

**Does Dirty Harry Have the Answer?  
Citizen Support for the Rule of Law in Central America\***

Mary Fran T. Malone, Ph.D.  
Assistant Professor  
Department of Political Science  
University of New Hampshire  
314 Horton Science Center  
20 Academic Way  
Durham, NH 03824  
USA  
[Mary.Malone@unh.edu](mailto:Mary.Malone@unh.edu)

\*Scheduled for publication in 2010 in *Public Integrity*.

## **Does Dirty Harry Have the Answer?**

### **Citizen Support for the Rule of Law in Central America**

Citizen support for the rule of law has long been recognized as a crucial component of governance. The end of the Cold War lent new importance to the subject, however, as democratization spread rapidly through many parts of the developing world. While many countries found it relatively easy to establish competitive elections in the aftermath of the Cold War, the rule of law has proven to be a more elusive goal (Chevigny 1995; Holston and Caldeira 1998; Pinheiro 1999; Prillaman 2000; Ungar 2002). Indeed, many nascent democracies are in precarious situations. During the process of democratization, they need to overhaul authoritarian legal institutions of questionable legitimacy and transform them into impartial arbiters of the rule of law. This transformation would be a challenge for any state, but newly democratizing nations have met even greater trials, as their reform efforts have taken place against a backdrop of skyrocketing crime rates (Gaviria and Pages 1999; Azpuru 2003; Cruz 2003; Pérez 2003; Seligson 2005; Córdova and Cruz 2007).

As crime rates have soared, some opportunistic leaders have disparaged their justice systems, arguing that they could confront criminals decisively if only they were not fettered by the law. In many cases, such pledges have fallen on sympathetic ears. Desperate to break cycles of crime and violence, many citizens are willing to give leaders carte blanche to pursue suspected criminals. Such measures weaken already fragile justice systems and can erode protection of civil liberties, turning new democracies into hollow shells shielding illiberal practices.<sup>1</sup>

In Central America, recent events have propelled these issues to the top of the political agenda, as crime has replaced civil war as the key detriment to citizens' security (Godoy 2002;

Pérez 2003; Seligson 2005). When asked to identify the most serious challenge facing their countries, people ranked crime first in Guatemala, El Salvador and Honduras and second in Costa Rica and Panama.<sup>2</sup> Only in Nicaragua was crime overshadowed by concerns about the economy, unemployment and poverty. The public has expressed growing dissatisfaction with escalating crime rates; some have even registered support for undemocratic alternatives with the hopes that they might improve citizen security. In recent surveys, large numbers of citizens in Central America stated that a military coup would be justified under conditions of high crime.<sup>3</sup> Indeed, Cruz (2008, 2) finds that “no other national problem raises more support for military coups than criminal violence.”<sup>4</sup>

Military intervention has largely faded from the political arena throughout Latin America (Pérez-Liñán 2007), so it seems unlikely that high crime rates would result in a reversion to prior traditions of military rule. However, democracy advocates still have cause for concern. High rates of crime have the potential to jeopardize democracy in more subtle ways, particularly by chipping away at the rule of law. There are a variety of ways in which the crime epidemic can erode support for the rule of law. For example, armed forces have renewed their engagement in internal security maintenance, in some cases even undermining peace accords to the contrary (Pérez 2003).<sup>5</sup> Some wealthier people have turned to private security measures, such as walled and guarded enclaves (Caldeira 2000). Vigilante justice has also gathered followers, most notably in the case of Guatemala (Godoy 2002; MoLoney 2005).

Perhaps most problematic has been public support of measures that circumvent the law to fight crime. For example, in Guatemala, a substantial number of citizens have supported General Ríos Montt in his election campaigns.<sup>6</sup> Infamous as the man with the bloodiest hands in Guatemala due to his severe human rights abuses during the nation’s 36 year civil war, Ríos Montt has turned his “legacy” on its head, arguing that his tough actions during the civil war

make him uniquely qualified to deal unflinchingly with criminals.<sup>7</sup> In El Salvador, the legislative assembly passed a series of laws to suspend civil liberties in the name of fighting crime. Most controversial was the 2003 Anti-Maras Act (Anti-Gang Act), which opponents roundly criticized on the grounds that it sought to penalize “people on the basis of their appearance and social background,” thus violating the Salvadoran constitution guaranteeing the right to equality before the law (Amnesty International 2003, 1). Among other things, the act criminalized an individual “wandering around without an identity document in . . . any settlement, without justified cause or who is not known by inhabitants” (Amnesty International 2003, 2). Furthermore, critics of the legislation met with harsh condemnation. President Flores (1999-2004) targeted the judiciary in particular, declaring that “judges who say they cannot apply the law are siding with the criminal.”<sup>8</sup>

Such episodes represent a rejection of the rule of law. Rather than rely upon legal avenues to address crime-related grievances, extra-legal means are increasingly in vogue. Given the history of the region, this trend is troubling. Latin American political development has been marked by the concentration of power into the hands of the few, who often have not hesitated to use this power to abuse individual rights (Mendez et al. 1999). Democracy advocates have cause for concern if the crime epidemic will lead the quality of new democracies to deteriorate.

To assess the impact of the current crime wave on the rule of law, this article relies upon survey data from Central America. The analysis utilizes data gathered by the Latin American Public Opinion Project (LAPOP) in 2006. These surveys contain questions measuring attitudes towards the rule of law, fear of crime, victimization by crime, and evaluations of justice institutions. At the individual level of analysis, linkages between crime and citizens’ support for the rule of law are examined. These analyses are conducted within

each Central American nation, to determine whether the relationship between crime and support for the rule of law varies according to national context.

The Central American nations are uniquely suited for examining the linkage between crime and the rule of law. While these countries share some historic similarities (e.g., Spanish colonialism and US intervention) as well as socio-economic challenges (e.g., poverty, inequality, and ethnic divisions), they do vary considerably in terms of political development and the rule of law. Costa Rica has long boasted a stable democratic tradition, yet the remaining countries did not transition to democracy until the 1990s. That decade ushered in widespread democratization in the remainder of the region, although the manner of this transition varied considerably. Guatemala, El Salvador, and Nicaragua negotiated with insurgents to end violent conflicts, and incorporated former combatants into competitive democratic processes. In the cases of Guatemala and El Salvador, power transitioned from a right wing dictatorship to democracy. In Nicaragua, the left wing Sandinistas ceded power to a newly elected democratic government. Honduras' right wing military junta also relinquished power during this time, while the 1989 US invasion of Panama resulted in the overthrow of dictatorship and eventual democratization. This variation in political development allows for the examination of crime and the rule of law in six distinct national settings.

This study begins with an overview of crime and democratization in Central America. Next, it reviews the literature to identify the main theories that explain how crime could affect support for the rule of law. To test these theories, the author turns to the 2006 LAPOP data, which queries respondents on their experiences and perceptions of crime, as well as their support for the rule of law. Finally, the conclusion discusses the implications of the empirical findings for democratic governance.

## **Crime and Democracy in Central America**

Euphoria over the democratization of Central America quickly turned tentative as elections coincided with skyrocketing crime rates.<sup>9</sup> Many worried that the fledgling democracies would not be able to withstand spiraling crime rates, and initial successes would collapse under the weight of criminality (United Nations 2005).<sup>10</sup> Table 1 illustrates how critical the problem of crime is currently. While Costa Rica, Nicaragua, and Panama have comparatively low homicide rates, murder rates in Guatemala, El Salvador, and Honduras render these countries among the most violent in the world (United Nations 2005). For purposes of comparison, rates of homicide in Costa Rica were not dramatically different from those of the United States, while those of Honduras were approximately eight times higher.

