

THE SOCIAL STATE AS THE AXIS OF COINCIDENCE OF THE SDGS IN LATIN AMERICA AND THE CARIBBEAN. ITS BREAKDOWN AS A TRIGGER FOR THE RUPTURE OF THE CONSTITUTIONAL STATE

MIGUEL DOMÍNGUEZ GARCÍA

DEGREE IN LAW FROM THE UNIVERSITY OF ALICANTE

I. Training in Yuste. Academic and interdisciplinary enrichment despite the pandemic

The first time I heard about the courses that were taught in Yuste Foundation's Campus Yuste was from professors from the University of Alicante's Area of Constitutional Law, where I was pursuing my undergraduate studies and where I am hoping to soon begin my doctoral studies. In a staggered and almost coordinated manner, my teachers, and among them the one who supervised my work as a Ministry collaboration grantee, talked to me about the possibility of applying for one of the places and grants in the teachings that Campus Yuste would offer during the summer.

In spite of the difficulties added by the pandemic situation during one of its peaks of severity in Spain, Campus Yuste was held online in the case of the course that I decided to attend to - I must say that I wish I had enrolled in most of them, but the circumstances were what they were -. The organisers took the reins of a situation and a scenario that was at the very least complex and I must admit, as I am sure all my colleagues will, that without denying the preference of the face-to-face format that enriches the Campus so much, it was held in a tremendously dynamic manner and with a format that made its sessions desirable to say the very least, despite the fact that each one's desk was the only scenario.

The course that I decided to apply for was not a random choice. I had already had the opportunity to work on a teaching innovation project within the framework of the SDGs at the University of Alicante in its Area of Constitutional Law, analysing the integration of the teaching of these global challenges in the teaching of Constitutional Law. Therefore, when I realised that Campus Yuste would address the issue of the SDGs within the framework of the European Union with Latin America and the Caribbean, I clearly knew that these were studies that should be considered. Thus, during the last week of July I attended the sessions of the course that Yuste Foundation entitled: "EU-Latin America and the Caribbean Relations: A Renewed Agenda and a Programme for Recovery under the SDGs".

Even though the whole course was exquisitely useful and I am very satisfied, while very sorry at the same time because I only enrolled in this course, I would stress

that the session that was most important for my experience and training was the one held on the 20th of July. It was in this session that a large panel including academics from Latin America along with addresses given by scholars from the Foundation and from Spanish universities addressed the issue that I will develop in the article that I am presenting; one that deals with the collapse of the social State in Latin America and the Caribbean and the importance in this fatal process of the successive and almost systematic rupture in the countries of the Latin American environment of the established “social contract”; where this backs the rise of populism and anti-democratic movements that should raise the widespread concern of society.

II. The social State in Latin America and the Caribbean: the essence of the concept and the gravity of its rupture

Perhaps the first thing that should be discussed before properly writing about the rupture of the social State in Latin America and the Caribbean, is the reason for the importance of its name and understanding as a social State and not a welfare State. We should note that a long tradition of scholars from Latin America and the Caribbean has long warned of the importance of this issue. In societies such as those in Latin America and the Caribbean, it is not possible to talk about a welfare state due to several reasons. A welfare state, at least as we understand it in this article, is one in the context of a society that has achieved a high level of economic and social development, in which employment is formal and remains at a reasonably high level, the State assumes a benefactor role, not understood as an expressive entity of will and general good, but as an instrument to alleviate the inequalities that can occur in society¹.

The welfare State is identified with the welfare or charitable State, whose task is to aid those who find themselves in the most difficult economic conditions, at risk of social exclusion or who don't have the opportunity to prosper on an equal footing because of their situation. Any other matter besides the ones mentioned is of no interest to that welfare State, which understands that the free market and the economic progress itself are sufficient to ensure the needs of its equal and free citizens.

Although the indistinct use of the term welfare is more than frequent, using the concept of the welfare State in such significantly unequal and impoverished societies is meaningless, the state apparatus in Latin American and Caribbean

¹ Mancebo Lozano, E. (2021). El estado de bienestar y la nueva gestión de los servicios públicos en España y Latinoamérica: innovación en los servicios sociales y sanitarios tras el Covid-19. *Saber Servir: Revista de la Escuela Nacional de Administración Pública del Perú*, n. 6, pp. 95-121.

countries cannot confine itself to extending a hand to the most disadvantaged or excluded because these categories in themselves already cover almost a third of the population².

