

The Generalization of Particularized Trust – An Assessment of Colombia's
Effort to Monopolize the Means of Violence through the Prism of a Social
Trap

by

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B.A. (Hons), University of Calgary, 2007

A THESIS SUBMITTED IN PARTIAL FULFILLMENT OF THE REQUIREMENTS
FOR THE DEGREE OF

MASTER OF ARTS

in

THE FACULTY OF GRADUATE STUDIES

(Political Science)

THE UNIVERSITY OF BRITISH COLUMBIA

(Vancouver)

September 2009

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Abstract

This paper examines the relation between the politics of state formation and the accompanying appearance of social traps based on the example of Colombia. It shows that egregious exceptions to the rule of law – exemplified by the parapolitica and “false positives” scandals – are themselves a result of “social traps”, which are generated by the generalization of particularized trust. The generalization of particularized trust entails the incorporation of a closed trust network in the effort of monopolizing the means of violence against an internal insurgency.

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Acknowledgments

I like to thank Mark Warren for his supervision throughout this project, Maxwell Cameron for his support, and Sean Gray for his commentary on an earlier draft. Samuel T. Reed ensured that everyone, who read my various drafts, did not have to deal with too Germanic sentences. Lastly, I want to thank all my peers and the Political Science Department at the University of British Columbia for the inspiring environment.

Dedication

Für Mama, Papa, Oma, Opa, Steffen, Tineke, Henk. Danke für all die Unterstützung!

Introduction

When we look at Colombia's political history, we are faced with a peculiar paradox: Colombia is a liberal constitutional state, which has a long history of constitutional rule. Despite that, it has immensely high levels of criminal and political violence. Illegal armed actors – paramilitaries and guerrilla groups – and the state's armed forces alike commit pervasive atrocities. One side of the problem is that Colombia has failed to achieve a clear monopoly of violence, which is Weber's normative definition of the state (1994, p. 309). For six decades it has fought an intractable counterinsurgency war. The other side of the problem, which is related to the insufficient monopolization of violence, is that Colombia has been caught in social traps that prevented its complete democratization. Bo Rothstein (2005) identifies a "social trap" as a "situation where individuals, groups or organizations are unable to cooperate owing to mutual distrust and lack of social capital even where cooperation benefit all" (p. 12-13).

Recent scandals suggest that the two problems are closely related. What has become known as the *parapolitica* scandal pertains to contracts signed between politicians at all levels of government with paramilitary leaders. In these pacts, politicians and paramilitaries assured each other mutual support. This implied that paramilitaries would make sure that politicians get elected, and politicians made sure that the paramilitaries' business would not be substantially interfered with. It is believed that up to 35 percent of the legislature in Colombia is in the pockets of the paramilitaries, thus making it difficult to discern which of the paramilitaries' interest found their way into law or treaty texts. "False positives" – the insidious name of the second scandal – involved members of the armed forces (in corporation with paramilitaries) kidnapping male youths from poor neighborhoods, executing them and subsequently dressing them up as guerrillas as proof of their counterinsurgency efforts. Such "proofs of efforts" were presented to superiors and resulted in material *boni* or promotions. These scandals are not unique in Colombian history. They merely represent the most recent and particularly insidious exception to the rule of law. The systemic violation of human rights is widely

documented by organizations such Human Rights Watch and Amnesty International as well as scholars (Amnesty International, 1980-1991; Chernick, 1988).

While this contextual information is important, this essay will not be a case study of the Colombian conundrum. Instead, it will seek to provide a more generic analysis. For this purpose, investigating the following questions is essential: how and why can such patterns of abuse of power persist and have such fatal consequences within an institutional and constitutional design that ought to prevent it? In the face of such patterns can we speak of a democracy with a deficient monopoly of violence or do we have to interpret them as signs of a more fundamental problem? If we can indeed observe more fundamental problems, do these constitute a social trap, a situation in which the individuals' or groups' motivation mutually reinforce sub-optimal outcomes?

This essay will argue that the Colombian case exemplifies a particular kind of social trap, itself a consequence of the *generalization of particularized trust*. Particularized trust networks are those that turn trust inward and distrust outward. If such trust networks are incorporated into the attempt of the government to monopolize the means of violence, these structures of closed trust are extended into the state apparatus. The offsetting of institutionalized distrust through incorporated, but not subdued, closed networks of trust is what I call the *generalization of particularized trust*. As I will argue, the nature of a trust network is very much at the centre of the explanation for the negative externalities of the politics of state formation. A closed trust network essentially distorts accountability and thereby renders institutionalized distrust – the norm in a democratic state that generates trust in society – virtually mute.

If institutionalized distrust is indeed rendered mute, the rule of law, which constitutes a basic pillar of progressive democratization, is existentially damaged. The pattern feeds itself, since the political elites' interest and those interests of the closed trust network are aligned with one another. However, those that experience the suboptimal outcome – in this case the violent coercion of the paramilitaries – have no direct access to affecting this mutually reinforcing pattern. The closed trust network essentially replaces law. Yet, since this trust network is not embedded in a framework of distrust, which would enable a bargaining process improving the predictability of coercion and enabling the virtuous legitimacy cycle, the “law” emanating from the closed trust network is

virtually identical with violent coercion. This violent coercion is solely applied with the interest of the closed trust network in mind.

This study will first outline the historical patterns of Colombian politics. For the purposes of this essay, a brief summary of the most important structures and their trajectories will suffice. From that I will move to the theoretical discussion, which will lead into a presentation of Weber's normative state framework. I will explain how in Weber's model, the monopoly of violence, in conjunction with taxation and the creation of legitimizing myths, functions as a virtuous "legitimacy cycle." In order to relate this framework with the issue of social traps, I will explain trust's function in society, its definition, and its various types. The differentiation of types of trust into categories of particularized and generalized will help identify the social trap persistent in Colombia as the generalization of particularized trust. This social trap undermines the development of legitimacy of the polity and, most importantly, prevents the cultivation of generalized trust, which is essential for the rule of law, which in turn is essential for progressive democratization.

Disturbing Phenomena: *Parapolitica* and the "False Positives"

Analyzing Colombia's history can be a convoluted exercise akin to finding the exit out of a labyrinth. In very general terms, Colombia suffers from two basic malfunctions of its political system: first, the state lacks a clear monopoly over the means of violence, and second, social traps undermine the development of social capital with positive externalities, such as "democracy, education, prosperity, safety, health, and even happiness" (Warren, 2008, p.123). This study seeks to combine the two conceptual approaches and explain how distrust and trust function in connection with the politics of state formation. Most importantly it seeks to identify what specific social traps can accompany the politics of state formation.

A complex set of actors with multiple layers of interaction and conflicts of interest makes for a difficult but juicy subject of study, and analysts certainly have produced a great wealth of research. While this study is concerned with the generic theoretical issues of social trust and the monopolization of violence, and investigating all

of the complex dimensions of the Colombian conflict exceeds the margin of this study substantially, nevertheless, we cannot avoid a brief historical outline of the conflict.

Recent South American history has been riddled with military dictatorships that systematically undermined the rule of law and abused human rights. In this environment, Colombia is somewhat of an anomaly: despite high levels of violence and internal insurgencies, Colombia has, for the most part, abided to constitutional rule. Furthermore, the 1991 constitution embodies institutionalized liberalism and follows liberal doctrines such as the separation of powers and the regimentation of distrust into the political system (Safford, Palacios, 2002).

