

## Visions of State Formation: the Colombian Constitution of 1991

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How can a set of ideas about what makes a “state,” and a series of governmental documents intersect to tell us something valuable about Colombian history? There is no simple way to understand the nexus of factors that influence the ongoing conflict in Colombia. However, by applying a close reading of a variety of theories about state-formation to a case such as the Colombian constitution of 1991, one can see how major ideas and assumptions about “states” found in the theory are reflected in government policy. This allows one to understand some of the fundamental assumptions that may underlie certain political projects (such as the 1991 constitution). This is not to say that projects such as the 1991 constitution are informed by such theories, but rather that there may be certain fundamental assumptions at work that, when recognized, allow one to further understand the nature of the conflict. The task of this paper will be to demonstrate that certain political projects undertaken by the Colombian government reflect a “traditional” vision of the state. Once this is demonstrated it will be possible to show the way in which political projects that reflect this traditional vision of the state (such as the 1991 constitution) have, in some cases, come into conflict with political projects that reflect a more “contemporary” vision of the state (such as Peace Communities). By bringing out the points of intersection between the theory and the history one is able to better understand the complex set of factors which combine to fuel the ongoing conflict.

This paper will draw on a variety of works that deal specifically with the Colombian state in order to draw the distinction between the “traditional” and the “contemporary” vision. The literature about Colombia reveals two particular strands of discourse about the Colombian state (and about the idea of the state more generally). First, there is the “traditional” depiction of state-formation that

categorizes a state as a *thing* that can be either *strong* or *weak*. Second, there is the more contemporary depiction that considers the state as an *idea* rather than a thing and demands that one considers a broader set of elements that affect the formation of such an *idea*. This second depiction (or “vision” of the state, as I will refer to it from now on) defies the weak/strong dichotomy. It considers state-formation as an activity that takes place locally and constantly and thus defies monolithic definition. By tracing the shape of each vision in relation to Colombian history, it becomes clear that the efforts of the Colombian government to address the ongoing conflict have largely reflected traditional assumptions of what makes a state, and have clashed with projects that take up the more contemporary vision.

The first part of this paper will deal with the theoretical framework of state-formation, outlining central ideas about how states come to be and clearly distinguishing between the traditional and the contemporary visions of the state. This section will also explore how these ideologies appear in a variety of works related to Colombia. The second part of this paper will examine the 1991 *Constitution of Colombia* and its context to make the argument that it represents a project in state-formation based on the traditional vision of the state. A brief examination of the more recent Democratic Security and Defence Policy of 2003 will demonstrate that the government’s efforts in state-formation have continued to be based on a traditional vision in more recent years. Finally, the paper will explore the case of Peace Communities in Colombia as an example of state-formation that can be understood in relation to the contemporary vision. These communities attempt to re-cast the parameters of “centre” and “periphery” and define what “the state” is in new terms. Unfortunately, these projects have not had great success and in some cases have even come into conflict with the (traditional) state-formation efforts of the government.

### **Theoretical Framework of State Formation: Competing Ideologies**

It is important to begin by establishing a theoretical framework for state-formation. The crux of the task here is to demonstrate two contrasting ideologies toward state formation: one which considers the state as a *thing* which can be centrally controlled and developed, and a second which considers the state as an *idea* which is constituted by many actors in a multitude of locations.

It is useful to begin with Max Weber's oft-cited definition of the state. For Weber, the state is an entity that successfully "claims the monopoly of the legitimate use of physical force within a given territory."<sup>1</sup> Much of the discourse on state-formation flows from this definition and deals with, in particular, the three concepts of legitimacy, force and territory. Stacey Hunt extends the core of Weber's definition. She writes that the Weberian state is "seen as a modern and rational individual, displaying omnipotence, justness, decision, strength and control."<sup>2</sup> Weber's definition is the foundation for the first vision of the state which I will call the "traditional" vision of state-formation.

