGDON, 2013; ZAHARIADIS, 2016).

From these perspectives, it assumes that a coalition core under international or domestic pressure for openness or eager for control power over allied and opposition parties or bureaucracies because of critical junctures, endogenous shifts or other political opportunities or threats will tend to promote transparency using coupling strategies. If this core controls legislative and prefers a more stable and significant policy change, this strategies probably will aim to the approval of ordinary laws and constitutional amendments. Otherwise, it will likely promote and support more subtle changes that will not depend on legislative or will need to wait for events (policy windows) that impose political fragility of groups opposed to it. Both cases, the discourse on the legitimacy of the intended policy change as a taken-for-granted solution for corruption is indispensable (FOX, 2007; MICHENER, 2014).

These assumptions create a dilemma. On the one hand, it assumes that solutions should not wholly extinguish their target problem and do not necessarily aim at eliminating it, but also to reach decision-makers' power intentions. On the other, solutions must be legitimized as a public and rational set of actions. Therefore, policy change should be supported by statements that give to the proposed solution the sense of being focused and evidence-based on the target problem and of representing a 'public interest' - based and efficient strategy to tackle it (CAIRNEY, 2016; ZITTOUN, 2014). Thus, there is a critical challenge for proposals of these policy changes: the power intentions of actors that promote them must remain hidden.

Following this line of ideas, then news, speeches, and 'official documents' on the importance and adequacy of a transparency solution to combat nepotism, bribery or misuse of public resources should prevent it to be denied or 'weakened' by contrary groups and should ensure a good reputation for those that promote them. At the same time, justifying a policy change giving to it the meaning of an efficient 'medicine' very targeted on a substantial problem allows hiding the power intentions behind it, preserving its 'public interest' - based image.

Zittoun (2014) proposes a framework to analyze how discourses 'in action' materialized by policy statements of actors with intentions can forge public policy-making. Founding on linguistic and pragmatic approaches, it assumes that solution-defining represent a process based on language games that associate to an idea of 'solution' other concepts that will attribute it a new meaning. For him, statements on problems and solutions are 'both structured [...] on the intentionality of actors where each constitutes a major political weapon' (ZITTOUN, 2014, p. 74).

This author suggests grasping 'couplings in a defining solution' by a non-linear framework of five possible stages that would be neither mandatory nor necessarily chained as presented. Such steps are: labeling solutions and owner titles, identifying the consequences and the public of beneficiaries, coupling solution with a problem to resolve, integration to policies

need to be changed, and the associating to a referential framework and values to guide it (ZITTOUN, 2014).

3. The ‘Transparency-Corruption’ Coupling Framework

This section presents a framework to elucidate how actors drive policy-making of transparency adopting ‘discursive practices’ to orient such process to power intentions that should remain not declared. Considering that there is a subjacent political side of the policy process, it assumes that opacity is inherent to policy-making, even those toward transparency.

This framework proposes a ‘transparency-corruption coupling’ causal mechanism conceptualized into six components as shown in Table 1. Such proposal follows two pre-assumptions founded on the theoretical references in previous sections. First, transparency policies generally broaden the monitoring of chief executive coalitions over allies and opponents producing results for power and reputation; thus, members of such groups that drive policy-making as their ‘solution owners’ tend to direct that process toward their power intentions. Second, the approval and implementation of a transparency policy demand to attribute to it the sense of an efficient and ‘public interest’ - based solution for corruption; thus, its ‘owners’ tend to use statements of transparency-corruption coupling, allowing to legitimize such solution and to keep hidden their private interests of power.

Table 1 - Components of the Transparency-Corruption Coupling causal mechanism

Components	Description
(1) Political opportunities or threats	International conventions, critical junctures, endogenous shifts and other ‘events or situations’ that constitute opportunities or threats to power or reputation that push actors to promote a transparency solution in a specific context.
(2) Subjacent power intentions of the solution owners	Solution owners’ inferred power intentions related to the preservation or increasing prerogatives, programs, legal competencies or reputation that are subjacent to the proposed solution and associated with the opportunities or threats.
(3) Strategies of institutionalization	Strategies adopted by solution owners to institutionalize it considering the ‘situation’ of veto points to the proposal, the ‘applicable’ decision-rules to it and the ‘possible’ need for more stability or urgency for its implementation, which are depended on the subjacent power intentions.

