

FYI on FOI

Exploring the effects of freedom of information (FOI) laws around the world

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Many democracies, young and old, have instituted Freedom of Information (FOI) laws. FOI scholars and advocates argued that having an FOI law contributes to curbing corruption and improving standards of living. But having an FOI law can be different from effectively implementing it. Pooling together indices summarizing data from 168 countries, this study revisits the assumption that having an FOI law and implementing it can curb corruption and improve quality of life.

KEYWORDS: corruption, freedom of information, information access, press freedom

Introduction

Information access is vital in a strong democracy. Since power rests on the hands of the citizenry, members of the public need accurate and complete information about essential issues to make important decisions. Thus, information access benefits both the government and the public (Mutula, 2006). This is a core purpose of a freedom of information act (FOIA). Freedom of information legislation “works by conferring to the public the legal right to ask for and receive information held by public bodies” (Holsen, 2007, p. 50). The country of Sweden was the first country to enact an FOI law in 1766 (Michener, 2011) and so far, more than 80 countries have instituted similar laws (Vleugels, 2011). Scholars have argued that in bringing about transparency through free information access, FOIAs can support anti-corruption measures and improve levels of human development (e.g. Lidberg, 2009; Mutula, 2006).

Having an FOI provision is not a wonder drug, however (for instance, see Hazell & Worthy, 2010; Holsen, 2007). Freedoms, including the right of access to information, have helped decentralize power, and yet “they have been less successful in democratizing wealth and access to resources” (Coronel, 2001, p. 2). The promises of FOI laws also depend on how effectively they are implemented by the government and invoked by citizens and the media. While there have been numerous attempts to evaluate the implementation of FOI laws in a handful of countries (for instance, see Hazell & Worthy, 2010; Lidberg, 2009; McClean, 2010; Michener, 2011), the relationship between FOI laws and some measures of development that FOI laws promise to bring about, such as less corruption and higher human development, remains largely unexplored.

Studying the effects of FOIAs on such important measures of development is important, considering that in many countries, non-governmental organizations are still clamoring for

enactment of a freedom of information law (e.g. the Philippines, one of first countries in Asia to embrace a democratic form of government, still does not have a FOI law). This clamor for FOIA in many countries rests on the assumption that instituting the law brings in the expected benefits to democracies based on the experiences of other countries who have instituted similar laws. Therefore, it is important to understand these experiences with FOIA. This current study seeks to contribute to this growing discourse about the effects of FOIAs by pooling available data from different countries around the world and empirically testing the assumed effects of FOIAs on curbing corruption and improving standards of living.

Literature Review

Democratic Theory

It is an oft-repeated maxim that democracy is the ideal social system and yet there is no consensus on what it exactly means (Bollen, 1991; Diamond, 1999; Inkeles, 1991; Knutsen, 2010). What is agreed upon is that the naïve way of equating democracy with the conduct of elections is no longer tenable (Dahl, 1971; Diamond, 1999). In a nutshell, democracy refers to a social system where power resides in the people. A cliché describes it as when majority rules. But who are these people who are supposed to maintain power? Bollen (1991) had an interesting answer, defining democracy as “the extent to which the political power of the elites is minimized and that of the nonelites is maximized” (p. 5). This political power refers to the “ability to control the national governing system” (Bollen, 1991, p. 5).

Inkeles (1991) pointed out two components that are present in the countless definitions of what constitutes a democratic system: political rights and civil liberties. The first refers to the governed selecting their governors who are accountable to the people and are replaced through an orderly electoral process. The second refers to freedoms granted to citizens that include

freedom of communication and assembly, among others (Inkeles, 1991). This dichotomy is parallel to Gastil's (1991) democracy index. There have been numerous attempts to come up with a good measure of democracy (Knutsen, 2010; Munck & Verkuilen, 2002), but Gastil's (1991) Freedom House index is considered the "best available empirical indicator of liberal democracy" (Diamond, 1999, p. 12). The Freedom House index (FHI) ranks countries in terms of how democratic they are. The rankings are based on ratings given by analysts using standards of political rights and civil liberties taken in large part from the Universal Declaration of Human Rights (FHI, 2010a). For people to enjoy their political rights, they must be guaranteed their civil liberties that include a free press and an unfettered access to communication and information (Gastil, 1991).

