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Violations of the Rule of Law Fuel Tolerance of Bribery in the Americas

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Executive Summary. Understanding citizen attitudes toward bribery is important for identifying the micro-foundations of democracy and the rule of law. This *Insights* report tests a rational-actor model of bribe justification using public opinion data from the Americas. In line with this model, the evidence suggests that where citizens detect norms of corruption and law disobedience, they are more likely to see bribery as a justifiable behavior. Specifically, support for bribe justification increases with having been asked to pay a bribe, perceptions of corruption, distrust of the justice system, doubts that police protect citizens, and the rejection of the rule of law. These results point to the strategic dilemmas citizens face in contexts where anti-corruption and law-obedience norms are not firmly established. They further point to both the importance of and challenges inherent to efforts to reform institutions, laws, and policies that reflect and motivate adherence to the rule of law in the Americas.

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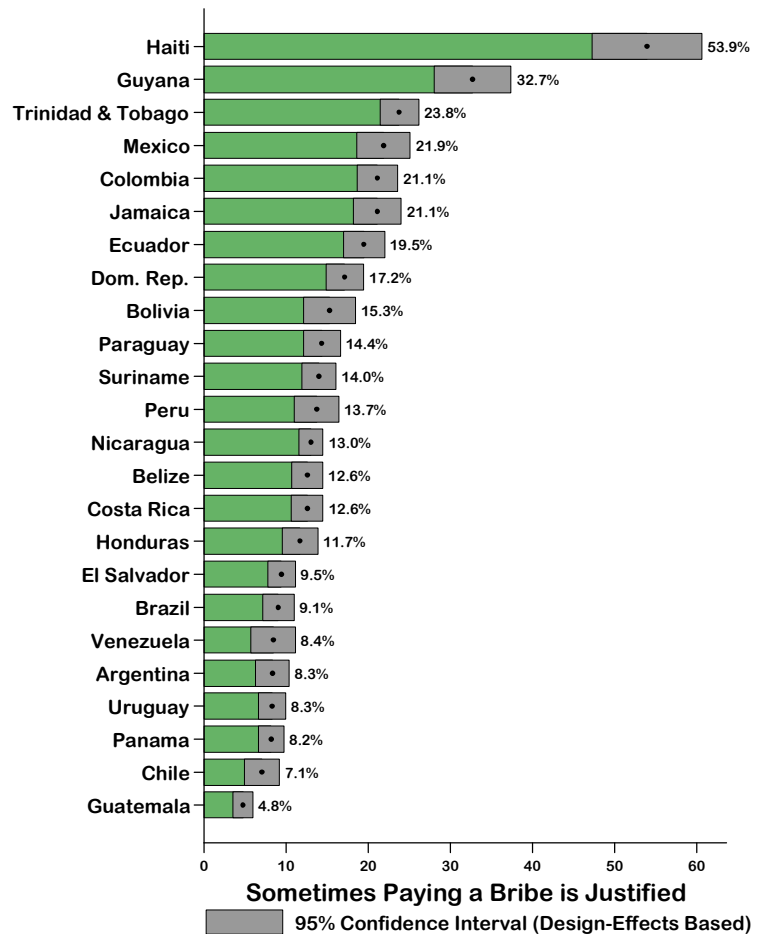
Bribery is a means by which citizens can seek preferential treatment from state officials. When public officials solicit or accept bribes, they engage in a specific form of corruption, the “abuse of entrusted power for private gain” (Transparency International 2012b). At the “street level” (Rose-Ackerman 1999), bribery undercuts citizen support for rule of law (Carlin et al. 2012) and democracy (Seligson 2002). At the national level, it “threatens or distorts both economic development and democracy” (Morris and Blake 2009, 9). Given these findings, we should expect most citizens to oppose paying bribes. And, as this *Insights* report shows, most do. Yet some citizens feel justified in paying a bribe. Why?