**Insert Table 1 approximately here**

Costa Rica, Nicaragua, and Panama have evaded the violent crime spree that has plagued its neighbors, but they have encountered problems with less violent types of crime (Vargas-Cullell, et al. 2006; Ortega Hegg, et al. 2007; Pérez and Seligson 2007). According to LAPOP respondents, rates of victimization by these less violent crimes, such as burglary and robbery without physical aggression, are comparable across the Central American nations (Cruz and Argueta 2006). The countries with the lowest homicide rates tend to have lower levels of victimization by other types of violent crime, such as robbery with physical aggression and assault. For example, in Panama robbery without physical aggression, which includes minor crimes such as pick pocketing, constitutes almost 59% of all self-reported victimization. Even though these countries have lower levels of violent crime, levels of violence are on the rise. For example in Nicaragua, homicides increased 36% between 2001

and 2005 (Ortega Hegg, et al. 2007).<sup>11</sup> In contrast, the countries with higher homicide rates (Guatemala, El Salvador, and Honduras) also had higher rates of violent robberies, according to respondents. In some countries, these crime rates reflect organized crime activities, particularly in El Salvador.

Freedom House rankings of the rule of law in Central America highlight additional national differences. As Table 1 indicates, not surprisingly Costa Rica is the rule of law success story; with a high score of fourteen it ranks just one point shy of the United States and Western European democracies. The remaining countries fall far short of this mark. Panama ranks a distant second with a score of nine, with El Salvador, Honduras, and Nicaragua close behind. Guatemala has the lowest score in the region, ranking a dismal five. Thus, while Costa Rica, Nicaragua, and Panama have low levels of homicide and violent crimes, the latter two countries still have not adequately established the rule of law, according to the Freedom House indicators.

Table 1 highlights two things. First, three Central American countries are facing a crime crisis, and crime remains a concern in the remaining nations as well. Second, in all but one case, the rule of law and its corresponding institutions are weak and ill-prepared to confront this crisis. As Table 2 illustrates, these nations can be grouped according to the following attributes. First, there is one nation that has low levels of violent crime and high levels of the rule of law – Costa Rica. There are two countries that fall into a second category of low levels of violent crime accompanied by low levels of the rule of law (Nicaragua and Panama). Finally, in the last category are nations with high levels of violent crime and low levels of the rule of law.

**Insert Table 2 approximately here**

These country level variations allow for the micro level examination of crime and the rule of law in very different national contexts. One might expect victimization and fear of crime to have a stronger impact on support for the rule of law in countries where the crime epidemic is more serious – i.e., Guatemala, El Salvador, and Honduras. However, recent scholarship gives pause to such assumptions. In a comparative study of the United States and eighteen European countries, Blumstein (2007) finds that citizens’ attitudes towards the law fluctuate quite differently. He observes citizens are more likely to exhibit a preference for highly punitive enforcement measures when crime rates are low. In the case of the US, Blumstein points to the politicization of crime, as politicians have found they can cash in on “tough on crime” rhetoric during electoral cycles, even if crime rates themselves are falling. Politicians sound the alarm on growing criminality, leading citizens to think of common crime as more of a threat than objective crime rates would indicate. Indeed, countries with the lowest rates of crime sometimes exhibit the sharpest increases in punitiveness. Blumstein argues that as “politicians in other democracies see the success of the ‘tough on crime’ rhetorical stance, it seems reasonable that they would be tempted to follow similar patterns” (Blumstein 2007, 12). While Blumstein’s dependent variable is punitiveness, not respect for the law, it is easy to see how his work could inform this study. In countries with objectively low crime rates, the sensationalization and politicization of crime could lead citizens to overreact to crime, and have an effect on their attitudes towards the law. Thus, even though crime rates in Costa Rica are low and the rule of law is considered to be firmly established, citizens might still react strongly to perceived and/or hyped increases in criminality.

### **Crime, Democracy, and the Rule of Law**

Against this backdrop, scholars have increasingly paid more attention to the impact of crime on democratization more broadly. The poor performance of criminal justice systems has



led many to worry that citizens may penalize democratic regimes for their poor crime-fighting track records. Such a focus is relatively new, however. Prior to the 1990s, scholars did address the importance of regime performance for democratic legitimacy, but they tended to focus almost exclusively on economic performance. Many worried that democracy might prove fragile if it did not usher in strong economic performance and rising standards of living. Diamond cautions against this myopic examination of regime performance, noting that:

Effective government and regime performance is most often thought of in economic terms. But it is not only material progress and security that democratic citizens value. They are no less concerned with their physical safety and security, which require protection from arbitrary harm by the state or criminal elements. (1999, 88-89)

He cites several reasons why crime might undermine democracy. First, in weaker, nascent states the problem of crime could be of an “entirely different order of magnitude from that in the established democracies” (Diamond 1999, 90). Crime can be far more serious particularly in new regimes emerging after civil wars in which “the country is awash with small arms and demobilized soldiers . . . looking for a means to survive” (Diamond 1999, 90). This description aptly captures the democratic transitions of Guatemala, El Salvador, and Nicaragua, in which democracy arose from the destruction of civil wars. Diamond also cautions that crime might lead citizens to engage in, or at least support, extreme measures:

In the context of weak states and inefficient, poorly disciplined police, crime may inspire drastic, illegal, unconstitutional, and grotesquely sadistic responses to try to control it. These responses can take various forms, including popular vigilante squads that mete out instant justice to suspected perpetrators, police

torture and killing of prisoners and suspects, and police-led extermination squads . . .” (1999, 91)

Following Diamond’s lead, Cruz (2003) examines the impact of crime on public support for democracy. Cruz points out that in former military regimes, much emphasis was placed on the importance of public order (for better or worse). Thus, citizens accustomed to this emphasis might be more inclined to base their acceptance of democratic rule and its norms on the ability of the new regime to uphold law and order. He examines the impact of crime on citizens’ satisfaction with democracy in three post-war countries – Guatemala, El Salvador, and Nicaragua. He finds that while citizens regarded public security as one of the most pressing problems facing the new democracies, the institutions designed to confront crime – the courts and police – are precisely those institutions that are weakest. Cruz concludes that high crime “represents a threat and obstacle to democratization processes” as it leads citizens to question the legitimacy of the political system (Cruz 2003: 19). Interestingly enough, in these three post-war countries, the effects of crime are not uniform. In Guatemala and El Salvador, crime has an impact on citizen satisfaction with democracy; in Nicaragua, however, there is no relationship between the two. Thus, it appears that crime might pose a problem in some national contexts, yet perhaps not in others.

In a similar vein, Seligson and Azpuru (2001) examine the impact of victimization and fear of crime on support for democracy in Guatemala. They find that victims of crime register significantly lower levels of support for democratic political institutions, less interpersonal trust, and a tendency to prefer radical change (Seligson and Azpuru 2001). Closer examination of other cases indicates that this is not just the trend in Latin America; nascent democracies in Liberia, Ghana, and Nigeria have experienced similar growing pains, as crime has exacted a heavy toll (Fernandez and Kuenzi 2008).<sup>12</sup>

Indeed, a heightened awareness of the impact of crime on democracy has led scholars to re-examine historical cases as well. Bermeo's (2003) analysis of democratic breakdown in interwar Europe reveals that crime may have played a decisive role in undermining democratization. She finds that what ". . . seems to distinguish the casualties from the survivors in the interwar story is less the behavior of an actively anti-democratic public than the state's capacity to provide what might be called civic order" (Bermeo 1997, 19). Bermeo's conclusions raise alarms for observers of Central American politics, particularly since she finds that newer democracies have had less time "to develop more effective institutions facilitating civic order," and they also tend to have fewer resources at their disposal to confront disorder (Bermeo 1997, 19). Since they are not well-equipped to maintain order, it is easy for social unrest and violence to escalate beyond state capacity. Bermeo argues that the provision of civic order is crucial since anti-democratic movements feed on fear.