The presentation of democracy as the ideal rests on not only historical research but also empirical findings. Diamond (1991) argued that no two democratic countries have gone to war against each other. Sen (1999) pointed out the "causal connection between democracy and the nonoccurrence of famines" (p. 180). No democratic country has experienced famine and this is largely because of a free press and an active political opposition being "the best early-warning system" for countries (Sen, 1999, p. 181). Studies also found that democracy lowers corruption (Shen & Williamson, 2005; Sung, 2004) and even contributes to individual perception of well-being, a measure of happiness, among citizens (Owen, Videras, & Willemsen, 2008). These effects of democracy, however, are likely indirect and are mediated through the structures and guarantees that democracy brings about, such as freedom of the press.

Freedom of the Press

The numerous definitions of democracy mostly included freedom of expression and of the press (e.g. Diamond, 1999; Gastil, 1991; Inkeles, 1991). Not only is having a free media

important to supply citizens with the information they need to better exercise their political rights guaranteed under a democracy (e.g. voting), but it is also a relatively easier way of measuring a manifestation of democracy. Studying news content and the diversity (or lack thereof) of topics covered especially in politics is an effective way of gauging if freedoms guaranteed by democracy are working. There is always the chicken-or-egg question, however. Journalism literature teems with references to a vigilant and aggressive media as important in safeguarding democracies (e.g. Gans, 1998; Lippman, 1920; Schudson, 2008) and yet normative media theories have pointed out that the media take the shape of the social system they are in (e.g. Christians, Glasser, McQuail, Nordenstreng, & White, 2009; Hallin & Mancini, 2004; Siebert, Peterson, & Schramm, 1963). A less contentious statement, therefore, is to assert that democracy and a free press go together. A free press is a manifestation that democracy is at work.

A free press has been dominantly conceptualized as the media's freedom to say what they want in order to serve their roles in society, but this misses the other part of the equation (Immerwahr, Doble, Bogart, & Kalven, 1982). A free press is important only insofar as it allows citizens to access information they can use to monitor and evaluate the government. The media supply information to the people. It is also correct that another role of the media is to be the watchdog of the government (Janowitz, 1975; Johnstone, Slawski, & Bowman, 1976). But consistent with democratic theory, the media exercise this watchdog function on behalf of the citizens that governments, and therefore the media, ideally serve. Understood this way, Immerwahr and colleagues (1982) pointed out that press freedom should also ensure that citizens receive the information citizens feel they need. "The test of when the media are working most effectively is not whether publishers or broadcasters can say whatever they want, but whether the

public gets what it needs—a broad spectrum of information and opinions” (Immerwahr, et al., 1982, p. 186).

This conceptualization of a free press is consistent with the prescription of democracy as ensuring free access to information and communication. In an ever-changing media world where new communication technologies are eliminating traditional journalistic gatekeeping levels (Bruns, 2003; Shoemaker & Vos, 2009), media users also become message producers. Many media users have started contributing to the media agenda, sometimes even directly through their blogs and social media posts in popular sites such as Twitter and YouTube (Napoli, 2011; Singer, 2005; Sullivan, 2013). Therefore, information access becomes more salient, especially if citizens begin to demand direct access to information instead of relying on what trickles down from the usually elite-friendly media. This leads to the discourse of freedom of information which has been spreading, although slowly, around the world. In this age of blogging and social media, journalists are no longer the only individuals who seek and demand information. Thus, freedom of information benefits both media and citizens. This leads to a discussion of freedom of information (FOI) around the world as well as to the study’s first hypothesis, mindful that having an FOI law and its effective implementation can be two different things (as will be discussed in the next section):

- H1. Press freedom ratings will be correlated with
 - a. adoption of an FOI law
 - b. an effective implementation of the FOI law