On a very basic level, we can distinguish three different actors: the central government along with its armed forces, several guerrilla groups (of which the Revolutionary Armed Forces of Colombia [FARC] is the most powerful), and paramilitary groups allied with land owners and drug dealers. Here we can already introduce the social trust vocabulary and mention that of the three groups, the guerrillas and paramilitaries are closed trust networks that, among other things, offer their services (providing protection) to entrepreneurs of various types (mostly illegal drug traffickers). As will become clear, they direct trust internally and act predatorily towards those outside of their trust network. This stands in opposition to the prerequisite of general social trust, which is conducive to democratic rule (Warren, 1999). In order to engage in democratic politics, one needs to be able to trust beyond the familiar world and has to turn trust outward, as I will explain in more detail below (Uslaner, 1999, p. 121). The closed trust network replaces law and disallows for negotiations and bargaining that fill law with meaning.

Colombia's guerrilla groups are a product of the Cold War. Specifically, they sprouted the decade following the Cuban Revolution. The paramilitaries, too, have their origins in the politics of the Cold War. They were officially initiated by state policy in an effort to battle guerrilla incursions on *latifundias*. However, the paramilitaries underwent a profound transformation during the 1980s, when the cocaine trade brought huge profits to Colombia. Fuelled by the proceeds from the illegal trade with the white powder, paramilitaries became the fastest growing non-state armed group and a powerful tool for ruthless drug lords seeking to use terror for their political goals. The Kingpin of the

Medellin Cartel, Pablo Escobar, used his paramilitaries in a terror war to pressure the central government to reject extradition laws. Also, hundreds to thousands activists of the left-wing party *Union Patriótica (UP)*, including presidential candidates, were massacred by paramilitary death squads.¹

The paramilitaries, with their direct ties to the drug trade, and the guerrillas, with their more indirect ties to the drug trade (they tax drug traffickers), plague the country with violent attacks to this day. The interesting relationship to point out, are their respective interactions with the central government. Nominally, both are considered illegal terrorist groups; however, the primary enemies of the state were and continue to be the guerrillas. Since the guerrillas are also the common enemy of paramilitaries and (ultra-capitalist) drug lords, the armed forces regularly used the capacities of the paramilitaries to battle guerrillas. This relation became so obvious and intimate that Human Rights Watch went so far as to call the paramilitaries the Colombian Armed Forces' sixth division (Human Rights Watch; 2001). In the report, Human Rights Watch lists the atrocities committed by paramilitary forces and shows that this could only have happened with the cooperation of the army. Whenever "dirty work" needed to be done, the military let paramilitaries do it and closed the affected area.

From Colombia's violent past derive fundamental socio-political impediments to the rule of law, which buttresses democratic participation. This is despite its liberal constitutional design. The two aforementioned scandals, the *parapolitica* and the "false positives", best evince this social trap that prevents progressive democratization. The *parapolitica* scandal entails politicians in Colombia² signing treaties with regional paramilitary leaders. In these, they put into contract mutual cooperation and support, which meant that the paramilitaries would organize the votes and the politicians would protect them against prosecution. The Justice and Peace Law, which gives reduced prison sentences to paramilitaries for demobilizing, has provided immunity for some of the worst human rights offenders. Human Rights Watch and Amnesty International have criticized it for giving paramilitaries the ability to act with impunity, whitewashing their

¹ Recently, it was shown that the Colombian internal security agency (DAS) was complicit in the murder of presidential candidate Luis Carlos Galán in 1989. See "Colombia arrests Ex-Security Head", <http://news.bbc.co.uk/2/hi/americas/8208956.stm>.

² One of the most prominent members of the Senate to be indicted was the cousin of current the President.

past crimes, covering the state's involvement in these crimes, and recycling paramilitaries into the conflict, which undermined demobilization efforts and jeopardized public participation and trust in government (Amnesty International, Human Rights Watch, 2005).

The second scandal is even more appalling. False positives, or the body count syndrome, have been a symptom of Colombia's counterinsurgency war for at least fifteen years. They are a form of extra-judicial killing motivated by material and professional gain. Within the armed forces, promotion was contingent on proven efforts in the counterinsurgency war. Success was measured with bodies - that is killed guerrillas. So soldiers produced "false positives" by kidnapping people - mostly younger men from poor neighborhoods - executing them, and subsequently dressing them up as guerrillas to present them to superiors for promotion and *boni*. A now declassified report by the US ambassador from 1994 proves the existence of this "body count syndrome." Human rights researchers state that this practice has been consolidated under current President Uribe, who took office in 2002. Since his inauguration to the Presidency the numbers of "false positives" have increased substantially, but the scandal remained undetected until Fall 2008 (Lopez, Sevillano, 2008).

To sum up this brief investigation into Colombian politics, we have several reference points, which will be essential for understanding the generic problems to be investigated. In this particular case, paramilitaries and guerrillas, within the framework of a constitutional state, represent closed trust networks that, amongst other services, sell protection. They control areas and territories and fulfill the functions the state generally assumes in regards to contractual guarantees (protection) and taxation. However, while the guerrillas for the most part were actively persecuted, that is, the sovereign power attempted to subjugate them through coercive means, paramilitaries and their capacities were incorporated into that strategy and frequently utilized in military operations. Thus, notwithstanding the similar nature of these groups with regards to how they challenge the state's monopoly of violence, the approach taken by the state towards these groups differs significantly.

The State, State Formation and Trust

The greatest insecurity, and hence the biggest impediment to trust, is the threat of losing one's life. Most famously, this assumption is one of the basic pillars of Thomas Hobbes' political thought (1997). Since violence and coercion play pivotal roles in the phenomenon this essay investigates, we need to look at the generic relation between violence, coercion, trust and distrust. In order to make sense of that, we need to look at the object of inquiry that dominates analysis in political science: the state. Despite the growing traction of theories that posit power outside the state (Beck, 2001), and the increased connectedness of non-state actors through modern means of communication, the state remains the primary setting of analysis - at least in a normative framework.

Despite the ubiquitous usage of Weber's classical definition of the state in political science, it is essential to understand the means of statehood in order to locate trust's functional role within it. Weber looked for the defining trait of the nation state in its peculiar relationship to *Gewaltsamkeit*. In his lecture, "Politics as a Vocation", Weber writes that "sociologically, the state cannot be defined in terms of its ends", because political associations have taken on a variety of tasks. Furthermore, no task has been exclusively operated by political associations. Consequently, the state can only be defined in sociological terms by the specific means peculiar to it; ultimately the peculiar means of the state is the use of physical force (Weber, 1994). Weber elaborates:

'Every state is founded on force,' said Trotsky at Brest-Litovsk. That is indeed right. If no social institutions existed which knew the use of violence, then the concept of 'state' would be eliminated, and a condition would emerge that could be designated as 'anarchy,' in the specific sense of this word. Of course, force is certainly not the normal or the only means of the state--nobody says that--but force is a means specific to the state. Today the relation between the state and violence is an especially intimate one. In the past, the most varied institutions--beginning with the sib--have known the use of physical force as quite normal. Today, however, we have to say that a state is a human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory. Note that 'territory' is one of the characteristics of the state. Specifically, at the present time, the right to use physical force is ascribed to other institutions or to individuals only to the extent to which the state permits it. The state is considered the sole source of the 'right' to use violence. Hence, 'politics' for us means striving to share power or striving to influence the distribution of power, either among states or among groups within a state. (1994, p. 309)

The monopolization of violence in the hands of the state is essential for generating trust in society. Coercion in the hands of every individual in the form of violence is certainly the most dangerous or risky detriment inherent in political situations. Monopolization of violence helps generate trust and abandon risks by taking the violence that is potentially in the hands of every individual or group and subduing it to the monopoly of the state. The state thereby converts violence – unpredictable and arbitrary – into patterned coercion. A state – regardless of regime type – makes the application of violence more predictable and thereby reduces the risks that arise from conflicts of interests in political situations.

