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## Social Basis of State Power in the Conditions of a Latin American-Type State

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### Abstract

The present study investigates the specific features of the functioning of the Latin American-type state in the context of globalisation processes, the relevance of which is determined by the need to study the legal regulation of countries of this type for the possibility of further establishment of international relations. The purpose of this study is to investigate the social factors of state power in the conditions of a Latin American-type state. In the course of the study, it was found that Latin American society is described by an unformed social structure. The article substantiates the specifics of the historical development of Latin America through the lens of military coups and the importance such institution as the army as a key factor of the Latin American-type state. The article analyses the functional perception of the army in its historical progression as a destabiliser and source of the repressive regime, as a guarantor of security and as a carrier of national interests. The features of military regulation are considered on the example of the countries of Chile and Brazil. In particular, the article analysed the national policy in Chile in the 19<sup>th</sup>-20<sup>th</sup> centuries, as well as changes in the vectors of the political system after the commander-in-chief of the country's ground forces and its defence minister A. Pinochet Ugarte came to power. The study determined that in some cases in the history of the development of Peru, Panama, Bolivia, Honduras, Ecuador, and Venezuela, the role of the army was to democratically stabilise Latin American society. The authors addressed the influence of the Christian Church on the perception and development of Latin American society. The paper indicates that the correlation of church and state institutions occurs in accordance with five types of their interaction. The practical value of this study lies in the theoretical justification of the importance of the influence of social factors, such as the army and religion, in the process of state development of Latin American countries on the regulation of public relations

**Keywords:** type of state, legal regulation, Latin American civilisation, armed forces, church, Augusto Pinochet

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### **Problem Statement**

At present, the issue of typology of the state remains one of the four main issues of modern state studies. On the one hand, this is explained by the uncertainty of the structure of the state type. On the other hand, the system of identifying criteria for the distribution of the types of states themselves remains contradictory and imperfect, which requires additional research. In the legal circle, this system is mainly associated with two global typological concepts: the progressive ideal (most approaches to typology focus on this concept) and globalisation. It is within the framework of globalisation that the Latin American type of state is distinguished.

The actualisation of research on the problems and features of the Latin American-type state is conditioned by the lack of powerful scientific developments in the chosen subject area due to excessive focus on the European region. Such insufficient awareness of the legal activities of Latin American-type countries hinders the establishment of international and interethnic relations in the context of globalisation processes. At the same time, the need to study the historical aspects of the heterogeneity and multilayering of Latin American states and the legal regulation of such social structures is conditioned by the need to improve the resolution of internal political contradictions within the European and Ukrainian space in particular.

### **Analysis of Recent Research and Publications**

Modern research in legal science is increasingly focused on analysing the legal issues of the Latin American continent. In particular, there are two main areas of scientific research: analysis of the public-legal dimension of Latin American civilisation [1] and features of its private-legal dimension [2, p. 290-310]. For example, I.A. Zevelev analysed the social aspects of power in the context of the Latin American continent [3]. S. Chesnokov addressed the matters of the Armed Forces of individual Latin American states [4, p. 14-15]. I.R. Hryhulevych chose the status of the Roman Catholic Church on the Latin American continent as the subject of his studies [5].

Without detracting from the previous developments, it should be noted that the consideration of the army and the church as institutions providing the social basis of state power was considered by most authors fragmentarily, which leads to the updating of the chosen subject area.

### **Purpose of the Article**

The purpose of this study is to investigate the social basis of state power in the conditions of a Latin American-type state. The implementation of this purpose has necessitated the solution of numerous research objectives. Firstly, to describe the Latin American-type state in general. Secondly, to investigate the role of the Armed Forces as the social basis of state power. Thirdly, to analyse the role of the church as the social basis of state power.

### **Main Material Presentation**

It is worth starting with the fact that Latin America belongs to the so-called “mixed civilisations”, which determines its conditional division into three regions: Portuguese-speaking Brazil, French-speaking (Guiana is one of the overseas departments of France) and Spanish-speaking states. For their part, the Spanish-speaking states are united in three regions: Laplace countries (Argentina, Paraguay, and Uruguay); Mesoamerica (Mexico and Central American countries); Andean countries (Bolivia, Venezuela, Colombia, Peru, Chile, and Ecuador) [6, p. 309].

