

Nevertheless, federal bureaucrats are not the only actors who are involved in corrupt schemes in the distribution of federal monies. High-level local policymakers and police officers themselves also play a role in corruption. Local bureaucrats can participate in corrupt activities by hiring private companies whose owners are relatives or close allies. To illustrate this, municipal authorities can hire one of these suppliers and overpay him or her artificially inflated prices when buying police gear such as bulletproof vests, among others.¹⁸⁵ The mechanics of this form of corruption is not new. Writing in the early 1980s, Riding noted similar corrupt schemes between top bureaucrats and contractors.¹⁸⁶ As to the police, some police chiefs can also dishonestly and arbitrarily manipulate resources to benefit close aides or punish adversaries or the rank and file.¹⁸⁷

In a democratic setting, the pernicious effects of corruption are strongly associated with lower confidence in the legitimacy of the regime. Declining trust in political institutions tends to inhibit collective actions between the public and the government (through law enforcement agencies) to jointly address issues like citizen insecurity, among others.¹⁸⁸ As noted above, citizens interact more frequently and directly with policemen than with public servants from other government offices. As such, citizens generally view police performance as a reflection of the performance of government as a whole. Whereas an incompetent police force tends to alienate the public from political institutions, an effective and honest police enhances the scope of mutual cooperation and strengthens the regime's legitimacy.

Some Mexican scholars ascribe Mexico's persistent problems of disorder and corruption to a fundamental lack of legitimacy in the political regime.¹⁸⁹ For example, history shows that Mexicans have long lived in conditions of a weak Rule of Law, which presupposes

¹⁸⁵ Luigi Rivera, *Vende a sobreprecio familiar de funcionaria de Aguascalientes*, PERIÓDICO EL UNIVERSAL (Mexico City) November 01, 2013, available at <http://www.eluniversal.com.mx/estados/2013/impreso/vende-a-sobreprecio-familiar-de-funcionaria-de-aguascalientes-92695.html> (last visited: June 10, 2015).

¹⁸⁶ Riding, *supra* note 156, at 120-1.

¹⁸⁷ Azaola, *supra* note 165, at 138.

¹⁸⁸ Mitchell A. Seligson, *The Impact of Corruption on State Legitimacy: A Comparative Study of Four Latin American Countries*, 64 THE JOURNAL OF POLITICS 408 (2002).

¹⁸⁹ Stephen D. Morris, *Mexico's Political Culture: The Unrule of Law and Corruption as a Form of Resistance*, 3 MEXICAN LAW REVIEW 327-42 (2011).

accountability both for State and non-State actors, as well as equal access to justice under the law.¹⁹⁰ Rule of Law also allows citizens to interact with each other in coherent and predictable environments that protect property rights and the enforcement of contracts.¹⁹¹ Adherence to laws and rules largely hinges on the degrees of people's trust toward the regime.¹⁹² In Mexico, most people perceive the law as subservient to the wealthy and powerful. Citizens usually obey the law to avoid punishment instead of willingly working with the authorities. Low credibility of the regime, Rule of Law, and political institutions reduces the State's capacity to effectively enforce laws and maintain social control.¹⁹³

In a scenario of widespread disrespect for the law, citizens adopt a rather cynical view of government leaders and their actions.¹⁹⁴ Even governmental actions targeting corruption or other illicit acts are viewed with suspicion. Owing to significant inconsistencies in law enforcement, citizens wonder whether the arrests of some corrupt politicians, union leaders, or criminal bosses are legitimate or politically motivated.¹⁹⁵ Citizens get even more confused on learning that these individuals are indeed arrested but receive special privileges while in prison.¹⁹⁶

Given the omnipresence of the State in the lives of its citizens, the conduct of policymakers strongly influences how citizens behave.¹⁹⁷ If citizens are aware that State officials are corrupt, it is very likely that most citizens will behave in a similar fashion. Citizens might even adopt an

¹⁹⁰ EMILY EDMONDS-POLI & DAVID A. SHIRK, CONTEMPORARY MEXICAN POLITICS 255 (2012).

¹⁹¹ *Id.*

¹⁹² Morris, *supra* note 186, at 329.

¹⁹³ *Id.* at 329-30

¹⁹⁴ *Id.* at 332.

¹⁹⁵ *Id.* at 334.