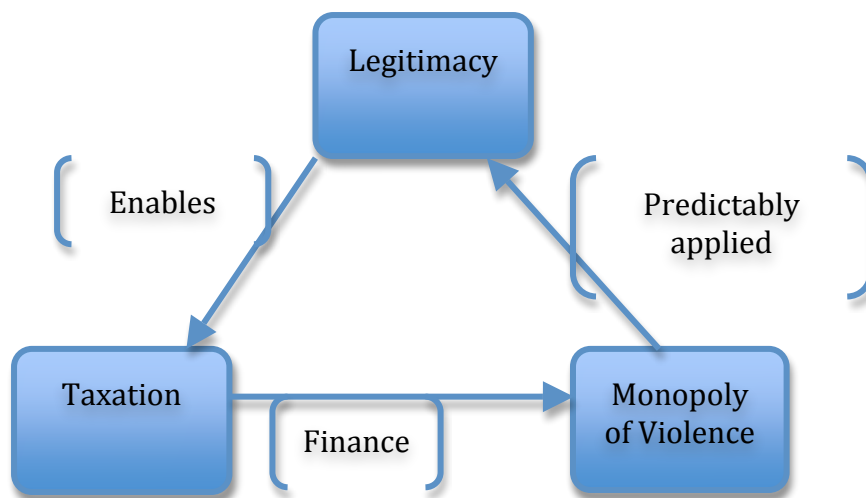


Figure 1: The Legitimacy Cycle. This figure illustrates how legitimacy, the ability to raise taxes and the monopoly of violence function contingent on one another.

The monopoly of violence at the same time generates legitimacy by applying indiscriminately to everyone that lives within the territory. This works in conjunction with the capability for taxation. As Vadim Volkov explains, “the struggle for the legitimation of a regular tax system underlay the transition from ‘patrimony’ to the ‘state’ as public domain” (2002, p. 164). This also means that the process of legitimation, although closely linked to the capability to coerce, is not comprised solely of that capability. Carl Schmitt falls into this trap, when he states that legitimacy derives from the facticity of laws (2005). According to Weber, however, a coercive body requires the

cultivation of “beliefs in its legitimacy” (1994). This cultivation of beliefs seeks to justify a “system’s privilege of existing and conducting operations” (Waeras, 2007). Thus, we can identify three pillars of political legitimacy: the capability to coerce indiscriminately and predictably (that is without preferences), indiscriminate taxation (taxation according to rules that do not change arbitrarily), and the belief that justifies the privilege to coerce and collect taxes. Figure 1 above illustrates how all three pillars work in conjunction with one another and cannot stand alone, as Carl Schmitt erroneously suggests.

Trust and Society

To frame the Colombian conundrum in the question about the monopoly of violence does not appear very far-fetched. Placing the implications of counterinsurgency within the framework of social and political trust, on the other hand, might seem a little peculiar. However, if we were to limit ourselves to questions of coercion, we would gloss over some essential facets of social life as Niklas Luhmann observes at the outset of his influential study *Trust and Power*:

Trust [...] is a basic fact of social life. In many situations, of course, man can choose in certain respects whether or not to bestow trust. But a complete absence of trust would prevent him even from getting up in the morning. He would be prey to a vague sense of dread to paralyzing fear (1979, p. 4).

Consequently, the essence of trust for social life makes it an indispensable concept for our inquiry into a social conundrum such as the one we find in Colombia. In this respect, we will see that trust and the monopolization of coercion are intrinsically related, particularly if we take a functionalist approach to social order.

The necessity for trust in social life arises out of the complexity that social life brings with it. Complexity in life is not original to human life – any organism faces the complex challenge of survival. However, human cognitive capacities enable us to be aware of said complexity and develop mechanisms to cope with it.

The relationship between trust and complexity is contingent on the relationship between trust and time. A systematic analysis of time and being, to use Heidegger’s

phrase, would certainly exceed the confines of this study, yet, the basic conceptualization will help us explain the political dimensions of trust later on. To trust someone implies an expectation of a certain behavior in the future, while this judgment functions and is made in the present. The truster cannot supersede time, but must come to a decision about the future in the present situation, yet “neither the uncertain future nor even the past can arouse trust since that which has been does not eliminate the possibility of the future discovery of alternative antecedents” (Luhmann, 1979, p. 12). To sum up:

The problem of trust therefore consists in the fact that the future contains far more possibilities than could ever be realized in the present and hence be transferred into the past. The uncertainty, which is bound to exist, is simply a consequence of the very elementary fact that now all futures can become the present and hence become the past. The future places an excessive burden on man’s ability to represent things to himself. Man has to live in the present along with this everlastingly over-complex future. He must, therefore, prune the future so as to measure up with the present – i.e. reduce complexity (Luhmann, 1979, p. 13).

Social dimensions only increase the complexity of the world, “since other people have their own first-hand access to the world and can experience things differently.” As such the alter-ego, the appearance of other people’s first-hand experience in our own consciousness, is a “source of profound insecurity”(1979).

This profound insecurity does not diminish with the sophistication of rationalized planning. Rationalized planning entails the projection of dependencies and contingencies that a decision might bring about. With improved methods of planning, we can identify an increased number of future possibilities. Hence, the “indeterminate complexity [...] is actually a consequence of instrumental planning” (1979, p. 15).

One response would be the elimination of complexity. The most autocratic and totalitarian systems of rule attempt to achieve just that. The liquidation of freedoms, human agency and the cost to human life that accompany such an approach show the problems of the reduction of complexity by elimination. Hence, rather than doing away with complexity, social mechanisms should make living with it acceptable. Therefore, in conceptual terms, we can reject Hobbes’ call for “absolute political domination”, because it denies alternatives and thereby eliminates complexity. Trust, however, increases possibilities for “experience and action” making it the more “effective form of complexity reduction” (Poggi, 1979). Trust is more effective, since it enables individuals to live with

the complexity they find in society. Trust implies the act of choosing to take a risk, while domination leaves only one choice and hence eliminates this agency. Hobbes only envisioned the risks that multiple possibilities imply. However, risk always implies positive as well as negative possibilities and eliminating risk would also eliminate the potential for prosperity (Luhmann, 1993). I will investigate in more detail below how trust serves in a democracy to reduce complexity more efficiently without taking away possibilities.

Trust and its Multilayered Components

The essential components for understanding the individual, social and political implications of trust are multifaceted. These include risk, complexity and the individual decision one takes to cope with that risk when conferring trust upon someone else. Only if we include these hallmarks in our conception of trust, can we distinguish it from such concepts as hope and familiarity. Now that we have investigated trust in relation to complex societal organization, we can arrive at a working definition. This will show how trust relates the individual to the multitude. I have stressed the social component, but it is just as important to note that trust “involves a judgment, [...], tacit or habitual, to accept vulnerability to the potential ill will of others by granting them discretionary power over some good” (Warren, 1999, p. 311). It is a *personal* or *individual* judgment on the behavior of other individuals. In short it is “gamble, a risky investment” (Luhmann, p. 24).

The inclusion of risk into the equation is essential, for without it, trust would be not that different from familiarity (Warren, 1999) – as Fukuyama mistakenly argues when he conceptualizes trust as an “*inherited ethical habitat*” (1995).³ In the inclusion of risk into the equation lies the intrinsically political dimension, because trust as a rational gamble “is still a wager” and as such one can lose in a prisoner’s dilemma game (Uslaner, 1999, p. 123). This derives from the distinctive relationships with time and

³ For A critique see Mark E. Warren, “Democratic Theory and Trust”, 318-329.

complexity. Familiarity pertains to a world that the observer can directly prove or disprove. It reduces complexity in other ways than trust does. Familiarity is related to a testable experience from the past and this cognitive experience reduces complexity by essentially eliminating it. The familiar, rooted in past experiences, dominates the present and the future; “complexity is reduced at the outset”, while trust “goes beyond the information it receives and risks defining the future” (Luhmann, 1979, 20).