The traditional vision of state-formation rests on the notion of the state as a centrally controlled *thing* (or set of things) which exert force over a given territory. For instance, Miguel Antonio Centeno's study of war and the nation-state in Latin America takes state organization to be "principally military in nature."<sup>3</sup> Centeno argues that the nation-state is principally a set of institutions and its legitimacy is best measured by how well it is able to "enforce centralized rule on a territory and its population."<sup>4</sup> This is a clear re-articulation of Weber. Similarly, in an article about the role of the state in the peace process in Colombia, Lawrence Boudon argues that in order to achieve an end to the conflict, the Colombian state must consolidate its authority. It is the recurring lack of public services, legal structures, security and public administration, he argues, that make the state weak and incapable of mounting effective solutions to the conflict.<sup>5</sup> What comes through in both Centeno and Boudon is a commitment to the idea of the state as a type of central authority that legitimizes itself through the exertion of force. For Centeno, the military apparatus is the body that exercises this force. Boudon, on the other hand, points to force as it is

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<sup>1</sup> Max Weber, *Max Weber: Essays in Sociology* (New York: Oxford University Press, 1958), 78.

<sup>2</sup> Stacey Hunt, "Languages of Stateness: A Study of Space and El Pueblo in the Colombian State," *Latin American Research Review* 41, no. 3 (Oct. 2006), 89.

<sup>3</sup> Miguel Antonio Centeno, *Blood and Debt: War and the Nation-State in Latin America* (Pennsylvania: U. Penn State Press, 2002), 103.

<sup>4</sup> *Ibid.* It is interesting to note that Centeno argues that the most effective way to measure political authority is by looking at the ability of the state to tax its population. This clearly points to his notion of the state at *central* authority and as based on the use of *force*.

<sup>5</sup> Lawrence Boudon, "Guerillas and the State: The Role of the State in the Colombian Peace Process," *Journal of Latin American Studies* 28, no. 2 (May 1996), 288.

exercised through institutions; public services and administration are included in the set of tools that the central state uses to establish legitimacy and control the population.<sup>6</sup> It is in the context of Weber's definition of the state that the idea of a state as being "weak" or "strong" emerges. Following the Weberian definition, a "strong" state is one that is effectively able to achieve a monopoly over the legitimate use of physical force. Meanwhile a "weak" state would be one which finds itself competing among many actors for the legitimate use of force. Boudon follows this notion, almost echoing Weber's own words. He writes: "Colombia historically has suffered the consequences of having a weak state, one that has been unable...to establish its legal authority and legitimacy throughout the national territory."<sup>7</sup> This example captures both the classic Weberian notion of *state-as-thing* and simultaneously represents the recurring idea of Colombia as a weak state.

But what are the limitations of this type of analysis of the state? While Weber's definition shows up in much of the writing about state formation, it is almost always criticized as limited and in need of elaboration. As Hunt points out, the Weberian model is, at best, an ideal; in practice, states are not rational, coherent actors. Instead, she argues, states are "decentralized, disaggregated, and multilayered amalgams of social structures deeply embedded in and produced by power relations in a multinational society."<sup>8</sup> This notion of the state as a "multilayered amalgam" is at the core of the second ideology I wish to trace. Whereas the formation of the classic Weberian state involves a centralized monopoly of power, the formation of the post-Weberian (or post-modern) state involves mutually constitutive power relationships that occur at many different levels. I will call this the contemporary ideology of state formation.

In her excellent essay "Contesting Displacement in Colombia: Citizenship and State Sovereignty at the Margins" Victoria Sanford draws on

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<sup>6</sup> Boudon, "Guerillas and the State," 288. It is important to point out that this definition of the state does not necessarily take the state to be authoritarian—that is to say, Boudon and Centeno recognize that the state, to some degree, needs to *earn* the allegiance of the population. That being said, what is important is that both authors follow Weber's notion of the state as monopolizer of violence and cast the state as a central body of authority.

<sup>7</sup> Ibid. Suspiciously, Boudon neglects to cite Weber. He cited O'Donnell instead.