I argue that citizens’ attitudes toward bribery are shaped by the rule of law. If rule of law is weak, social behavioral norms can foster a “vicious circle of noncompliance”: recurring violations of the law incentivize others to violate the law, “further feed[ing] the spiral of normative disobedience” (Sarsfield 2012, 220). Where disregarding the law is normal rather than an aberration, citizens are more likely to see paying a bribe as in their best interest (*ibid*; Bergman 2009). Where obeying the law is the norm and disobeying it constitutes deviant behavior, citizens are more likely to reject bribery. If this argument holds, it uncovers a rationale of bribery and informs the design of reforms meant to address it. Thus identifying *who* sees bribes as justified, and *why*, is critical.

This *Insights* report¹ investigates attitudes towards bribery using the following question

¹ Prior issues in the *Insights* Series can be found at: <http://www.vanderbilt.edu/lapop/insights.php>. The data on which they are based can be found at <http://www.vanderbilt.edu/lapop/survey-data.php>

Figure 1. Percentage of people who think given the way things are, sometimes paying a bribe is justified



Source: © AmericasBarometer by LAPOP

from the 2012 AmericasBarometer² survey by LAPOP, to which 39,380 respondents from 25³ countries were asked to respond⁴ “Yes” or “No”:

EXC18: Do you think given the way things are, sometimes paying a bribe is justified?

² Funding for the 2012 round mainly came from the United States Agency for International Development (USAID). Important sources of support were also the Inter-American Development Bank (IADB), the United Nations Development Program (UNDP), and Vanderbilt University.

³ The question was not asked in Canada and was asked only of a split-sample in the United States. The latter is excluded from the report in order to focus on respondents from the Latin American and Caribbean regions.

⁴ Of those asked, 37,335 gave a response.

Figure 1 shows the percentage of respondents who answered “Yes” in each country. In most countries, less than one in six respondents feel paying bribes is sometimes justifiable. The range, however, spans from a low of 4.8% to a high of 53.9% in Haiti. In six countries – Guyana, Trinidad and Tobago, Mexico, Colombia, Jamaica, Ecuador – at least 20% say bribe-paying can be justified. In short, across countries there is a great deal of variation in the belief that paying a bribe is justifiable at times. Accounting for confidence intervals, these 2012 levels differ very little from those reported in 2010 (Plata 2012). The glaring exception is Haiti, which saw a 22 percentage-point increase.

Existing theories suggest that democratic age and level of democracy could matter for explaining variation in attitudes toward bribery. Over time, democracy is thought to reduce corruption by constructing horizontal, vertical, and social accountability mechanisms (Gerring and Thacker 2004, Smulovitz and Peruzzotti 2000, Thacker 2009, Treisman 2000). Yet the percentage of citizens across the Americas who say paying a bribe is sometimes justified is not systematically related ($r = -.24$, $p = .28$) to the durability of democracy (measured as the number of years since the last regime change by Polity IV). The *level* of democracy may lower tolerance for corruption (Johnston 2005, Rose-Ackerman 1999, Sandholtz and Koetzle 2000). But this conclusion is at odds with higher or equal levels of corruption in Latin America since the return to democracy (Morris and Blake 2009). When I examined this question, I found an unreliable relationship ($r = .36$, $p = .08$) between the percentage of citizens who see bribe-paying as justified and democracy levels (measured as the inverse average of Political Rights and Civil Liberties ratings by Freedom House).

In contrast to these perspectives, then, I argue the behavioral norms associated with the rule

of law offer more a more compelling account why of bribery justification varies throughout the Americas.

Rule of Law, Norms & Bribery Justification

While the rule of law is a contested concept (Carlin and Sarsfield 2012; Skaaning 2010), most definitions include a baseline of legal equality, the notion that no one is above the law (Dicey 1959). Behavioral studies of bribe victimization and corruption perceptions suggest legal equality is unevenly dispersed in the Americas (Singer et al. 2012; Transparency

International

2012a). Similarly, institutional analyses find rule of law, broadly conceived, is more firmly rooted in some parts of the

hemisphere than in others (Bergman 2012, Carlin 2012, Møller and Skaaning 2012). Such variation may owe to differing local norms of law obedience, disobedience, and enforcement.