Risk as a fundamental defining feature becomes important when we look at political situations that are by their very nature risky. There exists an inherent unfamiliarity that arises in situations of conflicts of interests and identities. Luhmann writes:

[S]ince the constitution of meaning and the world is consistently anonymous and latent, the full range of experiential possibilities which it allows- the extreme complexity of the world- will be excluded from consciousness. Which means that the familiar is relatively simple and also that this simplicity is guaranteed down to fairly narrow limits. The complexity of its inherent possibilities does nevertheless make itself felt in particular as a break, a schism, between the familiar and unfamiliar, the strange, the uncanny, something which has to be either fought against or treated as mysterious. As soon as another person figures in consciousness not simply as an object in the world but as an *alter ego*, as freedom to see things differently and to behave differently, the traditional taken-for-granted character is upset (Luhmann, 1979).

This taking for granted-character that Luhmann describes is entirely lacking in political situations. Familiarity develops in situations, in which we do not expect malfeasance from individuals with whom we interact, since we have intimate knowledge of them that tells us otherwise, or have sufficient correctives at our disposal, because we live in relative proximity, and are therefore to cross paths again. Such an alignment of interests, quick corrective responses and rootedness in the past (politics are inherently future oriented) are entirely lacking in political situations (Warren, 1999). The next section will investigate these fundamental traits.

Trust and Politics

So far, we have treated trust as a sociological phenomenon. The section will cast the problem of trust in a very different setting, within the context of a political

environment, and explain what is meant by the “democratic dilemma.” The dilemma arises out of the requirement for trust in democracies while at the same time “goods conflict, collective action, and collectively binding decisions” undermine naturally accumulated trust. Respectively, they are the source of dissension, “us-them” boundaries, and unequal realizations of individual and group interests. These facets of political situations are much more prevalent in public policies of democratic societies, and require significant trust amongst the political actors in the outcome (Tilly, 2005, p. 134).

To understand this dilemma we need to be clear about what makes a situation political and how trust can moderate the problems that can arise from it. If we talk about trust or distrust in politics, we generally refer to the latter in reference to persons in positions of power and authority. This distrust is the most important pillar of political liberalism, and by extension, liberal democracy. Concepts such as the separation of power, checks and balances, and popular sovereignty are embedded in the generic distrust for power. So how can we make sense of trust and politics – in particular if we talk about democratic politics and the politics of state formation?

Our definition of trust implied a benevolent personal judgment on a future event. I make myself vulnerable but expect on rational grounds that this vulnerability will not be abused. Such trust is most easily generated in situations of common interest and, as Russel Hardin argues, in situations of interest alignment (1999). However, what sets political situations apart, is “that some issue or problem or pressing matter for collective action meets with conflicts of interests or identities, and that parties bring their resources to bear upon these conflicts” (Warren, 1999, p. 311).

The intrinsic conflictual nature of political situations led Carl Schmitt to theorize that politics in its most absolute and purest form degenerates into a question of friend or foe (Schmitt, 2002). Schmitt’s theorization that originates in the friend-enemy distinction and ends in the postulate of the sovereign as the absolute decider over the regime of exception has theoretic problems in its own right (2004). Nevertheless, we can deduce that familiarity breaks down in political situations. Familiarity or habitual routines cannot address the conflicts intrinsic to politics. In other words, “when social relations become political [...], one or more of the goods of everyday life have become problematic in ways that are not addressed, or no longer addressed, by the relatively automatic

coordinations of social relationships.” They lose reference points in the familiar social context, which is why Fukuyama’s conceptual reliance on familiarity is problematic (Warren, 1999, p. 312).

Despite the negative connotation, conflicts and uncertainties do not only contain risks but also possibilities.⁴ Warren refers to Arendt’s principle of natality functioning in the domain of politics. When situations become fractious – that is they cannot be solved by references to established social norms - new possibilities emerge to alter these social norms. These possibilities, however, do not come without risk. In addition, the risks involved in political situations are of a different category than the ones of daily social life. Mark Warren explains:

The risks that come with politics are not only that one might choose badly in the face of uncertainty, but also – and perhaps more importantly – that *political* uncertainty is never benign. Parties to a conflict bring with resources – coercive, economic, and symbolic - which heighten the chance of losing (1999, p. 312).

With the above, we have enough detail to outline the ambivalence between trust and politics. On the one hand, trust in politics expands possibilities; on the other hand, it illuminates vulnerabilities due to the influence of resources in conflictual situations. Sociological trust builds on close familiarity and repeated encounters between the participants. “Trust relationships find a favorable soil in social contexts with the same kind of structure, i.e. are characterized by the relative persistence of the relationship, by reciprocal dependencies, and a certain quality of the unforeseen” (Luhmann, p. 37). Under these conditions, we can explain this progress towards cooperation and mutual trust within a game theoretic setting (Axelrod, 1984). Such conditions, however, do not exist in political situations. Political situations are clouded by uncertainty.

The metaphor of the ‘social contract’, according to which the people (in terms of free natural men) undertake to trust each other or the established sovereign, has no counterpart in real life. Certainly, the citizen casts his vote. But to vote is not to mandate someone to represent one’s interests. What is declared as the main aim of this situation is for the elected representatives of the people to reach a decision according to criteria of the public good. But they demand sovereign power to take decisions, and one cannot trust a sovereign (Luhmann, 1979).

⁴ For this reason, sociological theory has to make sense of risks, not only by conceptually grasping the avoidable losses but also the contingent possibilities that risky behavior might generate. See Niklas Luhmann, *A Sociological Theory of Risk*.

Material interests or interests related to identities often trump ethical norms in politics. Where the common good should be of concern, interests and resources of power and money are utilized to get what a party wants. Democratic politics attempt to overcome this dilemma by relying on a certain type of trust – generalized trust.

Types of Trust: Generalized and Particularized Trust

The democratic dilemma as we posited it, cannot simply be resolved by stating that trust in institutions and political outcome need to be endemic within society. Research has shown that not all forms of trust or social capital are conducive to democracy (Warren; 2008). Trust can expand possibilities and prosperity. However, it can also contract possibilities. Whether trust accomplishes the former or the latter depends upon the type. Prosperity and democratic rule depend on a higher order of trust. Effectively, efficiency in an increasingly complex world is contingent on expanding trust beyond the habitual world. To differentiate, we can speak of particularized trust and generalized trust. The former defines relations of trust that exist in network of close relations, in which trust is conferred to members of an in-group who have intimate knowledge of one another. The latter refers to trust that goes beyond the familiar world and is essential to the functioning of a complex society, in which a member cannot possibly know everything about all the contingencies a decision requires from him/her.

Why is it that a certain type of trust is beneficial to society while another is not? Robert Putnam's theory of social capital provides conceptual framework for developing an argument for distinguishing between beneficial and inimical trust. He defines social capital as "networks, norms, and social trust that facilitate coordination and cooperation for mutual cooperation" (1996). According to Eric Uslaner "trust matters because it is part, perhaps the most essential part, of *social capital*" (1999, 122, original italics). In our brief discussion of familiarity and trust, we distinguished between them by stating that familiarity is bound to past experiences and trust to future expectations. Particularized trust and generalized trust are related in a similar way, in the way that the

former guarantees more security but the latter generates more opportunities and, on a socio-political and economic scale, more prosperity.