<sup>8</sup> Hunt, "Languages of Stateness," 90.

contemporary theory about state formation to extend this post-Weberian idea of how states are constituted.<sup>9</sup> The location of power is not limited to the central institutions, she argues. Instead, power manifests itself in many locations. Sanford draws on Michel Foucault who argues that: “rather than look for a ‘central form’ of power, one must seek to recognize power in its ‘multiplicity’ of forms and study these forms as ‘relations of force that intersect, interrelate, converge, or on the contrary, oppose one another or tend to cancel each other out.’”<sup>10</sup> What is important here is the idea that there can never be a monopoly over power (as Weber’s definition suggested); power manifests itself in too many ways. This vision of the state demands that we recognize both the institutions and the citizens as agents of state formation. It recognizes the variety of ways these actors mutually influence and, in fact, constitute each other. Hunt explains that in studying the Colombian state it is useful to consider “local and historically embedded ideas of normality, order, intelligible authority, and other languages of stateness.”<sup>11</sup> One can think of these “languages of stateness” as expressions of power relationships that in some way constitute the state in local settings.

While the Weberian idea of the state as the monopoly of legitimate violence may remain an ideal put forward by the central institutions in a bid for legitimacy, Hunt argues that this ideal is subverted and undermined by local power relationships.<sup>12</sup> In attempting to study the state, one must consider these local, mutually constitutive relationships rather than simply the central institutions.

### **Exercises in Weberian State Formation: The 1991 Constitution and the DSDP**

Having established these ideologies of state formation, the next section of this paper will look at the Colombian state itself. By exploring several specific examples, it will become clear that the Colombian government’s efforts to “strengthen” the Colombian state reflect a traditional (Weberian) vision of the

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<sup>9</sup> Victoria Sanford, “Contesting Displacement in Colombia: Citizenship and State Sovereignty at the Margins,” *Anthropology and the Margins of the State*, ed. V. Das and D. Poole (Santa Fe: School of American Research Press, 2004), 257.

<sup>10</sup> Ibid.

<sup>11</sup> Hunt, “Languages of Stateness,” 92.

<sup>12</sup> Ibid.

state. By examining the Colombian Constitution of 1991, followed by a consideration of the Democratic Security and Defense Policy of 2003, we will be able to expose the underlying vision pursued by the Colombian government. Later on, a consideration of Colombia's so-called "Peace Communities" will serve to demonstrate the way in which the two visions outlined have come into conflict with in recent Colombian history.

Frank Safford and Marco Palacios trace the roots of Colombia's 1991 constitution to the 1970s, a period in which they describe growing alienation of the population from the ruling system as a result of financial and political corruption.<sup>13</sup> Following the unsuccessful effort by President Alfonso López to initiate constitutional reform, his successors Julio Cesar Turbay, Virgilio Barco and Belisario Betancur also tried, without success, to initiate the process.<sup>14</sup> Ultimately, it was only following the initiation of a "ruthless terrorist war" and the assassination of three presidential candidates leading up to the 1990 election that the process of constitutional renewal was successfully initiated.<sup>15</sup> Safford and Palacios argue that it was the death of the candidate Luis Carlos Galán, in particular, that "seemed to signal the ultimate decomposition of Colombia as a functioning, civilized polity."<sup>16</sup> The political elite, they argue, concluded that "the only solution was to refound the state."<sup>17</sup> Ana Maria Bejarano echoes this argument. She describes the 1990 Constituent National Assembly (which led to the constitution) as a "'coup of public sentiment' against the enemies of constitutional reform in Colombia, in particular the members of the traditional political class."<sup>18</sup> Murillo-Castaño and Gómez-Segura make a similar point.<sup>19</sup> What resonates from these authors is a sense that the constitution of 1991 came as a reaction to the erosion of the central state's authority. One can sense the

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<sup>13</sup> Frank Safford and Marco Palacios, *Colombia: Fragmented Land, Divided Society* (New York: Oxford University Press, 2002), 336.

<sup>14</sup> *Ibid.*

<sup>15</sup> *Ibid.*

<sup>16</sup> *Ibid.*

<sup>17</sup> *Ibid.*

<sup>18</sup> Ana Maria Bejarano "The Constitution of 1991: An Institutional Evaluation Seven Years Later" in *Violence in Colombia 1990-2000: Waging War and Negotiating Peace*, ed. Charles Bergquist et al. (Wilmington: Scholarly Resources Books, 2001), 56

<sup>19</sup> Gabriel Murillo-Castaño and Victoria Gómez-Segura "Institutions in Colombia: The Changing Nature of a Difficult Relationship," *Social Forces* 84, no. 1 (Sept 2005), 2.

