8-2011

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EXECUTIVE SUMMARY

The state of democracy in the Dominican Republic cannot be analyzed exclusively according to how closely its institutional functions and procedures conform to classic ideals of representative democracy. Instead, the Dominican Republic can perhaps best be described as a “contested democracy” in acknowledgement of certain of its characteristics: informal forms of citizenship, conflicting governability, and precarious institutionalization. The quality of its democracy must be viewed in the context of its ability to offer basic civil guarantees, such as access to security and social justice. This paper focuses primarily on these factors, which determine actual governability in the Dominican Republic.

An understanding of the challenges facing Dominican democracy requires an examination at the structural and policy levels. The issues to be considered include mechanisms for the resolution of conflicting interests among actors with asymmetrical access to power, as well as the resilience of nondemocratic institutional cultures within the police, political parties and other key institutions. Such conditions typically inhibit democracy but could be redirected to reach the “positive equilibrium” that John Bailey discusses elsewhere.

Security and judicial policies tend to be directed from the top down, but an official attitude that recognizes and nurtures local initiatives and reforms that involve a variety of strategic stakeholders could be more effective. Similarly, the Dominican state must take greater efforts to identify positive role models at the local and national levels, starting by

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establishing a more responsible law enforcement system that guarantees fair sanctions against predators and compensation to the victims of criminal acts. These steps could have a dramatic impact on curbing violence, crime and injustice. The greatest challenge for the Dominican state, however, is to disrupt the growing nexus between criminal elements and political, economic and governmental actors.
THEORIES OF DEMOCRACY

Many scholars consider Latin American democracies to be “works in progress” due to the regimes’ hybridism or even schizophrenia in terms of objectives and content, and, ultimately, quality and performance. Flawed democracies are commonly associated with various forms of violence which, while they differ from the predominantly political violence states used against citizens under previous authoritarian regimes, complement the re-creation of discriminatory state violence against socially deprived sectors. Contemporary violence, most often citizen against citizen, occurs within a faulty system of law enforcement and civil guarantees, but it also derives from violent methods of social cleansing implemented by governments in fighting crime. Confrontations between angry, frustrated and/or marginalized citizens against their governments and political elites sometimes overshadow the recurrent violence wielded by politicians against their opponents. In this “democratization of violence,” to use Dirk Kruijt and Kees Koonings’ term, a “variety of social actors pursuing a variety of objectives act on the basis of coercive strategies and methods.”

Publicly and privately, violent actors move in to areas where ineffective local governance has left a vacuum, legal authorities are absent and the rule of law is precarious. These conditions operate not on the margins of contemporary democratic regimes, but at their very center, striking at core values.

How does this picture fit into understandings of what democracy is or means? In general terms, the debate regarding contemporary democracy in Latin America can be simplified into two camps: On the one side, the promoters of a minimalist conception of procedural democracy in the tradition of Schumpeter’s (1950) and Robert Dahl’s (1971) polyarchic conception of political participation; and, on the other, critics of the objectification of existing democracies.

Some scholars consider Dahl’s and Schumpeter’s theories to be examples of elitist democracy. More than three decades after the end of a generation of dictatorships and totalitarianism, these critics argue, elected governments have not been able to eradicate fraud, clientelism or pacts among political elites based on corruption and “opacity.” In this vein, Linz and Stepan emphasize the discrepancy between political elites’ values and behavior and the legitimating procedures and formal structures necessary to protect the collective interest. Such procedures and structures validate the limited power legitimately delegated to political elites and should translate, in the words of John Bailey and Roy Godson, into the democratic exercise of governability: “the ability of a government to allocate values over its society, to exercise legitimate power in the context of generally accepted rules.” For Bailey in particular, various indicators serve as measurements of democratic governability: a) the separation between public and private interests and activity;

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b) concordance, rather than separation, between the letter of the law and social practice; and c) citizens’ preference for legal transactions over illegal ones. To these concepts we should add the state’s ability to prevent and protect citizens from social, political and unregulated violence. From the perspective of liberal democracy, the precarious balance, or “negative equilibrium,” of these factors in Latin America and the Caribbean renders its democratic track record more aspirational than real.⁶ Political scientists, in fact, have labeled many of these regimes “non-liberal democracies.”⁷

Critics of the objectification of existing democracies argue that Latin American democracies reconstitute themselves in practice through formal and informal channels concurrently with the erosion of civil liberties, preservation of vestiges of authoritarianism or populism, and increasingly precarious social conditions for the majority of citizens. Such democracies operate within a framework of increasing insecurity and entrenched official impunity that compromises quality of life. Guillermo O’Donnell notes a kind of authoritarian/democratic hybridism among the emerging African, Asian, Latin American and Caribbean democracies, describing them as having an asymmetric state presence incapable of guaranteeing the rule of law within their territories.⁸

This line of thinking has led to a focus on the processes by which criminal and violent agents take over government institutions and permeate society, conditioning the limits of

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⁶ Bailey, "Security Traps."
democratic regimes in Latin America and the Caribbean. In such settings, state power is co-opted, ceded or shared with non-state, sometimes criminal and violent, actors. Rather than a lack of institutional presence in the strict sense of the term, these societies are characterized by the emergence of alternative authorities, actors and arbiters that renegotiate power, both public and private, formal and informal, licit and illicit. Elke Krahmann suggests the meaning of governance in these states: “the fragmentation of political authority in seven dimensions: geography, function, resources, interests, norms, decision making and policy implementation. Together they help to distinguish governance from government as ideal concepts of fragmented and centralized political authority.”

These dynamics obviously complicate the rules and framework of democracy. At the very least, the state loses its exclusive control over the legitimate use of violence – the basic definition of a state, as Max Weber and Thomas Hobbes proposed.

Explaining the evolution of Latin American states into their current form is also a challenge. Bailey describes a pattern of “negative equilibrium” around dynamics toxic to

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10 See Anne Clunan and Harold Trinkunas, *Ungoverned Spaces: Alternatives to State Authority in an Era of Softened Sovereignty* (Stanford, California: Stanford University Press, 2010).