Within the framework of social capital, particularized trust is inimical, while generalized trust is beneficial to social capital. As previously noted, trusting someone means taking a risk or gambling on future behavior. Naturally, we can minimize the risk by trusting people that we are most familiar with. We know the closest of our kin very intimately thereby we have little to fear from them. We have reference points in the past that indicate to us that our trust, if we place it in them, will not be abused. Certainly, cheating happens in the best of all families, but since we are in close proximity to them, we are likely to meet again, which provides for accountability in the case of cheating. In such an environment, trust means taking only very little risk and having multiple safeguards to even reduce that risk or redeem a bad decision. Trust in such an environment is much more akin to familiarity. Most of the reference points lie in the *Gestalt* of past, or observed behavior. Nevertheless, we can speak of trust, since it still is gamble on the future, albeit one on a more secured basis.

Such a behavior is not that distinct from the animal kingdom. Animals help and protect their kin. They have feelings of empathy and compassion, as recent studies have shown (Rizzolatti and Singaglia, 2008; Hauser, 2006) and protect one another. These are indeed mechanisms for preservation, yet, since animals do not worry about much else than survival, they also do not consider affluence of high importance (Uslaner, 1999, p. 125). Hence, in the animal kingdom animals from other herds or troops are more often than not, considered as rivals, but never objects and subjects of cooperation for more successful hunting techniques. Similarly, societies that protect themselves against the influence of outsiders and only expose themselves through trust to their in-groups, reduce their future possibilities. Uslaner presents the example of Montegrans, who consider giving advantage to someone else as a loss to them. Withholding their trust to outsiders minimizes the risk but also eliminates the opportunities that come with taking risks. In a slightly modified way, groups like the Ku-Klux-Klan in the United States, biker gangs such as the Hell's Angels or Mafia groups, are also closed trust networks. The peculiarity of them, which require more investigation below, is that they are predatory towards outsiders.

In an interdependent and increasingly complex world, however, bestowing trust only on the closest kin does not increase the possibilities and opportunities for prosperity and participation. As already described, with modern technologies, which lay open an ever-increasing number of possibilities, the amount of risks increase accordingly. However, as Uslaner explains, “if societies are to do more than reproduce themselves, if they are to prosper, their members must interact with others. And they must make the rational gamble that others are trustworthy” (1999, 124). Particularized trust and the fear of the unknown, eliminates the possibility of prosperity. If we consider a tribe in a pre-modern setting, for example, this tribe could stick to itself and close itself off to contact with strangers. This would also mean, however, it would have to take care and organize all the activities necessary for subsistence. If, however, such a tribe would take the gamble of trading with another tribe, it could use that newly freed up time for leisure or, even better, improvement in the products it sells and thereby generate new opportunities for prosperity. This very basic pillar of a free market economy relies on the ability to extend trust beyond the immediate. This entails taking a bigger gamble with a higher degree of risk, but also with an opportunity of reaping higher awards.

In this sense, we can also discredit Schmitt’s claim that politics will necessarily end up with the requirement for an absolute decision that separates the world into friends and enemies. As I showed, more technology and forward planning requires moving beyond a strict “us-and-them” distinction. In that sense, functionality requires that we abolish sentiments of clear-cut groups distinctions.

Trust in Democracies and Authoritarian Regimes

Democratic rule and trust exist in a paradoxical and uneasy relationship. As stated above, trust and democracy do not belong together, yet require one another. If we conceptually distinguish the function of trust in a democracy from its function in autocratic regime, this paradox does not appear so paradoxical after all.

The apparent contradiction between democracy and trust derives, as we saw, from the fact that we cannot trust sovereign power. In order to control the abuse of power by

the sovereign, liberal democratic thought designs institutions and mechanism that disperse power. In such a case we can talk about the institutionalization of distrust. However, democracy does not entail solely the institutionalization of distrust, but encapsulates something that we can call the institutionalization of public reason. Such an institutionalization requires communication amongst the citizenry, tolerance for other opinions, replacement of struggle and conflict with compromise and consensus, civility in public disputes, and participation (Sztompka, 1999). In order to grant these pillars of democracies, rulers need to trust their citizens. In the liberal democratic paradigm, this comes in the form of rights such as the right to free speech, freedom of association, freedom of the press, freedom of religion, etc. These rights have the functional imperative of shifting politics from a mode of conflict to deliberation and participation (Warren, 1999).

Such a framework is the basis of a constitutional design that generates trust within the society. However, such structures by themselves are not deterministic for general trust in a given society. Piotr Sztompka writes that

for a generalized culture of trust to develop and persist, democratic principles need not only be implemented consistently, but also applied sparingly. Democratic principles institutionalize distrust because they assume that trust can potentially be breached and provide correctives for such a contingency. The fact that the principles are put to use, that the corrective mechanisms are activated, controls actually applied, indicates that trust had in fact been breached. As long as this happens sporadically, exceptionally, as a last resort, the culture of trust is not undermined, but rather enhanced by the confirmation of effective accountability (1999, p. 145-146).

The activism of institutionalized trust can set in motion a vicious cycle of distrust or a virtuous cycle of trust, depending on whether a certain threshold of activism by the corrective institutions is met. The overload of corrective institutions, signals to the populace that distrust is warranted. If on the other hand, these mechanisms are utilized sparingly, it signals that trust is indeed warranted.

With this model, we can identify two *loci* of trust and distrust. Distrust is institutionalized vis-à-vis power and the sovereign as a corrective. It is institutionalized bottom-up. Trust is institutionalized towards citizens in the form of rights and freedoms. It flows top-down.

Autocratic regimes – totalitarian dictatorships, absolutist monarchies, authoritarian regimes, and one-party dictatorships – reverse the institutionalization of trust and distrust. The rulers, whether in the form of charismatic leaders, institutionalized ruling parties, or monarchs, are bestowed with a blind form of trust that does not question the role they play. Citizens, on the other hand, are bestowed with suspicions of distrust and disloyalty, resulting in constant surveillance and absent of rights and freedoms.

If the institutionalization is successful, and the unreflective trust installed, there seems to be no need neither for accountability nor for commitment. Just the reverse, arbitrariness becomes the principle of power. The architecture of the polity is constructed in directly opposite ways than in the case of democracy. [...] The people are considered as the trustees of the rulers, rather than the rulers being the representative of the people (Sztompka, 1999, 149).

It follows the same logic as in democracies, only that the vectors are reversed. Consequently, the institutionalization of trust towards rulers and the institutionalization of distrust towards people breed distrust within society. The lack of accountability and participation by the people does not require the same level of trust as in a democracy (Sztompka, 1999, p. 149-150).

Armed Groups, Mafia Organizations, Paramilitaries and the question of Trust

In functional terms, the monopolization of violence is aligned with trust in that it reduces risk. Yet, the monopolization of violence in the hands of one coercive actor is an ideal model and lacks, like any ideal model, resemblance to the real world. No state, even the most advanced, has a complete monopolization of violence. We can only observe degrees of monopolization. Certainly within their territories, Western advanced democracies face relatively few challenges to their respective monopolies of violence. On the other hand, in the cases of Afghanistan, Iraq, and even Colombia, each state's monopoly of violence is precarious and faces direct challenges.

Challenges to the monopoly of violence come in many different shapes and forms. In the above-cited cases, the central government has to deal with widespread insurgencies. Armed groups control territories and constitute a quasi-state within the

state. Throughout the Cold War, guerrilla movements were the most common threat to state power. This particular phenomenon has waned somewhat – except for the case of Colombia. Nevertheless, mafia gangs in poor neighborhoods and paramilitaries undermine state authority and exercise services that in an ideal setting ought to be fulfilled by the state.

Such challenges are not unique to developing countries. The Sicilian Mafia is an institution, which has posed such problems and also illuminates the imbrication of trust and sovereignty. From Diego Gambetta's analysis, we can see that the behavior the Mafia displays follows patterns imposed by the peculiar commodity of protection and guarantees (1993). Similar patterns can also be found in other groups that trade with protection and trust such as the paramilitaries in Colombia or what has become known as the Russian Mafia.