Weberian vision of the state at play here. That is to say, following this vision, it makes sense that during a time of crisis the government would initiate a process of constitutional reform designed to re-assert its legitimacy and authority.

Safford and Palacios place the constitution in the geopolitical context of the post-Cold War era, citing human rights, ecological concerns, participative civil society, decentralization, and demilitarization as some of the most relevant “themes.”<sup>20</sup> They note that the document favoured economic liberalization but also affirmed fiscal decentralization and strengthened the judiciary. Murillo-Castaño and Gomez-Segura point out that there may be a contradiction within the constitution between a commitment to a social democratic philosophy and a conflicting adherence to neo-liberalism. They argue that the document is fundamentally founded on a philosophy of interventionist social democracy (clear in the preambles guarantee of “life, peaceful coexistence, work, justice, equality, knowledge, freedom and peace”<sup>21</sup> to all members of its nation), but that it also affirms principles associated with neo-liberalism, such as the autonomy of a central bank.<sup>22</sup> Bejarano points out some of the most important elements of the constitution. The constitution does a great deal to strengthen the judiciary, including creating institutions such as the Public Prosecutor’s Office and the Superior Council of the Judiciary.<sup>23</sup> It mandates the popular election of mayors and governors and separates the presidential elections from other elections with the aim of curbing corruption and clientelism.<sup>24</sup> The constitution includes provisions that dismantle restrictions that formerly allowed the two main parties to dominate and recognizes the right of all citizens to form political parties.<sup>25</sup> Importantly, the constitution has several mechanisms designed to increase the participation of citizens in the “creation, exercise, and control of political power.”<sup>26</sup> These mechanisms include the plebiscite, the referendum, popular

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<sup>20</sup> Safford and Palacios, *Colombia*, 337.

<sup>21</sup> “Text of the Constitution of Colombia (1991),”

<[http://www.parliament.go.th/parcy/sapa\\_db/cons\\_doc/constitutions/data/Columbia/Columbia.htm](http://www.parliament.go.th/parcy/sapa_db/cons_doc/constitutions/data/Columbia/Columbia.htm)> (accessed March 22, 2008).

<sup>22</sup> Murillo-Castaño and Gomez-Segura, “Institutions and Citizens,” 4.

<sup>23</sup> Bejarano, “The Constitution,” 61.

<sup>24</sup> *Ibid.* 65.

<sup>25</sup> *Ibid.*

<sup>26</sup> “Text of the Constitution,” article 40.

consultation, the town meeting and the legislative initiative.<sup>27</sup> Finally, it is important to note Article 22 (which I will return to): “Peace is a right and a duty which must be complied with.”<sup>28</sup>

The 1991 document ultimately represents a vision of a democratic, participatory society in which citizens are treated equally and their rights are upheld by the institutions of the state. However, it is immensely clear that the ideals of the constitution do not fit with the realities of Colombian society. Safford and Palacios point this out frankly: “...not a few Colombians in 1991 hoped that the new constitution would somehow work miracles...But a constitution alone could not work such wonders.” Such “miracles,” they go on to say, require fundamental shifts in political culture along with social and economic structures.<sup>29</sup> Bejarano agrees. She writes that while the creation of constitutional mechanisms is a necessary step toward democratization, it takes “the strengthening and autonomy of civil society” as well.<sup>30</sup> Colombian Enrique Santos Caldedrón, echoes this sense of a gulf between the ideal and the reality in a 1991 article in *El Tiempo*:

Colombia has, at last, a new constitution. More ample, more participatory, and more democratic. How it is converted into the motor for a more solid and modern country, instead of a source of new crises and frustrations, is the great challenge that we all have before us.<sup>31</sup>

This passage exposes a certain pessimism toward the constitution’s ability to live up to the ideals contained within it. The passage also implies the fear that lofty ideals can actually lead to “new crises and frustrations.” It is indeed the case that in its idealism, the 1991 constitution sets an impossible standard. This again reflects the stance of the Colombian government toward state-formation; there is

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<sup>27</sup> “Text of the Constitution,” article 103.