Thus, recent research ties crime to regime stability at the macro level, as well as to citizen support for democracy at the micro level. This study aims to build upon this theoretical framework in two ways. First, it narrows the concentration of previous research by focusing on one dimension of democracy -- support for the rule of law. This allows for an analysis of a specific component of democratization, one intricately linked with the provision of public security (or lack thereof). Such a focus is warranted, as current events indicate that this might be the primary way crime will weaken democracy in Central America. For example, Pérez (2003) finds that crime can create pressure for *democradura*, or strong government action, which can result in repressive and undemocratic measures. The focus here is precisely on this phenomenon, as it touches directly on the problems facing Central American nations today. Rather than jeopardizing regime stability, it is more likely that high crime rates will diminish democracy more subtly by steadily eroding the rule of law. Indeed, Cruz (2003) argues that

the real threat is that citizens will come to view their institutions as useless, and will not use them to solve problems.

In addition to narrowing the focus of earlier work to one component of democratization, this study also aims to specify how exactly crime influences support for the rule of law. Is personal victimization the driving factor, or is fear of crime more broadly important? What role does institutional performance play in mitigating the effects of crime on support for the rule of law? To answer these questions, the next section examines the LAPOP public opinion data.

### **Analyzing Support for the Rule of Law**

#### *Measuring the Dependent Variable*

The rule of law is also a broad concept, lending itself to numerous definitions and measurements. When discussing support for the rule of law, one could include attitudes towards government abuses of power, willingness to concentrate power in the hands of the executive, or support for citizen noncompliance with the law. It is beyond the scope of this paper to examine all of these myriad measures of the rule of law, so this analysis focuses on one dimension that has featured prominently in contemporary Central American politics – citizens’ support for authorities’ circumvention of the law. The LAPOP survey asked respondents, “To capture criminals, do you think that the authorities should always respect the laws, or do you think that sometimes they can act on the margins of the law?” Responses were coded (1) sometimes they can act on the margins of the law and (0) they should always respect the laws. Figure 1 depicts the percentage of respondents in each country who thought that occasionally authorities should act on the margins.

**Insert Figure 1 approximately here**

As Figure 1 illustrates, in each country a substantial number of citizens are willing to allow authorities to act on the margins of the law to pursue suspected criminals. Perhaps most surprisingly, Costa Ricans ranked second in their willingness to support extralegal measures. It is important to note, however, that this question was asked in distinct national contexts. As observed by the Freedom House indicators in Table 1, when citizens contemplate giving authorities more discretionary power, they are talking about very different authorities. In Costa Rica, said authorities have a long tradition of upholding the law, respecting human rights, and treating citizens equally. Costa Ricans might interpret “acting on the margins of the law” as not involving “serious” limitations on civil liberties. In contrast, in Guatemala the authorities in question are infamous for corruption and violations of civil liberties. Indeed, surveys in Guatemala, El Salvador, and Honduras, contained a follow up question: “Some people say that the police in this neighborhood protect the people from criminals, while others say that the police themselves are involved in crime. What do you think?” Responses were quite dismal. In these countries, the percentage of respondents who thought that police themselves were involved in crime ranged from 55-57%. Thus, it is important to keep in mind that when citizens indicate willingness to allow authorities to circumvent the law, their responses might have different connotations.

### *Crime*

To examine the impact of crime on support for the rule of law at the individual level, the analysis includes both measures of actual victimization by crime, as well as respondents’ fear of crime. These two measures of crime are important in order to identify how exactly crime might weaken support for the rule of law. Is personal experience with crime the crucial factor, or do perceptions of crime also matter?

Personal victimization is measured through the following survey item: “Were you the victim of a type of crime in the past twelve months?” Respondents were coded as (1) yes and (0) no. A preliminary examination of the relationship between this measure of victimization and support for the rule of law at the bivariate level reveals some interesting findings. As Figure 2 illustrates, victims of crime are significantly more willing to allow authorities to circumvent the law only in three countries; Pearson’s  $r$  was significant and positive in Guatemala ( $r = .094$ ), El Salvador ( $r = .051$ ), and Honduras ( $r = .122$ ). In these high-crime, low-rule of law countries, victims are willing to give authorities the power to act on the margins of the law. In contrast, in the low-crime countries, victimization in and of itself does not exert an impact on support for the rule of law at the bivariate level.

**Insert Figure 2 approximately here**

While personal victimization is obviously an important component to examine, so is fear of crime. Fear of crime is somewhat related to victimization and objective crime rates, but is also heavily influenced by socioeconomic status, trust in law enforcement, media exposure, and economic and political insecurities (Pain 2000; Walklate 2001; Dammert and Malone 2006). Several scholars note that fear of crime can reduce support for democracy; therefore it is likely that this variable has an impact on the more specific component of support for the rule of law (Pérez and Seligson 2007; Ortega Hegg et al. 2007). Fear of crime, especially in terms of personal vulnerability to violence, tends to be greater than actual risk assessment would justify (Bailey 2009). Bailey and Flores Marcías (2007) use this logic to explain why fear of crime is not necessarily driven by murder rates in Mexico, as the seriousness of the increasing homicide rate is overshadowed by a low likelihood of it occurring to average citizens.

Residents may be more fearful of other types of crime, like robbery. This logic may explain the high levels of fear of crime in Costa Rica too (Cruz 2003).

The following survey item measures fear of crime: “Now speaking of the country as a whole, how much do you think that the level of crime we have currently represents a threat to our wellbeing in the future?” Responses included: (1) not at all; (2) very little; (3) somewhat; (4) a great deal. This question focuses on the national context, and gauges respondents’ worry about crime in more general terms.<sup>13</sup>

### **Insert Figure 3 approximately here**

As Figure 3 illustrates, at the bivariate level fear of crime has an uneven impact on support for the rule of law. The relationship between the two variables depends heavily on national context. Fear of crime has a significant, positive impact on support for bending the law only in two countries; Pearson’s  $r$  was significant and positive only in Guatemala ( $r=.072$ ) and Costa Rica ( $r=.057$ ). In these two very different countries, as fear of crime increases, citizens’ willingness to allow authorities to act on the margins of the law also increases. Perhaps fear of crime alone will not account for support for extralegal measures; additional variables might mitigate the relationship between these two variables.

#### *Evaluation of Authorities*

In addition to the variables measuring crime, there is also strong reason to suspect that perceptions of the justice system might be tied to a willingness to support extralegal measures. Building upon Linz’s (1978) work, which links the efficacy and effectiveness of institutions to legitimacy, it stands to reason that if citizens perceive the justice system to be inadequate, then they will regard it as illegitimate, and look for alternative means to address the crime epidemic.