Since the Mafia, or *Cosa Nostra*, was the subject of several fictional movies, the public's general understanding of it is skewed. The behavior that the Mafia displays is not without purpose and follows the logic of the market, in which it engages (Gambetta, 1993). The question, though, which according to Gambetta has "far-reaching theoretical consequences," is how is the Mafia's violent behavior different from other criminals or criminal entrepreneurs. The answer: "Mafiosi are first and foremost entrepreneurs in a particular commodity – protection. [...] Their relative, friend, and friends of friends may be criminals inasmuch as they deal in illegal goods, but they may equally well be entrepreneurs in legal goods" (Gambetta, 1993, p. 15). The economy of trust differs from other business enterprises, making violence and coercion quintessential components of the product.

The Mafia sells its commodity in areas where trust is absent and distrust is widespread. Gambetta retells an encounter with a cattle breeder who wants to sell an animal to a butcher. He knows that the butcher wants to cheat him, and vice versa, the butcher is also aware that the cattle breeder wants to cheat him. Consequently, a third party, a Don Peppe, steps in to facilitate an agreement and receives a percentage for that service. This example involving Don Peppe represents the fundamental difference between the Mafia and other criminals and entrepreneurs. This case involved a legal transaction, which required the presence of a Don due to endemic mistrust. Such

conditions, however, are more likely to be present in the environment of illegal transactions. As Gambetta argues “the main market for mafia services is to be found in unstable transactions in which trust is scarce and fragile. Such is the case, for instance, with illegal transactions in which no legitimate enforcement agency – in other words the state – is available” (1993, p. 17). The entrepreneur, who sells trust in such circumstances, thus has to act like a state. In most cases, violent capacities to enforce contracts for illegal transactions are most important to fulfill that role – hence, the pronouncement of violent behavior amongst Mafia groups.

It would be misleading, however, to assume that the Mafia is a quasi-state entity – let alone a democratic state entity. As Gambetta summarizes:

The parallel between the mafia and the state has clear limits, and consequently, that view that the mafia as a legal system in its own right does not actually stand up. [...] The mafia is not a centralized industry but is constituted by many individual ‘firms’ united by a brand name and, intermittently, a cartel. The norms adopted by the cartel are often breached and manipulated, and in no way are they part of a fixed and universally agreed-on code; nor is there any moral justification for them. Next, criteria of universality and equality (let alone transparency) are irrelevant: protection is sold on private basis [...] The Mafia is not even a ‘minimal state’, one which enjoys an undisputed control over the use of force in a certain territory and protects everyone, whether they like it or not. Finally, the parallel with a democratic state is even more tenuous: Mafiosi are not accountable to their subjects, and the mafia has not citizens but at best clients (1993, p. 7).

Since the Mafia is not a state-like entity, where can we position it in the paradigm of particularized trust or generalized trust? Since the protection offered by the Mafia is subject to market forces and only those buying the protection are actually receiving it, we should categorize it as a closed particularized trust network. The trust is turned inward. Only those that are part of the *Cosa Nostra* enjoy the rights and privileges and have to fulfill the duties that come with membership. While outsiders can only purchase the one commodity they sell: protection. Such discriminative application contradicts the development of legitimacy, which as we stated, is contingent on the indiscriminate monopoly of violence.

Gambetta’s profound analysis of the Mafia from an economic, sociological approach has indeed shown that many of the symptoms and phenomena of Mafia activity can be explained with market analysis applied to the peculiar commodity of protection, guarantees and trust. With such tools, sociology has helped to make sense of several

different crime syndicates in different environments. Gambetta himself, as early as 1993, pointed towards the similarities between Sicily in the 19th century and post-Soviet Russia:

This similarity is no accident. From an analytical point of view, feudalism and socialism share certain characteristics. In both types of societies very few people are entitled to own property, and those who do also hold the monopoly on the use of force. When these societies come to an end, the results with respect to property are identical: there is a dramatic increase in the number of property owners and of transactions involving individuals with property rights. In addition, the monopoly on the use of force is not transferred to the new class of property owners. The consequence is a phenomenal increase in the fear of losing property and of being cheated and, correspondingly, in the demand for trust: trust in other people and trust in whoever has the power to enforce property rights (Gambetta, p. 252).

Vadim Volkov provides an in-depth study of the phenomena associated with private protection in the post-Soviet Russia, which shows that Gambetta's analysis revealed generic phenomena of closed trust networks that offer their services in low-trust environments. He argues that the advantages of Gambetta's institutional-economic approach lie with his distinction between buyers and sellers of institutional services, such as protection, rather than legal or illegal activity. With this distinction, the market for protection can be set apart from other markets of conventional goods, which "helps explain the centrality of violence and coercive capacity in the business of Mafia-style groups" (2002, p. 20).

The strength of the analysis does not end here, however. If we assume that Mafia organizations sell trust, while maintaining a very strict and closed trust network, we can utilize the market analysis while not disregarding the state and politics as essential players. Hence, we can identify the post-Soviet development of organized crime as "market building, that is, to the creation of new structures rather than persistence of the old", while also seeing the "state not as an entity 'out there' or as an essential source of power, but as a particular mode of the use of force, as itself an effect of certain dynamic relationship of forces that have reached a temporary equilibrium" (Volkov, 2002, p.20-21). Such an approach provides tools to analyze the interaction between the different wielders of force.

Incorporating Trust Networks under State Authority

Inserting the issue of violence by Mafia like groups into a market analysis has many advantages. For example, in Thomas C. Schelling's work, "the genetic core of organized crime is the group that has an advantage in the use of force and provides protection and enforcement to all other criminal businesses." Such an analysis, however, fails to incorporate important features of Mafia groups (Allum, Sands, 2004) – in particular the peculiarities that come with selling trust. Hence, Volkov wants to apply this principle more widely in the manner than Gambietta previously did, which would help to include state power. He writes "even when 'organized crime' is understood as involving a monopoly of force in order to extort and govern, the legal definition conveyed by the term unjustifiably narrows its sociological application." Such a narrow view can only be upheld with a functioning state and system of justice in place. "Otherwise, there is little more than a number of competing protection agencies with weak legitimacy" (2002, p. 23). Sociologically, the difference emerges between political power and economic power, wielders of force and owners of capital. This generic distinction has been the focus of many a sociological inquiry – from Max Weber, to Gianfranco Poggi to Charles Tilly.

With this, we can turn towards the issue of trust and the politics of state formation. The appearance of trust networks based on particularized notions of trust, which are subsequently incorporated under an existing state authority, is not unique to the above described cases. Throughout history, sovereign power has attempted to destroy, diminish, or incorporate trust networks. These closed trust networks can be of a predatory nature, such as pirates or bandits, or they can have religious affiliations, such as the Waldensians in medieval Europe (Tilly, 2005).

As a sociologist with very intimate knowledge of history, Tilly investigates the ontology of state rule in relation to trust networks. This inquiry provides interesting insights into the relationship between the two, particularly during the period of state formation. However, in today's world, political power in the form of the state is more or less paramount, except for in the case of a few failed states such as Somalia. Even in the cases of contested sovereignty – which appear much more frequently than an actual failed state that has returned the people to a state of nature without established political power –

we see governments with a considerable comparative advantage regarding the use of force. Even in the case of Colombia – a country that has struggled for more than sixty years with internal upheaval – we must assume established political power.