<sup>28</sup> “Text of the Constitution,” article 22.

<sup>29</sup> Safford and Palacios, *Colombia*, 337-338.

<sup>30</sup> Bejarano, “The Constitution,” 68.

<sup>31</sup> Enrique Santos Calderón, “La nueva carta: Un reto,” *El Tiempo*, July 4, 1991, quoted in Harvey F. Kline, *State Building and Conflict Resolution in Colombia 1986-1994* (London: University of Alabama Press 1999), 176.



an underlying assumption that by strengthening the central institutions the state will become “stronger.”

Having outlined the theoretical framework of state-formation and the context of the 1991 constitution it is now possible to demonstrate how the 1991 document reflects the traditional vision. Weber, one recalls, views the state as successful insofar as it can claim a monopoly over the legitimate use of physical force within a given territory. By looking closely at the constitution and the context in which it was born, one can see that it represents a strongly Weberian ideology of the state. This is clear in two ways. First, the 1991 Constitutional Assembly was called in direct response to the central state’s declining control over physical force. As we have seen, the historical period during which the Constituent National Assembly was called was an especially turbulent one. In addition to the assassinations of the three political candidates in 1991, this period is witnessed several groups competing for control of the state. Murillio-Castaño and Gómez-Segura describe this period as one in which “[n]umerous armed groups, such as guerilla movements, paramilitary groups, and drug dealers turned ‘narco-terrorists’ attempted to destabilize, and possibly overthrow, the regime.”<sup>32</sup> This reinforces the idea that this was a period during which the central state’s “monopoly” over the use of physical force waned. As Bejarano and Safford and Palacios reiterate, the creation of the National Constituent Assembly was hardly a haphazard event; it came at a moment of great political and social tension in which the central state needed a way to reassert its authority and legitimacy. Second, one can consider the constitution reflective of a Weberian vision by considering the content of the document itself. The constitution is focused centrally on the consolidation of state institutions and mechanisms that are intended to increase the *legitimacy* of those institutions. As we have seen, a major element of the constitution involves the strengthening of judicial institutions and even creates new ones. This is clear in the constitution’s emphasis on the institutionalization of citizen control over the state.<sup>33</sup> This section of the constitution refines and formalizes several offices including that of Solicitor General and the Comptroller.<sup>34</sup> Perhaps the epitome of this effort to

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<sup>32</sup> Murillo-Castaño and Gómez-Segura, “Institutions and Citizens,” 2.

<sup>33</sup> Bejarano, “The Constitution,” 67.

<sup>34</sup> *Ibid.*

increase citizen participation is the creation of the office of the “Defender of the People.” The new mechanisms for civic participation afforded in Article 103 (the plebiscite, the referendum, and so on) also represent an effort to increase the legitimacy of the central state through institutionalized participation. What makes these elements Weberian is their effort to promote the “legitimacy” of the central state via *institutions* of democratic participation. Weber’s definition of the state relies on not only the monopoly over physical force, but also the *legitimacy* of that monopoly. In order to earn legitimacy, the Colombian constitution includes strong institutionalized democratic mechanisms such as citizen participation and offices that oversee the defence of the people. It is thus clear that because the 1991 constitution emerged during a moment when the state was losing its “monopoly” and because the document focused on reasserting its “legitimacy,” we must consider the constitution as reflective of a Weberian vision of state.

A more contemporary example of the Colombian government’s underlying Weberian vision is the 2003 Democratic Security and Defense Policy.<sup>35</sup> Hunt explains that this policy emerged in response to growing power of “shadow states,” or “para-statal” communities which subvert the authority of the central state by establishing authority locally through violent and illegal means.<sup>36</sup> The policy’s goal, she explains, is “to (re)assert the state’s authority in its ‘sovereign’ territory through the restoration of the ‘rule of law.’”<sup>37</sup> The policy includes aims of restoring police presence in all municipalities; reducing impunity, human rights violations, kidnappings, forced displacement, homicide, and extortion; regaining control of national roads; and fighting the drug trade.<sup>38</sup> One need not go into further detail of the DSDP in order for the point to be clear: this is another example of the Weberian reflected in Colombian policy. In an even starker way than in the constitution, the DSDP represents an effort by the Colombian central state to assert its “monopoly” over the legitimate exercise of force. It exposes an underlying assumption of the state as a *thing* that can be controlled and maintained by strengthening the institutions that make it up. As

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<sup>35</sup> The English literature on this is scarce so this section will be briefer than it might otherwise have been.