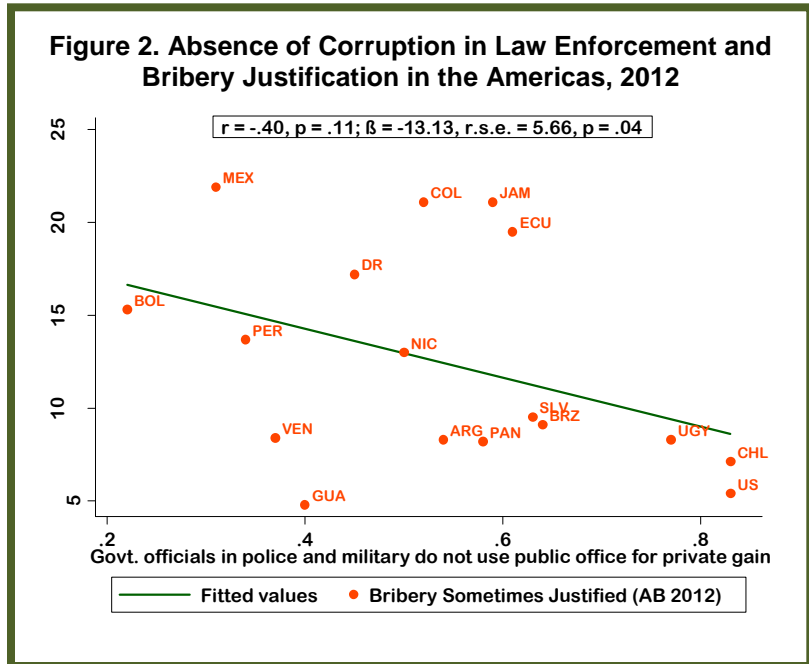
Norms allow citizens to form reliable expectations about the behavior of others. According to Sarsfield’s (2012) rational-actor model, corruption norms, like bribery, are created as follows, “[i]f citizen *A* believes the majority of citizens are corrupt, *A* will be more likely to accept corruption as a behavioral norm” and act accordingly, since, “if most citizens are corrupt, obeying the law becomes a costly, irrational decision” (223). To flesh out this logic, Sarsfield crafts a formal proof of a driver’s decision to pay a *mordida* (bribe) to a Mexican traffic officer. The driver faces a dilemma: (A) to uphold the law by not bribing the officer, pay the fine, retrieve the car the next day from an insecure impound, and find transportation home, versus (B) to break the law by paying the bribe, avoid the fine, forego the next-day retrieval of the (potentially damaged or looted) car from impound, and

Bribery justification reflects expectations of corrupt behavior on part of state actors.

carry on. If norms of bribery are strong and the threat to impound the car if a bribe is not paid is credible, the costs of (B) will typically exceed the costs of (A). Thus to the driver, paying a bribe is a rational decision.

Beyond their own experiences with bribes and corruption, citizens draw conclusions about prevailing social behavioral norms via their perceptions of other citizens and state actors. For example, it is more difficult to reject bribery “[i]f citizens perceive a circle of impunity within and around government and big business” (Sarsfield 2012, 223). Conversely, if elites are held accountable for corruption scandals and crimes citizens will internalize law-abiding norms. Perceptions of legal and law enforcement institutions, e.g. the judiciary and police, are also critical: “[i]f one sees those central to law enforcement as corrupt, why should one reject corrupt activity?” (Sarsfield 2012, 224). On the other hand, if judges and police officers are viewed as incorruptible and willing to uphold the laws, citizens will detect these norms and adjust their expectations and behavior accordingly. In sum, citizens’ views of bribery reflect their own experiences with it, their perceptions of how systemic the problem is, and the odds that they or others will be punished for such behavior. In other words, they reflect social norms related to rule of law.

I test how well these propositions account for the variation in attitudes toward bribery both across countries and across citizens using data from the 2012 AmericasBarometer and the World Justice Project Rule of Law Index (Agrast et al. 2012).