Components	Description
(4) Development and features of the proposed solution	Development process and features of the proposed solution that are relevant to the analysis such as its scope (what will be made available and about whom) and operation (how the information will be made available, by whom and for whom).
(5) Discursive practices* adopted by the solution owners	<ul style="list-style-type: none"> • Labeling of the solution: how proposing actors decide a name given to solution. The first option is to attribute a name ‘glued to the proposal’ from existent ‘repertoire’. The second, to create a new label that brings a new statement defining its new ‘owner’ (ZITTOUN, 2014, p. 75). • Identifying the solution benefits and beneficiaries: statements on future (good) consequences in comparison with the (poor) stating the chain between the solution implementation and the ‘improvement’ of future scenario and the beneficiaries of its good outcomes. • Coupling the solution with a problem: statements attributing to the proposed policy change the sense of a ‘solution’ to a hard problem. ‘Coupling is, therefore, a form of language game which contributes to this [re-]meaning’ (ZITTOUN, 2014, p. 81). Another coupling may be giving to the solution the meaning of a necessary improvement of policy. • Association with agendas and referential framework: statements on the adherence of the solution to international agendas, best practices and recognized frameworks indicated as ‘tied’ to public values such as public interest, integrity, etc. Another association can be made with indications of public praises and awards attributed to previous solutions that follow the same trajectory.
(6) Features of the institutionalized solution and its power outcomes	Characteristics of the institutionalized solution (such as its scope and operation mode) and indicated or inferred power outcomes for its owners (preservation or increasing prerogatives, programs, legal competencies or reputation) and its

Note: * Practices adapted from the ‘five coupling stages’ of definition solution of Zittoun (2014, p. 75-86).

This framework assumes that a proposed solution does not arise from ‘nothing’. (1) Political opportunities and threats to the solution owners in a specific context, which correspond to situations and events that constitute and also impact on their political conditions, represent elements to grasp (2) their possible power intentions. In this way, the (3) strategies of institutionalization, (4) the development and features of the proposed solution and (5) the discursive practices depend on these same (2) hidden purposes, as well as, on the veto points and the applicable decision-rules in the case of such strategies.

This analytical proposal also focuses on the identification of (5) the discursive practices aimed at coupling the proposed solution with the need for corruption-prevention to legitimize it. Thus, it assumes that such practices mostly take place during approval processes, but not

exclusively. In the case of more formal and substantial institutional changes, such as reforms in ordinary legislation, these practices tend to occur during the elaboration of bills and, mainly, in law-making processes when debates, disputes, and compromises are more visible. In the case of minor changes, such as executive orders and other instruments for implementation, these practices probably occur during the development and release of such mechanisms, especially shortly before and shortly after launching the start of their application.

On (6) the characteristics of the institutionalized solution and its power comes, this framework seeks mainly to identify the resulting preservation or increasing prerogatives, legal competencies, programs or reputation of the solution owners comparing them with (2) the inferred power intentions. It assumes that an institutionalized solution will not necessarily correspond to what was proposed by its owner. The bargaining game and even a more pragmatic perspective of the proposing actor can produce partial institutionalization if it achieves the intended power or reputation results. Thus, it aims to point out how such outcomes reflect the hidden power preferences of the solution owners allowing to indicate in what way both power intentions and discursive practices forged policy-making and its power results.

It highlights that the analysis based on the application of this framework will be useful if it addresses the following points:

- the comparison between (1) the political opportunities and threats, (3) the institutionalization strategies, and (4) the development and characteristics of the proposed solution allows to infer the solution owners' (2) power intentions;
- the examination of the sequence and temporal proximity between (1) political opportunities and threats, (4) the development and features of the proposed solution, and (5) discursive practices allows to conjecture possible causal chains between them;

- the comparison between the solution owners' (2) power intentions and (6) power outcomes of the institutionalized solution and between characteristics of (4) the proposed solution and (6) institutionalized solution allows to verify the correspondence of the two first and possible partialities between the two last;
- the analysis of the language game related to the discursive practices can be made by content analysis⁴ aimed at identifying:
 - statements of the solution owners on the importance, suitability, and efficiency of the (4) proposed solution to promote corruption-prevention, including indications that it follows international agendas, represents best practices, etc.;
 - the absence of statements of the solution owners indicating how it will increase or 'keep safe' (2) their reputation, prerogatives, competencies or other tools of power;
 - statements of criticisms to the proposed solution from 'contestants', specially indicating (2) hidden intentions of its owners; and other statements of such owners responding 'directly or indirectly' reaffirming the legitimacy of the solution (efficiency, 'public interest' - basis, etc.).

