Corruption, Rule of Law, and Democratization in Mexico: Concepts and Boundaries*

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> The British learned late in the eighteenth century that "influence" is nothing but a euphemism for "corruption," but contemporary political science chose to ignore this lesson" (Przeworski 2010, 97)

Corruption has become the target of analysis and reform for scholars, activists, NGOs, IGOs, businesses, politicians and bureaucrats. This intense interest stems from the seemingly unshakable consensus surrounding corruption's toxic political and economic effects, and its prevalence and stubborn persistence throughout the world – despite the acute attention, the multiple reforms, and the theoretical and ideological expectations that corruption would/should whither as a result of expanding democratic and neoliberal reforms (Johnston 2013; Persson et al. 2013). Instead, in many countries today, corruption and democracy coincide; weak rule of law and impunity co-exist alongside "free and fair" elections in what are often called illiberal democracies (Zakaria 2007); and the lack of confidence in democratic institutions shadows strong public support for the idea of democracy. Mexico clearly fits this pattern. But at a fundamental level, these perplexing cocktails (oxymorons?) raise important conceptual and theoretical questions. Is it even possible for a country to be democratic and yet at the same time endure high levels of corruption? Can a country strengthen its democracy while suffering high rates of impunity and weak rule of law? If so, then how much (or what sorts of) corruption or un-rule of law is required to effectively disqualify a country as being considered democratic? Can thresholds be established to differentiate within a democracy acceptable from unacceptable levels of electoral fraud or arbitrary use of power or duplicitous exclusion from decision-making practices or injustice or impunity? Or do these three work in tandem so that lowering corruption and strengthening the rule of law are part of becoming (more) democratic and vice versa?

This paper seeks to re-examine the relationship linking corruption, rule of law, and democracy at the conceptual level. This exploratory exercise represents a step in the construction of a broader theoretical framework being developed for a comparative study of corruption in Mexico and the United States.

In order to even imagine a relationship linking two or more variables, much less test it empirically, it is necessary to rigorously define and measure the concepts in such a way that they are independent of one another. Yet as an exploration of competing thin and thick definitions of corruption, rule of law, and democracy here will show, it is somewhat difficult to see the three concepts as entirely separate or mutually exclusive. Corruption is encased or embedded within most notions of the rule of law, just as the rule of law resides within most definitions of democracy. Broader or thicker definitions of corruption and the rule of law go even further by defining these terms along democratic lines, blurring the conceptual boundaries even more. This overlap reflects in large part two common components informing all three concepts: they all seek to limit state power, and they all employ rather vague criteria rooted in notions of justice, equality, or the common good to demarcate those limits.

The initial part of this paper discusses the overlap in our definitions of corruption, rule of law, and democracy. It contrasts thin and thick definitions, identifies different components, and highlights the similarities the three concepts share. The second part of the paper examines the different measures used to gauge these concepts. The purpose in discussing operational definitions is not so much to expose the risk of endogeneity at the empirical level – though that risk certainly exists -- but instead to highlight how existing metrics tend to privilege certain conceptual traits and neglect others. This section helps identify some of the methodological challenges and the need to try to reach beyond traditional measures to capture the broader

meaning of the three concepts. The subsequent section presents and reviews data on corruption, the rule of law, and democracy in Mexico since the late 1990s. Presented with limited analysis here, this section simply underscores the similarity in patterns across the various scales. Finally, the conclusion begins to take stock of this exploratory journey by raising a series of questions for future analysis. It projects the idea of corruption more broadly conceived as a component within the broader context of limiting state power within a democratic framework.

Definitions, Concepts, and Overlap

Despite intense debate and competing formulas, definitions of corruption, rule of law, and democracy share some important attributes. First, in one form or another, they all refer to limits on state power and/or the conduct of state officials. In Joseph Nye's (1967) classic and widely-cited definition, corruption refers to behavior by a public official which "deviates from the formal duties of a public role because of private regarding (personal, close family, private clique) pecuniary or status gains; or violates rules against the exercise of certain types of private regarding influence." As such, corruption represents a breach of the normative limits placed on the conduct of state officials. In a similar manner, the rule of law also seeks to limit state power. At minimum, rule of law means that state officials must, like everyone else, abide by the law and respect certain limits on the arbitrary use of power. Democracy too is all about limiting the power of state officials. At the most fundamental level, democracy limits the mechanisms for selecting political leaders and to some extent what governments can and cannot do. "Democracy's sweeping discretionary powers must operate through some set of decision rules and may not be used to violate core rights and periodic elections" (Alexander 2002, 1159).

Indeed, as Fukuyama (2013, 33) acknowledges, "Modern democracy was born when rulers acceded to formal rules limiting their power."

The mere fact that all three concepts seek to limit state power creates a degree of conceptual overlap or embedded hierarchies with each lower-level concept seemingly encased within the higher-level concept. Thus most notions of corruption are encompassed within our understanding of the rule of law, just as some basic standards of the rule of law nestle within definitions of democracy. In the simplest of terms this means that corrupt officials by definition fail to abide by the rule of law, while countries that violate certain laws or rules – like the rules governing elections (i.e. staging them) -- can hardly be considered democratic. But beyond limiting state power, definitions of corruption, rule of law, and democracy also share two other ingredients. The first is intense disagreement in the literature over how to define or specify those limits on state power. In fact, specifying the norms that delimit conduct of state officials, the law, or the democratic state constitutes the rub of much of the conceptual debate and the key separating thin from thick definitions. Second, many definitions of corruption, rule of law, and democracy share a tendency to invoke fundamental principles of democracy, justice, equality, or the common good to define or demarcate these limits on state power. This shared dimension nurtures even greater conceptual overlap and potential tautologies at the empirical level. Generally the "thicker" the definition, the greater the overlap among the three concepts. The following contrasts thin and thick definitions.

Corruption

The primary problem – though not the only one -- in defining corruption is specifying the standards that constitute the "norms" that an act of corruption violates (on the definitional quandary see Nye 1967; Heidenheimer 1970; Philip 1997, 2002; Scott 1972; Thompson 1995;

Warren 2004). At one end of the spectrum, a thin definition of corruption tends to rely primarily on the law or the formal rules of public office to define and hence identify an individual act as being corrupt. This is largely what Nye (1967) meant by the formal duties of public office. While using the law as the standard makes it easy to identify, gauge, and even quantify corruption, this approach has always raised doubts (see Heidenheimer 1970; Philip 1997). Not only can the law itself be the product of corruption and is usually determined by the politically powerful (Berg et al. 1976), but it also leaves open the matter of the criteria that should be used in the making of the law in the first instance. Early on, analysts questioned the legal-based definition of corruption to suggest other criteria such as the common good or even public opinion, but these too quickly revealed their own inherent shortcomings (Heidenheimer 1970). Of course, the use of any of these three early standards (law, common good or public opinion) to define corruption raises the question as to whether corruption thus defined can be legal, functional or popular.