The social State is a type of conception that should only be referred to those cases in which, due to their political, budgetary and institutional relevance, public intervention in the services and economy of a nation is essential for their normal functioning. In social States, as a general rule, the State apparatus assumes a series of functions of security, services and assistance that justify a beneficent conception of aid to the most disadvantaged, leaving the rest of the population in their “individual responsibility”. The social State assumes functions such as education, health or social security as its own, and does so on the understanding that these functions must be assumed by the State. They are so important for the development and life of society that the State decides not to leave them to the whims of the free market of goods and services³. To speak of the extreme weakening that has led to the rupture of the social State in Latin America and the Caribbean, it would be necessary to establish some anchor points in the different countries that stood out more regarding these issues. The most advanced ones at the time were Argentina and Chile which, along with Costa Rica - where the social State is in vastly better health compared to the other two -, were pioneers in matters of social security, public benefits and with the exception of Costa Rica, early industrialisation. Although they are still based on volatile and dependent economies, whose cornerstone is the export of raw materials and semi-finished products, these countries were able to advance in a social configuration of their States that, together with the well-being of the population and the economic bonanza, represented in all cases the years of greatest economic and political stability so far. For the first time, we establish the key relationship between the Latin American and Caribbean social states and the institutional and public health of their democracies.

Clearly, the social States in Latin America and the Caribbean are currently in a state of rupture, equally due to the enormous economic difficulties that the region has undergone in recent decades and to the neoliberal policies implemented at different times in the region’s large economies, the result of which has been seen in an institutional and social way. Beyond the victories of political options situated on the spectrum of the centre-left and Keynesian social democracy, it is clear that the social model of Latin America and the Caribbean is in a critical state⁴.

² Aponte Blank, C. (2012). ¿Estado social o Estado de bienestar en América Latina? *Revista Venezolana de Análisis de Coyuntura*, Vol. XVIII, n. 1, IEES/FACES-UCV, Caracas, pp. 11-40.

³ García-Pelayo, M. (1992). El Estado Social y democrático de Derecho en la Constitución Española. In M. García-Pelayo, *Las transformaciones del Estado contemporáneo*, Alianza Editorial, Madrid, pp. 92-104.

⁴ Aponte Black, C., *op. cit.*, pp. 11-40.

The central issue should be the possibility of regaining a glimpse in the region of an axis between economic growth, a social State and democracy. The social State emerged from the outset as an emergency measure to alleviate the inequalities and injustices caused by liberalism in industrial societies. Today there is no doubt that, although in its neoliberal version, they do not rule realistically in any developed State, because it would be unsustainable. It is also clear that the social State finds itself in a very deteriorated situation throughout the world, in any case, it remains in the Nordic countries, which are increasingly reaching the welfare State.

The neoliberal regulation of the Latin American and the Caribbean economies has left a very negative social and institutional legacy. The welfare systems of Latin America remain prisoners of what could be termed the contemporary malaise: poverty, inequality, unemployment, social exclusion in its different forms and the limited institutional capacities to overcome them. Relatively strong anti-State values have spread, sometimes contaminating the legitimacy of public institutions, which are so necessary in the American context. With the enshrinement of the neoliberal paradigm in Latin America and the Caribbean, social protection seems to be biased towards focusing on the detriment of social universality⁵.

The social State has been key in the democratisation and general progress of the countries of the region, in their processes of consolidation and deepening of democracy. The wave of democratisation was accompanied by the extension of human and social rights in general, the rights of “minorities”, the mechanisms and practices of participatory and deliberative democracy, based on empowerment, participation and involvement of the common citizen. All this must be understood translated into a new institutionality of social policies that responds to new matrices of knowledge and values, probably supported by bases and social interests that are quite different from those that prevailed in the past.

In view of the breakdown of the social State and the establishment of the “welfare State of exception” in Latin America and the Caribbean, the system and the new generation of social policies must be thoroughly reviewed. Policies that must curb the stigma of the poor and where welfare and compensatory programmes do not impose a gap that ends up constituting a hereditary burden, creating first and second-class citizens⁶. In order to stop the growing rejection of the State and its agents, of the idea represented by the social State, which is currently buried in the disastrous historical legacy marked by inefficiency, corruption and abandonment of large strata

⁵ Palma, G. di. (2014). El Estado en Latinoamérica y los desafíos del posneoliberalismo. *Reflexión política*, n. 31, pp. 30-42.

⁶ Klein, A. (2012). Empobrecimiento, nuevos pobres y viejos pobres. Un palimpsesto de inscripciones borrosas. *Espiral: Estudios sobre Estado y Sociedad*, n. 55, pp. 119-155.

of society. Tackling this crisis of state legitimacy and the role of public policies in Latin America and the Caribbean is indispensable, but we cannot lose sight of the consequences that this feeling of rejection and detachment towards a State that has not been able to guarantee a dignified life for the majority of its citizens had and continues to have⁷.