12 John Bailey proposes a two way (polarized) model of interaction between public security and democratic governability: on the one hand, a positive equilibrium in which “the state and regime operate mostly legally and in the main to ameliorate problems of public security”; and on the other, a “negative equilibrium, where there is a marked
institutional strengthening: rampant corruption, criminal violence, and the endemic weakness of justice and security systems. Other social scientists claim that the multiplicity of violence is not a sign of the failure of the region’s political systems but rather a creative force engendering distinctive systems of governability.

Desmond Arias and Daniel Goldstein suggest that contemporary democracies can only be understood through a historical analysis of the political practices, cultures and institutions leading to the conflation of illicit actors and state agents. In my view, terms such as “violent democracies,” “neo-medievalisms” and emergent “alternative authorities” may seem like oxymorons, but in fact they reflect the concrete realities of Latin American democratic states and regimes. For a large number of emerging or evolving democracies, violence precedes and accompanies processes of social change and modernization. Understanding Latin American democracies, therefore, means understanding the interaction of these social and political components in ways that constantly redefine the relations between state and society, processes of integration and exclusion, formal and informal institutions, violence and crime. Tensions and ruptures within contemporary democratic regimes, even if they do not manifest themselves in the revolutions and coups

discrepancy between formal law and norms of civil society behavior, where citizenry tolerate or promote formally illegal exchanges and the state and regime act as principal engines of crime, violence and corruption.” Bailey, “Security Traps,” 253-256.

13 Ibid., 260-261
16 For an exploration of these concepts see Arias and Goldstein, Violent Democracies; Clunan and Trinkunas, Ungoverned Spaces; John Rapley, “The New Middle Ages,” Foreign Affairs 85, no. 3 (May/June 2006).
of earlier eras, reflect countercultural tendencies that challenge and undermine democratic liberal principles and aspirations, as is evident in the recent experiences of countries such as Ecuador, Peru, Bolivia and Venezuela. A process of “negative adaptation” characterizes these cases, as political elites attempt different subterfuges to withstand challenges to their interests, including constitutional reforms as a means of arbitration.

The same process of “negative adaptation” exists in the Caribbean, this essay argues, in contrast to some analysts’ favorable views of the robustness of democracy in the region in post-colonial, post-authoritarian and parliamentary guise. A critical element of this outlook is the health of the political party system, especially in the Dominican Republic. Countries with a tradition of centralized (presidential) governments, such as the Dominican Republic (which inaugurated the democratic boom in Latin America in the late 1970s), suffer from chronic institutional deficits including lack of bureaucratic transparency, excessive use of

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coercive force against citizens, and the absence of clear public policies regulating the relationship between state and society and citizens themselves. ¹⁸ Despite the superficial vitality of political parties in the Dominican Republic, the political class shows an increasing incapacity to establish basic consensus around critical issues of public interest or to form strategies and policies of governance. This shortcoming seriously threatens democratic governability by reducing the capacity of the governed to question those who govern them, as well as diminishing public trust in democratic institutions.

SECURITY AND JUSTICE: CRUCIAL COMPONENTS IN A DEMOCRACY

The fundamental importance of the safety of person and property, and the principle of equal treatment under the law, make security and justice crucial components in the performance and endurance of democracy. Several factors measure a state’s success in providing these values: (a) a collective sense of safety and fairness; and (b) the existence of formal channels enabling citizens to participate in the process of institutional reform. For decades, aspirations toward security and justice have propelled social agency and guided collective action around the world, but in democratic regimes they come together and can become problematic. A rights-based, democratic state project that guarantees social welfare accords security and justice the same value as

economic and social welfare; that is, as basic factors for the consolidation of a democratic regime. The construction of this new institutionalism requires recognition that the asymmetric structure of society leaves out or, more to the point, informally incorporates certain social groups; for example, underprivileged youth, whose social and political marginalization can result, in turn, in their criminalization. In such societies, the political rhetoric of democracy, elevated to national discourse, has little connection to the restricted political rights exercised by poor, “second-class” citizens.  

In countries such as the Dominican Republic, the construction of citizenship and the consolidation of the rule of law mediate between offer and demand in the areas of justice and security. The democratization of security and justice can be viewed from three perspectives, therefore: (1) as a fundamental prerogative of citizens; (2) as a standard for measuring the strength of a state’s institutions; and (3) as a measure of the quality and maturity of a democracy. The deterioration of citizens’ security, in turn, owes a great deal to increased levels of violence and criminal penetration of the state.  

The discussion that follows begins with a brief overview of the recent history of democracy in the Dominican Republic, focusing primarily on the tensions between the democratic state and society. It examines public attitudes toward and expectations of the state’s and government’s ability to provide safety, fairness and protection. The data comes from Latinobarómetro and Latin American Public Opinion Project (LAPOP) surveys.

19 This issue was an integral part of the peace negotiations to end the civil conflicts in Central America in the mid 1990s. A shift in the security paradigm occurred within the framework of state restructuring and social and political recomposition in these countries.
THE EMERGENCE AND EVOLUTION OF DEMOCRATIC INSTITUTIONALISM

The Dominican Republic is widely considered to be one of the most stable examples of democracy in the hemisphere since the country’s post-authoritarian transition in the late 1970s. Its stability may be related to the absence of military governments for more than half a century and the decline in the political clout of the armed forces. Accepting this scenario at face value, however, glosses over an important fact: The country’s transition from a civilian but authoritarian regime did not involve a decisive rupture with previous political and military elites. The transition to democracy in the Dominican Republic was characterized by the continuity of a culture of centralized power, coercion and personalism. This elitist model of transition, based on pacts that can be traced back to the end of the Trujillo regime, ensured either alternation or continuity in power, and tended to replicate itself during successive episodes of political change (with the exception of the 1965 revolutionary moment), perpetuating these actors’ dominance of state power structures and granting them impunity.