More recent approaches in the study of corruption, however, broaden or "thicken" the definition in three important respects (see Alemann 2004). First, thick definitions define corruption not as a form of individual behavior, but as systemic. Reminiscent of the way classical thinkers considered corruption, this systemic view envisions corruption as a form of rule that violates certain norms rather than as isolated individual acts (Dobel 1978).[1] Michael Johnston (1997; 2010, 17), for example, characterizes corruption as a systemic problem having to do with the sources, uses, limits, and accountability of wealth and power: a form of influence that distorts decision-making, thereby diverting the costs and benefits of policy. Corruption

[1] According to Wallis (2006, 25), this systemic view of corruption, wherein "politicians deliberately create rents by limiting entry into valuable economic activities, through grants of monopoly, restrictive corporate charters, tariffs, quotas, regulations, and the like... rents [which] bind the interests of the recipients to the politicians who create them," actually prevailed in the U.S. up to the Progressive Era. At that point, the individualist view became the accepted definition.

defined in individualistic terms, Mark Warren (2004, 331) contends, makes it difficult to conceive of "institutional corruption in which covert norms of exchange within an institution – access in exchange for campaign donations, for example – corrupt the overt purposes of the institution."

A second distinction, but one closely related to this systemic view, questions the pivotal role attributed to "personal gain" in most definitions of corruption. From one perspective, observers point out how in many cases corruption stands to benefit not solely the interests of the public official involved, but the political team, the party or even the institution (Heywood 1997). Thompson (2013), for instance, distinguishes corruption involving private gain from corruption involving political gain. As such, definitions containing this component are seemingly too restrictive. Taken from a different angle, I argued many years back that from a rational choice perspective all acts – corrupt and non-corrupt -- are considered a function of personal gain so including it in a definition seems odd and superfluous (Morris 1991, 4). Indeed, a host of recommendations designed to fight corruption within the bureaucracy, such as providing bonuses or special recognition or promotions for good performance, all build on the pursuit of personal gain (Johnston 2014, 1401-141). Fighting corruption, in short, is not about eliminating or denying the pursuit of private gain, but channeling it away from conduct that violates certain norms. From this perspective then the issue is not behavior that deviates from the norms of the office for private gain, but where the normal pursuit of private gain deviates from the norms of the office.

But viewing corruption as systemic rather than individualistic still leaves unresolved the key issue of how to define the norms or standards that constitute corruption. It is here where these new, thicker systemic approaches to corruption reach beyond the law (or public opinion or

common good) to define corruption based on the violation of key principles of democracy. Casting political inclusiveness as the key, for example, Warren (2004, 2006, 2010) conceptualizes corruption as the "duplicitous exclusion" of those affected by political decisions from exercising influence over those decisions. Corruption, he argues, "breaks the link between collective decision making and people's powers to influence collective decisions;" [and as a result] "reduces the effective domain of public action…by reducing public agencies of collective action to instruments of private benefit" (Warren 2004, 331).

Thompson (2013), Lessig (2013), and Sandoval-Ballesteros (2013) build further on Warren and Johnston's systemic approach. Dennis Thompson (2013, 4) defines corruption as "a condition in which private interests distort public purposes by influencing the government in disregard of the democratic process." Put simply, whereas Warren points to the illegitimate exclusion of people from the decision making process, Thompson's systemic view seems to stress the illegitimate or privileged inclusion of others who bypass and hence undermine the democratic process to gain influence. Rather than duplicitous exclusion, the key democratic principle for Thompson then is whether the practice promotes political competition, citizen representation or other core processes of the democratic institution, or whether it undermines them, thereby weakening the independence of the institution. Lawrence Lessing (2013) largely agrees with Thompson's formulation, but questions this notion of "institutional independence" by noting how the U.S. Congress is not expected to be independent, at least not from the will of the people. Consequently, Lessig coins the concept of "dependence corruption." In "dependence corruption" members of Congress are not only dependent on the moneyed interests that make their survival possible despite elections, but there is also no incentive by those benefiting from it to contest or reform the system. "The sin of a Congressman within such a system is not that she

raises campaign money," Lessig (2013, 15) notes. "It is that she doesn't work to change the corruption that this dependence upon a small set of funders has produced." In other words, it is not merely that corruption undermines principles of justice and legitimacy as the orthodox or thin view tends to suggest (Weyland 1998), but that corruption by definition constitutes a violation of the principles of justice and legitimacy.

Irma Sandoval-Ballesteros's (2013) concept of "structural corruption" goes a step (or two) further. She defines corruption as a "specific form of social domination characterized by abuse, simulation, and misappropriation of resources arising from a pronounced differential in structural power" (Sandoval-Ballesteros 2013, 9). In broadening the concept not just beyond the individual but beyond an institution, Sandoval-Ballesteros sees this form of social domination as emerging not just from bureaucracy and politics, but also from semi-public organizations, the market, and the private sector all working together. Structural corruption, she contends, is a "highly sophisticated organized system that organically integrates economic, legal, social, administrative and political subsystems, linking lower and mid-level extortions, payoffs, bribes, etc. within a complete pyramidal structure of clientelism, institutionalized patronage, and impunity (Sandoval-Ballesteros 2013, 11). "What is ultimately in play within structural corruption is an environment of authoritarianism and social exclusion" (Sandoval-Ballesteros 2013, 12). Or as Przeworski (2010, 97) notes, "The corruption of politics by money is a structural feature of democracy in economically unequal societies."

By drawing our attention to these systemic elements and the nature of decision making these thicker definitions of corruption retrain our focus in two important ways. First, they draw attention away from exclusively illegal behavior by individuals – a product of using the law as the standard determining corruption -- to incorporate what some refer to as "legal" forms of

corruption (Funderburk 2012, 19). Indeed, Thompson (2013), Lessig (2013) and Johnston (2005) all focus on the legal forms of corruption occurring in the U.S., including campaign contributions and the buying of access and influence in Congress. Second, this new thicker, institutional/structural approach to corruption illuminates the political, decision-making arena rather than the administrative and implementation realm of politics most commonly associated with bribery and corruption. In contrasting these two arenas, Warren (2004) distinguishes first and second order norms. First order norms, he notes, refer to the rules already crafted and set in law and policy. These prevail primarily within the administrative and executive realms. Second order norms, by contrast, guide and orient the process of deciding first order norms and refer to more amorphous principles of openness, publicity, and inclusion that seek to control or guide authoritative decision-making. These relate more to the deliberative and discretionary side of politics. In many ways, this distinction builds on earlier distinctions in the literature between political versus administrative corruption (Bardham 2006; Scott 1972).

To be sure, those proposing these thicker, systemic views of corruption differentiate it from the more orthodox view of corruption rooted largely in individual behavior (Redlawsk and McCann 2005). Wallis (2006), for instance, distinguishes systemic corruption from what he refers to as "venal corruption" defined as the pursuit of private economic interests through the political process. Warren (2010, 46) similarly distinguishes the "corruption of public office" from "corruption of the democratic process." Thompson (2013), in turn, differentiates between individual and institutional corruption based largely on the nature of the benefit and the service provided in return. While both forms of corruption effectively bypass the democratic process, he contends, institutional corruption involves political as opposed to personal gain, the service the official provides as systematic rather than episodic, and the connection between the benefit and

the service as manifesting a tendency that disregards the democratic process. Such differentiation, of course, raises methodological challenges and theoretical questions regarding the relationship between these two classes of corruption: a point touched on later. Table 1 summarizes the key differences between thin and thick definitions of corruption.