Tilly's study works off of the definitions of trust introduced above. He writes that trust networks stand out among interpersonal networks, because "they carry on consequential, long-term collective enterprises that remain at risk to members' malfeasance, mistakes, or failures" (2005: 81). This fits into the paradigm explained above. Nevertheless, regarding the peculiarity of trust networks and their relation to rulers, he introduces some new definitions and points of identification. These include: a name known by the participants of the network, a sense of shared rights and obligations, an ability to communicate and represent shared membership, clear boundaries between insiders and outsiders, common risks, and exit from such networks is "difficult, costly or even impossible" (2005, p. 82).

Tilly's inquiry becomes interesting for the purposes of this essay, when he investigates the trajectory of democratization in relation to trust networks and rule. He, too, wants to address the democratic dilemma, but "radically recasts it and proposes a fourth solution", which differs from the neo-conservative, rational choice, and deliberative theories. The key points are that "historically most trust networks have grown up outside of public politics, sometimes they originate within major political actors". Furthermore, he denies that "associations as such hold the key to democratic participation" and asserts instead "that relations between trust networks and public politics matter deeply." Consequently, according to Tilly, the democratic dilemma regards how to connect those valued enterprises and the networks that sustain them to public politics without damaging either. His answer to this dilemma is contingent on whether trust networks' members consent to their subjection to public politics. This consent is conditional on the government's shift away from coercion towards combinations of capital and commitments. From Margaret Levi's work, he then deduces that "democracy entails contingent consent based mainly on combinations of material incentives with shared commitment" (2005, p. 106). As a consequence, he argues that "the trajectory of democratization differs greatly depending on whether the previous relationships between trust networks and rulers are those of authoritarianism, theocracy,

patronage, brokered autonomy, evasive conformity, or particularistic ties” (Tilly, 2005, p. 134-135).

This line of argumentation, however, fails to incorporate an important caveat: the nature of the trust networks themselves is essential for determining the trajectory of democratization. In light of the previous discussion of Mafia networks as closed networks of particularized trust, we can infer that the nature of the trust network matters very much for the trajectory of democracy. Even in the case of consent by the trust network to the subjection to state power, particularized trust can have very detrimental effects on democratic rule. The generic problem is that if particularized networks of trust are incorporated into state power, *particularized trust itself is generalized*.

Generalizing particularized trust functions as a social trap, because it undermines the rule of law in a polity. Even if the constitutional prerequisites for the rule of law exist, closed trust networks circumvent the rule of law and, therefore, replace law itself. Law in such circumstances only exists in the form of violent coercion that is exerted against the people, while the people have no direct point of access to influence the application of coercion.

Colombia’s Social Trap: Avoiding Institutionalized Distrust

Tilly’s argument falls short, because his analysis cannot explain the apparent paradox we find in Colombia. According to him, incorporating closed trust networks into the state is conducive to democratic rule. As we have seen in Colombia, utilizing paramilitaries in the counterinsurgency war had deleterious effects on constitutional rule and the rule of law. The rule of law, democratization and the development of state capacities are contingent on whether the social and political reality breeds trust in society. If the wrong type of trust network gets incorporated into the state and is unwilling to subjugate itself to state power by remaining closed, the society is caught in a social trap that inhibits essential hallmarks of democratic governance such as the rule of law and participation. Furthermore, it undermines the development of legitimacy, which is tied to

the capability to coerce but also to the belief in legitimacy, which in turn fuels the capacity to collect taxes.

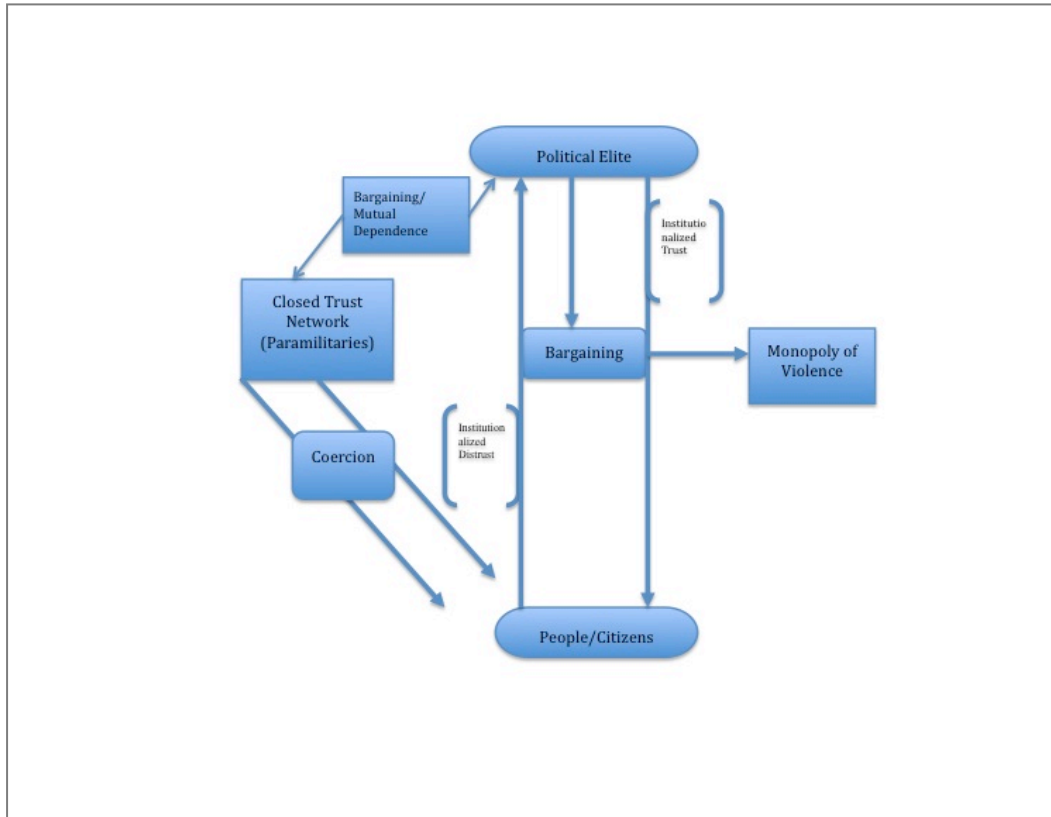


Figure 2: Incorporated Closed Trust Network in Framework of Institutionalized Distrust. This figure illustrates how closed trust networks can offset institutionalized distrust in liberal democracies.

Figure 2 schematizes the Colombian social trap. As we can see, political elites have access to the monopoly of violence through a bargaining mechanism, which is entrenched within the framework of institutionalized distrust towards sovereign power and trust towards the people. As previously explained, this means that citizens enjoy constitutional rights, such as freedom of speech and assembly. On the other hand, political elites are kept in check through elections, the separation of power, and an independent judiciary. This institutionalized distrust prevents them to utilize the wielders of the monopoly of violence arbitrarily at their own will and forces them to go through

the enshrined bargaining process. So far, this constitutes the ideal setting of a liberal democratic state rooted in the rule of law.

This ideal setting, however, is offset by what we see on the left side of the diagram. Political elites have access to coercive means in the form of a closed trust network (paramilitaries). The only check on this predatory trust network comes in the form of bargaining that takes place between political elites and the network. However, since the relationship is one of mutual dependence, the check on the coercion exercised by the paramilitaries is diminished or virtually non-existent. Their interest is aligned. Most importantly, the people or citizens, against whom the coercion of the paramilitaries is directed, have no direct access point to controlling the closed trust network. Especially, since the financing of the coercive capacities emanates from external sources – drug money – the objects of coercive force are further removed from those exercising the coercion (paramilitaries). For this reason, it functions like a social trap that operates predictably and systematically, reinforcing sub-optimal outcomes.