The transition from authoritarianism to democracy in a context of institutional precariousness had a double effect. On the one hand, the disarticulation of state agencies, despite the centralizing power of the executive, accentuated the lack of coordination within the bureaucracy and fomented the privatization of basic state functions, including justice and security. This in turn incentivized the autonomy of public actors working for their own benefit. On the other hand, as was noted above, the transition maintained the continuity of past practices, especially relating to security. Successive

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governments transferred critical responsibilities to the security forces, making them the absolute designers, controllers and promoters of their roles and missions.

The delegation of security policy to the security forces drastically limited citizen’s ability to check and balance the security and judicial sectors. Even the process of “liberalization” that accompanied the emergence of Dominican democracy failed to reconfigure critical state attributes. The absence of public security policies is an example of one such vacuum, made worse by the lack of an effective, professional and accountable security bureaucracy. These impediments have blocked Dominicans’ aspirations for truly democratic reform of the security and justice sectors.

Political and institutional changes have only accentuated the adversarial relationship between the state, the emerging political system and Dominican society. Of course, some segments of civil society have been able to take advantage of opportunities to promote their common interests, channel collective action and contribute to democratic institutionalism. 21 An extensive literature addresses these processes; 22 fewer works, however, explore their underlying

22 For a more complete review of these issues see Rosario Espinal, Autoritarismo y democracia en la política dominicana (San José, Costa Rica: Editorial Argumentos, 1987); Rosario Espinal, “República Dominicana. El retorno del PRD al poder,” Revista Nueva Sociedad 178
dynamics, and their implications for the formal and informal institutionalism that shapes and sustains governability. Neither NGOs nor social movements (i.e. popular protests) have done much to change the essence of civil society’s confrontational relationship with the state and the political system, whose underlying rationale is precisely dissatisfaction with a system lacking constructive mechanisms to channel popular discontent and contestation. As other Dominican scholars, have noted, however, the emergence of informal politics not only changed the discourse of the masses (from a concept of social class to one of popular struggle), but also contributed to democratization based on the rights of citizens. This is something that the disorganized and debilitated state was in no condition to offer.  

THE “RULERS AND SHAKERS” OF THE NEW DEMOCRACY

Although elections offer a space for negotiation that would seem to facilitate popular pressure for reform, Dominican political parties have usually operated with a binary logic of cooption followed by distancing; one they attain power, in other words, they cease to serve and represent the masses. That trend creates a rupture between the government and the governed, fueling a repetitive cycle of expectation, distrust and loss of legitimacy. At the same time, the neoliberal state has transferred responsibilities to non-state actors (churches, NGOs, the private sector) and, by doing so, eroded its raison d’être as the main guarantor of basic rights and social justice.


23 See Pérez and Artiles, Movimientos sociales.

24 The greatest momentum for political change took place in 1996, when the newly elected liberal government of Leonel Fernández introduced state reform that included reform of the justice system and the election of the country’s first-ever independent Supreme Court.
To what extent, however, do civil society innovations bypass inefficient state institutions? And can the system of political and institutional representation within the state be enhanced to invigorate democracy in the Dominican Republic? Centripetal and centrifugal forces in the links between society, state and politics require an examination of the interactions and engagements among these components, especially with regard to the provision of security and civil guarantees.

The Dominican public is not completely apathetic with regard to cooperation with the security forces, in spite of the negative record of police-civilian relations. Only 37% of Dominicans had a positive opinion of the country’s security forces in 2010; nevertheless, around 75% of residents interviewed in the poorest neighborhood of Santo Domingo in 2006 said they would collaborate with the police and Ministry of Interior in crime prevention in despite the widespread perception (90% of those interviewed) of unequal treatment by these institutions. The overwhelming perception of insecurity among Dominicans – one of the highest in Latin America, along with Venezuela, El Salvador and Ecuador – could explain this inconsistency.

**A SYSTEM THAT WORKS OR JUST ANOTHER DEAD END?**

Another factor to consider in the ambiguous relationship between the state and its citizens is the importance

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27 According to the 2010 Latinobarómetro poll, only 26% of Dominicans feel secure in the country and in their neighborhoods. *Latinobarómetro* (2010), 95.
Dominicans place on institutional performance. Dominicans rank second after Venezuelans among Latin Americans in believing that the state has the capacity to solve problems. Despite this prima facie vote of confidence in state institutionalism, however, Dominican political culture remains characterized by a considerable degree of clientelism and personalism, as well as presidentialism. Further evidence of this “executive” orientation is the degree of trust Dominicans express in the head of state (69%) over political parties (33%), or key institutions such as the police. Even given a strong party system, clientelism reinforces the personalist nature of Dominican politics, favoring a strong government hand (authoritarian or militaristic) in administrative, economic and, especially, security crises. Sixty percent of Dominicans consider it acceptable for the government to overrule laws, Congress and democratic institutions to solve problems, a far greater percentage than the Latin American average (39%).

“Executivist” democracies reflect a rupture between norms concerning the rule of law and actual practice and, in turn, call into question the robustness of the political system and democratic regime. The subordination of the state as the universal representative of the rights of citizens to the political power personified by the party leadership inevitably erodes the legitimacy of the constitutional order. Between 2008 and 2010, indices of support for the democratic system and satisfaction with the functioning of democracy decreased on several counts in the Dominican Republic, accompanied by parallel increases in support for the benefits of

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28 Latinobar metro (2010).
30 Latinobarómetro (2010), 37.
authoritarianism in ensuring security and the statement that Dominican democracy was at risk.\textsuperscript{31}

These results are a sign of frustration with the way the system operates and may reflect a process of “negative adaptation” of citizens to current sociopolitical conditions. As we have seen, despite Dominicans’ commitment to democracy, their support for democratic forms of government has eroded in recent years, along with their satisfaction with the democratic regime.\textsuperscript{32} The indicators used in comparative surveys reveal a negative view of institutional performance, especially with regard to the provision of justice and security and efforts to reduce corruption.\textsuperscript{33} LAPOP’s 2010 AmericasBarometer poll, for example, compared average support for the political system with questions about such issues as the “likelihood that the courts of justice would deliver a fair judgment”; “respect of citizens toward the political institutions of the country”; “if they considered that their basic rights were safeguarded by the political system”; the “extent to which they felt proud of living under such a political system”; and their confidence in the system. Although 53.9\% of Dominicans answered these questions positively, the results represented a 4\% drop from 2008. Nearly half of respondents indicated that the political system did not meet their expectations, and their answers reflect a growing sense of unfairness, especially with regard to access to justice.