[Table 1]

Rule of Law

Like writings on corruption, the literature on the rule of law also exhibits substantial debate over definition and provides readers with a host of competing meanings (Burge-Hendrix 2013; Zurn et al 2012). What is formally referred to as the "thin" definition of the rule of law specifies minimal traits that the law must possess, but says nothing about the law's content (Kramer 2004, Raz 1979). According to Flores and Himma (2013), the "thin" definition specifies that the law must be created by authorized bodies, be generalizable, and apply equally to all (for basic principles of the thin definition see Fuller 1969 and Raz 1979).[2] "Thicker" or more substantive definitions of the rule of law, lay on top of these requirements certain moral or political restrictions relating to the content of the law. These additional restrictions cover a wide range of areas from providing for and protecting basic liberties, private property, and human rights to the separation of powers and even mechanisms of accountability and responsiveness. In a typical multi-layered definition encompassing both minimalist and substantive components, the UN

[2] Bingham's (2010) widely accepted thin definition lays out eight defining principles: 1. the law must be accessible and so far as possible intelligible, clear and predictable; 2. questions of legal right and liability should ordinarily be resolved by application of the law and not the exercise of discretion; 3. laws should apply equally to all, save to the extent that objective differences justify differentiation; 4. ministers and public officers at all levels must exercise the powers conferred on them in good faith, fairly, for the purposes for which the powers were conferred, without exceeding the limits of such powers and not unreasonably; 5. the law must afford adequate protection of fundamental human rights; 6. means must be provided for resolving, without prohibitive cost or inordinate delay, bona fide civil disputes which the parties themselves are unable to resolve; 7. adjudicative procedures provided by the state must be fair; and 8. rule of law requires compliance by the state with its obligations in international law as in national law.

Secretary-General's report on *The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies* defines the rule of law as the "principle of governance in which all persons, institutions, and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced, and independently adjudicated and which are consistent with international human rights norms and standards" (cited in Hurwitz and Studdard 2005, 2).

Clearly, both thin and thick definitions of the rule of law seek to limit state power, but to varying degrees. Minimalist definitions limit state power by holding that officials must abide by the law, not use power arbitrarily, and apply the law equally to all regardless of wealth or connections – a component that unquestionably encompasses some forms of corruption. According to F.A. Hayek (1944, 72, cited in Hamara 2013, 18), "Stripped of all technicalities, [the 'Rule of Law'] means that government in all its actions is bound by rules fixed and announced beforehand – rules which make it possible to foresee with fair certainty how the authority will use its coercive powers in given circumstances and to plan one's individual affairs on the basis of this knowledge." In short, the rule of law means that whatever the government does, it does based on law (Tamanaha 2004, 92). Substantive or thicker definitions, in turn, limit state power even further by defining certain "moral" or political standards or restrictions that must be obeyed or respected by the state in the making and the implementation of the law. And just like definitions of corruption reaching beyond the law into what are called "legal" forms of corruption, these broader formula of the rule of law reach beyond the law itself to encompass basic principles of democracy. Guillermo O'Donnell (2004, 32-33), who distinguishes a minimal definition of the rule of law from what he appropriately calls the "democratic rule of law," for instance, stresses that the democratic rule of law "ensures political rights, civil liberties and

mechanisms of accountability which in turn affirm the political equality of all citizens and constrain potential abuses of state power." Competing substantive definitions for the rule of law add a range of democratic features or limitations on state power. But despite these differences, according to Raz (1995, 38) and O'Donnell, such moral restrictions all center on the promotion of the common good and the privileging of the common good over personal good. "[T]he rights of judges, of members of the legislature, and of all other legal officeholders are justified by the interests of the office... The ultimate justification of the rights depends on the fact that... they protect and promote the interest of the community as a whole; they promote and protect common goods" (O'Donnell 2010, 99).

The overlap between corruption and rule of law at this point seems clear. Even a thin definition of corruption that relies on the law to define corrupt conduct captures behavior that represents a violation of the rule of law by state officials. But this overlap expands when using thicker definitions of the two concepts, reaching beyond the written law itself. Regardless of the precise substantive components within a thick definition of the rule of law, by incorporating key principles of democracy into the definition, it seems to parallel Warren's (2004, 2006, 2010) definition of corruption focusing on similar principles related to the common good. And as with "legal" corruption, these broader definitions of the rule of law even suggest that officials may abide a particular law (i.e. act legally), yet fail to abide by the rule of law broadly conceived. Rule of law can thus be seen as extending beyond mere application of the law and formal rules for state actors to questions of how the law and decisions are made, how discretion is used, and how the law is interpreted and adjudicated. Corruption, then is encased with the idea of the rule of law. In a sort of embedded hierarchy, this means that while not all violations of the rule of law constitute corruption, corruption does represent a violation of the rule of law.

Democracy

Definitions of democracy fit this pattern as well. Years ago, Joseph Schumpeter (1976, 251) set the standard for the thin definition by defining democracy in simple institutional and procedural terms centering on competitive elections. Many have embraced this minimal approach over the years. Yet critics contend that elections are not enough and that more is needed to make a regime truly democratic. The "more" that is required, however, varies depending on the analyst, but usually includes additional institutional guarantees, some role for the people, and as definitions thicken further, some substantive outcomes. Those specifying additional institutional guarantees beyond elections, for instance, add such factors as civil liberties (Diamond, Linz and Lipset 1990; Freedom House 2010), freedom of expression, alternative sources of information (Dahl 1971), contestation between legislature and the executive (Alvarez et al. 1996), horizontal accountability (Coppedge et al 2011; (Fukuyama (2011), the rule of law (Fukuyama (2011), alternation in power (Alvarez et al. 1996), and even anticorruption laws (Freedom House 2010; Welzel and Inglehart 2006) (see Boix et al 2012). Adding yet another layer (and hence further thickening the definition), some specify a role for the people, at least within elections, if not beyond. Beethan (1999, 90, cited in Knutsen 2010, 111), for example, contends that the key to democracy is not the matrix of rights, liberties and institutions, but "why particular institutions and rights are considered democratic". He then goes on to argue that the core idea of democracy is popular rule or control over decision making and political equality; hence institutions are democratic only if they contribute to popular control and political equality (Knutsen 2010, 111). Indeed, many analysts incorporate a high level of effective suffrage as part of their definition of democracy (e.g. Bollen 1980; Coppedge and Reinicke 1990; Dahl 1971; Munck and Verkuilen 2002). At a third layer, some go even further than the people's involvement to tack on specific

substantive outcomes to define democracy. These broader definitions of democracy reach beyond the political rights associated with elections to encompass social and economic rights and even different versions of equality (Coppedge et al 2011; Giddens 1998). In characterizing the assorted substantive definitions of democracy, Alvarez et al (1996, 4) conclude that the scope of the different features associated with democracy is indeed broad: almost "all normative desirable aspects of political and sometimes even social and economic, life are credited as definitional features of democracy."