Freedom of Information

Since democracy rests on the power of the people, some of which are conferred to their chosen representatives in the government, then they are also entitled to freely obtain information

collected and held by the same government that they have authorized. This access to information enables citizens to better evaluate and hold accountable the government that supposedly works for them (Michener, 2011; Vleugels, 2011). Thus, freedom of information (FOI) is integral in a democracy, as it directly affects both political representation and political accountability (Lidberg, 2009). “Freedom of information is an essential right for every person” (Banisar, 2006, p. 6). Indeed, many democracies, young and old, have instituted FOI laws (Michener, 2011; Vleugels, 2011). The government is an “agent of its citizens” and therefore its authority to gather and use information stems from this relationship with the public; access to information should benefit “both the government and the public” (Mutula, 2006, p. 441). If democracy rests on the active participation of its citizens, it requires that they be informed about the government’s policies and activities so they could ably participate (Banisar, 2006). However, having an FOI law and implementing it are different things (Hazell & Worthy, 2010; Holsen, 2007).

An FOI law legally empowers the public to “ask for and receive information held by public bodies” (Holsen, 2007, p. 50). In a latest documentation, Vleugels (2011) identified 88 nations with an FOI law in place, recognizing however that having a uniform set of criteria of what constitutes an FOI law can be difficult. The working definition Vleugels (2001) used in mapping out versions of FOIAs around the world includes the following considerations: it has to be a law, it must include the right of access to information, it must be enforceable, and that it can be challenged and invoked before the courts (Vleugels, 2011). Sweden enacted the first FOI law in the world in 1766 (Michener, 2011). It took the United States two centuries to follow Sweden’s lead (Darch & Underwood, 2005), but the adoption of FOI laws in more countries took off only in the 1990s (Michener, 2011). This lag in the diffusion of FOI laws around the world indicated the strong political resistance to granting citizens their right to information persistent

among numerous governments (Michener, 2011). Banisar (2006) outlined three factors that contribute to the adoption of FOI laws: crises arising out of corruption and scandals, international pressure, and technological advancement. FOI laws around the world are “broadly similar,” the later ones being patterned after their predecessors in other countries (Banisar, 2006). The US FOIA is probably the “most influential” (Banisar, 2006, p. 20).

Having an FOI law does not guarantee that it will be enforced effectively. First, in many instances, passing an FOI law has been used as “window dressing” of many governments to project a positive international image (Hazell & Worthy, 2010; Lidberg, 2009; McClean, 2010). For instance, a study that asked journalists to make FOI requests in four countries only generated two positive responses, both in Sweden (Lidberg, 2009). The requests made in the US, Australia, and South Africa were either turned down or ignored (Lidberg, 2009). Second, evaluating FOI laws requires focusing on how it limits access through exemptions (Holsen, 2007). For instance, the United States’ Freedom of Information Act exempts information about trade secrets, personnel and medical files, law enforcement records and similar documents that, when disclosed, would constitute an invasion of personal privacy (“Freedom of Information Act”, 1966). Subsequent interpretations by the US Supreme Court further refined the exemptions, for instance specifying rap sheets as off-limits (Wilborn, 1990) and including concepts such as practical obscurity (Davis, 2003). Third, having an FOI law does not automatically mean that citizens and the media will use it, usually because of insufficient familiarity with the law. For instance, Hazell and Worthy (2010) found in a study of FOI requests in the UK, Ireland, Canada, Australia, and Switzerland that the number of FOI requests usually accounted for only about 1% to 3% of the population. Some factors, such as high fees that come with FOI requests and bad records management, constrain the effective implementation of FOI laws (Banisar, 2006).

What makes these factors constraining the efficiency of FOI laws around the world particularly worrisome is that FOI is considered not only as a basic human right (Darch & Underwood, 2005) but also as important for democratic development. A study found that freedom of information legislation indirectly affects press freedom in a country, depending on corruption control, type of political regime, and national economy (Nam, 2012). However, the study used Freedom House Index's press freedom measure, which already incorporates in its scale the legal protection for the media, which also include FOIAs for some countries. This current study focuses on evaluating arguments that FOIAs are important in combating corruption by encouraging more transparency (Lidberg, 2009; Michener, 2011) as well as in contributing to better human development (Mutula, 2006).