¹⁹⁶ Fabiola Xicoténcatl, *Granier vivirá como rey en una suite VIP cuando sea trasladado a Tabasco*, PERIÓDICO EXCÉLSIOR (Mexico City) February 02, 2014, available at <http://www.excelsior.com.mx/nacional/2014/02/20/944811> (last visited: June 10, 2015). Also, Sonia del Valle and Abel Barajas, *Disfruta Gordillo de una 'cárcel VIP'*, PERIÓDICO REFORMA (Mexico City) February 23, 2014.

¹⁹⁷ Morris, *supra* note 186, at 333.

“anti-State/pro-society bias”;¹⁹⁸ that is, they may promptly dismiss any official discourse to improve matters and embrace all the proposals from civil society that demand accountability. Most citizens will comply with the law, but hesitantly and out of fear. At the same time, they will protest against the state of current affairs by misbehaving and attempting to get away with illicit acts like most policymakers and other political actors do. An environment like this produces feelings of disillusionment and pessimism in the public when considering how to reverse the situation.¹⁹⁹ It may also lead citizens to finally tolerate, and even excuse, official corruption in exchange for relatively effective public policy.²⁰⁰

When ordinary residents become aware of the mismanagement of public policy programs like those targeting insecurity, enlisting citizen assistance and cooperation may be extremely problematic. Without the participation of citizens, the original goals of joint actions between the public and the police regarding crime prevention disappear. Kratcoski, Das, and Verma note:

If the community is to have a major impact on crime prevention, citizens must have a value system grounded in the beliefs that it is wrong to violate laws, that the rights of others must be respected, and that those who do not accept these premises and do violate the laws should be punished.²⁰¹

If we strictly apply the above criteria to the Mexican case of securing citizen involvement in crime prevention, it can be argued that the prospects of joint efforts with the police, at least in the short-term, are discouraging. For instance, the value system based on the beliefs that violating laws is wrong is not necessarily in place. Some surveys show that most Mexicans have a relatively high tolerance of illegality. Indeed, there is a widespread view that violating the law is not serious.²⁰² Littering, not using a seatbelt, or buying bootleg goods is generally not seen as illegal.²⁰³ Moreover, some would categorize fellow citizens as “stupid” if they obey

¹⁹⁸ *Id.*

¹⁹⁹ *Id.* at 336.

²⁰⁰ *Id.*

²⁰¹ Peter C. Kratcoski, et al., *World Perspective on Crime Prevention: A Community Policing Approach*, in INTERNATIONAL PERSPECTIVES ON COMMUNITY POLICING AND CRIME PREVENTION 226 (Steven P. Lab & Dilip K. Das eds., 2003).

²⁰² Morris, *supra* note 186, at 330.

²⁰³ Camp, *supra* note 157, at 205.

the law in cases where adverse consequences of non-compliance are minimal or nil.²⁰⁴ The signals some citizens send is that it is fine to disobey the law and that one only needs to be crafty to avoid “getting caught.”²⁰⁵ Environments featuring these characteristics are unsuitable for obtaining citizens’ cooperation in crime prevention or in any other area of public interest that requires collective actions.

The question that follows is why it is that most Mexicans display strong attitudes toward disobeying the law. Citizens tend to disobey the law because they perceive Mexico’s legal system and enforcement institutions as inefficient and influenced by the rich and powerful. Citizens distrust policymakers in charge of administering justice and confer low legitimacy to the government and its institutions. The principal cause of mistrust and illegitimacy is the actual and perceived corruption of government officials.

Issues of police integrity and political legitimacy are two of the most important findings in this study of negative attitudes toward the police. Both variables are likely to lower citizens’ propensity to display negative attitudes. To improve public views of the police and citizen security, police administrators and politicians in general need to design, implement, and evaluate strategies that reduce corruption and gain citizens’ trust.

To mitigate police corruption in Mexico, some analysts recommend reviewing and altering police department compensation and personnel management policies.²⁰⁶ They consider the U.S. military a successful guiding model of effective workforce management that relies on economic incentives that may be applied to the Mexican case.²⁰⁷ Mexican policymakers and police administrators ought to focus on restructuring promotion schemes, pay officers more, and use a seniority-based pay system. Productivity bonuses are also needed and recruitment standards must be stricter.²⁰⁸ Merit ought to be the main guideline for promotions, salary increases, bonuses, and recruitment procedures rather than favoritism or any other form of

²⁰⁴ *Id.*

²⁰⁵ Morris, *supra* note 186, at 330.