It is essential to emphasize that this framework follows an analytical strategy oriented by a deterministic perspective on causation aimed at increasing confidence on the existence of 'mechanismic' relations based on causal inferences that could explain how power intentions and discursive practices forge policy-making of transparency in contexts of good governance reforms. In this sense, the focus of this study on an 'immanent discursive dimension' of policy-making represents a 'chosen bias' that must be relativized assuming there are issues less associated with disputes and compromises of power preferences and language games that could also drive such process, even though here they are not analyzed.

Because of such focus, this proposal applies to investigate policy-making of transparency founded on the assumptions and ‘requirements’ related to reforms mentioned above, where and when the idea that ‘transparency reduces corruption’ was taken-for-granted and the level of technology allowed the implementation such policy from those bases.

4. Narratives about Policy-Making of Selected Solutions

This section presents the narratives about policy-making of solutions selected to test the proposed framework. The chosen instrument is the most popular and award-winning ‘anti-corruption solution’ of the Brazilian government called *Portal da Transparência* (transparency website), a web page that makes available online information on public revenue and spending (CGU, 2009b; FÉLIX, 2011; POWER e TAYLOR, 2011b). This choice is also based on the indications of work on accountability and transparency in Brazil that one of the primary intentions behind the promotion of openness would be the strengthening of the presidential cabinet central core and anti-corruption bureaucracies led by this group (MICHENER, 2014; PEREIRA, 2016; POWER e TAYLOR, 2011a).

This test focuses on the creation of this website and two of its upgrades until 2010. *Portal da Transparência* was created in 2004 in a context characterized by reforms for ‘good governance’, new international anti-corruption conventions, and the first electoral victory of the center-leftist President Lula. Its first version was restricted to data on federal funds transferred to local governments and beneficiaries of allowance programs that were selected by these governments. The two upgrades selected correspond to those that were announced by the Federal Government in contexts of political crisis, assuming they would be more depended on ‘language games to be legitimized’. One was the expansion of the information on ‘government corporate cards’ spending, and the other was a ‘name and shame’ list of companies punished for irregularities in public procurement and prohibited to participate in new bids or contracts.

The first part of this section presents the context of the rising of the proactive transparency agenda in Brazil and two last show the narratives of policy-making of highlighted solutions guided by the proposed framework. It uses data from news in private and state-owned media⁵, speeches and public hearings in Congress, government documents, interviews with parliamentarians, representatives of NGOs and IGOs, and officials of the body responsible for this website, as well as from previous academic studies.

5. The Rising of Proactive Transparency in Brazil

In Brazil, the trajectory of the recent transparency policies started in the midst of reforms for fiscal responsibility, founded on arguments on the necessity to tackle the massive fiscal imbalance resulted from the economic crisis in Mexico (1994), Southeast Asia (1997), and Russian (1998). At that time, President Fernando Henrique Cardoso, linked to the Party of Brazilian Social-Democracy, won both 1994 and 1998 elections committed to the fiscal austerity.

In the end-1990s, in a context of demanding international loans and pressures for the formalization of ‘fiscal pacts’ in Latin America, Brazil adopted a fiscal responsibility program⁶, which the most significant formal change was the Fiscal Responsibility Complementary Act (LRF) of 2000 (ALMEIDA, 2003). Although this new act has consolidated Brazil’s first fiscal transparency system, its rules did not allow implementing a consistent, proactive fiscal transparency⁷, not indicating, for example, publication deadlines, a minimum level of information quality, and the use of websites (CAPIBERIBE, 2017; FÉLIX, 2017).

In parallel to the wave of fiscal responsibility reforms in Latin America, there was an expansion of the discourse that attributed to transparency the sense of representing a preventive solution to the problem of corruption (FOX, 2007; FOX e HAIGHT, 2010). In 2002, during the promulgation process of the OAS Convention⁸ in Brazil, President Cardoso created within the structure of the Presidency an agency called Office of the Comptroller General (CGU) that

represented the ‘oversight body’ required by such convention. CGU played the role of the central anti-corruption agency of the Federal Executive Branch, and its ‘Minister’ was a member of the presidential cabinet central core, which consisted of the president himself and the other ministers of the presidential offices, as well as the Treasury, Justice and Planning.

That year was marked by scandals⁹ and a presidential election running with campaigns of the press and NGOs¹⁰ to pressure candidates to make commitments of improving anti-corruption policies (CGU, 2002; FOLHA, 2002). Luis Inácio Lula da Silva, Workers Party’s candidate who won that election, presented a specific electoral program for corruption-fighting. This program emphasized the unfortunate position of Brazil in the 2002 Corruption Perception Index, published by Transparency International¹¹, and asserted his commitment to transparency (FÉLIX, 2017; OLIVEIRA JÚNIOR e MENDES, 2016; PARTIDO DOS TRABALHADORES, 2002).