FOI and Transparency

Studies have looked at the influence of transparency on weeding out corruption (e.g. Kolstad & Wiig, 2009; Lindstedt & Naurin, 2010). Transparency has been defined in numerous ways, but in the context of governance, Lindstedt and Naurin (2010) defined it as “the release of information about institutions which is relevant to evaluating those institutions” (p. 307). Therefore, among the ways to promote transparency is to guarantee citizens' access to information, very much what FOI laws are supposedly ensuring. Though transparency by itself is not enough to fully eradicate corruption, for instance education of citizens is an important precursor for transparency to work (Kolstad & Wiig, 2009; Lindstedt & Naurin, 2010), it is a good antidote to a problem that has long plagued societies.

In political discourse, corruption is typically defined as the “misuse of public office for private gain” (Sandholtz & Koetzle, 2000, p. 32). When “public goods are available only to some through personal connections or money, those without these resources are significantly

disadvantaged” (Tavits, 2008, p. 1611). Studies have found that having a free press can lower corruption levels (Freille, Haque, & Kneller, 2007). This is consistent with the watchdog function of the press, one of the media’s functions in a democracy: inform, scrutinize, debate and represent (Cook, 2005; Curran, 2005). For instance, Mexican journalist Fatima Monterrosa uncovered a series of fraudulent orders from the Mexican President’s Office through information obtained through the country’s FOI law (Michener, 2011). If having an FOI law helps in promoting transparency, then the following hypothesis should also be true:

H2. Lower corruption levels will be positively predicted by:

- a. adoption of an FOI law
- b. an effective implementation of the FOI law

But aside from curbing corruption, transparency that is brought about, ideally, by FOI laws facilitate information access that “is critical to development” (Mutula, 2006, p. 447). For example, a study found that press freedom has direct effects on the level of human development in a country, which then leads to higher levels of well-being (Tandoc & Takahashi, 2012). Transparency should therefore increase the private sector’s confidence, lead to more investments, and bring about “poverty eradication,” among other positive developments (Mutula, 2006). FOI laws have been used to enforce rations distributions in India and uncover discrimination in schools in Thailand and banks in South Africa (Banisar, 2006), changes that contribute to human development. Therefore, this study will test another pair of hypotheses that look into the relationship between freedom of information and human development. If the basis of FOI laws is to empower people by giving them unfettered access to information, which is consistent with democratic theory, then they should be more able to improve their conditions, as measured by the level of human development at the country-level. Thus:

H3. Higher human development levels will be positively predicted by:

- a. adoption of an FOI law
- b. an effective implementation of the FOI law

Method

This study constructed a dataset to test its hypotheses using publicly available indices from various organizations that rated countries and territories in terms of 1) press freedom; 2) adoption of FOI laws; 3) implementation of FOI laws; 4) perceived corruption; and 5) level of human development. The indices used were for the year 2010. The study excluded from analysis countries and territories that were not included in at least three of the five indices used. Thus, a total of 168 countries and territories were included in the final analysis. The average number of years of having an FOI is 7.7 years ($SD = 20.88$), and this is because 84 countries (50%) did not have FOI laws as of the report used (Vleugels, 2011). Sweden's law has been around for 245 years. In terms of implementation ratings, the mean is 83.59 ($SD = 21.53$) out of a maximum score of 150 across the 88 countries that have a right to information law.

Press Freedom Index

The study used Freedom House's press freedom index that rates countries on at least 23 questions with 109 indicators, for a total score that could range from 0 to 100, 100 being the worst. It looks at three broad categories: the legal environment (e.g. laws and regulations that could influence media content), the political environment (e.g. pressure by the government, censorship, and violence against journalists), and the economic environment (e.g. structure of media ownership) (FHI, 2010b). The scores were reverse-coded so that higher scores mean higher levels of press freedom. Nordic countries Sweden, Norway, Iceland and Finland were rated the freest.

