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# When Voting is not Enough. Drug Trafficking, Elections, and Democratic Hollowing

## Introduction: A Misframed Problem

The debate on the relationship between drug trafficking and the political system in Colombia has been predominantly framed as a problem of electoral illegality, administrative corruption, or public security. Under this approach, the influence of criminal economies on politics is conceived as an external anomaly that disrupts the democratic process, and whose solution would depend primarily on strengthening criminal enforcement and electoral oversight mechanisms. However, this approach is insufficient to understand the depth of the phenomenon.

Democratic theory has repeatedly warned that democracy is not exhausted by the periodic holding of elections. Robert A. Dahl emphasized that even in regimes with competitive elections, democracy requires real conditions for participation and opposition for the procedure to have normative meaning.<sup>1</sup> Furthermore, David Beetham argued that political power can only be conside-

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1 Robert A. Dahl, *Polyarchy: Participation and Opposition*, Yale University Press, New Haven, 1971, 2-3.

red legitimate when it is exercised according to justifiable rules and with consent expressed under non-coercive conditions.<sup>2</sup>

When these substantive conditions are persistently affected –by coercion, institutional capture, or the structural influence of de facto powers– the formal compliance with electoral rules loses its legitimizing capacity. Guillermo O’Donnell warned that regimes may persist with regular elections while still exhibiting profound deficits in accountability and in the quality of democratic representation.<sup>3</sup> In such contexts, the problem is not only the occasional violation of the rules of the game, but the institutional validation of processes that lack the minimum conditions required to express the free and equal will of citizens.<sup>4</sup>

This article starts from that tension between electoral legality and democratic legitimacy and proposes to analyze it in the context of political systems shaped by persistent criminal economies.

## 1. Democracy, Legality, and Legitimacy: The Normative Framework

Contemporary democracy is often evaluated, in institutional practice, on the basis of compliance with formal procedures, especially the periodic holding of competitive elections. However, democratic theory has established a broad consensus that the legality of the electoral procedure constitutes a necessary but not sufficient condition for the existence of a legitimate democracy.

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2 David Beetham, *The Legitimation of Power*, Palgrave Macmillan, London, 1991, 15-16.

3 Guillermo O’Donnell, “Delegative Democracy,” *Journal of Democracy* 5, no. 1, 1994, 59.

4 Guillermo O’Donnell, “Horizontal Accountability in New Polyarchies,” *Journal of Democracy* 9, no. 3, 1998, 113.

Democracy entails a set of substantive conditions that allow formal rules to produce politically meaningful and normatively justifiable decisions.<sup>5</sup>

From this perspective, the distinction between legality and legitimacy is central. Legality refers to compliance with previously established rules, while legitimacy is linked to the normative justification of the exercise of power and to the consent of the governed under non-coercive conditions.<sup>6</sup> An electoral process may therefore be legal without being fully legitimate when the structural conditions under which it takes place affect the freedom of the vote, political equality, or effective competition among alternatives.<sup>7</sup>

The theory of polyarchy emphasizes that elections only gain democratic meaning when they are accompanied by real guarantees of participation, opposition, and pluralism, as well as effective civil liberties.<sup>8</sup> In the absence of these conditions, the electoral procedure loses its capacity to express the will of the citizenry and becomes a formal mechanism devoid of substantive democratic content. Similarly, the theory of the legitimation of power emphasizes that political consent can only be considered valid when it is produced in contexts free from structural domination or systematic coercion.<sup>9</sup>

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5 Adam Przeworski, *Democracy and the Limits of Self-Government*, Cambridge University Press, Cambridge, 2010, 12-18.

6 David Beetham, *The Legitimation of Power*, Palgrave Macmillan, London, 1991, 3-25.

7 Jürgen Habermas, *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*, MIT Press, Cambridge, MA, 1996, 110-131.

8 Robert A. Dahl, *Polyarchy: Participation and Opposition*, Yale University Press, New Haven, 1971, 1-9.

9 Bernard Manin, *The Principles of Representative Government*, Cambridge University Press, Cambridge, 1997, 83-110.

This normative approach makes it possible to problematize situations in which the democratic order remains formally intact, but its material conditions are eroded. The persistence of legal elections in contexts where de facto powers operate with the capacity to distort political behavior raises a fundamental dilemma: the possibility that democracy continues to function as a legal system while progressively losing its ability to fulfill its normative purposes.<sup>10</sup> The literature on political representation has also warned that the autonomy of representatives and the equal influence among citizens are essential requirements for the electoral process to retain its democratic meaning.<sup>11</sup>