²⁰⁶ BETH J. ASCH ET AL., MITIGATING CORRUPTION IN GOVERNMENT SECURITY FORCES: THE ROLE OF INSTITUTIONS, INCENTIVES, AND PERSONNEL MANAGEMENT IN MEXICO III (2011).

²⁰⁷ *Id.* at XII.

²⁰⁸ *Id.* at 52.

corrupting influence. The proper implementation of these mechanisms is thought to increase police productivity and foster honesty in Mexico's police departments.²⁰⁹

Naturally, political and law enforcement leaders must be honest themselves and work in the public interest to increase the likelihood of the successful implementation of the above mentioned police-related changes in human resources polices.²¹⁰ It can be said that honest leadership in any type of official agency is key in reducing corruption. As Tanzi puts it:

When the top political leaders do not provide the right example, either because they engage in acts of corruption or, as is more often the case, because they condone such acts on the part of relatives, friends, or political associates, it cannot be expected that the employees in the public administration will behave differently.²¹¹

Even though the causes of and solutions to corruption are indeed multifaceted, researchers tend to agree that the critical ingredient to successfully curb official corruption is the political will of an honest and visibly committed leadership that shows no tolerance for corruption.²¹² More police in the streets, up-to-date security programs, more enforcement tools, or more security-related laws will be insufficient to improve Mexico's security crisis unless political leaders seriously commit themselves to strengthening the legitimacy of the regime through effective public policies and a reduction of acts of corruption. Indeed, it will be difficult, if not impossible, to attain a functioning and efficient Mexican police (and thus lower levels of insecurity) if they perform within a corrupt and even authoritarian political regime.

Having said this, has democracy made a difference in ending problems of police officer and politician corruption, crime and violence, as well as the culture of unaccountability in Mexico? Not really. Therefore, it appears that corruption, insecurity, and a lack of accountability are only symptoms of a more profound structural problem in Mexico's political system that is now in the democratic stage.

²⁰⁹ *Id.*

²¹⁰ *Id.*

²¹¹ VITO TANZI, CORRUPTION AROUND THE WORLD: CAUSES, CONSEQUENCES, SCOPE, AND CURES, IMF WORKING PAPER (98/63) 20 (1997).

²¹² *Id.* at 34. Also, Jon S.T. Quah, *Combating Corruption Singapore-Style: Lessons for Other Asian Countries*, 189 MARYLAND SERIES IN CONTEMPORARY ASIAN STUDIES 4 (2007).

For Rose and Shin, the problem is that most third-wave democracies, including Mexico, tend to democratize backwards.²¹³ Democratization backwards means that, unlike first-wave democracies, policymakers from the latest wave of democratization opted for introducing competitive elections before securing the basic institutions of a modern State: Rule of Law, a free and participative civil society, government accountability, and the effective separation of powers.²¹⁴ Whereas policymakers in advanced democracies made sure to first consolidate a strong and modern State before allowing universal suffrage and other political benefits, those from third-wave democracies mostly chose an inverse democratization sequence.²¹⁵

Adopting this logic, policymakers and politicians running democracies that democratized backwards now face a number of significant challenges. They need not only to organize, compete for, and monitor relatively clean elections, but also to simultaneously deliver effective public policies, build up Rule of Law and accountability mechanisms, while ensuring citizens' meaningful participation in political processes.²¹⁶ The challenges are daunting. Even for policymakers genuinely committed to efficient and honest governments, the magnitude of the challenges may resemble instances like "trying to build an airplane while you're flying it"²¹⁷ or "attempting to repair or replace a faulty parachute while free falling."²¹⁸

The case of increasing insecurity in Mexico attests to the lack of a relatively modern State capable of ameliorating this particular and pressing problem. First, citizen complaints about police extortion, arrogance, repression, impunity, and corruption all point to weak Rule of Law. Second, citizens tend to grant the police and other governmental institutions low levels of legitimacy. As a result, citizens gradually develop feelings of alienation from the broader scope of political and legal systems. Strong feelings of alienation make citizens' meaningful participation in Mexico's political life less likely and may also adversely affect the creation of a

²¹³ Richard Rose & Doh Chull Shin, *Democratization Backwards: The Problem of Third-Wave Democracies*, 31 BRITISH JOURNAL OF POLITICAL SCIENCE 331 (2001).