Human Development Index

The study used the United Nations Development Program's (UNDP) Human Development Index (HDI), the most widely known and used measure of human development. It includes three main components: health, education, and living standards (income). Health is measured by life expectancy at birth; education by years of schooling (for adults aged 25), and expected years of schooling (for children of school age); and living standards by gross national income per capita. Scores range from 0 (worst performance) to 1 ("The Real Wealth of Nations: Pathways to Human Development," 2010). The World Economic Forum's global competitiveness report, a measure of economic performance of countries, was initially intended to be included in the analysis, but it was strongly correlated with UN's HDI, $r(138) = .84$, $\alpha < .01$. Thus, only HDI is used. Norway and Australia received the highest scores.

Corruption Index

The study also used Transparency International's corruption perception index which defined corruption as "the abuse of entrusted power for private gain" (TI, 2010). The ratings are based on data from 13 sources and 10 independent institutions that measure overall corruption in governments. Two groups evaluated the level of corruption: experts on a certain country, including residents; and business leaders (TI, 2010). Thus, it "ranks countries according to perception of corruption in the public sector" (TI, 2010, p. 4). Scores range from 0 to 10, with 10 meaning very clean and 0 meaning very corrupt (TI, 2010). Thus, it can also be looked at as a measure of corruption control, as higher scores mean being perceived to have a cleaner government. Liechtenstein got the highest rating.

FOI Adoption

Vleugel's (2011) list of 88 countries that adopted an FOI law is used. Vleugels (2011) admitted that having a good definition of a FOIA was difficult; hence his list included all kinds of FOIAs, both strong and weak. Vleugels (2011) used this working definition in his compilation: it has to be a law, it must include the right of access to information, it must be enforceable, and that it can be challenged and invoked before the courts (based on these criteria, constitutional provisions of right to information does not count as a FOIA). The list was cross-checked with that of the Centre for Law and Democracy ("Global right to information rating," 2011) which listed 89 countries. The two lists are almost identical, although there were a few disagreements in the exact year of adoption for some countries. In these instances Vleugel's (2011) information was followed. In using and merging the lists in the analysis, the year of a country's formal adoption was subtracted from 2011 in order to obtain number of years of having an FOI law in place. Those not in any of the two lists were given a score of 0, which means having no FOI law yet.

FOI Implementation

The Center for Law and Democracy's ratings of right to information (RTI) across countries ("Global right to information rating," 2011) is used. The RTI ratings were based on 61 indicators evaluated and applied by members of its advisory council. The indicators are grouped into seven categories: right of access, scope, requesting procedures, exceptions and refusals, appeals, sanctions and protections, and promotional measures, with the maximum total of 150 points ("Global right to information rating," 2011). Serbia was rated the highest with 135 points. In the website, the center describes its RTI rating as "a system for assessing the strength of the legal framework for guaranteeing the right to information in a given country" ("Global right to information rating," 2011). Those not in the list were considered missing values.

Results

H1 predicted that press freedom ratings will be correlated with a) adoption and b) effective implementation of FOI. The one-tailed correlations analysis revealed that only H1a is supported, albeit only moderately, $r(161) = .362, p < .001$. H1b is not supported. Press freedom ratings are not correlated with FOI implementation ratings, $r(81) = -.132, p > .05$. See Table 1. An unexpected finding is how adoption of an FOI law and ratings of its effective implementation are negatively correlated, $r(88) = -.181, p < .05$.

Table 1

Correlations

	1	2	3
Press Freedom Ratings	1		
Years of Having FOI	.362**	1	
FOI Implementation Ratings	-.132	-.181*	1

Note. One-tailed test. * $p < .001$, ** $p < .05$.