Since 2000, the Dominican Republic has experienced positive institutional change, most notably in the sphere of


\textsuperscript{32} According to the most recent Latinobarómetro poll, 63\% of Dominicans declared their support for democracy in 2010, down from 67\% in 2009 and 75\% in 2008.

\textsuperscript{33} Morgan, et al., \textit{Cultura política de la democracia en República Dominicana}, 2010.
justice. The process has included the modernization of the criminal justice system, including the penal system; the development of a more democratic legal framework; protection for individual rights through the revision of the Penal Process Code; more extensive training for judges; and the development of alternative mechanisms of conflict resolution, such as neighborhood and community prosecutors. Many problems with the justice system remain, however, especially with regard to access to the resources that provide these guarantees.

For example, in the National District – the capital and its environs – drug violations represent 40% of all infractions. Most of these violations involve a myriad of minor street dealers and drug users, meaning that the criminal justice system spends a disproportionate amount of time prosecuting economically disadvantaged segments of the population that depend on informal illicit economies to survive. In the words of one NGO representative: “The majority of people convicted in this matter generally are not the kingpin or high-ranking leaders but instead people who are used as ‘mules’ and ultimately people who do not have the capacity to pay for legal assistance.” The prosecutor for the

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34 It is worthwhile mentioning the role of the Oficina Nacional de la Defensa Pública (ONDP), which by 2008 was responsible for 63% (22,183) of total cases entering the judicial system. Of this number, 3,417 were resolved, 5,850 were inconclusive and 7,888 were still pending. During the first half of 2009 the ONDP handled around 72% of the more than 14,000 cases that entered the penal system. See Kaelis Bautista, “Casos de droga predominan en la defensa pública,” Clave Digital, November 29, 2009.

35 Oficina Nacional de Defensa Pública (ONDP).

36 Remarks by a member of the Fundación Institucionalidad y Justicia (FINJUS) and the National Public Defense Council. Another renowned jurist voiced similar opinions, noting, “usually the accused with meager resources are the ones who make use of public defense and consequently one has to assume that there is a high percentage of lower-class youth involved in drug crime.” See, Kaelis Bautista, “Casos de Droga
National District corroborated the fact that “the majority of the important cases of narcotrafficking in the National District are conducted by private lawyers; the ones that make the headlines, all have private defense.” Cases that involve individuals with few resources are handled by the National Public Defense Office (Oficina Nacional de Defensa Pública, ONDP), which in 2009 had only 184 public defense attorneys despite the high demand generated by such cases, which constitute 60% of all criminal cases in the Dominican Republic and should employ at least 400 public defense attorneys.

Exceedingly high levels of impunity compromise the effectiveness and legitimacy of the justice system, which is lenient toward public functionaries who have committed fraud as well as toward individuals in the private sector who engage in acts of corruption. A 2003 study by the Dominican Republic’s Foundation for Institutionality and Justice (FINJUS) found that of 130 corruption cases that went to trial, only six ended in judicial decisions and only one in non-jail sanctions against the accused. “In the last 20 years,” the study concluded, “nobody has received a criminal conviction for corruption.” The impunity of corrupt officials stands in stark contrast to the vulnerability of petty drug dealers and exposes a double standard in the criminal justice system. These phenomena cannot be attributed only to institutional failures, but also to an institutional culture that functions according to an inverse, or even perverse logic of subsuming the collective interest to the individual.

37 Ibid.
Dissatisfaction with security conditions is also rampant in the Dominican Republic. In 2010, only 7% of Dominicans surveyed believed that national security was good or very good, a figure nine points below the Latin American average (16%).\(^3^9\) In part this can be explained by a “shock effect”; after enjoying levels of violence below the rest of Latin America for many years, Dominican society registered a sharp rise in violent deaths beginning in 2001.\(^4^0\) The number of homicide victims more than doubled, from 12.8 per 100,000 inhabitants in 2001 to 26.3 per 100,000 in 2006.\(^4^1\) To face this crisis of insecurity, President Leonel Fernández (1996-2000 and 2004-2012) designed and implemented a public policy known as the Democratic Security Plan (Plan de Seguridad Democrática, or PSD), which succeeded in reducing the national rate of violent deaths from 25.2 per 100,000 inhabitants in 2004 to 22 per 100,000 in 2007.\(^4^2\) By 2008, however, violent crime rates had crept back up, especially in low-income neighborhoods. These developments fuel a culture of insecurity that emphasizes self-protection among the poor and the privatization of security among the rich. It reflects the disappointment of early expectations, especially among the poor, that the state could guarantee security through the PSD, and increased public skepticism of its real capability to deal with macro-social problems.

\(^3^9\) Latinobarómetro (2010), 91.
\(^4^0\) 31% according to Latinobarómetro, and 27% according to AmericasBarometer.
In recent surveys, Dominicans identify crime and insecurity as more serious problems than poverty and unemployment.\textsuperscript{43} The 2010 Latinobarómetro poll found a high perception of insecurity among Dominicans of all social classes, who believe that life in the country grows more dangerous every day. Over the last few years, according to data from LAPOP 2010, the perception of insecurity has varied but remained consistently elevated (68\% in 2001; 75\% in 2004; 79\% in 2006; 59\% in 2008; and 73\% in 2010).\textsuperscript{44} Only 10\% of Dominican citizens claim to feel safe in their own neighborhoods, compared to 37\% of Nicaraguans and 17\% of all Latin Americans.\textsuperscript{45} Individual perceptions of insecurity are also high among Dominicans, only 8\% of whom feel safe in assuming that they will never be the victim of a crime (compared to 22\% of Nicaraguans and 19\% of Guatemalans).