<sup>36</sup> Hunt, “Languages of Stateness,” 98.

<sup>37</sup> *Ibid.* 103.

<sup>38</sup> *Ibid.*

an anecdotal example, one might look to the recent military operation by the Colombian military which bombed a guerilla camp inside Ecuador as another example of the Colombian state's effort to assert its "monopoly." However, because this example is so recent there is little written about it and therefore we can only suggest its relevance.

### **State Formation in the Margin: the Case of Peace Communities**

One can look to certain examples to see that the Colombian government's state-formation efforts have been subverted by projects that reflect a more contemporary vision of the state. By considering the Colombian Peace Communities and their interaction with the central state, it will become clear both that projects such the constitution and the DSDP are limited because they neglect an important facet of state formation. For this reason, these projects of central state strengthening are inherently limited in their ability to form a state.

Victoria Sanford describes the way in which displaced Colombians have acted to reconstitute state sovereignty "from below" by reclaiming their lands in the face of violence and conflict.<sup>39</sup> The Peace Communities, Sanford describes are mostly rural villages that have organized to assert a collective non-violent stance in the face of violence and intimidation by state, paramilitary, and guerilla actors.<sup>40</sup> Hunt explains that these communities "pledge not to participate, either directly or indirectly, in the war by carrying firearms, offering tactical, logistical, or strategic assistance...or producing information for any actor in the armed conflict."<sup>41</sup> What do these communities represent in relation to state formation? One might be tempted to think that this stance would protect these communities from the conflict. However, the opposite seems to be the case. Katharina Rohl points out that these communities tend to become trapped in the middle of the conflict, accused by the government's military, the paramilitary groups, and the guerilla groups of supporting the enemies of each.<sup>42</sup> Sanford recounts a story in which the population of a peace community called Cacarica was forcibly

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<sup>39</sup> Sanford, "Contesting Displacement," 273.

<sup>40</sup> Ibid. 259.

<sup>41</sup> Hunt, "Languages of Stateness," 113.

<sup>42</sup> Katharina Rohl, "Colombia's Peace Communities," *University for Peace and Conflict Monitor*, <[http://www.monitor.upeace.org/archive.cfm?id\\_article=157](http://www.monitor.upeace.org/archive.cfm?id_article=157)> (accessed March 22, 2008).

displaced in 1999 by paramilitary forces. The justification for the displacement was the “alleged strength (or civilian support) of the guerillas.”<sup>43</sup> Furthermore, Sanford notes that according to accounts of those who have been displaced, paramilitary forces often carry out the displacement in collaboration with the government military.<sup>44</sup> In this context it is not difficult to understand how quickly and severely members of a community will lose comprehension of the conflict that surrounds them. Hunt argues that these experiences forces members of a community to begin to reconstitute themselves as citizens in new ways. She writes:

Forced into a space and time in which no memory of a national story can help them understand the violence that experiencing, survivors of institutionalized violence must reinvent narratives that connect the past with the present in order to make sense of their experiences.<sup>45</sup>

What Hunt gets at here is the idea that violence has the effect of alienating the individual and the community from the central state. Forced into a space in which the central state has become devoid of legitimacy, the victim is forced to reconstitute the state in a new way. Hunt argues that these victims effectively “re-imagine the nation” by organizing their communities and asserting their collective identities in ways that are independent of the central state.<sup>46</sup> Sanford recognizes this same process. She argues that victims of displacement who have been effectively rendered rightless are able to reconstitute their citizenship by refusing to participate in the conflict, reasserting their human rights and reclaiming their lands, thereby “reconstituting state sovereignty from below.”<sup>47</sup> As Rohl explains, the idea behind the Peace Community project is to “send a political message from Colombians who take peace-building into their own hands.”<sup>48</sup> Rohl uses the term “political message,” however, it seems clear that Sanford and Hunt see more than a political message in the Peace Communities.