H2 predicted that a) adoption and b) effective implementation of FOI will significantly predict lower corruption levels. The regression model is significant, $F(2, 81) = 11.21, p < .01$, explaining almost 20% in the variance of corruption ratings. H2a is supported: number of years of having an FOI law is a positive predictor of having lower levels of corruption, $\beta = .355, t = 3.54, p = .001$. However, H2b is rejected. While higher rankings in the effective implementation

of FOI significantly predicted corruption ratings, the relationship was negative, $\beta = -.243$, $t = -2.43$, $p < .05$. What this shows is that countries rated to have an effective implementation of their right to information laws tend to have worse corruption problems. See Table 2.

Table 2

Predicting Corruption Ratings

	β	t
Years of Having FOI	.355	3.543*
FOI Implementation Rating	-.243	-2.427**

Note. * $p < .01$, ** $p < .05$. The regression model is significant, $F(2, 81) = 11.21^*$, explaining almost 20% of the variance.

Finally, H3 predicted that both a) adoption and b) effective implementation of FOI will significantly predict higher human development scores. The regression model is likewise significant, $F(2, 78) = 6.61$, $p < .01$. The model explained almost 15% of the variance in human development scores. H3a is again supported. The number of years of having an FOI law is a positive predictor of higher human development rankings, $\beta = .291$, $t = 2.73$, $p < .01$. However, H3b is not supported, although the relationship approached significance. Higher ratings in the effective implementation of right to information laws are somewhat negatively related to lower human development scores, $\beta = -.195$, $t = -1.83$, $p = .07$. See Table 3. Though they are conceptually distinct and were measured by different organizations, corruption ratings and human development are strongly correlated, $r(151) = .73$, $p < .001$.

Table 3*Predicting Human Development*

	β	t
Years of Having FOI	.291	2.725*
FOI Implementation Rating	-.195	-1.826**

Note. * $p < .01$, ** $p = .07$. The regression model is significant, $F(2, 78) = 6.61$, explaining almost 15% of the variance.

In summary, the analysis found expected and surprising findings. Countries that are rated higher in press freedom tend to have institutionalized FOI laws for a longer period of time. Having an FOI for some time also predicts both having lower corruption levels and higher levels of human development. However, higher ratings in terms of effectively implementing right to information laws lead to worse corruption ratings. Plausible explanations to these findings are offered in the next section.

Discussion

FOI scholars have argued that having an FOI law contributes to curbing corruption (Lidberg, 2009; Lindstedt & Naurin, 2010; Michener, 2011) and improving standards of living and hence contributing to human development (Banisar, 2006; Mutula, 2006). But as what many have correctly pointed out, having an FOI law can be different from effectively implementing it (Hazell & Worthy, 2010; Lidberg, 2009; McClean, 2010). This study explored not only the effects of having an FOI law but also the effectiveness with which it is implemented as measured by available indices. This was done by pooling available data from 168 countries.

In the interpretations of the findings, which will be discussed in this section, we should be mindful of the limitations of the data. First, the study only explored a limited set of variables in this exploratory study about the potential effects of having an FOI law. Levels of corruption and human development are influenced by a multitude of factors, shown by the percentage of variance explained by the regression models (between only 15% and 20% are accounted for). However, this exploratory study is mainly concerned with investigating the potential effects of FOI laws across countries. Thus, future studies probing what predicts corruption or human development should explore more factors while those looking into the effects of FOI laws should explore more potential consequences. Second, the findings are based on available indices of press freedom, corruption, human development, and right to information ratings. The study used what are perceived to be the most reliable and most cited indices. But while these indices are based on detailed indicators, they remain to be based on subjective perceptions by analysts and raters. For instance, when we are talking about corruption levels, we should be mindful that these are based on perceptions, possibly also influenced by media reports. Perceived corruption is very much real as it affects investor confidence and therefore a country's economy, but it is possible that perception of corruption is not accurately representative of the actual country-level condition. In a way this study can be considered as secondary analysis of publicly available data, but it used the indices that best represented the concepts it sought out to explore. The indices also come from different and independent organizations and experts.