Unfortunately, many justice systems in new democracies find themselves ill-equipped to handle rising crime rates. Cruz (2003) notes that in new democracies institutions that should fight crime are often the weakest, recently created out of whole cloth to replace the militarization of internal security. While it is most important for these institutions to prove themselves, it is most difficult for them to do so.<sup>14</sup>

To examine the relationship between institutional performance and support for extralegal measures, this paper uses a survey question that asked respondents “If you were the victim of a robbery or assault, how much would you trust the judicial system to punish the guilty party? (1) not at all; (2) very little; (3) somewhat; (4) very much.” Interestingly enough, when measured this way evaluations of legal authorities do not conform to the Freedom House rankings of the rule of law in Table 1. As Figure 4 indicates, even though Costa Rica objectively has the most effective justice system in the region, Costa Ricans themselves did not view their system in favorable terms at the time of the survey. Citizens’ perceptions do not match outside evaluations. Forty five percent of Costa Ricans said they had absolutely no trust that authorities would punish the guilty parties, and a cumulative percentage of 75% said they had little or no trust. This could be due to the fact that they have higher expectations of their justice system, and will register negative evaluations if institutional performance does not match these higher expectations. This has been the case in other older democracies, where citizens become more critical of their political institutions as they become accustomed to high levels of performance. When expectations are high, it is easy for institutions to fall short.

**Insert Figure 4 approximately here**



At the bivariate level, the relationship between evaluations of the justice system and support for the rule of law also varies according to national context. As Figure 5 reveals, evaluations of authorities had a significant impact only in three countries; Pearson's  $r$  was significant and negative in Guatemala ( $r = -.172$ ), Honduras ( $r = -.076$ ), and Costa Rica ( $r = -.052$ ). In these countries, people who evaluated the justice system more positively registered less support for extralegal measures.

**Insert Figure 5 approximately here**

### *Socioeconomic Indicators*

In addition to the variables mentioned above, variables controlling for socioeconomic status were also included, as survey researchers have found they typically influence people's political attitudes. This analysis incorporated variables measuring sex (men=1, women=0), age (measured in years), and education (measured as the number of years of formal schooling respondents completed). It also contained a dummy variable for urban respondents (urban = 1, rural = 0), and measured income according to the number of household possessions owned by respondents.<sup>15</sup> Many of these variables were strongly correlated with the measures of victimization and fear of crime.<sup>16</sup>

### *Data Analysis*

Will the current crime epidemic erode citizens' respect for the rule of law? To answer this question, binomial logistic regression assesses the impact of crime, evaluations of the justice system, and socioeconomic indicators on the dependent variable, support for extralegal measures. Table 3 reports the results of this multivariate analysis.

### **Insert Table 3 approximately here**

The binomial logistic regression results uncover some interesting trends. First, crime does not unilaterally have an effect on citizens' support for extralegal measures. When crime is measured in terms of personal victimization, in the multivariate model it is significant only in the cases of Guatemala and Honduras. It appears that victimization also plays a role in determining support for extralegal measures in El Salvador, yet the high degree of multicollinearity among the socioeconomic indicators and personal victimization keeps it from attaining statistical significance. Interestingly enough, personal victimization only matters in the countries that had very high rates of violent crime.

In contrast, fear of crime is not significant in these high crime countries. While fear of crime is significant at the bivariate level in Guatemala, this relationship disappears once the model controls for evaluations of authorities. In Costa Rica, fear of crime maintains the same significant and negative relationship it has at the bivariate level. In this low-crime, high-rule of law country, citizen support for extralegal measures is not tied to their own experiences with victimization, but rather to their perceptions that crime is a problem in the country. This finding indicates that even when countries have firmly established the rule of law, they are not necessarily immune to the consequences of crime. Perceptions of crime can also lead citizens to support authorities' circumvention of the law. Indeed, if the public is accustomed to low levels of violent crime, they might react sharply to any changes in the status quo.

In the case of Nicaragua, fear of crime has a surprising, *negative* relationship with support for extralegal measures. Here, fear is significantly and negatively linked to support for extralegal measures, indicating that as fear of crime increased, willingness to allow authorities to act on the margins of the law decreased. This finding was not expected, and is quite

puzzling. Data from other Central American countries suggest one potential explanation for this counterintuitive finding. In Guatemala, Honduras, and El Salvador, respondents were asked an additional question to gauge their evaluations of authorities; the question asked whether respondents thought that the police protected the neighborhood from crime, or whether the police themselves were involved in crime. In these three countries, a majority of respondents indicated that the police were responsible for more crime than they prevented. If this same trend were to appear in Nicaragua, it could explain why fear of crime does not translate into support for authorities acting on the margins of the law. Respondents' fear of crime might reflect a fear of crime perpetrated by police. Unfortunately this question was not included in the Nicaraguan survey, so such an interpretation remains speculative, and merits closer examination in future research.

While much of the literature has linked poor institutional performance to support for extralegal measures, the data here provide only partial evidence for this theory. In Guatemala and Costa Rica, poor evaluations of the justice system are linked to support for authorities acting on the margins of the law. In Honduras it appears there is also a relationship between these two variables, but multicollinearity keeps evaluations of the justice system from attaining statistical significance.<sup>17</sup> Why do evaluations of the justice system matter in some countries, yet not others? One answer could be that while citizens might not trust the system to punish criminals, they still do not want to give authorities leeway to act on the margins of the law. For example, in El Salvador age is a significant predictor of support for extralegal measures, as older respondents are significantly less likely to support authorities' circumvention of the law. These older respondents, who experienced dictatorship and civil war prior to democratization, might be more leery of waving the protection of civil liberties now afforded under democracy. As bad as the crime epidemic may be, they still may not want to grant more power to

institutions that have dubious track records. When asking whether authorities should act on the margins of the law on occasion, the track record of the authorities in question may matter.<sup>18</sup>

Perhaps the most interesting findings emerge in Panama, where the crime-related variables and evaluations of authorities have no impact on support for bending the law. Indeed, the only significant variable in the Panamanian model is the urban dummy variable; urban residents are less likely to support authorities' acting on the margins of the law. It is important to note that homicide rates are comparatively low, at 9.6 per hundred thousand. Rates of self-reported victimization are also low (7.1%), and have dropped substantially since the last LAPOP survey in 2004, when 15% of Panamanians reported victimization (Pérez and Seligson 2007). While crime most certainly is on the minds of citizens, crime levels have not reached the critical situation of Panama's northern neighbors. Still, crime rates in Costa Rica are also low, yet fear of crime still drives citizens' support for extralegal measures. It appears that the case of Panama might yield some interesting insights into how countries can insulate themselves from the negative effects of crime, particularly as their criminal justice institutions are developing. Panama merits much closer scrutiny as a very interesting venue for future research.

### **Implications of Findings**

For those concerned with the quality of democracy and the rule of law in the developing world, this analysis has good news and bad news. The bad news is that crime can chip away at the quality of the rule of law by rendering citizens more willing to permit authorities to act on the margins of the law. Personal experience with crime can affect support for the rule of law, but perceptions of crime can matter too. The good news is that this is not always the case. Crime matters more in some contexts than others. Victims of crime do not automatically entertain extralegal means as viable mechanisms for fighting crime. Likewise,

citizens who register high levels of fear of crime do not necessarily link this fear to evaluations of the rule of law. Thus, crime can have an impact, but the impact varies according to national context.

What could explain these national-level differences? Clearly, the magnitude of the crime crisis plays a role. However, elite framing of the crime epidemic and potential responses might also be important. This individual level analysis examines respondents' attitudes about crime, authorities, and the rule of law in the abstract; specific questions about anti-crime legislation or individual leaders are not included. It could be that some leaders are able to manipulate citizens into turning their fear of crime against the rule of law. For example, the 2007 presidential election in Guatemala featured major debates on the best ways to fight the crime epidemic. Presidential candidate Otto Pérez pledged to curb crime with an iron fist, implying a harsh attack on crime (Azpuru 2008). In contrast, his opponent, Alvaro Colom, pitched a different approach, *la violencia se combate con inteligencia* (combat violence with intelligence) (Azpuru 2008). While Colom emerged victorious after a runoff election, Pérez proved quite popular in urban areas, particularly Guatemala City, partly due to his crime-fighting pledges (Azpuru 2008). When elites frame the issue of crime and crime-fighters, they might sway citizens to support alternatives that respect the rule of law, or undermine it.