Lula’s first term began in January 2003. Eight parties composed his first presidential cabinet with different ideological positions, and his coalition had the minority in legislative. As the Brazilian political system attributes to subnational governments a high power of influence over the representatives in the federal legislature (ABRÚCIO, 1994; AVELAR e LIMA, 2000), this unfavorable position was further weakened by the fact that the parties that composed Lula’s coalition core led only a few local governments. In the following years, Lula’s and its political allied increased in Congress and between state and local governments. Before the end of the first term in 2006, the presidential coalition already represented the majority in these areas, even though there were no consistent indications of guarantees of loyalty (FOLHA, 2003; O GLOBO, 2016).

6. The Creation of *Portal da Transparência* and its upgrades

At the beginning of his first term, President Lula proposed a new Federal Government Organization Act¹² that gave competence to CGU to strengthen transparency in public administration¹³. In the early months of 2003, such office made changes in its federal auditing program of Municipalities implementing three main innovations. First, its focus on corruption-fighting in local governments' expenditures supported by federal revenue transfers. Second, the adoption of a random selection based on a scope limited to small municipalities¹⁴. Third, the public dissemination of the resulting audit reports by CGU website (FERRAZ e FINAN, 2008; 2010; LOUREIRO e ABRUCIO ET AL., 2012).

This program represented the anti-corruption initiative most publicized by the state-owned media in that time and one of the most debated and analyzed experiences in this area since then. Its results produced significant positive feedbacks to the visibility and reputation of CGU and presidential cabinet central core (LOUREIRO e ABRUCIO ET AL., 2012; PRAÇA e TAYLOR, 2014; TAYLOR, 2009). But on the other hand, such program had negative effects¹⁵ to the opposition and neutral parties (FERRAZ e FINAN, 2008; 2010), which led most part of governments of small municipalities in that time. Because of these bad effects, senators and representatives linked to such parties started massive strikes¹⁶ against this program in the media and Congress (SENADO FEDERAL, 2004).

The operation of *Portal da Transparência* began in November 2004¹⁷ making available information only on federal funds transferred to local governments¹⁸ and beneficiaries of allowance programs¹⁹ that were selected by these same governments. There is no information on further attacks on the random auditing program between 2005 and 2010. CGU maintained its implementation guided by very similar bases of 2004 until 2015 (CGU, 2015).

The collected data indicates that the publication of the amounts of the transferred federal funds and their destination municipalities combined with announcements that this website

followed ‘best international practices’ was essential for the legitimacy and continuity of the random auditing program (ANGÉLICO, 2017; MEDEIROS, 2017). Another relevant issue related to the creation of this website from such data is the highlighted need of CGU’ members for more information to support the auditing of lower-level governments and other federal bureaucracies what would have represented another strong driver (FÉLIX, 2017; PEREIRA, 2016; TAYA, 2017).

Finally, the analysis of this narrative points out that there are other two relevant aspects of the genesis of *Portal da Transparência*. First, it is possible to infer that the incipient executive’s control of Congress and the urgency of preserving the random program would not allow that the presidential cabinet central core to propose previous legislative processes to implement the website, which was released without even a presidential order. Although Brazilian law requires that specific rules and competencies precede formal shifts such as the analyzed policy change, it was only formally institutionalized by the presidential order of implementation 5,482²⁰ in June 2005. Second, this website produced positive feedbacks to CGU’s power and reputation that correspond to competences given to this office to define the transparency website parameters for state and local governments, as established by the Transparency Act of 2009, and to coordinate the implementation of the Freedom of Information Act, passed in 2011 (ABRAMO, 2017; ANGÉLICO, 2017). Recent work on these reforms indicates that they have resulted in a large ‘control of information’ by the Federal Government. Thus, CGU would have been empowered to decide with great discretion what information could be made available and how it could be accessed (CUNHA FILHO, 2017; OLIVEIRA JÚNIOR ET AL., 2014).

The first tested upgrade corresponds to the information on ‘government corporate card’ spending²¹, which is available on this website since December 2005. Here, it focuses on a proposed expansion of such information promoted during a political crisis in 2008 known as

‘tapioca scandal’ (CGU, 2006; 2008a; 2008c). This crisis began in January with the private media exposure of information about the irregular use of ‘government corporate cards’ from cabinet ministers, some of them very close to President Lula. To investigate it a multi-partisan parliamentary committee of inquiry was created in Congress. This situation produced conflicts between opposition and president’s coalition parties based on the indication of Minister of CGU and other presidential cabinet members that such irregular use would have begun in the mandate of former President Cardoso (REVISTA ÉPOCA, 2008; G1, 2008).