Not surprisingly, rising fear of crime has coincided with doubts about the police practices employed to counteract it. More than 42\% of those interviewed in 2006 believed that the National Police did not adequately control delinquency. Residents of the most populous and crime-ridden neighborhoods of the National District interviewed in 2005 and 2007 expressed the same sentiment:

\begin{quote}
We are so fearful among ourselves that we cannot face the criminals and given that the police do not help us we find ourselves forced to make friends with these criminals, that is, to be friendly with them, for if we try to confront them they kill us and the police will not do anything about it.\textsuperscript{46}
\end{quote}

\textsuperscript{43} Latinobarómetro (2010), 18.
\textsuperscript{44} Morgan, et al.,\textit{ Cultura política de la democracia en República Dominicana}, 2010, 76.
\textsuperscript{45} Latinobarómetro (2010), 95.
\textsuperscript{46} Lilian Bobea, Focus Group with Neighborhood Leaders, Santo Domingo, November 2005.
By 2006, 16% of Dominicans reported having been the victim of a crime.\textsuperscript{47} Fifty-six percent of these victims admitted that they had not reported the crime to the police, believing that it was “useless” to do so – up from 43% in 2004.\textsuperscript{48} In 2005, the government’s official statistical survey, ENHOGAR, revealed that 79% of home break-ins were not reported to the police, along with 74% of holdups and 88% of thefts.\textsuperscript{49}

The low rate of calling in the police is a clear indication of public distrust both in the capacity (efficiency and efficaciousness) and integrity of this institution. Forty-two percent of the victims of auto part thefts agreed that “the police will not do anything” to resolve such crimes, a sentiment echoed by 58% of victims of vehicular theft and 71% of victims of burglaries.\textsuperscript{50} Another survey in 2006 revealed that 60% of Dominicans expressed little confidence in the police,\textsuperscript{51} a situation often aggravated by fear. Research conducted in the National District in 2005 found overwhelming distrust of the authorities, in some cases as high as 95%, depending on the specific history of conflict between the neighborhood and the police. As some residents stated:

\textit{You are safer if a delinquent robs you than if the police bust you. The police bust you, plant drugs, arrest you, open a criminal file, and give you two,}\textsuperscript{52}

\textsuperscript{47} Morgan, et al., \textit{Cultura política de la democracia en República Dominicana, 2006} (Santo Domingo: USAID/Santo Domingo), 2006.

\textsuperscript{48} Ramonina Brea, Isis Duarte, and Mitchell Seligson, “Resultados de la IV Encuesta Nacional de Cultura Política y Democracia (Demos 2004)” (Vanderbilt University, 2005), \url{http://www.vanderbilt.edu/lapop/dr/2004-culturapolitica.pdf}


\textsuperscript{50} \textit{ENHOGAR 2005}, 63.

\textsuperscript{51} Morgan, et al. \textit{Cultura política de la democracia en República Dominicana, 2006}.
three, or four years in jail, and you come out and you are a parasite to society . . . Because you are from Capotillo.\textsuperscript{52}

**WEAK INSTITUTIONS: CRIMINAL STATETROPISM AND DOMINICAN DEMOCRACY**

Dominican democracy is plagued by the links sustained by bureaucrats and political elites with unregulated actors who promote new forms of violent and illicit practices that are often not only political, but also criminal. In interviews in the *barrios* of Santo Domingo in 2005, poor residents spoke of the social, political and economic changes that have resulted from increased insecurity, pervasive drug trafficking and police corruption in their neighborhoods. Some individuals benefit from these activities, but overall they have a negative impact on social capital and community cohesion. Many informants stressed that they were afraid to leave their houses after dark; changed their route to work to avoid drug sales points and dangerous spaces; and restricted the freedom of their children to protect them from violence. Torn between intimidation by gang members and fear of the police, many see neither in black and white terms. Public security policies continue to dichotomize criminals and the police, but the reality is that for the most vulnerable citizens, illicit activity often has certain beneficial effects and official security policy a negative impact. The same dynamic holds true for police, judges, customs officials and military officers drawn into illicit activity.

Given their lack of options, slum dwellers find ways to adapt to the fear, violence and intimidation that drug gangs bring to poor neighborhoods. Insofar as adaptation allows them to overcome the absence of licit economic alternatives, it can appear beneficial, but when citizens embrace values and

\textsuperscript{52} Lilian Bobea and Newlink Research Team, Focus Group with Capotillo Residents, December 2009.
identities that accept illicit and sometimes violent activities, social cohesion and social capital grow weaker. From the state perspective, the success of organized criminals in providing poor neighborhoods with alternative forms of security, livelihood, morality and even identity is a threat to institutional democracy. Unlike common criminals, moreover, organized criminals actively seek out agents of the state for co-optation.

This essay coins the term statetropism to describe the illicit entrepreneurship of corrupt, often violent officials who protect illicit businesses.\(^{53}\) Instead of confronting the state, the new criminality builds a network of alliances within and around it. The state is thereby put in the untenable position of being responsible for deterring crime while at the same time being exploited by an organized criminal elite. Statetropism, in other words, institutionalizes complex criminality within a putatively democratic system.

The new statetropic criminality is crucial to guaranteeing the predictability and robustness of illicit businesses. In some cases, it can function as a moderator of violence through the rationalization and administration of illegal activities.\(^{54}\) This calming effect, however, may not trickle down to the street level, where gang rivalries often erupt into violence. The absence of professionalism within the ranks of the police manifests itself in the wanton use of extra-legal force and rampant corruption. The ability of the police leadership to curb officer vigilantism is an indication of the systematic nature of excessive police force, rather than the idiosyncratic response of a few officers.

\(^{53}\) The notion of statetropism is a neologism based on the concept of heliotropism, which refers to the orientation of certain plants toward the sun. Heliotropism can be positive or negative, depending on whether the plant faces toward the light or away from it.

\(^{54}\) Bailey, “Security Traps.”
National statistics corroborate the extent of official violence. In the first year of the Plan for Democratic Security (2005-2006), the number of individuals killed by the police dropped 33%, representing a decline in police shooting rates from 4.80 per 100,000 inhabitants to 3.24 for the period. This decline was reversed in 2006, when a new police chief took office. That year, the US State Department denounced 400 killings by police in the Dominican Republic. For the last 10 years, police actions have caused between 16% and 20% of total violent deaths in the country.