The possible impact of elite framing is an important venue for future research, particularly given recent trends in the region. Scholars have noted that Latin America has witnessed a shift to the ideological left, which has ushered in leaders ranging from Ortega in Nicaragua to Bachelet in Chile. Briscoe points out that many of these leaders have aimed to “fend off the iron fist” by emphasizing alternatives to harsh crackdowns on crime:

In place of the iron fist, the left proposes to focus on the social causes that have driven rises in violent crime. At the same time, these rulers aim to instigate a

new model of policing, one that substitutes haphazard gunfire by visible law enforcement, greater community involvement, respect for human rights and zero tolerance for corruption. (2006, 3)

If this new cadre of leaders is willing to curb the iron fist, there is plenty of political opportunity for employing crime fighting strategies that do not necessarily jeopardize civil liberties. Justice reform has become a mantra in Latin America, with widespread reforms proposed to overhaul legal codes and their accompanying institutions (Frühling 2001; Malone 2004). International aid has poured into the region in the name of justice reform, which could be used to purge justice institutions of illiberal practices and pilot new anti-crime campaigns. Still, one must not be overly optimistic. With reason some scholars have dubbed justice reform in Latin America a “task for Sisyphus” (Acosta 1999, 160). Also, it is not clear that such alternative mechanisms will be effective in actually reducing the crime spree that has crossed the region (Dammert 2001; Frühling 2003).

In addition to the possible import of framing, there is another factor that could explain the national differences observed in this study -- legal socialization. It is possible that the ways in which citizens are socialized to interact with the law could determine their willingness to contemplate extralegal options. The case of Panama is important here, as neither crime nor evaluations of authorities exert any effect on support for the rule of law. This could indicate that there are mechanisms of legal socialization that might insulate regimes from the effects of the crime crisis. If citizens are socialized to consider the rule of law and its legal norms as valuable in and of themselves, this might lead them to hesitate before voicing support for extralegal options. This represents another promising venue for future research. At the present, the effects of crime on support for the rule of law are not definitive. Crime has the

potential to erode support for the rule of law, but it appears there are things countries can do to mitigate this impact.

**Table 1:**

**Homicide Rates and Freedom House Measures by Country**

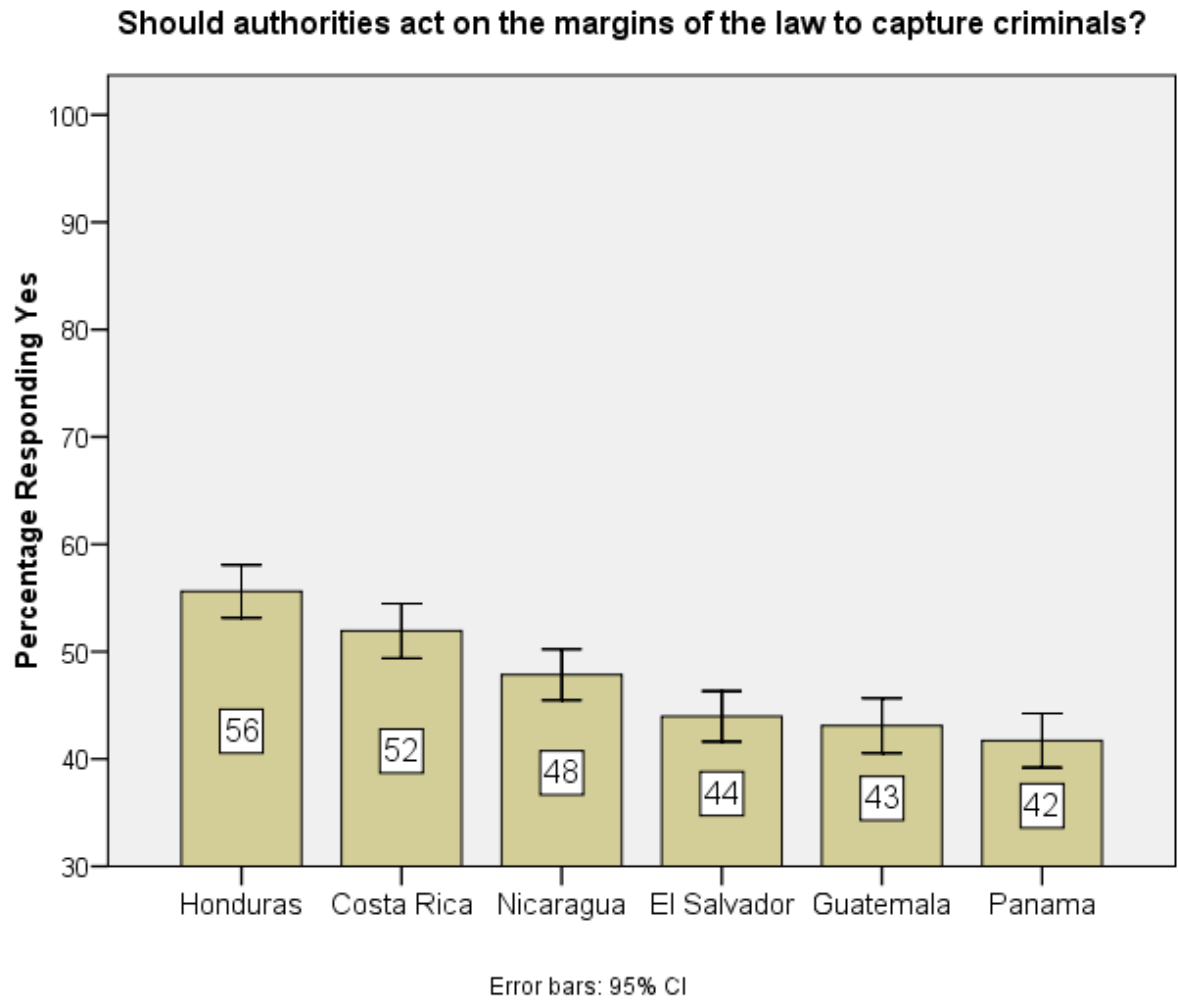
Country	Homicide Rate per 100,000 people (most recent estimate) <sup>19</sup>	Freedom House Rule of Law Measure (2008) <sup>20</sup>
Guatemala	34.7	5
El Salvador	41.2	8
Honduras	45.9	8
Nicaragua	8.0	7
Costa Rica	6.2	14
Panama	9.6	9