²¹⁴ *Id.* at 332.

²¹⁵ *Id.*

²¹⁶ *Id.* at 336.

²¹⁷ Quoted in Varenik, *supra* note 17, at 393.

²¹⁸ Quoted in Mercedes S. Hinton & Tim Newburn, *Introduction: Policing Democracies*, in POLICING DEVELOPING DEMOCRACIES 1 (Mercedes S. Hinton & Tim Newburn eds., 2009).

strong civil society. Third, the collusion among the members of different branches of government to tolerate corruption denotes deliberate actions to avoid accountability. One case in point is the corrupt schemes between some members of the legislature and the executive branch when distributing security-related monies to states and municipalities. For these reasons, it can be argued that the construction of a modern State in Mexico is still a work in progress.

According to Rose and Shin, policymakers operating democracies lacking the basic institutions of the modern State are likely to face one of three scenarios.²¹⁹ One is the completion of the democratization process by building up a modern State. The next scenario is the total abandonment of democratic practices for alternative political models. The last one is a democratic regime where relatively free elections may persistently and indefinitely coexist with weak institutions of a modern State. Rose and Shin call the last political model an incomplete or “broken back” democracy.²²⁰

Broken back democracies entail certain economic and political costs though. Economically speaking, domestic and foreign entrepreneurs tend to limit investments in market-oriented economies (like Mexico) featuring a weak Rule of Law.²²¹ Without a relatively strong Rule of Law, the full protection of property rights and the enforcement of contracts are unpredictable. On the political front, it is important to highlight that even though free elections are necessary for democratization, they are not enough to complete or consolidate a democracy.²²² Broken back democracies generally consist of two interacting actors: on the one hand, a set of corrupt, untrustworthy, and unresponsive policymakers; and on the other, a resigned or complacent public accepting their rulers’ limited performance. Citizens may claim that an incomplete democracy “is a lesser evil” in comparison with the totalitarian or authoritarian regimes of the past.²²³ When a broken back democracy is institutionalized, citizens enter a

²¹⁹ Rose & Shin, *supra* note 210, at 348.

²²⁰ *Id.* at 350.

²²¹ *Id.* at 352.

²²² *Id.* at 332.

²²³ *Id.* at 350.

stage of “idiotization.”²²⁴ According to Rose and Shin, idiotization refers to “the conscious rejection of the obligations of a citizen... at the individual level, this is a rational reaction to a government that is unaccountable and unresponsive to demands.”²²⁵

The price citizens pay for a broken back democracy is rather high. A broken back democracy tends to preclude citizens from truly reaping the benefits of a consolidated democracy and even those of a market economy. Focusing on the pernicious effects of a weak Rule of Law, particularly manifested in high levels of corruption, Tanzi states:

The widespread disillusion among the population of some economies in transition and some developing countries with both market economies and democratic processes is very much provided by the widespread corruption that prevails in these countries and that is wrongly attributed to the market economy and the democratic processes.²²⁶

Based on the information provided in this study, and using Rose and Shin’s categorizations of democracy, it can be argued that Mexico is on the path of completing democratization, yet it hangs by a very thin thread. Mexico seriously risks falling into the broken back democracy category, or even into that of the total repudiation of democracy, especially if problems of low levels of political legitimacy and ubiquitous corruption remain largely unaddressed in the immediate future.

The causes of and solutions to problems of crime and violence are complex. Many variables enter into the equation such as extreme poverty, misdistribution of wealth, a lack of education and employment opportunities, poor health, and even inadequate housing.²²⁷ Nonetheless, and based on this study of the Mexican case, it seems that the root causes and possible solutions to the problem are of a more political nature. Yes, Mexico has made progress on many fronts, yet more is needed to unleash the country’s significant potential. The construction of modern State institutions, an honest and committed political leadership working in the public interest, and citizens’ genuine engagement in the country’s political life are key in improving not only the security situation and thus the reputation of the police, but also other public policies and institutions of Mexico’s nascent democracy.

²²⁴ *Id.* at 353.

²²⁵ *Id.*

²²⁶ Tanzi, *supra* note 208, at 33.

²²⁷ Kratcoski Et al; *supra* note 198, at 239.