This situation is the result of a discriminatory system of justice that punishes minor infractions with lethal force and harsh penalties but barely sanctions white-collar crime. This pattern relies on a double-track mechanism of dissuasion: on one hand, a pervasive institutional culture that implements the symbolic and conferred use of power under a system of agreed-upon rules; and on the other hand, an informal and autonomous system of rules stemming from institutional disarticulation and disorganization. This implicit “strategy” contradicts any democratic policy of crime prevention and control but has served as the default components of a semiofficial National Police policy. This approach has the tacit and sometimes explicit support of influential groups within Dominican society, who believe that only a mano dura (strong hand) can control criminality. This tolerance for military and police violence delays the development of an effective counter-crime policy, even as it suggests that democracy has little effect on transforming engrained authoritarian practices.

Another enduring legacy of dictatorship is the pervasive corruption among Dominican police and justice personnel. In

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56 Ibid.
a 2006 penitentiary survey, 71.4% of the prison population reported being asked for bribes by the police to move their cases forward or receive better treatment while in jail. Seventy percent of inmates admitted paying police officers some form of bribe. In the poorest neighborhoods, perceived levels of police integrity are extremely low. In 2005, researchers found that 88% of residents in the 12 barrios used as test cases for the Democratic Security Plan reported skyrocketing police corruption over the last five years. Even a year after the PSD was implemented, 70% of those interviewed for the AmericasBarometer poll cited police involvement in criminal acts, compared to only 30% who thought the police were doing a good job protecting people.

Lack of trust in the police and other officials has its roots not only in abuse and corruption, but also in the perceived and documented involvement of functionaries in illicit and criminal activities. Some scandals have appeared in the media, but local residents know of many more. Recent interviews reveal a public perception of involvement by political candidates with drug traffickers to make money and gain support within their communities. When these candidates win elections, they maintain their links to illicit and criminal actors in their localities. Citizens describe a patron-client relationship between corrupt political candidates, officials and drug traffickers. One resident put the issue in these terms: “Politicians are the protector shield of narcos…. They can’t stop the narcos, because narcotrafficking is political.” This type of opportunistic relationship also exists between police officers and drug traffickers.

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57 Isis Duarte and Joel Arboleda, “La visión de la población usuaria: resultados de la encuesta a personas usuarias de la justicia penal dominicana” (ENJUS-2006), 126, Table 6.9.
59 Anonymous drug trafficker, interview by Lilian Bobea, Barahona, November 2009.
criminals: “They (the police) are speaking loud and clear when they are in front of a client (criminal) who owes them. They say, ‘Hey you, you did not pay me my part of the drugs that you sold yesterday.’”Many residents agree that “the police receive a weekly income from the drug retailing business, while the narcos use the official resources to operate with impunity.”

The existence of a well-rooted, violent, illicit and non-democratic institutional subculture embedded in the security and judiciary sectors has obvious negative implications for Dominican democracy. Pervasive practices such as these tend to become ingrained in a society’s systems of values and institutional culture. For example, even though the Dominican Republic occupies an intermediate position in AmericasBarometer’s ranking of countries whose nationals admit being affected by acts of corruption (18%), citizen perceptions of corruption put it in the highest position (78%), above Mexico, Jamaica, and Trinidad & Tobago. This suggests that Dominicans care more about the type of corruption that affects them indirectly – that is, high-level corruption – than the petty bribery of traffic cops. At the same time, however, 18% of Dominicans justified bribery and the use of political influence for personal benefit, suggesting that a segment of the population recognizes and rewards the inefficiencies of the system. The same study also concludes that those who embrace the efficiency of less democratic political systems perceive an increase in corruption and feel insecure.

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60 Bobea, Lilian, Focus Group, Residents of Barrio Capotillo, Santo Domingo, December 2009.
61 Bobea, Lilian, Focus Group, Residents of Barahona, January 2010.
62 See Morgan, et al., Cultura política de la democracia, 2010, 89.
63 Ibid, 94.
QUALIFYING DEMOCRACY: THE EMERGENCE OF COMPETITIVE AUTHORITIES

The coexistence of old and new criminality in the barrios gives rise to what can be described as criminogenic ecosystems; that is, socioeconomic, political, cultural and institutional arrangements that allow confluence, overlap and conflict among licit and illicit, old and new, public and private actors and activities. Statetropism and criminogenic ecosystems affect the collective interest, social cohesion and spatial structure of democracies and their constituencies. They are fed by public frustration with justice and security systems that give non-state actors a greater role in providing protection and social goods. Criminogenic ecosystems develop locally, in the most vulnerable areas, but often project themselves in the national arena, where they intersect at different levels with political, economic and bureaucratic elites. They are facilitated by clientelistic practices that often dovetail with normal and “legitimate” ways of doing business among politicians and the private sector. A process of adaptation occurs at the center of criminogenic ecosystems, actively promoted by criminal actors and embraced in haphazard and opportunistic ways by sectors of the population.

Not all activities within the criminogenic ecosystem are violent. With security a scarce and tradable commodity, criminogenic clientelism relies on the cooptation of different sources of insecurity, including the police itself. 64 These

64 In its more common expression, the practice of clientelism plays a vital political function when considered from Gramsci’s perspective of hegemony, which sustains that authoritarian power is not only a function of coercion and the exercise of military power, but also consensus. This is precisely the role that prebendalism has played within representative democracies, including the Dominican Republic. As an instrument of populist politics, it has become an intrinsic trait of the country’s political economy. As Wilfredo Lozano points out, clientelism helped resolve the crisis of governance following the transition from authoritarianism and
adaptations have several consequences, among them shifts in social practices that conflict with previously agreed upon core values of morality and coexistence. Growing inequality, scarce income opportunities and the precarious delivery and distribution of goods and services by local and national authorities propel the blossoming of informal activities. In this context, illicit activities, such as the sale of stolen merchandise, become a part of the informal system of self-provision of goods and services, within which drug trafficking is just another economic activity, albeit one that is intermittent and, undoubtedly, risky.