**Table 2: Country Groupings by Crime Rate and Rule of Law**

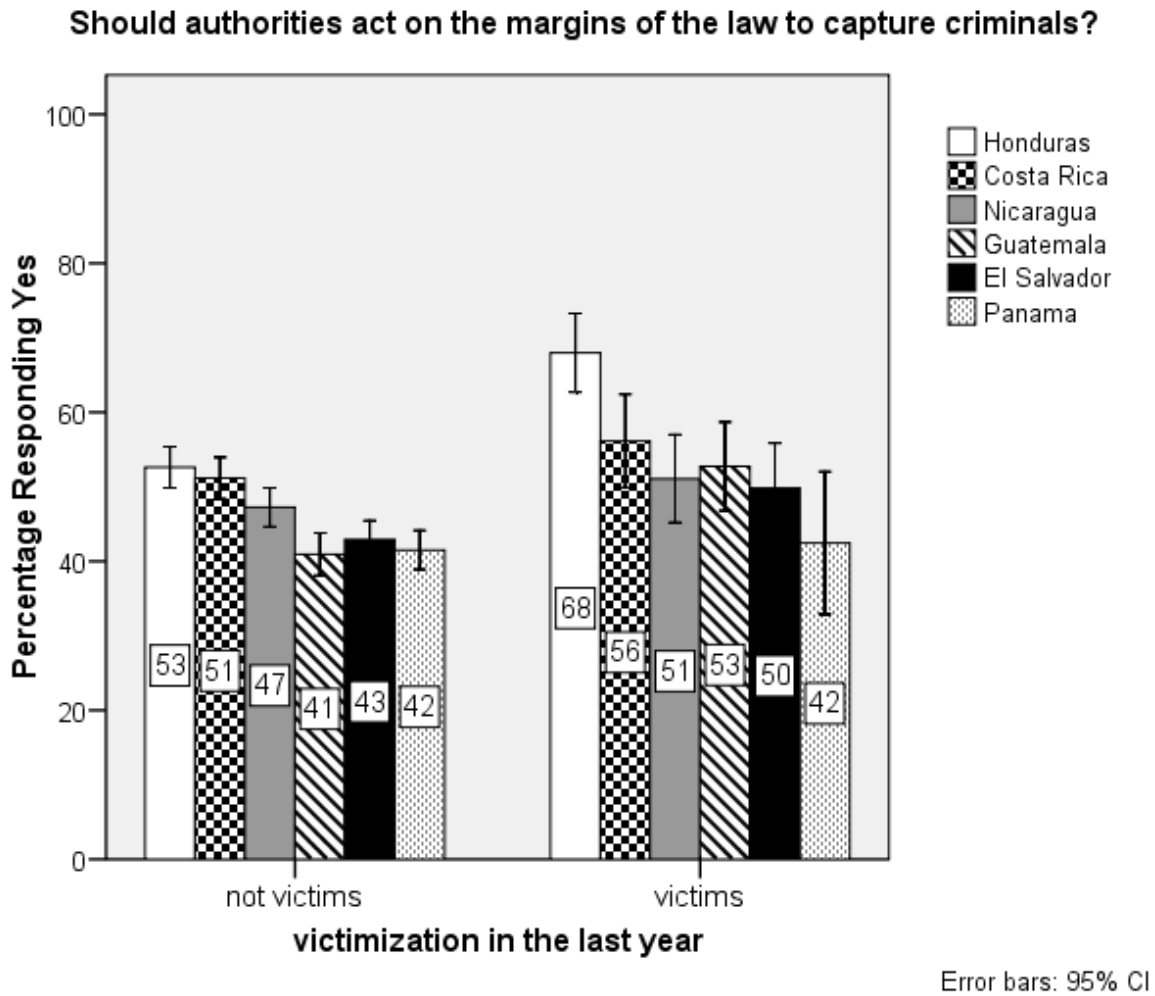
	<b>High Rates of Violent Crime</b>	<b>Low Rates of Violent Crime</b>
<b>Strong Rule of Law</b>		Costa Rica
<b>Weak Rule of Law</b>	Guatemala El Salvador Honduras	Nicaragua Panama