Bribery Justification across the Countries of the Americas

Are local norms of law (dis)obedience with respect to corruption and legal equality related to the propensity of citizens feeling justified in paying bribes? Figure 2 plots the percentage of respondents in each country that says paying a bribe is sometimes justified (*y*-axis) against point estimates of the aggregate scores for the World Justice Project’s Rule of Law Index sub-factor, *Absence of Corruption in Law Enforcement*⁵ (*x*-axis). These scores have a range from 0 to 1, where 1 indicates greater adherence to the rule of law, in this case, less corruption.⁶ The regression line’s negative slope⁷ suggests the extent of police and military corruption corresponds directly to the outright rejection of bribery. Although the AmericasBarometer and

⁵ “Government officials in the police and the military do not use public office for private gain.”

⁶ These estimates are based on answers to 16 questions asked on expert and public opinion surveys in each country. For more details on the methodology please consult <http://worldjusticeproject.org/methodology> and Botero and Ponce (2011, 42).

⁷ Due to heteroskedasticity, White-Huber robust standard errors are reported in this and all other bivariate analyses.

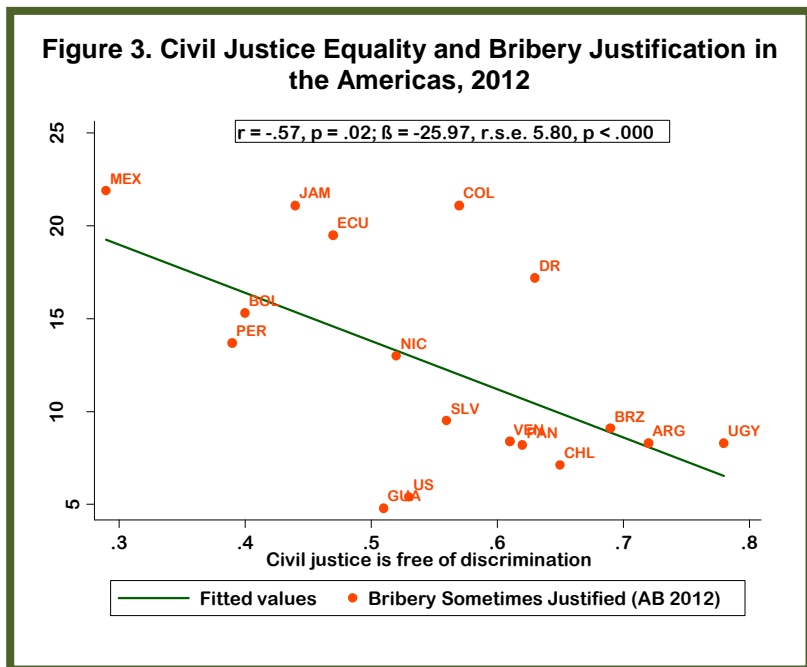
World Justice Project have just 17 cases⁸ in common, similar results obtain with Transparency International's (2012a) *Corruption Perceptions Index*,⁹ which only excludes Belize, and the World Bank's (2011) World Governance Indicators *Control of Corruption*¹⁰ measure, which overlaps with all 25 cases for which the AmericasBarometer included this item. I use the World Justice Project measure for consistency with the next analysis.

Figure 3 depicts a stronger and more robust relationship between bribery justification rates (y-axis) and point estimates of the aggregate scores for the World Justice Project's *Civil Justice Equality*¹¹ (x-axis). Again, these scores range from 0 to 1, where 1 indicates greater adherence to the rule of law, in this case, no group-based discrimination or bias in civil justice.¹² It suggests that where courts do not regularly discriminate in favor of some groups and against others, citizens do not generally justify occasional bribery.

These findings are consistent with expectations derived from Sarsfield's (2012) rational-actor model vis-à-vis norms of corruption, legal equality, and the likelihood of punishment. Namely, citizens feel more justified in paying bribes where corruption is rampant and where equal treatment by the civil justice system is not guaranteed.

Bribery Justification across the Citizens of the Americas

Rule-of-law based theories help explain why bribe justification is higher in some parts of the Americas than others. But does it grant us any purchase on the question of why some citizens justify bribes and others reject them?