Consistent with what advocates claim, adoption of an FOI law leads to lower corruption levels based on perception ratings. The older an FOI law in a country is, the more the country tends to have lower corruption levels. If lower corruption ratings can be interpreted as including a measure of transparency, this finding bolsters the argument that having FOI laws benefits

democratic countries. The link between having the law, increasing transparency, and lowering corruption is possibly a complex relationship that might involve mediation along the way that future studies should explore, but this analysis found that having an FOI law has a direct effect on lowering perceptions of corruption. There are two ways to interpret this. On one hand, it could be that corruption perception is influenced by available laws in a country. Having an FOI law communicates efforts at transparency and hence contributes to lower perceptions of corruption. The corruption index used in this study is based on perceptions of businessmen and experts (TI, 2010), which might or might not have factored in the legal climate in a country. On the other hand, it is also possible that having an FOI law did not just directly affect perceptions, but actually led to concrete improvements in curbing corruption which eventually led to more positive perceptions in terms of corruption ratings. This dichotomy of interpretation resonates with the argument that having an FOI law can either be just a “window-dressing” to achieve positive international image or something that actually affects the social system. This brings us to the question of implementation.

An unexpected finding is how implementation ratings significantly—but negatively—predicted corruption ratings. In countries where a right to information law was perceived to be implemented effectively, corruption ratings tended to be higher, which means there was perception of higher incidence of corruption. This—at face value—seems to contradict the earlier finding. If having the law for a long time leads to lower corruption, why does implementing it effectively lead to higher corruption? A very telling finding is the negative relationship between years of having an FOI with effective implementation ratings. The longer a country has had an FOI law, the lower rating it got in terms of implementation. What is happening here, it is argued, touches at the core of how implementation is conceptualized.

A concrete way to observe and evaluate implementation is when the law is actually invoked, challenged, and upheld. The correlation analysis showed that in countries with mature FOI laws, implementation has stagnated (or at least the perception of it). It is possible that what have stagnated are the instances when it can be observed—the instances when it is actually being implemented. Another way of interpreting the correlation result is that in countries with young FOI laws, implementation is evaluated to be positive; In other words, there were instances to observe how the law actually works. A possibility is that when the law is new, awareness is high, and it is usually invoked rather frequently, especially in countries where, prior to the law, transparency or information access has been previously restricted. This brings us to another plausible explanation. The law is implemented, or can be better observed, in countries where the affordances of the law are needed. In countries plagued by corruption, access to information becomes paramount to uncover wrongdoing. This allows better observation of the process, of the law's implementation, because the law is being used. This is possibly why evaluation of the implementation of the FOI laws in countries where perception of corruption is high tended to be positive because the law is being used and therefore could be observed.

Authoritarian regimes that curtail freedoms are not necessarily havens for corruption, although they certainly are likely breeding grounds, as corrupt rulers can hide under the cloak of secrecy. But there are countries such as Singapore which is notorious for its curtailment of some freedoms—for instance a strong government influence on the media (George, 2005, 2007)—but is also famous for its robust economy and effective government. In contrast, democracies such as the Philippines are famous for their freedoms but are also notorious for corruption (Sung, 2004). Shen and Williamson (2005) argued that the existence of a constitutional democratic political system does not necessarily guarantee a low level of corruption. For instance, Sung (2004)

pointed out the examples of democratic countries like Argentina, the Philippines, and Russia that suffer from poor governance. Thus, while FOI is considered a manifestation of democracy, its effective implementation does not directly lead to curbing corruption, but it is possible that FOIA's usefulness becomes more salient in countries actually suffering from it.

The relationship, therefore, could possibly be the other way around: corruption problems in democratic countries lead to internal and external pressures of instituting an FOI law, and that once the law is in place it is invoked to correct the problem. Indeed, one of the factors that are argued to contribute to the adoption of FOI laws refers to crises arising out of corruption and scandals (Banisar, 2006). This leads us back to the earlier finding that having a mature FOI law is negatively correlated with effective implementation. What the data likely represents is how an FOI law is adopted in response to a problem, in this analysis referring to corruption, and once it is implemented it is invoked and implemented effectively to solve the problem it sought to address. Once the problem of corruption is solved and the law has fulfilled its promise, it fades into oblivion, serving as a trophy for a battle won. The study indeed found that countries with mature FOI laws tend to have lower levels of corruption.