Consequently, evaluating democratic quality exclusively on the basis of procedural criteria implies adopting a reduced conception of democracy that is insufficient for analyzing contexts shaped by structural inequalities of power. This normative framework is what allows, in the following sections, for a critical analysis of electoral processes that, while legal, may lack substantive democratic legitimacy.<sup>12</sup>

## 2. Democracies That Degrade Without Institutional Rupture

One of the main limitations of traditional approaches to democratic crises is their tendency to associate democratic deterioration with events of abrupt rupture, such as *coups d'état*, the suspension of elections, or explicit breakdowns of the constitutional order. However, contemporary political theory has shown that demo-

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10 Guillermo O' Donnell, "Horizontal Accountability in New Polyarchies", *Journal of Democracy* 9, no. 3, 1998, 112-126.

11 Jane Mansbridge, "Rethinking Representation", *American Political Science Review* 97, no.4, 2003, 515-528.

12 Pierre Rosanvallon, *Democratic Legitimacy: Impartiality, Reflexivity, Proximity*, Princeton University Press, Princeton, 2011), 1-22.

cratic regimes can experience processes of profound degradation without a formal rupture of their fundamental institutions.<sup>13</sup>

In these scenarios, democracy does not disappear, but rather gradually transforms from within. Elections continue to be held, formal authorities remain in office, and the legal framework remains in force, but the practices that give substantive content to the democratic regime progressively weaken. This type of erosion is characterized by the persistence of legal procedures that coexist with the loss of effective checks, the weakening of accountability, and the distortion of political competition.<sup>14</sup>

The literature has identified that these processes of degradation are often supported by the institutional normalization of practices that, although legally tolerated, structurally affect democratic quality.<sup>15</sup> Rather than openly violating the rules of the game, political actors operate within them, exploiting their loopholes and limits to concentrate power, restrict effective pluralism, or neutralize mechanisms of control. In this way, legality is preserved, but its capacity to guarantee democratically legitimate outcomes is reduced.

This framework is particularly useful for analyzing contexts in which democracy remains as a legal system but loses its normative density. The persistence of regular elections does not, by itself, guarantee that the regime retains its democratic character if the conditions under which those elections take place are syste-

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13 Steven Levitsky y Daniel Ziblatt, *How Democracies Die*, Crown, New York, 2018, 3-24.

14 Nancy Bermeo, "On Democratic Backsliding", *Journal of Democracy* 27, no. 1, 2016, 5-19.

15 Steven Levitsky y Lucan A. Way, *Competitive Authoritarianism: Hybrid Regimes after the Cold War*, Cambridge University Press, Cambridge, 2010, 7-14.

matically distorted.<sup>16</sup> In such cases, degradation does not manifest as a visible crisis, but as a cumulative process that progressively weakens public trust and reconfigures political incentives.

Understanding democracy as a regime susceptible to degradation without rupture allows the analysis to shift from the question of the system's formal survival to the evaluation of the quality and authenticity of its practices. This distinction is fundamental for addressing phenomena in which the democratic order persists institutionally but is affected by structural dynamics that erode its legitimacy from within.<sup>17</sup>

### **3. Drug Trafficking, Criminal Power, and Structural Distortion of the Electoral Process**

The influence of drug trafficking on politics cannot be understood solely as an illegal interference external to the democratic system. Various studies have shown that democracy can coexist with persistent structures of coercive power that, without formally replacing institutions, substantially alter the conditions under which political competition takes place. In these contexts, the central problem is not the absence of elections, but the transformation of their democratic meaning.<sup>18</sup>

The literature on electoral integrity has pointed out that electoral processes may comply with basic procedural requirements and still unfold under conditions that affect the freedom of the

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16 Adam Przeworski, *Democracy and the Limits of Self-Government*, Cambridge University Press, Cambridge, 2010, 136-160.

17 Guillermo O' Donnell, "Illusions about Consolidation", *Journal of Democracy* 7, no.2, 1996, 34-51.

18 Charles Tilly, *Democracy*, Cambridge University Press, Cambridge, 2007, 1-12.

vote, political equality, and effective competition.<sup>19</sup> These distortions do not always take the form of overt fraud or visible violence, but instead operate structurally through illicit financing, indirect intimidation, the capture of local authorities, or territorial control by armed actors. When these conditions persist, electoral competition takes place under profound asymmetries that systematically favor certain actors.