Yet even thin definitions are not nearly as thin as they may appear. Despite definitions that seem to strive to concentrate solely on the presence of elections, most recognize and acknowledge that authoritarian regimes also engage in elections, thus making additional criteria necessary in order for elections to be considered truly democratic (Holmes 1995; Alexander 2002). As a general rule, most concur that said elections must be "free and fair." This, however, is a difficult standard to apply. This requirement alone points to some minimal standards and outcomes regarding the organization of elections, the fairness of the campaigns, the nature of the opposition, the role of the state in the process, the counting and the reporting of the results, etc. (O'Donnell 2001, 13). Together, these all represent major substantive limits on the use of state power (and the site of substantial abuse or corruption). Boix et al. (2012, 1531), like Coppedge and Reinicke (1990), who incorporate this factor into their definition of democracy, for example, consider elections fair "if electoral fraud is absent and incumbents do not abuse government power to effectively eliminate the chance of opposition victory through peaceful contestation." In addition to free and fair, most analysts also specify that elections must also be "competitive," meaning that there must not only be a choice for voters, but there must also be a degree of uncertainty in the outcome: the real possibility that the incumbent will lose and cede power

(Przeworksi 1991). [3] Beyond these electoral requirements for democracy, some minimalist definitions even add certain fundamental freedoms and rights needed to make elections "free, fair, and competitive." In his definition of democracy, for example, O'Donnell (2010, 23) includes not just fair elections, but also a) positive, participatory rights of voting, and b) "a set of freedoms that surround and are necessary supports for the likelihood of such elections and their related participatory rights." He maintains that this is still a minimalist definition because it does not encompass all individual rights.[4]

To summarize the conceptual discussion, it appears that while corruption, the rule of law, and democracy all focus on restricting the power of the state and state officials, there is substantial debate and disagreement over how to define those limits. For thinner approaches, the laws and the formal rules of the system seem to mark these boundaries. The state and state officials must abide by the law, conform to the formal duties of their office, respect the constitutional rights of citizens and behave in accordance to the law, including conducting elections, and conceding power to the victors. From this minimalist perspective, questions regarding corruption, the rule of law and democracy almost all take on a sort of legalistic tone: whether the state and state officials abide by the law, faithfully implement the law, and recognize and abide by the legal limits on how far the state can go in making laws. Yet thicker definitions of corruption, rule of law, and democracy reach beyond the law into far murkier terrain, though

[3] In his essay on the limits of self-government, Przeworski (2010, 46) shows how incumbents rarely lose. This is due, in large part, to how the government institutionally never truly provides a level playing field to opponents.

[4] Holmes (1995), however, contends that by specifying certain rights and freedoms even so-called minimalist definitions are actually substantive. The requirement that these rights must exist not only defines elections, he notes, but also places limits on what a democratically-elected government can do. Despite Przeworski's (1991) minimalist notion that democracy is merely procedural and "institutionalizes uncertainty" over policy outcomes, democratic governments are not entirely free to operate in any manner they wish. These restrictions thus reduce the range of issues and range of possible outcomes (Holmes 1995).

the overlap among the three – limits on state power -- remains clear. Here, attention comes to center more on whether the state or state officials comply with fundamental principles of democracy, the common good or the pursuit of justice. Rather than simply a legalistic reading or a focus on the proper implementation of the law, these thicker approaches focus more on the political side of the equation, in second order norms, in the spirit rather than the letter of the law, and in the content and substance of democracy rather than its procedural dimension. It is in this realm where defining corruption and the limits of state power become contentious and part of the political debate itself (Johnston 2014, 8).

All this points to conceptual overlap, blurred boundaries, and potential tautologies. Table 2 seeks to highlight some of this by exploring the interrelationship of thin and thick definitions of corruption to thin and thick definitions of the rule of law and democracy. The matrix helps raise and address certain questions, some of which were raised at the beginning of this paper: Does political corruption undermine the rule of law? Given the conceptual overlap, this question just strikes me as somewhat tautological since political corruption is an example of the failure of state officials (and citizens) to comply with the rule of law. In a direct sense, however, it is clear that corruption among police and the criminal courts undermines the state's enforcement of criminal law, while corruption within the courts and administrative levels undermines the implementation of civil and administrative law. If we employ thicker definitions of corruption and/or the rule of law, the degree of conceptual overlap expands even more. As noted, corruption in many of its forms (bribery, procurement corruption, conflict of interest, favoritism, graft, etc.) represents a failure of the government to either abide by the law and rules, or at least to be accountable. Even so, corruption is not the only cause of the weak rule of law since deficiencies in terms of the rule of law may reflect a wide range of factors from governmental structure

(judicial independence), political interference in the courts, and access to the legal system to simply the lack of resources and training among police and prosecutors.

[Table 2]

Does political corruption undermine democracy? Again, given the conceptual overlaps, such question lean toward tautology. Even using thin definitions of both corruption and democracy, it is clear that certain types of corruption directly impact democracy and undermine democracy by definition. This includes, in the first instance, corruption related to electoral processes (electoral fraud, violation of campaign spending limits, vote buying, etc.), and in the second instance, to corruption that undermines the supporting political rights normally associated with free, fair and competitive elections. Within this narrow perspective, of course, most forms of bureaucratic corruption may have little to no impact on elections and hence are compatible with a thin minimalist democracy. In this sense, the theoretical question makes sense: it is possible for democracy (defined as elections) to co-exist with extensive corruption (if that corruption does not undermine elections). But going beyond thin definitions, the tautology and the connection between corruption and democracy become greater. Using a broader definition of corruption means that by definition corruption represents violations of the basic principles of democracy and thus undermines democracy by definition. Similarly, using a broader definition of democracy, corruption represents the lack of accountability or the provision of broader rights: a clear violation of the principles of democracy broadly conceived. Of course, how much corruption or how much of the specific types of corruption is required to disqualify a country as having a democracy is not quite clear: but that it a separate question establishing the creation of certain minimum thresholds.

This approach also helps raise questions not shown in Table 2. For example, does weak rule of law undermine democracy? As with corruption, this largely depends on the types of rule of law problems. Weak rule of law related to campaigns and elections, which may undermine free, fair, and competitive elections, clearly distorts and potentially undermines even a thin version of democracy. For thin definitions of democracy, however, weak rule of law in terms of criminal or civil enforcement, protection of private property, equal access to justice, equal treatment under the law, judicial independence, or obedience to the law really have no direct effect on democracy. As definitions thicken, of course, these concerns all point to the weakness or lack of democracy and become increasingly tautological.

Gauging Corruption, Rule of Law and Democracy

Beyond the rich definitional discussions, the literature also offers ample empirical work on corruption, the rule of law, and democracy. These studies rest upon operational definitions and metrics which, like the conceptual definitions, have been the subject of much debate. To be sure, all measures are in some sense proxy measures: simplified, short-hand calculations that cannot possibly incorporate all the nuances of a given phenomenon. By necessity, they privilege certain characteristics -- usually the ones that are the easiest to observe -- while neglecting others. While the metrics of corruption, rule of law, and democracy vary, I contend that many if not most tend to operationalize minimalist or thin definitions of the concepts, thus omitting the harder-to-gauge characteristics of thicker definitions. Such tendencies, in turn, influence the results of the statistical analysis and our interpretations of the findings. Measures that seek to employ broader, multifaceted approaches, however, tend to borrow or share the attributes of other concepts and thus raise questions regarding endogeneity, again influencing the results and our inferences.

Measuring Corruption

The lack of data once seriously handicapped the study of corruption, but that is no longer the case. Starting in the mid-1990s, national and cross-national measures of corruption -- based largely on surveys -- unleashed a tidal wave of empirical research that has greatly expanded our understanding of the causes and consequences of corruption, and – to beat an injured horse -- documented corruption's remarkable resilience in the face of intense attention and countless reforms. Existing corruption-related surveys are of two general types: one gauges perceptions of corruption; the other actual participation in corruption, or what Mitchell Seligson (2002, 2006) refers to as the victimization of corruption. Calculations based on perception draw on different samples and different questions. Some examine the opinions of business executives, country experts, and development officials (e.g. Transparency International's Corruption Perception Index), while others explore the views of citizens (e.g. World Values Survey or the LAPOP (Latin American Public Opinion Project). Questions range from the general (i.e. level or degree of corruption in the system or "how corrupt are politicians?") to more specific institutional levels (i.e. "how much corruption is there within the judiciary?, the bureaucracy?, the police?" etc.). Surveys gauging actual participation in corruption, by contrast, ask respondents whether they have actually made or know someone who has made an extra-official payment to a certain institutional actor or in return for a particular public service. Transparencia Mexicana's massive *Encuestra de Corrupción y Buen Gobierno* assembled five times since 2000, for example, calculates participation based on a series of questions about the use and the payment of bribes for 38 different types of public services.