⁸ The latter excludes Belize, Costa Rica, Guyana, Haiti, Honduras, Paraguay, Suriname, and Trinidad and Tobago.

⁹ $r = -.45$, $p = .03$; $\beta = -.32$, $r.s.e. = .15$, $p = .04$.

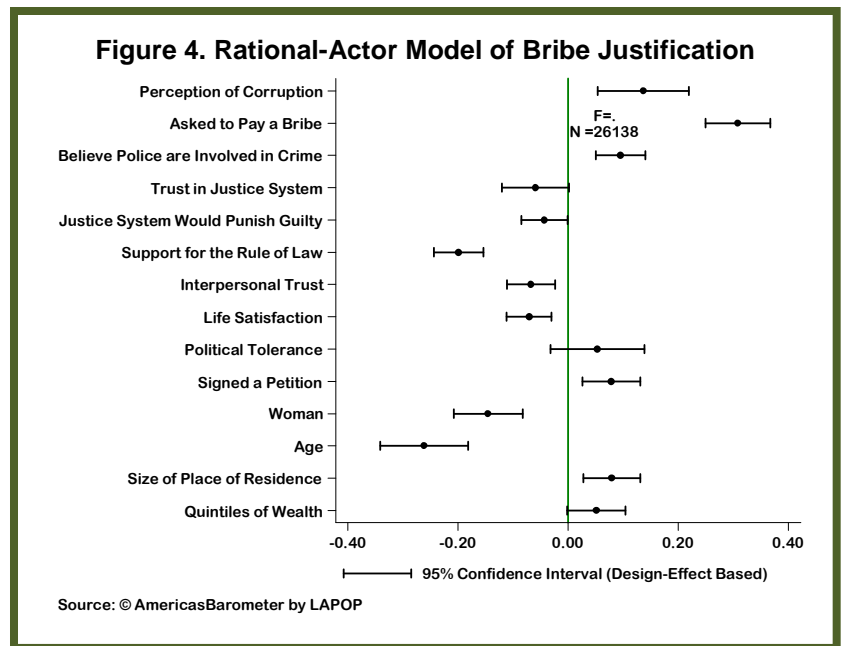
¹⁰ $r = -.45$, $p = .02$; $\beta = -6.52$, $r.s.e. = 3.08$, $p = .045$.

¹¹ "Civil justice is free of discrimination."

¹² These estimates are based on answers to 7 questions asked on expert and public opinion surveys in each country. For more details on the methodology please consult <http://worldjusticeproject.org/methodology> and Botero and Ponce (2011, 50).

To tap citizens' assumptions about the likelihood that state actors will abide by the law, I use items asking respondents about their perception of the scope of corruption among state officials,¹³ if various officials have solicited a bribe from them,¹⁴ and whether they see the police as complicit in crime.¹⁵ Rule of law norms, and the expectations of officials' behavior they yield, should also permeate citizens' levels of trust in the justice system¹⁶ and its ability to ultimately punish criminals.¹⁷

Finally, if citizens' attitudes towards paying bribes reflect a broad spectrum of law-abiding norms, they should be associated with other attitudes in this vein. The AmericasBarometer asked respondents if authorities should always abide by the law in their apprehension of criminals or if they can disregard it on occasion.¹⁸ Following Malone (2010) I label this measure *Support for Rule of Law*.



Beyond these theoretical predictors, I control¹⁹ for orientations related to what Inglehart and Welzel (2003) call "effective democracy," i.e. systems that not only respect political and civil freedoms but are also free from the corruption that threatens to reduce these freedoms' effectiveness. They theorize without "deeper-rooted orientations of tolerance, trust, and a participatory outlook, the chances are poor that effective democracy will be present at the societal level" (62). Since these orientations may produce anti-corruption norms apart from the rational-actor and rule-of-law theories, I control for four variables Inglehart and Welzel identify: interpersonal trust,²⁰ life satisfaction,²¹ political tolerance,²² and petitioning.²³

¹⁹ Excluding these controls does not substantively change the inferences we can draw from this model.