In March, Minister of CGU in a public hearing in this committee and speeches reproduced by the state-owned media announced that *Portal da Transparência* would make available information on ‘cash withdrawals’ from government corporate cards stating the commitment of President Lula and his cabinet to the corruption-prevention (CGU, 2008a; CGU, 2008b). At that time, Minister of Planning pointed out that the combination of this website with the limitation of cash withdrawals would correspond to the most significant expectation of that committee. In June, the final report of such investigative parliamentary group did not indicate any accused pointing out that ministers of both cabinets of Lula and Cardoso made mistakes without guilt-making. This report made many references to CGU, *Portal da Transparência* and its solution for providing information on card spending as a tool that could prevent future abuse (SENADO FEDERAL, 2008).

Journalists stated that this report would express a ‘reputation compromise’ between the opposition and allied parties to the executive (FOLHA, 2008). In the end, the improvements to the transparency of card spending were limited to the inclusion of information on the ‘actual day’ of spending²² and the creation of a citizen’s manual²³ that included explanations on how to visualize such expenditures in *Portal da Transparência* (CGU, 2008c; CGU, 2008d). By the Brazilian law, it is indicated that these effectively implemented changes would not require formal institutionalization by legislation or implementation orders.

The second tested upgrade correspond to a ‘name and shame’ list of companies punished for irregularities in public procurements, which was labeled as the ‘Registry of Ineligible and Suspended Companies’²⁴ (CEIS). Such list was launched in December 2008 during conflicts involving President Lula and his cabinet central core and, on the other corner, the Brazilian Court of Accounts (TCU), which is the federal external control body linked to legislative (CGU, 2008e; UOL, 2008).

In August 2007, President Lula launched a massive strategy of investment in infrastructure and institutional measures called Growth Acceleration Program (PAC). This program became the most advertised infrastructure program of the Federal Government being led by the office of the primary member of his presidential cabinet at that time, the future president Dilma Rousseff (COUNCIL HEMISPHERIC AFFAIRS, 2008; TCU, 2009).

The first audit actions of TCU in 2007 and 2008 on bidding processes and contracts related to PAC resulted in the inclusion of several projects in its ‘Report of Public Works with Indications of Serious Irregularities’, which one of the possible effects would be the suspension of such works by Congress (OECD, 2013; UOL, 2008). In response, President Lula and members of his cabinet presented several criticisms of TCU, based on the importance of the continuity of the program for the development of Brazil (GAZETA DO POVO, 2009; VEJA, 2007). In the last months of 2008, Ministers of CGU and Civil Office of Presidency, Dilma Rousseff, announced that such anti-corruption agency would have create a new random auditing program for the monitoring of PAC and *Portal da Transparência* would begin to publish information on the companies punished by irregularities in procurements (CGU, 2008f; 2008g).

This ‘public registry’ was launched with announcements that emphasized that CGU would be leading the combat against active corruption practices of companies with this innovative solution (CGU, 2008e). Despite being a federal level solution, state governments could join it. In this way, the Federal Government committed not to contract companies

punished by lower-level governments and vice versa. There is information that the Federal Government would have continued to send resources to PAC works with indications of irregularities and recommendation of suspension made by TCU (ESTADÃO, 2010).

Between 2009 and 2010, Minister of CGU highlighted the proposal of the new Anti-Corruption Act²⁵, which established new punishments for companies involved in corrupt practices and gave to CGU the power to decide about leniency agreements that would allow punished companies to continue public works even with verified irregularities (CGU, 2009a; 2010b; ESTADÃO, 2009).

Finally, the analysis of the collected data on these upgrades points out that there are three other relevant issues. First, the expansion of card spending information was not implemented as announced, but despite this, the resulting report of the parliamentary committee reproduced possible subjacent intentions avoiding further ‘embarrassments’ to President Lula and his cabinet. Second, it is possible to infer that CEIS represented a political tool that CGU and presidential cabinet used to tackle TCU’s report of works with irregularities competing for the reputation of the owner of the ‘last technical word’ on this subject. Following this previous idea, this ‘last word’ could have given to such office and cabinet the power and reputation to avoid unwanted suspensions of PAC works or other investments promoted by the Federal Government. Third, it is also possible to infer that CEIS produced positive feedbacks to the power and reputation of CGU allowing it to be indicated as the agency responsible for leniency agreements at the federal level by the Anti-Corruption Act.