Precisely what these measures measure is not entirely clear, especially perception -- the most widely used metric in cross-national studies of corruption (for further exploration of the

methodological challenges see Del Castillo 2003; Johnston 2002; and Lancaster and Montinola 2001). First, it is not clear what respondents have in mind when calculating and expressing their views on the prevalence of corruption within the government generally or even within specific institutions. Nor is it clear whether all respondents take the same factors into account when responding. On the one hand, Johnston (2004) and others suggest that perception reflects the more traditional definition of corruption -- the perceived prevalence of bribery and graft among politicians and bureaucrats -- and neglects such illegal forms of corruption as conflict of interest, favoritism, or rigged procurement and legal forms of corruption like state capture of regulatory agencies or other forms of duplicitous exclusion. And yet Warren (2004, 40) contends that perception-based measures may actually "tap into a conception of corruption that is broader than the standard view of corruption."[5] It seems likely that perception reflects prominent public statements by government officials, opposition politicians, and others, particularly press reports about corruption (Johnston 2005, 6). Studies also show that perception is influenced in part at least by actual participation in corruption, but not by much (see Mocan 2004; Morris 2008; Soares 2004). As a result, measures of the perception of corruption are consistently higher and more prevalent than actual involvement in corrupt acts. Seligson (2006, 390) argues that even high-profile efforts to reduce corruption might heighten awareness of corruption and thus may inadvertently produce an increase in perceived corruption. John Bailey (2009) goes even further. He contends that the perception of corruption reaches beyond corruption to encompass more general feelings about the government, its services, policies and inefficiencies: factors that have

[5] Adding to this debate over the perception of corruption, Redlawsk and McCann (2005) find that it varies based on education levels, with those with higher levels of education embracing a legalistic view of corruption and those with less education a more systemic view.

little to do with corruption *per se*.[6] Indeed rather than a true gauge of actual behavior, perception of corruption may reflect part of a much larger ideological and cultural narrative about political power and government, about the way power is perceived, and expectations of the behavior of politicians and state workers.[7] As the anthropologist Akhil Gupta (1995, 376) notes, corruption is a "mechanism through with 'the state' itself is discursively constituted."

While it is rather difficult to know exactly what people have in mind when asked to share their perception of corruption, things are a bit clearer when they are asked whether they made an extra-official payment to secure a specific public service. But despite this clarity, such participation measures of corruption only tend to gauge corruption in those settings where the public routinely interacts with the state. It consequently privileges low level, administrative corruption over upper level, political corruption, and, above all, bribery forms of corruption over other types of corruption. So while this device may do a good job in differentiating the presence of corruption across certain state institutions at the lowest bureaucratic levels, such measures fail to capture broader patterns of corrupt influence over the institutions themselves or the policies they pursue.

In sum, it seems that the two standard approaches to measuring corruption tend to do a better job of capturing certain types or classes of corruption than others. Like looking for lost keys just under the light, both measures tend to concentrate attention on individualist forms of

[6] Findings that an individual's perception of corruption is lessened by their support of the government in power also supports the notion that other factors are involved in this metric (see Tavits 2008).

[7] This relates more to the political culture and attitudes toward politics and authority, views that shape, define, and give meaning to behavior. This is part of the ideological dimension at play and narratives on corruption that cast corruption as a problem within government (thus distrusting governmental power while privileging power within the private sector), as an individualistic problem (few bad apples), affecting less developed countries, and as a problem that has technical solutions if only the politicians had the will to confront it.

corruption while neglecting more systemic, institutionalist or structuralist forms, illegal corruption over more legal varieties, administrative corruption over political corruption, the violation of first order norms over second order norms, and bribery over other classes of corruption. As a result, they potentially fail to capture certain types of corruption.[8] Acknowledging this problem, Johnston criticizes the CPI scores for failing to accurately depict the level of corruption in a country like the U.S. "The United States, despite its favorable scores on various corruption and governance indicies, has a more serious corruption problems than we typically acknowledge" (Johnston 2010, 11, see also Johnston 2012a)

These tendencies pose two interrelated methodological challenges. The first is to disaggregate measures of corruption. Even though we now have different survey questions and can compare perception and participation across institutions, we still seem to be lumping all forms of corruption into a single metric. The second yet closely related challenge is to craft measures that would do a better job of gauging more systemic, institutionalist, and structuralist forms of corruption. Given the nature of these approaches, such measures would likely reach beyond the nomenclature commonly associated with corruption *per se* tapping into broader questions about peoples' trust in the law and/or the government, the privileging of the common good above the private interests of those making, interpreting or implementing the laws; whether people feel like their views are truly represented in the government and their voices are being

[8] I say potentially because they could still be capturing other types of corruption, serving as a proxy measure, if the different types share an underlying determinant and are thus internally co-related. Stated differently, differentiating these not only raises questions about their relationship, but about distinct determinants and consequences. Sandoval-Ballesteros (2013, 10), for example, suggests that the more harmful effects may have little to do with private, pecuniary gain, but instead involve the accumulation of power and privilege by illegitimate means. In a similar manner, Warren (2010) argues that systemic corruption is of greater concern to most Americans, and does more to undermine trust than individual forms of corruption.

heard or excluded, privileging the views and participation of select minorities; even calculations as to whether people believe the government operates the way it is supposed to.

Measuring Rule of Law

Measures of the rule of law are more complex and multidimensional than the comparatively crude, rudimentary and still relatively new metrics of corruption. Given the lack of agreement over definition, however, it is not surprising that existing measures of the rule of law vary widely, according to reviews by Skaaning (2010) and Merkl (2012). Exploring differences among eight measures of the rule of law -- [Bertelsmann Transformation Index (BTI); Freedom House's Freedom in the World (FW), Counties at the Crossroads (CC) and Nations in Transit (NT); Global Integrity (GI); Political Risk Services Group's (PRS) Law and Order index; the World Wide Governance Indicators (WGI); and the World Justice Index (WJI)] -- they highlight how some measures incorporate the public's respect for abiding by the law (PRS and WGI), whereas others focus on the effectiveness of the legal system (WGI). Some gauge the presence of an independent judiciary, effective horizontal separation of powers, prosecution of the abuse of public authority, and protection of civil rights (BTI), while others calculate the public's confidence in the rule of law. The World Bank (WGI) measure, for example, defines rule of law as "the extent to which agents have confidence in and abide by the rules of society, including the quality of contract enforcement and property rights, the police, and the courts, as well as the likelihood of crime and violence" (cited in Merkel 2012, 26). Like the Corruption Perception Index, the WGI rule of law measure reflects a number of existing surveys gauging the views and experiences of citizens, entrepreneurs, and experts in the public, private and NGO sectors, and draws on over 50 questions. The more recent World Justice Index (WJI), in turn, pulls together four components in its measure: a) government and its officials and agents are accountable under

the law; b) laws are clear, publicized, stable, and fair, and protect fundamental rights including security of persons and property; c) process by which laws are enacted, administered and enforces is accessible, fair, and efficient; and d) access to justice is provided by competent, independent and ethical adjudicators, attorneys, or representations and judicial officers who are of sufficient number, have adequate resources, and reflect the makeup of the communities they serve. In that the metrics of the rule of law draw on such a wide range of indicators, it should come as no surprise that the measures themselves vary, or the low correlations among them, particularly outside of developed, established democracies (Skaaning 2010; Merkl 2012; see also Andrews and Montinola 2004).