²⁰ IT1. And speaking of the people from around here, would you say that people in this community are very trustworthy, somewhat trustworthy, not very trustworthy or untrustworthy...? (1) Very trustworthy, (2) Somewhat trustworthy, (3) Not very trustworthy (4) Untrustworthy. Coding reversed and recoded 0-100.

²¹ LS3. To begin, in general how satisfied are you with your life? Would you say that you are, (1) Very satisfied, (2) Somewhat satisfied, (3) Somewhat dissatisfied, (4) Very dissatisfied. Coding reversed and recoded 0-100.

²² This index is composed of the following four items:

D1. There are people who only say bad things about the [country's] form of government, not just the incumbent

¹³ EXC7. Taking into account your own experience or what you have heard, corruption among public officials is: Very uncommon, Uncommon, Common, Very Common. (Scale reversed, recoded 0-100).

¹⁴ A scale is formed from positive answers about having been asked to pay a bribe to police EXC2, government employee EXC6, soldier or military officer EXC20...

¹⁵ AOJ18. Some people say that the police in this community (town, village) protect people from criminals, while others say that the police are involved in the criminal activity. What do you think? [Read options]

(1) Police protect people from crime or
(2) Police are involved in crime
(3) [Don't Read] Neither, or both

Responses recoded into a dummy variable coded 1 for "Police protect people from crime" and 0 otherwise.

¹⁶ B10A. To what extent do you trust the justice system? (Scale recoded 0-100).

¹⁷ AOJ12. If you were a victim of a robbery or assault how much faith do you have that the judicial system would punish the guilty. (1) A lot, (2) Some, (3) Little, (4) None.

¹⁸ AOJ8. In order to catch criminals, do you believe that the authorities should always abide by the law or that occasionally they can cross the line?

(1) Should always abide by the law
(2) Occasionally can cross the line
Coding reversed and recoded 0-100.

Figure 4 reports the results of a fixed-effects logistic regression model of bribe justification.²⁴ Consistent with the proposition that bribery justification reflects citizens' expectations that state actors will accept or require bribes, the likelihood of justifying bribery increases for those who perceive widespread corruption, have been solicited for a bribe, and believe the police are involved crime. Citizens who trust the justice system and have faith it will punish the guilty are more likely to rebuff bribery as well. Evidence that "support for rule of law" reliably predicts bribery rejection suggests attitudes towards bribe-paying align with other law-abiding attitudes.

Predicted probability simulations show the likelihood of bribery justification rises by 5-8% over the range of most of these variables. But having been asked to pay a bribe yields by far the greatest effect, boosting the odds of justifying bribery by 18%. This may be due to rationalization among those respondents who actually paid the solicited bribe; that is, those who have engaged in this behavior may be more strongly motivated to consider it acceptable.

Results for the controls are mixed. We observe roughly the same socio-demographic profile of bribe justifiers as found by Plata (2012). Interpersonal trust and life satisfaction are associated with rejecting bribe-paying as

government but the system of government. How strongly do you approve or disapprove of such people's **right to vote**? Please read me the number from the scale [1-10]:

D2. How strongly do you approve or disapprove that such people be allowed to **conduct peaceful demonstrations** in order to express their views? Please read me the number.

D3. Still thinking of those who only say bad things about the [country's] form of government, how strongly do you approve or disapprove of such people being permitted to **run for public office**?

D4. How strongly do you approve or disapprove of such people appearing on television to **make speeches**?

²³ **PROT6.** In the **last 12 months** have you signed any petition? (1) Yes, signed, (2) No, has not signed.

²⁴ Canada, Bolivia, Suriname, United States are excluded for lack of data.

expected, but political tolerance is insignificant and petitioning is significant in the unexpected direction.

In sum, the individual-level analyses shown here support the claim that citizen expectations of the behavior of state actors produce norms of law (dis)obedience that, in turn, color their views on the justifiability of bribery.