7. Results and Final Considerations

This last section summarizes the results of the application of the proposed framework based on the data and inferences presented in the previous section as shown in Table 2. It aims to highlight elements and relationships between components of the conceptualized causal

mechanism that increase the confidence of subjacent power intentions and indicate how discursive practices have guided policy-making for these preferences keeping them hidden.

Table 2 - Application of the conceptualized 'Transparency-Corruption' Causal Mechanism

Components	The Creation of <i>Portal da Transparência</i>	The Expansion of data on card spending	The Creation of CEIS
(1) Political opportunities or threats	Attacks on the random auditing program and criticisms of 'poor' results of government anti-corruption policy. [Jun.2003/Jun.2004]	Damage to the reputation of the presidential cabinet from the 'tapioca' scandal and conflicts in the parliamentary committee. [Jan.2008/Jun.2008]	Risks of suspension of PAC works due to indications of irregularities by TCU. [Sep.2007/Dec.2008]
(2) Subjacent power intentions of the solution owners	The urgent legitimizing keeping the CGU's monitoring of sub-national governments. [Inferred issue]	The preservation of reputation reducing the impacts of the scandal and political conflicts. [Inferred issue]	The legitimizing of CGU as the agency that indicates irregularities in public works to avoid unwanted suspensions. [Inferred issue]
(3) Strategies of institutionalization	No previous institutionalization. [Nov.2004] The incipient executive's control of Congress and the urgency of preserving the program would not allow previous institutionalization. [Inferred issue]	No previous institutionalization. [Fev/May/Oct.2008] The Brazilian law, this changes would not require formalization. [Inferred issue]	No previous institutionalization. [Dec.2008] The urgency of preserving PAC and controversy on the subject, which could create challenges to loyalty, would not allow previous institutionalization. [Inferred issue]
(4) Development and features of the proposed solution	On-line information on federal funds transferred to subnational governments (development in the context of attacks and criticisms). [Jun.2003/Nov.2004]	On-line information on cash withdrawals, but only a users' manual and the data on 'actual day' of spending were made available (development in the context of scandals and conflicts). [Fev.2008/Oct.2008]	On-line information on companies punished for irregularities (development in the context of competition). [Aug.2008/Dec.2008]

Components	The Creation of <i>Portal da Transparência</i>	The Expansion of data on card spending	The Creation of CEIS
(5) Discursive practices adopted by the solution owners	<ul style="list-style-type: none"> • The website name carries the meaning of the coupled solution. • ‘Online information to citizens to reduce corruption’ was stated as benefits and beneficiaries. • ‘Transparency (website) reduces corruption’ is the main argument on the legitimacy. • ‘Alignment to best practices’ is stated as its characteristic. <i>[Oct.2003/Nov.2004]</i> 	<ul style="list-style-type: none"> • ‘Online information to citizens on cash withdrawals from government cards to control the card spending’ was stated as benefits and beneficiaries. • ‘Public data on cash withdrawals will expand transparency’ is used to attribute the sense that the solution would correspond to the expectation of the committee. <i>[Fev.2008/Mar.2008]</i> 	<ul style="list-style-type: none"> • The ‘registry’ name carries the meaning of the coupled solution. • ‘Online information to citizens to reduce corruption and prohibit other governments to contract bad companies’ was stated as benefits and beneficiaries. • ‘Name and shame lists avoid corruption’ is the main argument on the legitimacy. • ‘Association with international trends’ is stated as its characteristic. <i>[Jun.2008/Dec.2008]</i>
(6) Features of the institutionalized solution and its power outcomes	<p>On-line information on federal funds transferred to local governments and the continuity of the random program. <i>[Nov.2004]</i></p> <p>The random program continued with very similar bases until 2015 and no attacks. <i>[2005-2010/2015]</i></p> <p>Legitimizing of the random auditing program of CGU. <i>[Inferred issue]</i></p>	<p>Publication of the users’ manual and online data on the ‘actual day’ of spending. <i>[Fev/Oct.2008]</i></p> <p>No accusation in the committee report and <i>[May2008]</i></p> <p>Reduction of the impacts of the scandal on the reputation of the presidential cabinet. <i>[Inferred issue]</i></p>	<p>Online information on punished companies. <i>[Dec.2008]</i></p> <p>The Federal Government continued to send resources to PAC works with recommendations of suspension made by TCU. <i>[Jan.2010]</i></p> <p>Preservation of PAC and legitimacy of CGU to manage issues related to punished companies and public works with irregularities. <i>[Inferred issue]</i></p>

Note: Table prepared by the author.