At one level, as with the conceptual definition, measures of the rule of law seem to overlap or at best incorporate corruption. Though they vary widely, most measures of the rule of law gauge whether state officials abide by the law and the norms governing their formal responsibilities. This again raises the question of whether a country could enjoy a high level of rule of law and yet widespread corruption, or the utility of a cross-national analysis regressing corruption along a measure of the rule of law. At yet another level, again like corruption, measures of the rule of law seem to weigh most heavily on perceived compliance with the law itself by the state and state officials as identified in thin definitions. Even where the metrics incorporate the way laws are created, they seem to rely on broad subjective views that compare perception to some ideal type or norm rooted in justice, fairness, the common good, or the principles of democracy.

Calculating Democracy

"The controversy in measuring liberal democracy parallels the debates about the meaning of the construct" (Bollen 1993, 1210). At one level, the controversy centers on the use of a

dichotomous versus a continuum scale; at another level, disagreement abounds over which traits to incorporate into the calculations (Collier and Adcock 1999). Whereas Sartori (1970, 1987), Alvarez et al (1996), and Przeworski et al. (2000) argue the merits of a dichotomous coding, Bollen (1980, 1991), Bollen and Jackman (1989) and Dahl (1971, 1989), among others, support the continuum or scalar approach. While the former view rests on the notion that democracy is fundamentally different from non-democracies even though differences exist within each category, the latter view holds that all countries vary to the extent governments meet the criteria of democracy. The dichotomous measure developed by Alvarez et al. (1996), for example, seeks to operationalize the minimalist definition of democracy by classifying a regime as democratic where two kinds of offices are filled by elections (chief executive and legislative body) and where incumbents have lost an election. Alternation in office, they contend, is necessary evidence of contestation in that it provides ex-ante uncertainty and ex-post irreversibility that whoever wins is allowed to assume office. Their minimalist approach does not take into account social or economic aspects of society, accountability, responsiveness, representation, or political freedom.

Bollen's (1993, 1216) scalar measure, by contrast, goes beyond the election of the legislature and chief executive to incorporate four measures of political liberties: freedom of broadcast and print media, civil liberties, and freedom of group opposition, and four measures of democratic rule: political rights, competitiveness of nomination process, executive electives, and effectiveness/elective legislative body. Like Bollen, Robert Gastil's Freedom House (FH) index of democracy also includes the criterion of political freedom, but defines and measures it a bit differently. Using a scale from 1 to 7, FH separately calculates political rights (PR) and civil liberties (CL) with the Freedom House index representing the average of the two. Both PR and

CL are large subsets of indicators with 10 questions relating to PR and 15 to CL. Most of these questions center on the presence or absence of certain institutions, but many also look at the actual functioning of the institutions. One question within the political rights index, for instance, is whether the government is free from pervasive corruption. Indeed, PR even incorporates Transparency International's Corruption Perception Index. Another question asks about government accountability to the electorate between elections and whether it operates with openness and transparency. Yet another question under civil liberties relates to the rule of law, but seems to apply more to whether the people abide by the law rather than government officials.

The widely used Polity scale of democracy consists of six measures that record key qualities of executive recruitment, constraints on executive authority, political competition, and the institutionalized qualities of governing authority. Rather than a dichotomous scale, however, it employs an authority spectrum that ranges from hereditary monarchy to consolidated democracy, which are grouped into autocracies, anocracies and democracies. This measure operationally defines institutionalized democracy as being composed of three essential, interdependent elements: a) the presence of institutions and procedures through which citizens can express effective preferences about alternative policies and leaders; b) the existence of institutionalized constraints on the exercise of power by the executive; and c) the guarantee of civil liberties to all citizens in their daily lives and in acts of political participation.

In their "complete data set of political regimes" stretching from 1800 to 2007, Boix, et al. (2012), like Coppedge and Reinicke (1990), present a measure of democracy that incorporates electoral fraud. This is apparently a multifaceted phenomenon in their calculations since they code Venezuela in the late 2000s as authoritarian – despite all the elections the country has held -- because the government "was using state resources to sway elections, illegally disqualifying

opposition candidates, and repressing opposition protests and media" (Box et al 2010, 1533). In a somewhat similar manner, Inglehart and Welzel's effective democracy index (EDI) is constructed by multiplying the Freedom House Index (FHI) by a measure of corruption, either Transparency International's Corruption Perception Index (CPI) or the Control of Corruption index (CCI) from the World Governance Indicators (WGI) (Inglehart and Welzel 2005; Welzel and Inglehart 2006). Interestingly, they employ corruption as a proxy for the rule of law (Knutsen 2010, 116).

As with the conceptual definitions, I wish to first highlight and stress how many of the components embedded within these measures overlap with the definitions and measures of the other two variables. Even the more minimalist approaches to measuring the rule of law, which essentially gauge the effectiveness of the state and state institutions and particularly the legal system, includes whether public officials abide by the law: a key, fundamental ingredient in corruption. Broader approaches pull in even more dimensions of corruption, including gauging whether officials are accountable to the law, whether the purveyors of justice are independent and represent the community, and perhaps in a bow to Warren's notion of corruption, whether the process of making laws is accessible, fair and efficient. This means that corruption (technically the lack of corruption) is embedded within many of these operational definitions of rule of law and democracy. As noted earlier, while not all weak or limited rule of law reflects corruption – it can represent the lack of resources, for instance -- it is almost impossible to conceive of a situation in which a country suffers high levels of corruption and yet effective rule of law. If corruption exists, by definition this means that the laws do not curb governmental authority nor do officials respect and abide by the laws. Measures of democracy also seem to incorporate certain aspects of the rule of law like basic restrictions on the state and state actors,

free, fair and competitive elections, the provision of rights, certain constitutional and institutional structures, etc. While some measures of democracy seem to assume a certain lack of corruption, particularly in areas related to elections and rights associated with elections, other measures, as noted, specifically incorporate corruption into the calculation.

Moreover, these measures privilege certain components of corruption, rule of law, and democracy to the neglect of others. As noted, illegal forms of corruption, bribery at the lower administrative levels and perceived graft at the upper level seem to weigh more in calculating corruption measures than do more legal forms of corruption, conflict of interest, duplicitous exclusion, or other institutional or structural dimensions of corruption. The same more or less also applies to the measures of rule of law and democracy. Rule of law measures seem to privilege the written law over whether it is appropriately and equally applied, and the violation of the law by both citizens and state actors to the relative neglect of the underlying norms and processes government and people engage in to determine the laws. Likewise, democracy privileges elections and the constitutional provisions of the government guaranteeing rights to the neglect of whether the elections are truly free and fair or tainted by the advantages that come with the use and abuse of authority within the government and society. Unfortunately, these variables are much more difficult to operationalize and measure. Even so, the results from poor and inadequate metrics color the inferences drawn from the empirical analyses.