III. The axis of democracy, social State and economic progress. An inseparable relationship

This feeling of detachment, rupture and distrust with the State, which derives directly from the rupture of the social State and the widespread feeling that it has failed to meet basic citizens' demands, only leads to the situation in which a people requires desperate solutions, solutions that may not come with logic or a reasonable and feasible political option⁸.

On countless occasions, these solutions are presented by charismatic figures who promise drastic non-reflective changes, immediate results and forceful reactions against what they identify as the cause of evil. These saviours are the first door to populism and in their most forceful way they are the basis for the cultivation of authoritarianism of democratic origin⁹. Perhaps the most representative of this dynamic in the region are the time-delayed victories of populisms of different signs, with years of difference between them, but with a common cause and an analysis that yields almost identical results. The victories of Hugo Chavez in Venezuela and Jair Bolsonaro in Brazil are the exponents in our opinion of what the rupture of the social State produces in the institutionally battered States of Latin America and the Caribbean. A drift to populism by charismatic leaders who on the democratic path are capable of subverting the rule of law and the democracy that supported them against themselves¹⁰.

In 1998, Venezuela experienced the last electoral process under the guidelines of the 1961 Constitution. Separated from the traditional parties of the country, candidates Hugo Chávez Frías, a former military officer who had led the failed coup d'état in 1992, and the conservative candidate Henrique Salas Römer, competed in them. The population of the country was polarised as never before to the point that

⁷ Draibe, S. M. and Riesco, M. (2009). *El Estado de bienestar social en América Latina. Una nueva estrategia de desarrollo. Documento de Trabajo n. 31*. Fundación Carolina-CeALCI, Madrid.

⁸ Kelly, J. y Palma, P. (2006). The Syndrome of Economic Decline and the Quest for Change. En J. McCoy y D. Myers, *The Unraveling of Representative Democracy in Venezuela*, Johns Hopkins University Press, p. 207.

⁹ Torre Espinosa, C. de la. (2019). ¿Quién le teme al populismo? La política entre la redención y el autoritarismo. *Anales de la Cátedra Francisco Suárez*, n. 53, Kentucky University, pp. 29-51.

¹⁰ Pino Iturrieta, E. (1995). "Movimiento de Rotación", ponencia presentada en *La Revolución de Octubre. 1945-1995*, Fundación Celarg-Fundación Rómulo Betancourt, Caracas.

the parties lost their role as protagonists and the political contest was organised between two total positions, the so-called “Patriotic Pole” and “Democratic Pole”. Although the other two candidates in the presidential run-up withdrew and gave Salas Römer their support, Hugo Chávez amassed a broad electoral victory that would mark the beginning of the “Bolivarian Revolution”¹¹.

In 2019, right-winger Jair Messias Bolsonaro became president of Brazil, the largest State in Latin America and the one that had the main economic and military powers in the region. With an also overwhelming victory against its opponent, this time the Workers' Party, the new saviour of the homeland of Brazil, which evoked the times of the dictatorship and the economic growth of the nation, capitalised with crystalline identity on the political trends that Hugo Chávez took advantage of in his victory in Venezuela almost twenty years ago.

In both cases, the elections were strongly conditioned by a completely broken socio-economic and political context that impelled citizens to radical change¹². This socio-economic context was overcome by a political-institutional deterioration, which is visible through the decline of State institutions and public services. In both cases, we are facing societies that had seen their social and public services fall and deteriorate to the point of being completely inefficient, all wrapped up in scandals of corruption, situations of insecurity and uncontrolled violence, and inequality levels only surpassed in international indices by the sub-Saharan Africa region. With this scenario it was not surprising to find Brazilians and Venezuelans throwing themselves into the arms of anyone who promised them a radical change and a “moral cleansing” of battered societies, whether based on Chavez’s revolutionary values or Bolsonaro’s conservative ultra-Catholics.

In both scenarios the outcome is terrible and unaffordable, societies sunk in inequality, poverty and rejection by the State, a rejection that can dangerously lead to contempt for democracy itself, a serious situation when the future and power of a nation has been placed in the hands of a saviour messiah on the back of populism.

¹¹ López Maya, M. (1998). Problemas de los partidos populares en la transición (tras una alternativa política en Venezuela). In *Contribuciones*, Caracas, pp. 79-106.

¹² Zapata, R. (1996). *Valores del venezolano*. Consultores 21, Caracas.

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European and Ibero-American Academy of
Yuste Foundation

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