These results indicate that the application of the proposed framework contributed to elucidate how the members of the presidential cabinet central core, especially those associated with CGU, drove the policy-making related to the creation of Portal da Transparência and its upgrades to subjacent power intentions adopting discursive practices. The narrative in the

previous section indicate there is a high correspondence between (1) the political threats to CGU and the presidential coalition, (3) the ‘as fast as possible’ institutionalization strategies, and (4) the characteristics of the proposed solutions and the time when they were developed. This link increases confidence in the inferred power intentions (2) associated with the guarantee and expansion of CGU's monitoring competencies and the reduction of scandal effects on the reputation of the presidential cabinet.

There is a pattern of sequence and proximity of (1) the occurrence of crisis, conflicts, and criticisms, (4) the development of the website or its upgrades, (5) announcements on their ‘best solution’ characteristic – without any mention on possible power gains to the owners –, and (6) the complete or partial institutionalization.

The comparison between (2) the subjacent power intentions and (6) the power outcomes of the institutionalized solutions indicates high correspondence. In the case of information on card spending, the low correspondence between the (4) characteristics of the proposed and (6) institutionalized solution, but with equal power intentions and outcomes, allows inferring a more pragmatic sense. As the report of the committee did not affect the reputation of the presidential cabinet, there was no greater demand for the solution to be completed.

The statements correspondent to (5) discursive practices took place by massive uses of announcements from Minister of CGU and other presidential cabinet members in the private and state-owned media, especially on the ‘space for news’ of *Portal da Transparência*²⁶. Such announcements focused on this website itself and its ‘upgrades’, its alignment with the international agenda and ‘best practice’ - sense and resulting benefits to Brazilian citizens to participate in anti-corruption efforts of the Federal Government. There are also criticisms of contestants of these ‘efforts’ and indications of benefits to other low-level governments in the case of CEIS.

It is important to emphasize that in the collected data there is no information on news in the state-owned media, speeches, documents of CGU or president's coalition members, and even in the interviews of such actors to this study, that CGU would get more formal power with these solutions. In this same way, no information was found about the formal participation of non-governmental organizations or other social actors or even members of other federal branches or government levels in the decision-process of the website and its upgrades. Ironically, considering that the institutionalization adopted by CGU did not allow the proposed solutions to be debated in public councils or Congress, it is indicated that decision-making on them can be characterized as processes with some opacity.

The power outcomes of *Portal da Transparência* in the long-term allows to conjecture that this solution represented a relevant point of inflection in the trajectory of corruption-fighting in Brazil. As mentioned above, the anti-corruption reforms formalized by the Transparency Act of 2009, the Freedom of Information Act of 2011 and the Anti-Corruption Act of 2013 had such website and CEIS as their major drivers. These reforms, which strengthened the presidential cabinet central core, especially CGU, guaranteeing and expanding its monitoring power, were highly pushed by the Minister of such anti-corruption agency because of the positive feedbacks of the analyzed solutions to CGU reputation and competencies.

The results of this study point out that discursive dimension matters for explaining the policy-making of highlighted solutions. The transparency-corruption coupling was essential to legitimize and expand the monitoring power of the anti-corruption office of the Presidency on other federal bureaucracies and lower-level governments, which in turn most likely contributed to the expansion of surveillance over political parties in the presidential cabinet and to the strengthening of the executive's legislative control.

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¹ See link www.portaldatransparencia.gov.br.

² In qualitative research, the deterministic causation is related to the idea that an independent variable, such as power preference, is a necessary and/or sufficient cause to the outcome, such as new legal competencies to bureaucrats. Beach and Pederson's framework seems to consider power preferences as needed causes, even not sufficient. Following such framework, mechanistic causality represents 'an ontological understanding where causation is confirmed only when an underlying mechanism can be shown to causally connect X and Y. The mechanistic understanding of causality does not necessarily imply regular association' (BEACH e PEDERSEN, 2013, p. 176).

³ The policy process literature distinguishes policy changes into two main types. Major ones represent reforms in central aspects of a regime bearing 'on the policy core and deep beliefs'. Minor policy changes reach marginal aspects of a regime, 'such as the means by which a policy instrument is designed for achieving a particular goal' (WEIBLE e JENKINS-SMITH, 2016, p. 24).

