From Local Microstructures to Democratic Rule of Law

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The Rule of Law appears a necessary requirement for a free, distributive society, but it is not enough. We assume that political institutions do not restrict political action and projects, but rather provide the ground to debate social reform and act upon it. Today, legitimacy and legality, two values inherent to democratic citizenry, face politics with the pressing need to develop social networks. These in turn should acknowledge their role as the social foundation for change, and as the true representatives of citizens in a state of democracy (citizens who are sunken in violence, neglected by government, silently preserving the very essence of democracy within their communities).

Contemporary (or post-modern) democracies are necessarily participatory and representative political systems. The dilemma therefore lies in building a Rule of Law that acknowledges local social structures at a micro level and respects the very essence of participatory democracy, and which acts as the right forum to allow the emergence of those leaders who remain hidden and invisible for fear of punishment and repression, and also as a passive defence mechanism.

Unlike ancient democratic models, democracies today must be representative. This means the substitution of the "group", and the concentration of political decision-making powers in the hands of a legislator or leader-elect. In these democracies, groups organize under the umbrella of coalitions or political parties to present their government programmes to citizens whose vote will determine who of them will come to power. It is a known fact that the majority rule is the raison d'être of the principle of democratic political representation. Indeed, it is citizens who, by majority vote, decide which group will be in power for a pre-established period of time. This process should not overlook the fact that representation is not synonymous to grass roots organizations falling into oblivion; on the contrary, it is these very local organizations or microstructures which should permanently audit political actions in an organized, participatory manner.

In view of the size of societies today, and of the different forms of organization, it appears difficult, if not impossible, for any kind of direct participation to substitute the principle of representation as a mechanism to voice citizen's current will. Electoral systems thus appear as the sole alternative for citizens to express themselves. In these systems, each citizen has identical weighting ("one man, one vote") when it comes to appointing those who will be entrusted with decision-making powers that will affect citizenry as a whole. Voting does not suffice in today's democracy, however. Social networks must be urgently reorganized and provided with legality and political legitimacy. This means that participation in and the construction of a Democratic State must be based on grass roots organized as microstructures within the community with sufficient representation and a space of their own, so that they do not fall victim of clientelism, of loyalty buying or simply remain silent for fear of repression.

A proposal that goes beyond the populist approach to citizen participation in all decisions is required in order to turn local microstructures into the foundation for developing a democratic Rule of Law. Doing so would preserve the fundamental role each individual has to play in democratic processes. It means being aware of the participatory structure, of how the group becomes articulated, and of the value of legitimacy in group actions. These elements shape the democratic processes that in turn encourage organized

micro-social structures to take actions that overcome social anomie barriers, do away with apathy in grass roots and encourage a responsible exercise of power - a power which has historically been distorted and repressed by parallel structures linked to organized crime, drug trafficking, paramilitary forces and authoritarian political elites.

Putting forward the idea that one of the core principles of modern democracies must be the recognition and defence of the fundamental rights of minorities in group decisions implies the Rule of Law guaranteeing the right of any man (even if he is the only one) to oppose a majority decision. As a result, both democracy and the Rule of Law acknowledge local structures at a micro level represented by individual citizens.

Power, Democracy and Citizen Representation

"The essence of life consists, after all, of the political functioning of the society in which we find ourselves." Michel Foucault, 1971.

Just as Foucault puts it, when speaking about democracy, participation and representation, one of the first actions consists in pointing to and highlighting political power relations, and where they lie. These relations govern the social body, and either repress it or suppress it. In building a Democratic State model, it is therefore essential to bear in mind that its constituting micro-social structures should recognize the symmetrical and asymmetrical micro power relations existing within them.

Power lies in the hands of Governments, and it is exercised through a number of individual institutions such as the Army, the Police and the State apparatus, all of them a public expression of State Power. However, one should wonder: Who hold power in modern Democratic States? Do the Army, the Police and other Government Structures share that power with other individual pressure groups that asymmetrically control the State?

In Foucault's opinion, power relations are a strategic situation in society at a given point in time. Power and power relations are therefore everywhere. The individual, and the microstructures within which it coexists with and relates to others, are crosscut by power relations. For Foucault, power not only represses; it also "generates". It generates effects such as truth, learning (in the sense of knowledge) and, especially, the State. This State becomes democratic to the extent participation, representation and decisions, actions and power relations become inclusive.

Government institutions have been designed to make and convey a number of decisions on behalf of a Nation or State. However, their actions should reflect the will of the citizenry. Democracy as a principle of the modern State loses its value when the latter only represents privileged classes and excludes other less favoured classes from power.

Politics and social structures at a micro level are therefore entrusted with the task of criticizing the work of institutions and questioning their actions and biases, attacking and reporting any lack of transparency while taking up a neutral, independent stance. Fighting for ensuring citizen representation and the power of citizens in a Democratic state is a critical role in the construction of a true Rule of Law.