Conclusion

Why is bribery more justifiable in some countries and to some people in the Americas? This report suggests bribe justification is a strategic response to citizens' expectations of corrupt behavior on the part of state actors. These expectations are shaped by law-abiding norms that vary with levels of rule of law in the hemisphere. The results indicate that bribery has a self-perpetuating mechanism: if the rule of law is so weak that state actors are brazen enough to solicit bribes and self-interested citizens feel justified in paying them, the supply and demand of bribery will converge to form strong social behavioral norms. Hence we should not expect anti-bribery or anti-corruption norms to spring automatically from the processes of modernization and democracy. It will require state actors to change their behavior and, in so doing, reshape citizens' expectations about them. Until then, we should expect many citizens to continue to see paying the occasional bribe as in their own best interest and to act accordingly.

Drastic behavioral modifications such as these often require new institutional incentives, both carrots and sticks. In the last two decades governments, aid and development agencies, and non-governmental organizations have made huge investments in anti-corruption campaigns, judicial system overhauls, and police and security reforms. According to this report, such governance and rule of law reforms are critical to beginning a virtuous cycle of law obedience that will generate anti-

corruption norms that, over time, would make bribery a non-starter in the Americas.

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Appendix

Table 1. Predictors of Agreement that Sometimes Paying a Bribe is Justified, 2012

	Coefficient	Robust Standard Error	Coefficient	Robust Standard Error
Perception of Corruption	0.173*	0.040	0.136*	0.043
Asked to Pay a Bribe			0.311*	0.030
Believe Police are Involved in Crime			-0.063*	0.031
Trust in the Justice System	-0.074*	0.025	-0.064*	0.032
Justice System Would Punish the Guilty			-0.044*	0.021
Support for the Rule of Law			-0.199*	0.023
Interpersonal Trust			-0.070*	0.023
Life Satisfaction			-0.071*	0.021
Political Tolerance			0.049	0.042
Signed a Petition			0.077*	0.027
Worsening of the National Economy	0.011	0.024		
Trust in Police	-0.005	0.024		
Trust in Local Government	-0.085*	0.031		
Political Interest	0.028	0.018		
Education	-0.048	0.025		
Age	-0.311*	0.047	-0.263*	0.041
Quintiles of Wealth	0.074*	0.027	0.05	0.027
Woman	-0.166*	0.031	-0.144*	0.032
Size of Place of Residence	0.123*	0.027	0.082*	0.026
Mexico	0.193*	0.006	0.174*	0.005
Guatemala	-0.142*	0.007	-0.161*	0.005
El Salvador	0.026*	0.005	0.019*	0.005
Honduras	0.049*	0.009	0.045*	0.009
Nicaragua	0.108*	0.004	0.109*	0.005
Costa Rica	0.101*	0.006	0.099*	0.006
Panama	-0.010*	0.004	0.015	0.010
Colombia	0.169*	0.005	0.198*	0.008
Ecuador	0.190*	0.002	0.137*	0.007
Bolivia	0.144*	0.005		
Peru	0.073*	0.004	0.052*	0.007
Paraguay	0.090*	0.005	0.088*	0.005
Chile	-0.027*	0.006	-0.026*	0.004
Brazil	0.001	0.003	0.002	0.004
Venezuela	-0.019*	0.005	0.006	0.004

	Coefficient	Robust Standard Error	Coefficient	Robust Standard Error
Argentina	0.003	0.007	-0.019*	0.005
Dominican Rep.	0.129*	0.006	0.132*	0.005
Haiti	0.554*	0.005	0.465*	0.012
Jamaica	0.214*	0.004	0.226*	0.007
Guyana	0.326*	0.008	0.323*	0.007
Trinidad & Tobago	0.221*	0.007	0.199*	0.007
Belize	0.093*	0.006	0.095*	0.004
Suriname	0.170*	0.008	0.095*	
Constant	-1.841*	0.015	-1.935*	0.017
Pseudo-R ²		.096		.124
Number of Obs.		32414		26138

Note: Coefficients are statistically significant at *p<0.05, two-tailed.
Country of Reference: Uruguay