**Figure 1: Support for Circumventing the Law**

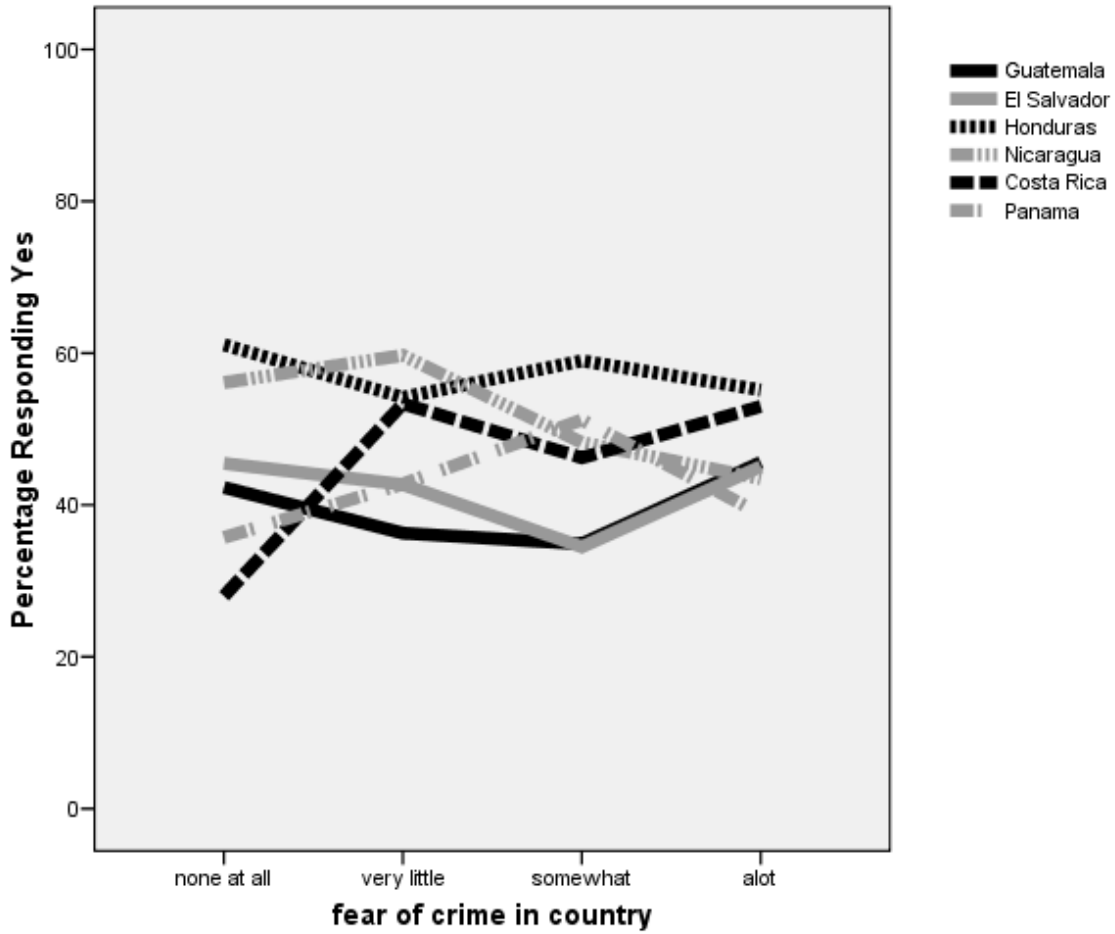


**Figure 2: Victimization and Support for Extralegal Measures**

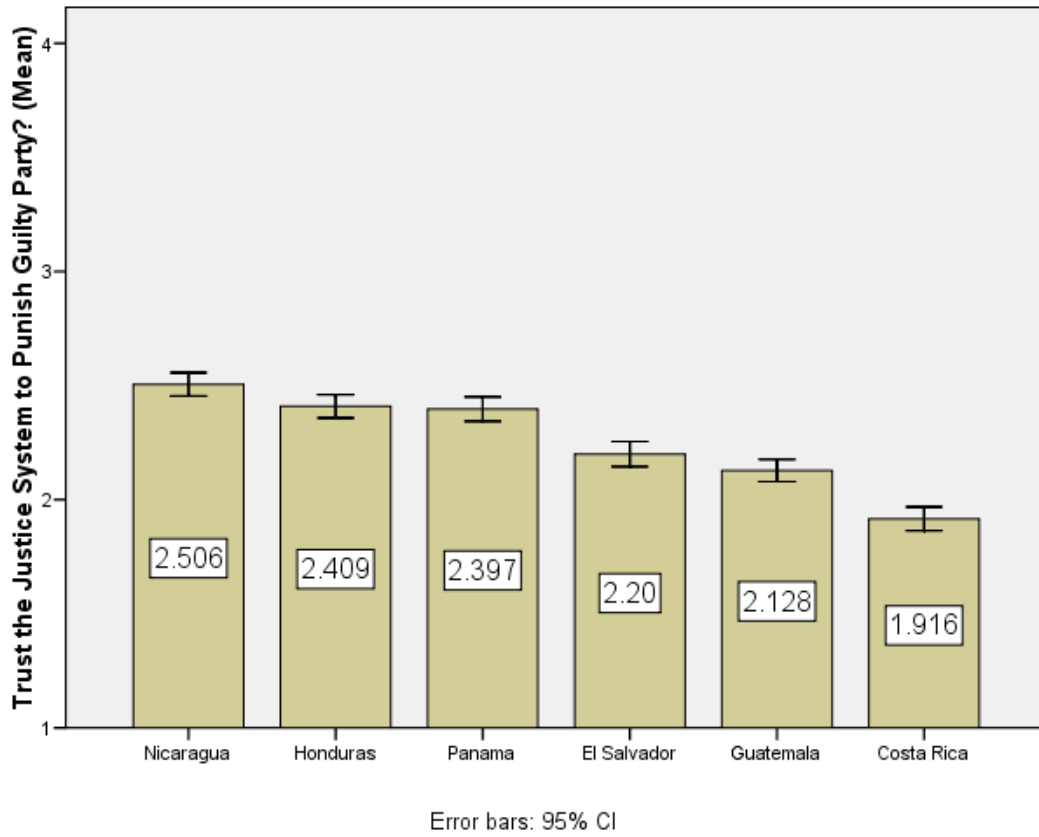


**Figure 3: Fear of Crime and Support for Extralegal Measures**

**Should authorities act on the margins of the law to capture criminals?**

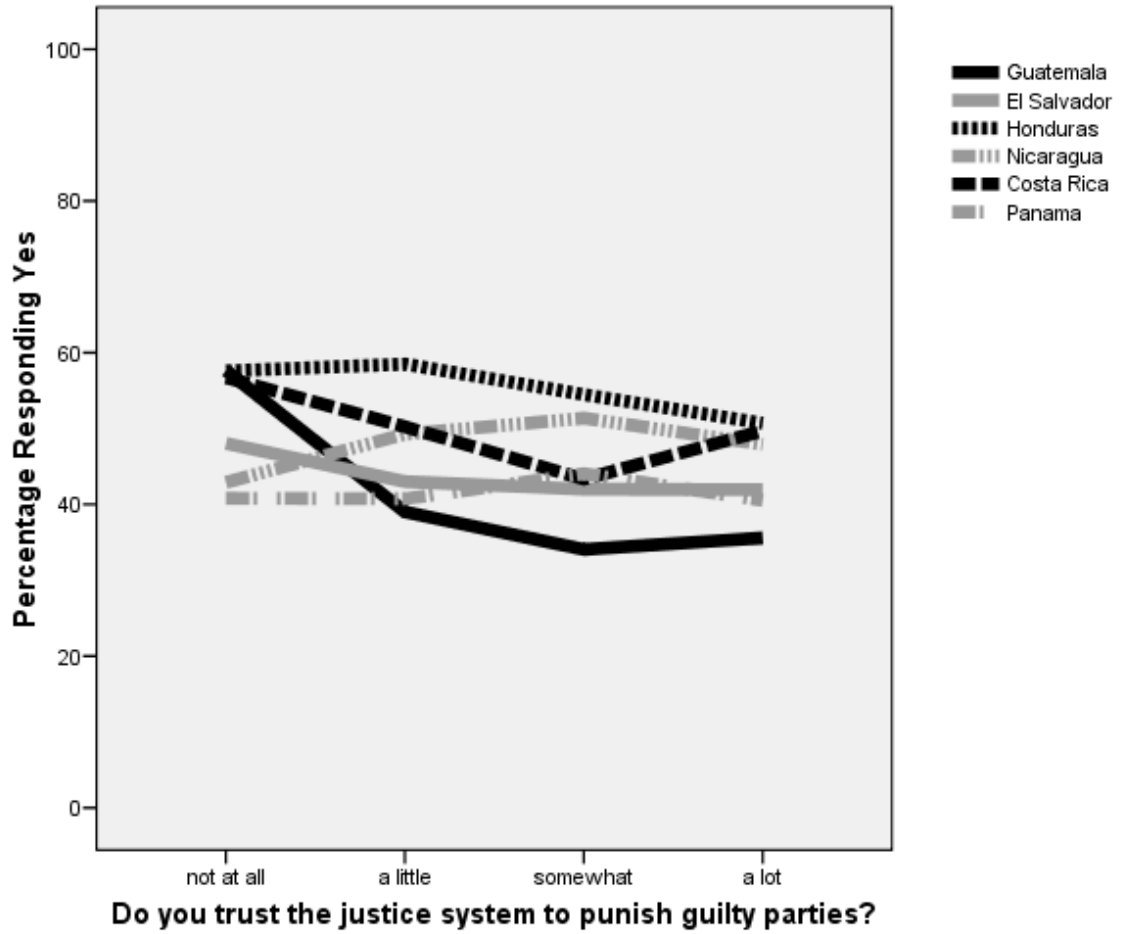


**Figure 4: Evaluations of Justice System by Country**



**Figure 5: Evaluation of Justice System and Support for Extralegal Measures**

**Should authorities act on the margins of the law to capture criminals?**



**Table 3: Logistic Regression Results<sup>21</sup>**

Independent Variables	Guatemala	El Salvador	Honduras	Nicaragua	Costa Rica	Panama
Victimization	<b>.334*</b> (.145)	<b>.168<sup>f</sup></b> (.140)	<b>.533***</b> (.140)	.159 (.136)	.126 (.147)	-.076 (.220)
Fear of Crime	.130 (.084)	.087 (.086)	-.069 (.097)	<b>-.252***</b> (.051)	<b>.223*</b> (.095)	-.118 (.069)
Evaluation of Authorities	<b>-.365***</b> (.065)	-.055 (.045)	-.034 (.052)	.091 (.048)	<b>-.134*</b> (.053)	.022 (.056)
Sex	-.004 (.115)	.058 (.102)	.139 (.105)	.113 (.100)	.186 (.107)	.057 (.112)
Education	-.011 (.017)	-.003 (.014)	.024 (.016)	.002 (.016)	-.022 (.014)	.025 (.016)
Income	.357 (.287)	-.131 (.263)	.450 (.259)	<b>.610*</b> (.270)	-.209 (.322)	-.264 (.269)
Age	-.005 (.004)	<b>-.016***</b> (.004)	-.003 (.004)	.003 (.003)	<b>-.008*</b> (.003)	-.007 (.004)
Urban Respondent	.089 (.127)	.142 (.125)	.047 (.123)	-.004 (.121)	.161 (.121)	<b>-.304*</b> (.136)
Constant	-.026 (.404)	.125 (.377)	.132 (.441)	.101 (.272)	-.032 (.434)	.328 (.415)
Pseudo R Squared	.055	.025	.037	.030	.022	.016
N	1309	1654	1535	1632	1463	1353

\*p<.05; \*\*p<.01; \*\*\*p<.001

This table reports binomial logistic coefficients with standard errors in parenthesis.  
<sup>f</sup> Lack of significance is most likely due to multicollinearity; the socioeconomic variables explain 11% of variation in victimization in El Salvador.