If we look at this social trap through the prism of legitimacy, we can identify the fundamental flaw it injects into the Colombian polity. As explained above, legitimacy is contingent on the monopoly of violence being justified with the belief in the privilege of its existence and the predictable use, which in turn provides the resources for maintaining this monopoly. When the closed trust network positions itself outside of this “legitimacy feed back circle” by financing itself through external means (drug money), it thereby escapes the institutionalized checks and balances and forfeits all legitimacy it could gain for itself. Additionally, if such a trust network is incorporated into the state apparatus as a counterinsurgency instrument, it does not only undermine its own legitimacy, but that of the entire state apparatus. The result of such generalized particularized trust is a failed or blocked democratization that consists of form but lacks substance.

Conclusion

We started this inquiry with a paradoxical case: the institutional and constitutional design of the Colombian state follows liberal doctrines, yet, this institutional design could not prevent pervasive political and criminal violence. This ambivalence was most dreadfully displayed by the recent scandals insidiously known as the *parapolitica* and the “false positive” scandals. This begs the question why do such patterns of abuse of power persist despite an institutional design that should prevent it? This was the case or phenomenon from which this study launched its investigation into the generic issues of trust and distrust in relation to the politics of state formation. Thus, the analytic framework consisted on the one hand of the politics that accompany the monopolization of violence, and on the other of the “social traps” that these generate.

Understanding the framework of trust and how it functions in regards to the rule of law was imperative for the purposes of this essay. The rule of law is what enables progressive democratization and participation. This study utilized two disparate conceptions of trust: first, the distinction between particularized and generalized trust, and second, institutionalized trust and distrust. We defined trust as a risky gamble for cooperative behavior over a valued good. Particularized trust refers to making this gamble with members of an in-group over which the truster has intimate knowledge, and therefore, risks relatively little. Generalized trust is the trust that goes beyond the familiar world. Democracies require the latter form of trust, since public policies in democracies tend to exacerbate the oscillation over conflictual goods and issues. In order for this kind of trust to function in *political* situations, which we defined as situations of possible malign intent, in which interests and identities are often in conflict, democracies rely on a framework of institutionalized trust and distrust. Political elites that have access to the monopoly of violence are bestowed with distrust in the forms of constitutional constraints on their ability to utilize coercion. The people or citizens, however, are bestowed with trust in the form of constitutional rights such as freedom of speech, freedom of assembly, and the right to vote.

This normative framework of trust and democratic governance works in conjunction with established political power. In a polity with an established monopoly of

violence, said monopoly minimizes the risks of dying a violent death at the hands of another individual. In Weber's normative model, the state is the only legitimate bearer of violent means, which therefore generates trust for citizens to engage non-violently in political disputes. Colombia's social trap arises out of the necessity to establish the monopoly of violence over an internal insurgency, for which not only the armed forces were utilized but also paramilitaries with direct ties to the drug trade. Paramilitaries constitute a closed trust network, which generates particularized trust amongst its members and turns predatory towards outsiders. As Figure 1 amply illustrated, utilizing such a closed trust network offsets the institutionalized distrust embedded in the Colombian institution. I call this *the generalization of particularized trust*.

This constitutes a social trap, because it is an autopoiesistic system that feeds into itself through the alignment of interests between political elites and closed trust networks. The negative or suboptimal consequences derive from the exclusion of those that are affected by the closed network's coercion – namely the people. Law is replaced by the coercion of the closed trust network, without allowing the people to influence the application of that coercion. Therefore, this violent coercion is applied with the interest of the closed trust network in mind, which undermines the virtuous legitimacy cycle.

Works Cited

- Amnesty International (1980-1991). *Amnesty International Annual Reports, 1980-1991*, (London: Amnesty International Publications).
- Allum, Felia. Jennifer Sands (2004). Explaining Organized Crime in Europe. Are economists always right? In *Crime, Law and Social Change*. 41. 133-160.
- Axelrod, Robert (1984). *The Evolution of Cooperation*. Cambridge, Ma: Basic Books.
- Beck, Ulrich (2001). Redefining Power in the Global Age. In *Dissent*: 48, 83-89.
- Chernick, Marc W. (1988). Negotiated Settlement to Armed Conflict: Lessons from the Colombian Peace Process. In *Journal of Interamerican Studies and World Affairs*. 30:4 (Winter), 53-88.
- Fukuyama, Francis (1995). *Trust: The Social Virtue and the Creation of Prosperity*. New York: Simon & Schuster, Inc.
- Gambetta, Diego (1993). *The Sicilian Mafia. The Business of Private Protection*. Cambridge, Ma: Harvard University Press.
- Hardin, Russel (1999). Do we Want Trust in Government? In *Democracy & Trust*, Mark E. Warren (Ed.). Cambridge University Press.
- Hauser, Marc D. (2006). *Moral Minds. How Nature Designed Our Universal Sense of Right and Wrong*. New York: HarperCollins Publishers.
- Hobbes, Thomas (1979). *Leviathan*. New York: W. W. Norton.
- López, Claudia. Óscar Sevillano (2008). Balance Político de Parapolítica. In *Arcanos*,
- Luhmann, Niklas (1979). *Trust and Power. Two Works by Niklas Luhmann*. New York: John Wiley & Sons.
- Luhmann, Niklas (1993). *Risk. A Sociological Theory*. London: Transaction Publishers.
- Poggi, Gianfranco (1979). Introduction. In Niklas Luhmann, *Trust and Power. Two Works by Niklas Luhmann*. New York: John Wiley & Sons.
- Putnam, Robert. D (1996). Bowling Alone: America's Declining Social Capital. In Larry Diamond, Marc F. Plattner (Ed.). *The global Resurgence of Democracy*. London: The John Hopkins University Press.
- Rothstein, Bo (2005). *Social Traps and the Problem of Trust*. Cambridge: Cambridge University Press.
- Rizzolatti, Giacomo. Corrado Sinigaglia (2008). *Empathie und Spiegelneurone. Die biologische Basis des Mitgefühls*. Frankfurt: Suhrkamp Verlag, 2008.

- Safford, Frank. Marco Palacios (2002). *Colombia. Fragmented Land, Divided Society*. Oxford: Oxford University Press.
- Schmitt, Carl (2005). *Legalität und Legitimität*. Berlin: Duncker & Humblot.
- Schmitt, Carl (2004). *Politische Theologie. Vier Kapitel zur Lehre von der Souveränität*. Berlin: Duncker & Humblot.
- Schmitt, Carl (2002). *Der Begriff des Politischen*. Berlin: Duncker & Humblot.
- Sztompka, Piotr (1999). *Trust. A Sociological Theory*. Cambridge: Cambridge University Press.
- Tilly, Charles (2005). *Trust and Rule*. Cambridge: Cambridge University Press.
- Uslaner, Eric M. Democracy and Social Capital (1999). In *Democracy & Trust*, Mark E. Warren (Ed.). Cambridge University Press.
- Volkov, Vadim (2002). *Violent Entrepreneurs. The Use of Force in the Making of Russian Capitalism*. London: Cornell University Press.
- Wæraas, Arild (2007). The Re-Enchantment of Social Institutions: Max Weber and Public Relations. *Public Relations Review*. 33:3, 281-286.
- Warren, Mark, E. The Nature and Logic of Bad Social Capital (2008). In *The Handbook of Social Capital*. Dario Castiglione, Jan W. Van Deth, Guglielmo Wolleb, (Ed.). Oxford: Oxford University Press.
- Warren, Mark, E. Introduction (1999a), In *Democracy & Trust*. Mark E. Warren (Ed.). Cambridge: Cambridge University Press.
- Warren, Mark, E. (1999b). Democratic Theory and Trust, In Mark E. Warren (Ed.) In *Democracy & Trust*. Mark E. Warren (Ed.). Cambridge: Cambridge University Press.
- Weber, Max (1994). *Political Writings*. Peter Lassman, Ronald Speirs (Ed.). Cambridge University Press.