Of course, all informal activity is not necessarily illicit or criminal.\textsuperscript{65} Interactions and exchanges among barrio dwellers suggest ambivalence toward illegal activities such as drug trafficking. On the one hand, many understand that the involvement of young people and “decent” citizens in the micro-market for drugs corrodes morale and collective coexistence within the barrios and leads to the degradation manifests itself in the incapacity of the state to arbiter among emergent social actors (i.e., popular movements) and elites. It also helped defuse the crisis of hegemony that preceded the recomposition of the political elite. See Lozano, \textit{Después de los caudillos}, 274-275. Without pretending to project a Manichaean interpretation of clientelist practices, I am more interested in understanding how this essential behavior of Dominican political culture is also used as a functional tool for complex criminality. Recognizing the ambitiousness of this argument, I maintain that in the same way that traditional (formal and informal) politics unfolds, this complex criminality not only relies on the use of violence, but also on clientelism and prebendalism, especially in its state tropic orientation. These links redefine the citizenry more in terms of clients than citizens, using as its point of departure the flawed relationship between the state and its citizens.

\textsuperscript{65} According to a study by Tahira Vargas of young people at risk in the Guaricano neighborhood of Santo Domingo, drug dealers in the barrios do not see themselves as delinquents, but rather as entrepreneurs taking advantage of the chance to make some extra money. See Tahira Vargas, \textit{Jóvenes, delincuencia y drogas: estudio cualitativo acerca de la delincuencia juvenil en Guaricano} (Santo Domingo: Casa Abierta, 2008), 274-275.
and stigmatization of communities. On the other hand, the dynamics of large-scale deprivation reproduce uneven political and social configurations, resulting in the following scenarios:

- **The normalization of the illicit.** In the words of one resident: “Drug trafficking, you see it daily, it is normal. You will see places where it’s so visible that they identify themselves as businesses. One beside the other, you will always see them on your way down the street.”

- **Drug trafficking as an informal economy.** As another resident pointed out, “Much of the cash that circulates in Capotillo is linked to narcotrafficking. Those who don't sell it have their own business, but everyone who buys from that business does it with drug money, and one way or another narcotrafficking reaps those rewards (...). In fact, in the first few days after they caught El Gringo (a drug dealer), that week there was a recession in the neighborhood, so much so that everyone was in bed by ten! You felt it.” According to residents, the implications are that “The social abandonment of many authorities and entities involved in the management of these poor areas has left everything up in the air. They have disconnected themselves from society. [There is a] lack of education, of opportunity, and solutions for youth unemployment.”

- **Complex criminality as alternative governance.** “Here the narcotraffickers are like a more powerful presence than the Dominican state. They [the drug dealers] defy

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67 Bobea, Lilian, Group Interview, Capotillo, December 2009.
68 Ibid.
the authorities; they are better armed than the military and the national police together.”

- **Criminogenic ecosystems as social service providers.** “They (drug dealers) are the first to respond to and resolve the problems of people in the community when something happens. They buy the coffin for the dead; if there is a fire, they will throw water on it along with everyone else. Dealers are like that, very engaged in their community.”

Both criminal ecosystems and statetropism take advantage of and at the same time promote state disorganization, a condition that fundamentally undermines democracy. As residents note: “Drug traffickers are more organized than the state. They are already supplanting the state in the positive work and responsibilities that it is supposed to accomplish.”

“Due to the abuses being committed, the tigüeres (hustlers) are getting riled up. Now there are strikes and mobilizations organized by these social groups, by these interests. Every time the DNCD (counter-narcotics department) hits the streets there is a strike.”

As these observations suggest, statetropism and criminogenic ecosystems manifest the level of deterioration of state and democratic legitimacy. This condition has reached the dangerous point of opening niches allowing alternative forces of governability to capture control in some territorial areas and even within the state itself.

The next section of this essay considers how these dynamics have reconfigured the relationship between the state, society

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69 Bobea, Lilian, Focus Group with Community Leaders, Bonao, January 2010.
70 Bobea, Lilian, Group Interview, Salcedo, November 2009.
71 Bobea, Lilian, Focus Group, Residents of Barahona, January 2010.
72 Ibid.
and political system. These rearrangements manifest themselves in crucial changes in values. Even if they do not result in authoritarian regressions, these dynamics have the potential to become antisystemic forces that justify and provide incentives for violence and alternative authority. They express shifting alternatives to state presence through symbiotic clientelistic relationship with violent and illicit actors. For this reason, any attempt to strengthen the democratic system in the Dominican Republic must transcend formal institutional reforms and address the rapid transformation of the nation’s social fabric.

**DOMINICAN DEMOCRACY IN CHANGING CONTEXTS**

In recent decades, Dominican society has experienced considerable change in the public and private realms. In 2008, the country’s highest Human Empowerment Index (HEI), as measured by the United Nations, was in the metropolitan zones of Santo Domingo, the surrounding National District and Santiago. HEI was twice as high in the province of Santo Domingo and four times greater in the National District than in the rest of the country. The Collective Empowerment Index (CEI), however, was lower in these two metropolitan areas. This uneven distribution of opportunities, capacities and power is in itself conditioned by social and political considerations, replicating multiple inequities even in areas better positioned economically.  

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73 The United Nations describes HEI as a measure of spatially distributed individual and collective capabilities. It is composed of several sub indexes, including the Individual Empowerment Index (IEI), related to access to the economy, health, education and technology; and the Collective Empowerment Index (CEI), which measures the political and social dimension. According to the UNPD, “political empowerment is a central concept which reflects supporting human capabilities. Political empowerment serves to strengthen people’s social and political capabilities in particular. This includes capabilities such as the ability to demand political and social rights, accessing services and participating in political decision making. Through these means, empowerment may
As of 2005, according to UN data, the country’s integration in the global economy had brought asymmetrical results for the majority of the population. Despite economic growth of between 5% and 8% since 1996, the majority of the Dominican population has not substantially raised its standard of living. In fact, the Dominican Republic is among a small group of nations that has been unable to raise its Index of Human Development (IHD) despite economic growth, reflecting the ongoing incapacity of the Dominican political elite to promote the well being of those it represents.