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<sup>1</sup> Diamond (1999) was first to coin the term “hollow democracy” to describe regimes that have all the trappings of democratic systems (e.g., elections) but still maintain illiberal practices (e.g., government abuse of power).

<sup>2</sup> All survey results are from the 2006 Latin American Public Opinion Project (LAPOP); these surveys are also the basis for the statistical analysis of this study. The author would like to thank the Latin American Public Opinion Project (LAPOP), its director, Mitchell Seligson, and its major supporters (the United States Agency for International Development, the United Nations Development Program, the Inter-American Development Bank, and Vanderbilt University) for making the data available.

<sup>3</sup> This question was posed in the countries that have military forces: Guatemala, El Salvador, Honduras, and Nicaragua. Justification for a military coup under conditions of high crime ranged from a high of 60% in Honduras to a low of 44% in Nicaragua. The percentage justifying military coups in Guatemala and El Salvador was 50% and 55% respectively. This question was omitted in Costa Rica and Panama as these countries do not have armed forces.

<sup>4</sup> Not only have crime rates themselves risen (as measured by national homicide rates), but under new democratic regimes crime often takes center stage in a media no longer curbed by censorship (Seligson and Azpuru 2001; Pérez 2003; Seligson 2005; Bailey and Taylor 2008). Under democracy, citizens are more likely to experience crime personally, as well as hear about it more frequently in the news.

<sup>5</sup> Bailey and Taylor (2008) note that in Mexico, the army has supplanted a corrupt and infiltrated police force in order to combat organized crime.

<sup>6</sup> Ríos Montt founded the Guatemalan Republican Front (FRG) political party in 1989. He was a congressperson from 1990-2004, and attempted to run for the presidency in 1990 and 2003.

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These presidential bids were blocked by the judiciary due to a constitutional provision barring former coup plotters from running in presidential elections, although Ríos Montt appealed these decisions. In 2007, Ríos Montt was successful in running for congressional office, despite a flurry of international arrest warrants charging him with human rights violations.

<sup>7</sup> See Azpuru (2003) for a thorough discussion of public support for authoritarianism and Ríos Montt in Guatemala.

<sup>8</sup> *Diario de Hoy*, 21 October 2003, as cited in Amnesty International's Open Letter on the Anti-Maras Act (2003).

<sup>9</sup> The problem of crime has been most critical in Central America, but rising crime rates have plagued Latin America since the beginning of democratization of the region in the 1980s. From this time forward, the homicide rate alone has increased by 50% in the region (Cruz, 2008). Until recently, the key exception to this trend has been Mexico, as the late 1990s and early 2000s were marked by a declining homicide rate (Bailey & Flores Macias 2007).

<sup>10</sup> Crime has been a critical problem in Latin America, but other developing regions have also struggled with rising crime rates. For example, South Africa frequently has the highest homicide rate per capita in the world, and many scholars point to the role of crime (particularly organized crime) in crippling democracy in Russia (Seligson and Tucker, 2005).

<sup>11</sup> Bailey and Taylor (2008) also highlight the distinction between organized and non-organized crimes, providing a comparative analysis of organized crime's confrontation with state forces in Brazil and Mexico, and discussing the impact of organized crime on state monopolization of force and legitimacy.

<sup>12</sup> A review of the literature indicates that high crime rates can pose a threat to new democracies; however some scholars have developed some alternative scenarios, arguing that

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it is possible that citizens could respond to crime in a way that strengthens democracy (Bailey and Flores-Macías 2007). Following this reasoning, crime could possibly “contribute to pro-democratic behavior as civil society organizes itself in positive ways to contribute to rule-bound law enforcement” (Bailey and Flores-Macías 2007, 18). For example, Bailey and Flores-Macías (2007) note that large, legal protest demonstrations have been organized in Buenos Aires and Mexico City to confront rising crime rates. Similar to “take back the streets” groups organized in high crime areas in the United States, this type of citizen action has the potential to bolster democracy, channeling discontent into measures that strengthen civil society.

<sup>13</sup> This is an affective measure of fear of crime, as it measures the perception that crime is endemic in the country, not the chances that respondents themselves will be victimized. Originally a cognitive measure of fear of crime was also included, which gauged citizens’ perceptions of their own personal chances of future victimization in their neighborhoods. However, this measure was too closely tied to the measure of actual victimization to be analyzed in subsequent multivariate models.

<sup>14</sup> Alternatively, Bailey (2009) argues that when policy, regulatory and justice systems operate with sufficient effectiveness, they can tip calculations in civil society toward respecting the law, especially by encouraging citizens to obey the law voluntarily.

<sup>15</sup> The income scale was calculated based upon answers to the following survey items: Do you or any member of your household have any of the following possessions? TV; car; refrigerator; telephone; cell phone; computer; microwave oven; washing machine; drinking water; sewage system. Responses were coded as (1) yes and (0) no. I created an index of



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personal income using a means formula that included a case if there were valid responses to at least eight of the ten items. The Cronbach's alpha for this scale is .805.

<sup>16</sup> In addition to these factors, originally a measure of respondents' ideology was also included, as respondents' ideological orientation might influence attitudes towards the law. Indeed, in the preliminary multivariate models ideological orientation was a significant predictor of support for the law in Guatemala, El Salvador, and Panama. In these three countries, as respondents became more conservative, they were more likely to support the law. Problems with missing values precluded the incorporation of this variable into the final analysis, however, as approximately one quarter of those surveyed did not respond to the question measuring ideological orientation. To avoid the problems associated with such high numbers of missing values, the analysis presented here does not include a measure of ideological orientation. The substantive results of the remaining independent variables did not change with the exclusion of ideology. The impact of ideological orientation on support for the law could be a promising venue for future research.

<sup>17</sup> In Honduras, evaluations of the justice system were closely correlated with victimization, education, and income. These correlations among the independent variables most likely prevented evaluations of the justice system from reaching statistical significance in the model.

<sup>18</sup> Of course, authorities in Guatemala also have poor track records, but evaluations of the justice system were still significantly tied to support for extralegal measures in the multivariate model. It could be that in countries in which authorities have abused human rights in the past, and have checkered records under democracy, citizens find themselves between a rock and a hard place. On one hand, soaring crime rates pose a threat to security, but on the other hand,

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authorities themselves also can pose security threats of another kind. It could be the case that a precipitating event will tip the balance towards supporting extralegal measures or not.

<sup>19</sup>Data are from the Ninth United Nations Survey on Crime Trends and the Operations of Criminal Justice Systems, with the exception of Nicaragua. Nicaraguan data are from Sibaja, et al. (2006).

<sup>20</sup> The Freedom House Organization ranks countries on their abilities to uphold the rule of law, ranging from a low of zero to a high of sixteen. For more information on the criteria used to determine country rankings, see

[http://freedomhouse.org/template.cfm?page=351&ana\\_page=341&year=2008](http://freedomhouse.org/template.cfm?page=351&ana_page=341&year=2008) (last accessed August 26, 2008).

<sup>21</sup> Due to considerations of manuscript length, this table reports coefficients, standard errors, and significance levels only. A more detailed analysis, including predicted probabilities, is available upon request.