From an institutional perspective, these dynamics are particularly problematic because they can coexist with electorally legal processes and with formally legitimate authorities. The evaluation of democratic quality based exclusively on procedural compliance tends to obscure the effects of structural coercion and power inequality on electoral behavior.<sup>20</sup> Consequently, elections may become mechanisms of formal validation of power relations previously configured outside the democratic sphere.

Comparative political science has warned that the presence of organized violence and illicit economies in electoral contexts affects not only outcomes, but also the incentives of political actors. In these scenarios, candidate selection, electoral mobilization, and the exercise of public office are conditioned by the need to adapt to illegal power structures, which reduces the autonomy of elected representatives and weakens the accountability relationship with citizens.<sup>21</sup>

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19 Pippa Norris, *Why Electoral Integrity Matters*, Cambridge University Press, Cambridge, 2014, 19-41.

20 Sarah Birch, *Electoral Malpractice*, Oxford University Press, Oxford, 2011, 3-22.

21 John Bailey y Matthew M. Taylor, "Evade, Corrupt, or Confront? Organized Crime and the State in Brazil and Mexico", *Journal of Politics in Latin America* 1, no. 2, 2009, 3-29.

From a normative standpoint, the problem does not lie in the absence of elections, but in the institutional normalization of electoral processes held under structurally anti-democratic conditions. When the state recognizes processes that take place in contexts of persistent coercion as fully valid, it inadvertently contributes to the stabilization of a political order that complies with formal legality but lacks substantive democratic legitimacy.<sup>22</sup>

#### **4. The Colombian Case: Territorial Fragmentation and Institutional Validation**

The Colombian case illustrates with particular clarity how a democracy can maintain its formal functioning while experiencing a substantive fragmentation of its democratic standards across the territory. At the national level, the political system preserves periodic elections and institutional recognition of their results. However, in various local contexts, electoral processes take place under structural conditions of coercion, territorial control, and institutional capture associated with persistent criminal economies.<sup>23</sup>

These dynamics do not constitute isolated phenomena. The Electoral Observation Mission has repeatedly documented the existence of systematic risks to the right to vote, political competition, and the autonomy of local actors in large areas of the country.<sup>24</sup> In these scenarios, electoral competition is shaped by power asymmetries that affect candidate selection and the effective exercise of political representation.

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22 International Crisis Group, analytical reports on governance, violence, and politics in Colombia, *Latin America Reports*.

23 International Crisis Group, reports on elections and armed actors in Colombia, *Latin America Reports*, various editions.

24 Electoral Observation Mission (MOE), *Maps and Factors of Electoral Risk*, various editions.

A critical element is the role of the state as an institutional validator of processes that are electorally legal but democratically problematic. Analytical reports on Colombia have warned that evaluating electoral processes exclusively on the basis of procedural criteria tends to obscure the material conditions under which votes are cast, thereby contributing to the normalization of uneven standards of democratic quality within the same political regime.

From a normative perspective, this territorial fragmentation not only affects the local contexts involved, but also has systemic effects on Colombian democracy as a whole, by weakening the principle of political equality and eroding public trust in democracy as an effective mechanism of representation.

### **Conclusion: The Democratic Dilemma**

The analysis developed throughout this article supports the argument that the relationship between drug trafficking and the political system cannot be adequately understood if it is limited to isolated instances of electoral crime or to specific failures of institutional oversight. The central problem is normative in nature: the capacity of democracy to produce legitimate decisions when electoral processes take place under structural conditions of persistent criminal power.

The coexistence of legally valid elections with contexts of coercion, territorial capture, and deep power asymmetries highlights the limits of a strictly procedural conception of democracy. When the evaluation of democratic legitimacy is reduced to formal compliance with electoral rules, there is a risk of normalizing processes that lack the minimum conditions required to express the free and equal will of citizens. In such scenarios, elections cease to operate as effective mechanisms of representation

and instead become instruments of legal validation of power relations configured outside the democratic sphere.

The Colombian case clearly illustrates the consequences of this tension. The territorial fragmentation of democratic standards and the institutional validation of electorally legal but substantively distorted processes generate effects that transcend the local level and affect the quality of the democratic regime as a whole. The persistence of these patterns erodes the principle of political equality, weakens accountability, and undermines public trust in democracy as a form of government.

Recognizing this dilemma does not imply disregarding the importance of elections, but rather demanding that their evaluation incorporate substantive criteria consistent with the normative purposes of democracy. As long as this discussion is not explicitly addressed, democracy risks surviving formally while being progressively emptied of its essential democratic content.