Corruption, Rule of Law and Democracy in Mexico by the Measures

Table 3 lays out a sample of these measures for Mexico over a period that in many cases pre-dates alternation in power in 2000.

[Table 3]

In looking first at the measures of corruption, it is first striking how both the CPI and the World Bank found Mexico to be suffering the same levels of corruption in 2012 as before alternation in power over a decade earlier. This does not mean there was no change. In fact, all three corruption scales point to some progress during the intervening years. In the CPI, the trend is positive in 2001-02, reflecting perhaps the enthusiasm nurtured by President Vicente Fox's election and early anti-corruption reforms, but the level stabilizes, falls briefly, recovers somewhat in 2008, and falls thereafter, perhaps in response to the dramatic uptick in violence associated with President Calderon's war on drugs. The World Bank control of corruption measure also shows some improvement in 2000 and 2006, before falling to pre-democratic levels in 2012. TM's INCBG, which, as noted, measures participation in low level administrative corruption rather than broader perception of corruption, similarly shows improvement in 2003, before worsening. Like the perception measures, by 2010 – the most recent year of the TM data -- the level of [this type of] corruption was comparable to the 2001 level. If we consider Mexico's democratic beginning as 2000, the data not only show democracy's limited impact on corruption (see Morris 2009), but the co-existence of continued and/or worsening corruption amidst democracy.

The table includes three measures of the rule of law in Mexico. The Bertelsmann Transformation Index (BTI) focuses on the presence of an independent judiciary, effective horizontal separation of powers, prosecution of the abuse of public authority, and protection of civil rights. Freedom House subcategory score for rule of law aggregates responses produced each year by a team of in-house and external analysts using "a broad range of sources, including news articles, academic analyses, reports from nongovernmental organizations, and individual professional contacts" to score countries to a series of 24 specific queries grouped under four

broad questions: 1. Is there an independent judiciary? 2. Does the rule of law prevail in civil and criminal matters? Are police under direct civilian control? 3. Is there protection from political terror, unjustified imprisonment, exile, or torture, whether by groups that support or oppose the system? Is there freedom from war and insurgencies? And 4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? (see http://www.freedomhouse.org/report/freedom-world-2014/methodology#.U0AmxqLHirp). The World Wide Governance Indicators from the World Bank, as noted earlier, draws on a number of existing surveys gauging the views and experiences of citizens, entrepreneurs, and experts in the public, private and NGO sectors, and draws on over 50 questions focusing on "the extent to which agents have confidence in and abide by the rules of society, including the quality of contract enforcement and property rights, the police, and the courts, as well as the likelihood of crime and violence" (cited in Merkel 2012, 26).

As with the corruption measures, these too depict a similar pattern. The only measure stretching back before alternation, the World Bank's WGI measure shows marked improvement in rule of law from 1996 to 2000 but very limited improvement if not a worsening of the rule of law over the next 12 years. The BTI measure, which includes anti-corruption, does not pre-date alternation in power but nonetheless shows very limited progress in the rule of law from 2003 to 2014. The Freedom House subcategory measure for the rule of law shows the decline beginning in 2008 and no improvement over the ensuing years to the present. As with the corruption measures, the rule of law measures suggest some progress in the intervening years, particularly the BTI measure in 2006 and 2008, yet deteriorating conditions afterwards. Though perhaps not as bad as the corruption scores, the World Bank scores seem to suggest that the gains from

alternation in power (or democratization) in the rule of law had by 2012 largely evaporated, not expanded.

The three scalar measures of democracy also reveal a similar pattern. The Freedom House measures predating alternation shows immediate progress in both civil liberties and political liberties following alternation in power, but backsliding beginning in 2007 for civil liberties and in 2011 for political liberties. The fact that it parallels the measures of the rule of law is understandable since the measure for civil liberties include rule of law. In its narrative, the FH attributes the decline in civil liberties in 2007 to deteriorating press freedoms and the decline in political rights in 2011 to the targeting of local officials by organized crime and the government's inability to protect citizen rights in the face of criminal violence. As with the corruption measures, by 2011 the level of political liberties was on par with that registered prior to alternation in power a decade earlier. In a similar manner, the BTI democracy status index shows improvement over the intermediate years, followed by a decline in the latter years, such that the level of democracy in 2014 equaled that of 2003. The Polity measure, in turn, shows only a slightly different outcome. It too indicates an improvement following alternation, and while it does not show a deterioration in the level of democracy over the ensuing 12 years, neither does it show any improvement.

These results should come as no surprise to even the most casual observer of Mexican politics. What is telling, of course, is how different measures of the same concept and different measures of different concepts all seem to depict similar outcomes. This raises questions relating to whether they are all tapping into a common theme or trend, maybe even measuring more or less the same thing, or the degree to which all ingredients in the three measures fit together empirically. But at the same time, as noted, these measures are limited to only areas on which

the light is shone. Other measures may do a better job of getting at broader, thicker conceptualizations of corruption, the rule of law, and democracy.

Conclusion: So Where Does that Leave Me?

The foregoing discussion raises a number of questions and tools for future research. At one level, the survey reveals how complex phenomena like corruption, the rule of law, and democracy have been compacted into singular concepts and metrics. This aggregation tends to obscure a deeper understanding of their internal attributes and questions about the theoretical relationships linking these components – or perhaps it feeds the assumption of such internal ties – and raises questions as to the validity of singular measures (see Munck and Verkuilen 2002). What is the relationship, for instance, between corruption of public office and corruption of the democratic process? What is the relationship between legal and illegal forms of corruption, or high and low level forms of corruption, between corruption involving first order norms and second order norms? Does low-level, administrative corruption facilitate or inhibit higher-level institutional or structural corruption?[9] Is there an underlying tendency within societies away from illegal forms of corruption to more legal variants? Within the rule of law, under what conditions do the various aspects of the rule of law go together or collide? What factors and patterns shape impunity? Is there one legal system for the rich and another for the poor? Are certain rights more rigorously protected or certain laws better enforced that others? As for democracy, can free and fair elections coexist without accountability? To be sure, many have grappled with such issues.

[9] Do they all represent a common underlying phenomenon? Johnston's (2005) path-setting work provided a broad initial answer to this question, showing how patterns or syndromes of corruption in fact vary across countries: in other words that not all forms of corruption go together. The influence market corruption found in the US, for example, represents more the institutional and structural variants of corruption, while the elite cartel corruption found in Mexico includes more clearly illegal, administrative, and individualistic variants of corruption.

Exploring these issues at an empirical level, however, is complicated by the tendency to aggregate many of these traits into singular metrics.

Beyond the issue of aggregation and the need to unpack these concepts to examine internal relationships, the discussion also points to the common themes underlying corruption, rule of law, and democracy, helping us in particular view corruption in a much broader framework. The first common theme relates to limits on the exercise of power by the state and state officials. In most cases, these limits are clearly defined by the laws, constitutional provisions and structures, and written rules and policies. Such first order norms define the normal duties of public offices, and the legal processes and procedures to make and implement authoritative decisions, to stage free, fair, competitive elections, etc. These norms are the historic by-product of societal interaction, power balances, negotiations, ideological struggles, compromises, crises and reforms, and conflicts that continue to play out. Consequently, clearly corrupt and blatantly anti-democratic acts are normally proscribed and illegal, making many, if not most, violations easy to spot, perceive, and count.