Not surprisingly, 90% of Dominicans the UN interviewed in 2008 said that political parties only defend the interests of certain groups or their own organizations. The report attributes the country’s growing poverty and lagging human development to the “sparse commitment of the political and industrial national leadership to collective progress during the last decades, as well as the absence of a social empowerment pact with the majority of Dominican society.”

The absence of a social pact has led to sharpening social inequality under the neoliberal policies implemented by liberal and even populist governments. These strategies have generated more poverty and reduced the ranks of the middle class. In 2010, two-thirds of Dominicans surveyed considered the country’s economic situation to be very bad, despite the relatively favorable growth of the national economy. The year before, Dominicans headed the list of

serve to strengthen people’s capability to better take charge of and improve their own human condition.” See UNDP, “Informe sobre desarrollo humano, República Dominicana 2008: desarrollo humano, una cuestión de poder” (Santo Domingo: Oficina de Desarrollo Humano, 2008).

Ibid, 27.
Latin Americans who reported serious difficulty meeting their basic needs with the income they earned.\textsuperscript{75}

At the same time as the neoliberal economic opening heightened inequality, global trends accelerated Dominican transnationalism through free trade zones, tourism, migration, remittances and the growth of a services economy. All of these transnational factors created opportunities for the country to enter the buoyant illicit transnational economy, including the movement of drugs, arms, money and people. Organized crime took advantage of these conditions to create niches of corruption and illegality. The expansion of the national drug trafficking arena contributed to the formation of a micro-industrial drug trade primarily (though not exclusively) in marginalized \textit{barrios} where legal alternatives for generating income are scarce, especially for unemployed youth.

The abrupt emergence of these activities in the first few years of the present century, as well as competition between drug retail sites, incited a type of violence never before experienced in Dominican society. As in the past, governments deployed a \textit{mano dura} strategy to mask the structural and administrative disorganization of security forces. Rather than curbing the violence, the state’s response further exacerbated it, as random collective raids in poor neighborhoods led to the persecution and extermination of individuals perceived to be delinquents. Many poor Dominicans viewed this reactive, punitive and socially discriminatory approach as a state policy of social cleansing. The police and armed forces returned to their Cold War mode of eradicating “enemies of the state” wholesale. Overall, the state’s inability to control the new criminality

highlighted the absence of preventive public policies to control crime and insecurity. This trend changed somewhat only in 2005, with the implementation of the Democratic Security Plan.

CONCLUSIONS: DECONSTRUCTING DEMOCRATIC GOVERNABILITY IN THE DOMINICAN REPUBLIC

The beginning of this article cites the state’s inability to guarantee the rule of law as one of the critical challenges to the Dominican democratic system. As Dominican sociologist Leopoldo Artiles argues, since independence the Dominican state has been unable to “structure a state of rights constitutionally backed and guided by a liberal democratic constitution.” Despite democratization and modernization, this problem persists today.

Complex processes of social, economic and political change are defining the course of democratic development in the country. The traditional adversarial relationship between civil society, the political system and the state that challenged the post-authoritarian transition is projected today in more complex terms. The equally traditional lack of separation between the public and the private (a trait characteristic of the dictatorship period) is aggravated in the twenty-first century by the cooptation of critical areas of the state by unregulated and illicit private actors. This cooptation is propelled by: a) the readiness of organized crime to take advantage of state resources by penetrating the political sphere; b) a shrinking of the state and the transfer of many of its responsibilities to non-state actors; c) the emergence of parallel governability that contests democratic rules by institutionalizing informal practices between private and public actors; and d) the transmutation of traditional

76 Leopoldo Artiles, “Características fundacionales del Estado Dominicano,” Revista Global 1, no. 2 (July-September 2004), 46.
values as a result of adaptation and resilience to new challenges to survival.

Today, major antagonism between political parties and civil society is not only tied to politicians’ abandonment of rhetorical promises, but also to the parties’ role in promoting political, social and even criminal violence. Political parties contribute implicitly or explicitly, as do other private unregulated actors, to the deterioration of social welfare and peaceful coexistence within socially excluded communities and sectors of the Dominican population.

Each and every one of these developments impacts Dominican democracy in unprecedented ways, raising a number of questions: If not political parties, NGOs or the traditional community leadership, who are the new interlocutors in Dominican society? What political agendas, if any, do these emerging actors defend? Whose interests do they represent? What kind of institutional framework can support the current links between society, the state and the political arena? Given the disorganization of the state and the fragmentation of interests, values and motivations within society, what institutional resources beyond violence can the state deploy to guide social change?

These questions suggest two hypotheses, both of which require further study. First, in “young” democracies such the Dominican Republic, the state struggles to impose or regain its authority and legitimacy in areas of historical abandonment. Other actors rival the state as “alternative authorities” by providing services, goods and protection, and use the informal economy and clientelistic networks to construct a new social and spatial order and rules of engagement. More than coercion and intimidation is involved in these interplays; public adaptation and acceptance also play a role in giving these actors new legitimacy.
A second hypothesis is that the state has been a passive actor, allowing non-state actors to generate an alternative governability through its propensity to surrender responsibilities and functions to private actors (NGOs, churches, community-based organizations, private security firms) and those who circumvent public scrutiny (corrupt police and military, drug traffickers, gangs, criminals).

In either case, reversing institutionalized practices such as corruption, statetropism and anomic clientelism will require more than mere institutional reform. Successful reform will imply an understanding of how these processes manifest themselves and inform official and informal institutions, as well as the possible implications and outcomes of their dissolution, especially in terms of political and social vacuums they create. Finally, it is important to identify the winners and losers in this asymmetrical competition. Reaching this level of comprehension could help stakeholders and policy makers address problems through more concrete and credible institutional transformations.

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77This argument elaborates on Merilee S. Grindle article, “Despite the Odds: The Political Economy of Social Sector Reform in Latin America” (Harvard University: KSG Faculty Research Working Papers Series RWP01-021, January 2001.)
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