⁴ This analysis can be carried on adoption the categorial analysis and content indicators (existence, absence, frequency, ordering, etc.) proposed by Bardin (2011).

⁵ The most of such news was collected until May 2018 from the links <http://www.portaldatransparencia.gov.br/noticias/>, <http://www.cgu.gov.br/sobre/institucional/ministro/discursos>, and <http://www.cgu.gov.br/noticias/YYYY/MM> (the 'YYYY/MM' expression corresponds to the four digits of each year and the two of each month between '2001/04' and '2010/12').

⁶ The International Monetary Fund, the World Bank, and the UN Economic Commission for Latin America and the Caribbean (ECLAC) provided the main standards of such covenant (FIGUEIREDO e NÓBREGA, 2003; TAYA, 2017).

⁷ There are indications that this act has amplified the influence of the Federal Government on states and municipalities. Its new rules have set few parameters for 'discretionary transfers of revenues' from higher-level governments to lower governments, allowing the political-partisan use of such transfers (AFONSO, 2010; BROLLO e NANNICINI, 2012; SOARES e NEIVA, 2011).

⁸ The 1996 OAS Inter-American Convention Against Corruption and the 2003 UN Convention Against Corruption represented the guidelines linked to this discourse that most influenced the formulation of transparency policies in Brazil (ANGÉLICO, 2012; TAYA, 2017; VIEIRA, 2017).

⁹ There are indications that the first steps towards the creation of CGU were also highly oriented to reduce the impacts of corruption scandals in Cardoso's last term (1999-2002) that could heavily affect the political stability and reputation of the central core of president's coalition (COIMBRA, 2001; OLIVEIRA JÚNIOR e MENDES, 2016).

¹⁰ *Transparência Brasil*, one of these NGOs, presented the most important campaign, called *Voto Limpo 2002* with eight suggestions that were mentioned in the electoral programs of the two main candidates of presidential running (FOLHA, 2002).

¹¹ See Transparency International (2018)

¹² On Jan 1st, 2003, President Lula signed the Provisional Measure 103 establishing CGU's competence. Such measure was converted to the Federal Government Reorganization Act on May 28th.

¹³ This extension of CGU's power was justified based on two arguments. First, agencies responsible for supporting both fiscal responsibility and corruption-fighting had to foster openness. Secondly, the debate on the draft of the new UN Anti-Corruption Convention indicated that it would be necessary to establish central prevention-corruption agencies (ROURE, 2003).

¹⁴ The first editions of the random auditing program were focused on municipalities with population between 10,000 and 250,000.

¹⁵ Work corruption and corruption-fighting in Brazil points out that politicians who have their names linked to irregularities in the press and in other forms of mass information are less likely to be re-elected (CORDEIRO, 2014; FERRAZ e FINAN, 2008; 2010).

¹⁶ In the (translated) words of one senator of a opposition party: 'There is a selection by lot to choose which Municipalities will be audited, but since the party of CGU's minister (PT) has two hundred and few of local governments, among the more than 5,500 Brazilian municipalities, CGU does not audit any one of the PT' (SENADO FEDERAL, 2004, p. 1, translated). The Minister of CGU used state-owned media to respond such criticisms stating: 'It was known that the program [...] would be uncomfortable for corrupt managers and their historical protectors. So much so that the underground pressures against it have been going on for a long time' (CGU, 2004a, p. 1, translated).

¹⁷ When it was released, CGU already predicted two upgrades launched in June and August 2005, the first would make available information on federal government spending and the other on credit operations from development agencies (CGU, 2004b; 2005).

¹⁸ See link <http://www.portaldatransparencia.gov.br/PortalTransparenciaPrincipal2.asp>.

¹⁹ See link <http://www.portaldatransparencia.gov.br/PortalTematicas.asp>.

²⁰ See link http://www.planalto.gov.br/ccivil_03/_ato2004-2006/2005/decreto/d5482.htm.

²¹ See link <http://www.portaldatransparencia.gov.br/PortalComprasDiretasPrincipal2.asp>.

²² In a public hearing on the committee, Minister of CGU pointed out that providing information on cash withdrawals posed a considerable challenge (SENADO FEDERAL, 2008, p. 42).

²³ See link <http://www.portaltransparencia.gov.br/manual/manualCompleto.pdf> (available only in Portuguese version).

²⁴ See link <http://www.portaldatransparencia.gov.br/ceis>.

²⁵ See link http://www.planalto.gov.br/ccivil_03/_ato2011-2014/2013/lei/l12846.htm.

²⁶ See link <http://www.portaldatransparencia.gov.br/noticias/>.