This pattern of a positive effect of years of having an FOI law and a negative effect of implementation ratings on corruption levels is also similar to the effects on levels of human development (as measured by the United Nations). A possible explanation is the correlation between corruption ratings and human development. Countries with lower corruption levels tend to have higher human development. This is an expected finding that future studies can further explore. One apparently influences the other, and yet they remain distinct (although related) concepts. The negative effect of implementation ratings is not as significant on human development as it is on corruption ratings. Still, it is argued that the same explanations outlined

above could also explain the findings about human development. What should be added, however, is how these findings are also consistent with the assumption that information access benefits not only attempts at transparency and consequently curbing corruption, but also other measures of development and perhaps even of well-being, something future studies can also explore.

Though contradictory to the hypotheses I tested here based on the literature (at least for the variable of FOIA implementation), this alternative path is still consistent with the role of FOI laws and their effective implementation in strengthening democracy. In a theoretical level, this could be argued as a manifestation of democracy as an evolving, self-correcting (instead of self-destructing, as criticisms of democracy would put it) system. While transition to democracy can lead to corruption, it also comes with freedoms (such as FOI) that can serve as a check.

Conclusion

This study found empirical support, through evidence from 168 countries, to assumptions that FOIAs can benefit democracies by leading to lower corruption levels and improving quality of life for citizens. The regression analyses conducted found that the longer a country has instituted an FOIA, the lower its perceived corruption level becomes. Countries that adopted a FOIA also tend to have better human development levels. However, an interesting finding is the reverse relationship for implementation. Those countries that were rated high in terms of effectively implementing FOIA tend to have higher levels of corruption and lower levels of human development. A plausible explanation is the negative correlation between years of having an FOIA and ratings of effective implementation of the law. What this tells us is how FOI laws have been conceived in most countries: *a reactive recourse*.

Implementation is tested when the law is invoked. Thus, in most countries, citizens use available rights to information only when it is needed (in this analysis, when corruption is prevalent and needs to be confronted with transparency) and not routinely to regularly check on the government. This is also strikingly consistent with the argument that the lag in adoption of FOI laws points to the culture of political resistance on the part of governments around the world (Michener, 2011). An extension of this argument in the context of what the study found is looking at the other side of the equation, the culture of reactivity, if not complacency, among the citizenry, invoking their rights only when they are challenged or trampled upon, and not on a regular basis to monitor their representatives in the government. This begs the question of whether or not this is improper. On one hand, it proves the pragmatism of implementing FOI laws—that they are born out of the need of democratic societies. It is a freedom that is used to solve a problem. On the other hand, it misses the ideals of granting the freedom in the first place as a means to prevent a problem. Thus, while having an FOI law is related to lower corruption levels for it provides an assurance that there is a mechanism to probe and evaluate the government by accessing pertinent information, effective implementation of FOI only occurs when corruption is at its worst, serving as a reactive mechanism to fix, instead of prevent, a problem.

In conclusion, the study found that having an FOI law and effectively implementing it have different effects on development. Having an FOI law leads to lower corruption levels and higher human development. The effective implementation of an FOI law, however, is related to higher corruption levels. As argued above, this points not only to the argued difference of having the law and implementing it but also to how countries and their citizens conceive right of access to information—as an assurance of some sorts, a right invoked only when it is needed. The

pattern that this current study found is at best descriptive: This is how countries have employed FOI legislation. But this runs counter to the normative idea of guaranteeing access to information, that FOIAs provide an avenue for citizens to regularly check on their governments, the idea being that a government subjected to regular monitoring by the people it serves will be a government that works for public interest. For example, FOIAs should be used to ensure that corruption will not be tolerated to begin with, instead of only using it to fix a problem.

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