But just as the behavior of state officials, and citizens must conform to the law, those making decisions in the name of the state also face limits on how they arrive at their decisions and how they use their power and authority; i.e. second order norms (Warren 2004). These limits, however, often go beyond the easily identifiable and quantifiable to encompass far more ambiguous and contested criteria rooted in the principles of democracy: the second common theme within the three concepts. Corruption, as noted, goes beyond merely violating corruption statutes to include privileging the interest of some over others, the duplicitous exclusion of those affected by decisions from equal access to the decision makers, or when those making, implementing, or adjudicating the law take into account personal, partisan or other interests that

do not center exclusively on the wellbeing of the people. Violating the rule of law similarly goes beyond merely breaking the law or even abiding by the "letter of the law" to incorporate criteria relating to the content of the law and the motives and reasons behind its creation, implementation or adjudication. In a similar manner, democracy is more than elections, but a government that is restricted in its use of power and bound by criteria involving the principles of inclusiveness, the privileging of the common good, accountability, responsiveness, and fundamental notions of justice.

So while aggregation pulls together multifaceted phenomenon that can be unpacked and explored, the identification of the common themes helps raise key questions that cut across and tie the three concepts together. It is here where corruption more broadly conceived becomes part of a larger concern over the perceived and real limits on state power, and the abuses of state power. This goes beyond questions about the patterns of corruption in a narrow sense to encompass questions about the relationship between corruption and other abuses of power by the state or violations of the rule of law such as the abuse of human rights, the existence of informal rules in the decision-making process, clientelism, impunity, or the differential application of the law based on socioeconomic standing. Though this discussion has not encompassed society *per se*, corruption broadly conceived also raises questions cutting across state and society. For example, how does corruption or other broader violations of the rule of law or democracy by state officials influence society's ideas of legitimacy, of their obedience to the rule of law? Simply stated, does a high level of corruption encourage others to break or bend the law wherever possible? Does state crime relate to social crime? To broaden the matter a bit more, to what extent does corruption or other violations of the rule of law undermine and essentially nullify the democratic-adorning potential of elections? Is there are particular balance in some

societies where corruption and democracy co-exist with corruption helping to hold democracy in check rather than the other way around?

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Table 1. Thin versus Thick Definitions of Corruption

Thin definition of corruption	Thick definition of corruption
• Limits on the conduct of public officials • Individual behavior • Defined largely by the law (thus corruption defined by violations of the law) • Emphasis on administrative and implementation side and first order norms • Emphasizes personal gain	• Refers to limits on state power • Systemic • Reaches beyond the formal law (thus includes "legal forms of corruption"). In absence of the law, corruption defined largely as violation of certain democratic principles. • Encompasses the decision making or political side and second order norms • Emphasizes political or class gains in addition to personal gain

Table 2. Conceptual Matrix of Corruption, Rule of Law, and Democracy

		Rule of law		Democracy	
		Thin	**Thick**	**Thin**	**Thick**
Corruption	**Thin**	Individual violations of formal duties of office for personal gain are usually considered illegal and thus a violation of the rule of law. Corruption is considered a specific class of rule of law violations.	Individual violations of formal duties of public office for personal gain that may reach beyond the law itself to include violations of basic principles of human rights, democratic rights, or even the pursuit of the common good. Given that the formal duties of office should reflect these principles, the two are somewhat tautological. Corruption still considered a specific class of rule of law violations. Impunity, for example, may be the result of a specific act of corruption (quid pro quo arrangement).	Individual violations of the formal duties of office for personal gain that relate to elections. If corruption is limited strictly to personal gain, however, this may not include all forms of electoral fraud, vote buying, illegal campaign contributions, and violations of campaign spending laws, etc. This does not include corruption that takes place outside the electoral arena, thus allowing for the co-existence of high levels of administrative corruption and (electoral) democracy.	Relates to still largely illegal and individualistic forms of corruption for personal gain that take place both within and beyond the electoral arena and thus undermine political participation, equality, accountability, etc. Unclear how much individualistic forms of corruption can coexist with democracy. At what point does such widespread corruption totally undermine democracy? [One problem here is matching a behavioral concept (corruption) with a systemic concept (democracy)]
	Thick	Systemic corruption that violates principles of democracy as enshrined in the rule of law. This class of corruption constitutes broader sorts of processes and acts that may go beyond the law, however, to encompass "legal" forms of corruption.	Systemic corruption that violates broad principles regarding the pursuit of the common good. Includes both illegal and legal forms of corruption. The two definitions are similar and largely tautological. Impunity here need not be the result of a specific act of corruption (quid pro quo arrangement), but instead may be systemic. .	Systemic corruption that undermines the principles supporting free, fair and competitive elections. Here, corruption includes but also reaches beyond personal gain to include political gain and thus encompasses electoral fraud, etc.	The definition of corruption is rooted in a broader definition of democracy that encompasses elections and governing. Systemic corruption thus defined as violating principles of democracy that constitute part of the thicker definition of democracy.

Table 3: A Sample of Measures of Corruption, Rule of Law, and Democracy for Mexico, circa 1999 to 2014.

Corruption

Transparency International: Corruption Perception Index (CPI) (0=high corruption; 10=low corruption)

1999	2000	2001	2002…2005	2006	2007	2008	2009	2010	2011	2012…
3.4	3.3	3.7	3.6	3.5	3.3	3.5	3.6	3.3	3.1	3.0	3.4

[Note: … between years indicates no change in score during those intervening years]

World Bank: Control of Corruption (range from -2.5= weak to +2.5 = strong)

1996	2000	2006	2012
-0.4	-0.2	-0.2	-0.4

Transparencia Mexicana: Indice Nacional de Corrupción y Buen Gobierno (% of times bribe paid to acquire service)

2001	2003	2005	2007	2010
10.6	8.5	10.1	10.0	10.3

Rule of Law

Bertelsmann Transformation Index: Rule of Law (scale 1=low to 10=high)

2003	2006	2008	2010	2012	2014
6.0	6.5	6.5	6.3	5.8	5.8

Freedom House subcategory score for rule of law (Scale 0 = low rule of law to 16 = high rule of law)

2006	2007	2008	2009 … 2014
8	8	7	6	6

World Bank (range from -2.5= weak to +2.5 = strong)

1996	2000	2006	2012
-0.8	-0.4	-0.5	-0.6

Democracy

Freedom House (1=free; 7=not free)

	1999	2001	2003	2007	2011
Civil liberties	4.0	3.0	2.0	3.0	3.0
Political liberties	3.0	2.0	2.0	2.0	3.0

Bertelsmann Transformation Index: Democracy Status (scale 1=low to 10=high)

2003	2006	2008	2010	2012	2014
6.8	7.55	7.45	7.25	6.95	6.8

Polity (The Polity scores range from -10 to +10 with scores from +6 to +10 considered democratic).

1999	2000… 2012
6	8	8

Sources: Bertelsmann Transformation Index: http://www.bti-project.org/bti-home/; Freedom House: http://www.freedomhouse.org/report/freedom-world-aggregate-and-subcategory-scores#.U0Al-KLHiro http://www.freedomhouse.org/reports#.UytB487Hiro; Polity IV Project: http://www.systemicpeace.org/polity/polity4.htm; Transparency International: http://www.transparency.org/research/cpi/overview; Transparencia Mexicana: http://www.tm.org.mx/indice-nacional-de-corrupcion-y-buen-gobierno-incbg/; World Bank: http://info.worldbank.org/governance/wgi/index.aspx#home