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<sup>43</sup> Sanford, “Contesting Displacement,” 261.

<sup>44</sup> Ibid.

<sup>45</sup> Hunt, “Languages of Stateness,” 112.

<sup>46</sup> Ibid. 47

<sup>47</sup> Sanford, “Contesting Displacement,” 273.

<sup>48</sup> Rohl, “Colombia’s Peace Communities.”

They see a constitutive political *act*. In recognizing the limitations of the central state, the Peace Communities represent an effort to reconstitute the state itself in a local context. The constitution declares a fundamental right and duty of peace (recall Article 22). However, for the community destroyed and displaced by violence such guarantees seem meaningless, especially if one has been displaced by the very same actor which made the guarantee in the first place. A salient example here is the refusal of men from Peace Communities to fulfill mandatory military service. Rohl points out that they are often persecuted by the state for this refusal—often by the denial of other guaranteed rights. In this case, the 1991 constitution seems to contradict itself: article 22 makes peace both a right and a duty and yet the government persecutes its own citizens for demanding that right.

The point here is to recognize the broader definition of the state embedded in the Peace Community project. In this context, it is not sufficient to consider the state in Weberian terms. To attempt to consider the state only insofar as it emanates from the institutions in the centre neglects the possibility for the reconstitution of the state locally, through, for example, Peace Communities. These communities represent a form of local power by which state formation takes place via negotiation and encounter between the “centre” and the “periphery” rather than via imposition of the “monopoly” of the “centre.” Rohl points out that, to date, the peace communities have not been largely successful in preventing violence, however her conclusion is hopeful:

If more communities in Colombia followed this path of protesting peacefully against the brutal and aggravating conflict, the Comunidades de Paz could well constitute a bottom-up way to peace in a political setting where top-down approaches such as leadership declarations and negotiations have continuously failed.<sup>49</sup>

Rohl concludes that the Peace Communities open up a type of “political space” within which state formation can take place in a more mutually constitutive way.

Thus, it is possible to see how the Peace Communities represent an vision that is opposed to that of the 1991 constitution. Whereas the constitution reflects a Weberian ideology of the strengthening of the state by way of

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<sup>49</sup> Rohl, “Colombia’s Peace Communities.”

legitimizing institutions and the use of violence, the peace communities seek to reconstitute the state by declaring the autonomy of the people within the it. The vision of the Peace Communities reflect Foucault's argument that there can never be a monopoly over power because power manifests itself everywhere. By asserting their autonomy in the face of violence, the members of the peace community assert themselves *as citizens*, outside of (and in some sense against) the central institution that seeks to define their citizenship. In so doing, they reform the state in a non-institutional, non-central way.

There can be no simple definition of what a state is. Meanwhile, there is no straightforward way to diagnose the ongoing conflict in Colombia. However, there is something to be gained from examining certain ideas of "state" in relation to certain integral moments in recent Colombian history. By considering the limitations of the traditional Weberian vision of state formation and by demonstrating that this ideology is present in Colombian institutions, it becomes possible to understand why these same institutions come into conflict with projects such as Peace Communities. That is to say, one would not immediately assume that a project such as a Peace Community would have any reason to clash with the state government. However, by exposing the opposing visions or assumptions (at times, one might even be tempted to say ideologies) that underlie these respective projects it becomes clear why they clash; one is committed to asserting the authority of the institutions while the other is concerned with asserting the autonomy of the individual and the community.

As this paper has shown, there are competing visions of what constitutes the state. The traditional vision of the state focuses on the authority and legitimacy of central institutions, while the contemporary vision of the state sees power as omnipotent and thus impossible to consolidate in any centre. Furthermore, it is clear that conflict can emerge between political projects that have different underlying visions of the state. The example of the Peace Communities sharply brings out this point. By presenting several theories of state-formation and using them as the basis to analyze specific political projects it has become clear that there are limitations to seeing the state through a traditional lens. By challenging the traditional vision of the state, we have shown how a richer consideration of state formation can lead to a richer understanding of conflict and violence. While there may not be one *correct* way to envision the

state, it is useful to engage with these diverse visions as tools for the interpretation of political projects.