Criticism and struggle are of the essence for building power from micro-social structures, since political power is far more complex than it appears on the surface, with hundreds of invisible ties forming and supporting it. It does not suffice to think that the Sate is based on State institutions; there are social structures fighting to take on and exercise full power. Identifying those hidden areas in a Democratic State structure and shed on them the light of active citizen participation is therefore a utopia worth every effort.

It may be concluded that the solution does not lie in a populist approach to participation; the path towards a true State of Law consists in all citizens recognizing democratic processes, participation structures, the way to articulate them, and the legitimacy of their actions.

Micro-social Structures and New Leaderships resulting from Violence and Fear

"The abyss between citizens who discuss, get organized, participate and fight for their rights and those who turn to force to deprive their adversaries from their freedom is the same as that existing between the passion for democratic politics and totalitarianism, between justice and arbitrariness. Because, as one poet once said, we may sometimes be violent people who love passionately, but we will always be men and women who hate the violence that deprives us of the joy of one look"[1] - José Marzo, 2002.

Fear and control are at the core of one of the most recurrent debates on modern democracy. These systems have forced a change in community structures, and they have led to a new type of "informal urban and rural leadership" capable of mobilizing specific sectors in the community and unfortunately transforming them into "drivers of social change at a micro level within the community". The result has been a backward step in the respect for citizen rights, with these structures persecuting all those involved in social structures who wish to build a Democratic State.

No community mesh may be developed when leadership is the result of violence; when it hides under a cloak of anonymity and silent omnipresence, and expresses itself in repressive actions in the different boroughs, weakening the Democratic Rule of Law, and dismantling the micro-social structure.

By weakening citizen participation, disallowing social development and de-legitimizing State actions, these leaders pave the way for a return to totalitarianism. This is further clarified by José Miguel Cruz in his article called *"Violencia, democracia y cultura política"* (Violence, Political Culture and Democracy), published in *Nueva Sociedad* magazine in its May/June 2000 issue: *"Violence is one of the most serious issues in Latin America. In addition to impacting economic development and causing the loss of lives, it also transforms political culture and affects democratic processes. In the absence of effective political and social responses to the high level of public insecurity, many citizens decide to no longer participate in politics or in social actions. Authoritarian attitudes gain appreciation, and mistrust of institutions and of legal mechanisms increase, and so does the support to authoritarian political figures"*[2]. By authoritarian we mean not only those who exercise authoritarianism at a global political level, but also those figures who, through economic power and fear, gradually undermine micro-social structures to the point of neutralizing the Democratic State and turning it into a "criminal, Praetorian, mafia or gendarme state".

We need to understand how violence, criminality and citizen insecurity are increasingly becoming the subject of everyday discussions and social debate in order to have a clear view of micro-social structures and the new leaderships resulting from violence and fear. To begin with, the scale of social values and attitudes has changed: Citizens are now changing certain behaviours and taking actions to protect themselves from and feel more secure in the presence of a perceived threat. Secondly, as part of their political culture, they constantly question the legitimacy and validity of democratic freedoms and the respect for civil and human rights. In this regard, Ratinoff (2004) allows us to reflect upon something that becomes rooted in the micro-social structure and leads to dynamic processes that condition the commission of crimes and the taking of actions that weaken democratic structures and the Rule of Law: The *Crime Reproduction System* (sistema de reproducción del crimen)*,* as he calls it. These actions weaken the institutions that specialize in promoting emotional security, personal identity and a commitment to the community, and favour a commercial culture, the eidetic structures typical of the information world, as well as some secondary forms of socialization which offer protection while encouraging adaptative identities to survive amidst insecurity.

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[1] Free translation.
[2] Free translation.

Social insecurity validates the authoritarian order and gradually weakens the Rule of Law, thus creating a gap between social stability models and the reality we live in. A great divide appears between ethics and survival strategies that conflict with the wishes and values of democracy and of the democratic utopia.

Lastly, and along the lines of Ratinoff's thinking, a weak democracy and a very inefficient Rule of Law foster an increase in crime rates. *"If crime pays, then there is a direct incentive to commit crimes."*[3] As a general rule, this happens in those areas where impunity is the rule, and where people realize there is not necessarily a causal relationship between crime and punishment, where the role of the State weakens and gives way to parallel social control methods that go against a frail democratic institutionality. Crime and violence become "normal", and communities (where fear and insecurity are part of their daily routines) end up as a constant victim of this social evil.

In view of the above, it is important to identify the mechanisms required to do away with the limitations imposed by fear and systemic violence. We need to cause groups which have become organized on a micro scale to grow larger, and capable of providing responses through action and consensus. Groups that are aware of and take a critical view on change in their immediate environment and in their communities, who gradually transcend in their effort to promote democracy and the respect for a legitimate Rule of Law.

The Response of Micro-social Structures to Democracy-weakening Conflicts

The term "conflict" is both mobile and ambiguous; it may bear different meanings depending on the context where it is used. The definition of the term provided by Adam Curle may help us narrow the meaning given to it in this paper: "There is conflict whenever an individual, a community, a nation or even an international block pursues something that cannot be obtained if not at the expense of another individual or group pursuing the same."[4]

Dispute resolution intends to bring any global or local antagonism back to manageable levels. It seeks to develop processes and actions intended to:

1. Find a constructive solution to conflict and stabilize the democratic Rule of Law.

2. Identify local or traditional community approaches that may release the tension generated by the infringement of social structures.

3. Transcend the boundaries of psychology and law by turning back to micro-social structures as a means to ensure the legitimacy of solutions.

4. Acknowledge the dimension of conflict, and its players.

5. Build bridges between subdued, disorganized social groups, so that peaceful dispute resolution prevails and is acknowledged under the rule of law

6. Build communication networks between men and women leaders (both traditional and emerging).

7. Develop non-violent defence strategies through the active participation of community microstructures that underpin the democratic Rule of Law.

The struggle to impose (or refuse to accept) a given lifestyle stirs resistance and friction within communities and undermines the development of a democratic Rule of Law. These community leaders turn to various strategies that range from anomie to open violence in order to gain power and territories, even at the expense of a back and forth relationship with drug trafficking and organized crime groups.

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[3] Free translation.
[4] Free translation.

The violent conflict generated by State control groups within a given micro-social structure as a routine practice (such as violence among and against neighbours within a community) gradually makes violence, which takes the lives of hundreds of victims (most of whom are not directly involved in the conflict), the rule. The inability to organize these conflicting community groups leads to a number of dyfunctionalities which affect the social mesh within this micro-social structure. It also results in a number of recurrent violent acts that affect people individually, and the neighbourhood as a group. These include violence within the family; child maltreatment; child labour in armed groups; mothers, women and young girls taking part in drug trafficking and criminal networks; juvenile gangs or *maras*; rape and violence against adult and minor women; alcoholism, psychotropic drug abuse or extortion, among other collateral forms of conflict.

Dispute resolution today calls for making internal management decisions that involve specific approaches that prioritize the development of sound political micro-social structures and the specific involvement of those taking part in the conflict. The above entails acknowledging the community structure at a micro level which, in a first instance, and within small, trusted circles, turns to dispute resolution as a means to reach agreements that will ensure peaceful, lasting results. By turning to negotiation, these organizational microstructures achieve the inclusion of those involved (and of their needs) in a symmetrical way, subject to no imposition from control groups. This gradually results in a commonplace practice that seeks to identify solutions that go beyond asymmetries, and to level off power relations in society on a micro scale, thus ensuring peaceful and democratic coexistence.

Non-violent defence may only be established as a part of a decentralization movement in all fields. Non-cooperation and civil disobedience, coupled with the creation of independent local institutions and the implementation of coexistence tools and techniques that everyone can control, might allow some gradual release of tension starting at the grass roots (provided a significant awareness raising and information effort is undertaken). The creation of true "violence-free territories" managed by local populations would be then feasible. These "territories" may respond to an institutional or geographical classification, but they would all have in common the fact that the grass roots would gradually gain control over boroughs, towns and institutions formerly under the rule of drug trafficking or criminal groups. These processes lead us to conclude it would be far more reasonable to favour a locally organized, non-violent civil defence over the strengthening of defence through anomie or violence.

A population convinced of the power of firmly defending itself through non-violent mechanisms, of not becoming involved in violence and of the destruction of anomie might not only render criminal or social control groups unable to inflict harm or exercise implicit or symbolic violence, but it could also disable or inhibit the ability of these groups to cause damage. It might also neutralize the repressive actions of policemen, armed groups or hired assassins, as the case may be. Even more so, the latter might be deterred from venturing a violent invasion for fear that the morale of their thugs might be undermined by a population longing for peaceful coexistence. This population, however peaceful and reluctant to anything that may curtail its basic freedoms, to any act that goes against its convictions and peaceful spirit, and to submissiveness, would struggle to make all this viable in a state of true democracy that is built around and supported by its underpinning micro-social structure, even if faced with national disasters and calamities.

Final Remarks

Violence and citizen insecurity bear multiple, complex impacts on the political culture of citizens from any given country which may not be summarized in a mere checklist. The factors undermining citizen participation in any society seeking to be democratic range from authoritarian attitudes and mistrust of institutions to supporting an authoritarian regime which does not acknowledge the micro-social structure.

The situation in Latin America may lead us to think of a still distant utopia to ensure democracy, freedom, justice and equality, but we should never allow violence as a solution. It is necessary to reinforce non-

violent approaches in order to uphold the incipient democratic Rules of Law achieved so far. Additionally, we need to build an active culture of non-violent resistance by planting the seed for micro-social structures to sustain peace, also generating greater motivation, strategies and efficient means to fight the dangers that put democracy in jeopardy. Organization within the community will surely grow from there and, with it, the ability to respond through non-violent organized groups that will gradually develop a representative, valid and legitimate democratic Rule of Law for all citizens.

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