For the first time, the Latin American continent was described as a special civilisation by S. Bolivar, the dictator of the Andean countries, who in their history remained under the name of Libertator, that is, “Liberator” [7, p. 60-61]. Describing the specifics of Latin America, S. Bolivar noted: “we seem to be the humanity in miniature, we live in a special world surrounded by wide seas; in a world that is young in the development of its art and science, although in a certain way old in the traditions of civil society... However, we are neither Indians nor Europeans, but a cross between the rightful owners of the country and the Spanish usurpers” [8, p. 54-55]. Furthermore, the politician argued that “it should be remembered that our people are neither European nor North American; it is more likely a mixture of Africans and Americans than descendants of Europeans, because even Spain itself ceases to belong to Europe because of its African blood, its institutions and its character. It is impossible to specify exactly which human family we belong to. Most of the Indian population was destroyed, Europeans mixed with Americans and Africans, and the latter – with Indians and Europeans” [9, p. 83].

Thus, a substantial factor influencing the existence of the Latin American-type state is the heterogeneity and unformed social structure of Latin American society. The social basis of state power was a palette of social structures: from the large bourgeoisie to openly feudal elements. Thus, at the end of the 19<sup>th</sup> century, Salvador actually formed an oligarchic regime based on 14 wealthy families associated with the cultivation of coffee – a product that still remains the basis of Salvador's exports. In the second half of the 20<sup>th</sup> century, the coffee oligarchy became the main industrial and financial group of the country. At that time, it could veto any state decisions, primarily of an economic nature. The situation did not change even after the military coup of 1979: the oligarchy, in fact, disrupted the implementation of agrarian reform [10, p. 26]. In Chile, General A. Pinochet sought support from representatives of a wealthy society concentrated in affluent neighbourhoods, such as La De Jesa [11, p. 45].

In accordance with the above, it can be seen that a specific feature of the history of Latin America is military coups. Approximately 200 out of 600 coups resulted in the seizure of power and the establishment of a military dictatorship [12, p. 2]. Proceeding from this, it can

be stated that the army is a serious factor that affects the Latin American-type state quite substantially. Notably, this situation has a long-standing and stable primary basis. The tradition of military participation in political life dates back to the 19<sup>th</sup> century, when S. Bolivar and H. San Martin liberated their countries from dependence on the Spanish crown. This could not but inspire a certain respect for the military on the part of Latin American society and convert it into a certain financial support. As F. Castro once noted: “if the Army serves the republic, protects the nation, respects the people and protects citizens, then it would be fair to pay a soldier at least 100 pesos of a monthly salary” [13, p. 20].

In some countries, this idea has found its approval. In particular, in the second half of the 1970s, military spending per capita was 49 dollars in Chile, 21 dollars in Brazil, 8 dollars in Mexico, and 4 dollars in Colombia [14, p. 19]. Gradually, representatives of the armed forces became part of the ruling strata of Latin American society. This also applied to those military personnel who had the opportunity to study in American military educational institutions. Graduates of the Americas school at Fort Gulick and the Inter-American Defence College usually became the elite of the Armed Forces of a considerable number of Latin American countries and played a leading role there, holding key positions [15, p. 6]. This could not but lead to the fact that gradually the military actively and quite significantly began to influence the functioning of the entire state mechanism. The intervention of the army in the political life of Latin American countries has deformed the stable development of states hundreds of times.

However, in Latin America, there was traditionally an opposite opinion, which considered the Army as the only guarantor of the stability of state-legal institutions and an effective means of resolving socio-economic conflicts of Latin American society, especially in times of acute political crises, since functioning democratic institutions were unable to radically solve these issues. This concept was based on the fact that public authorities were unable to ensure order and stability, since they came from parties and party factions and reflected group rather than national interests. Only the army, which is free from factionalism, can be the national institution (moreover, bound by a single discipline) that has the right and at the same time is obliged to act in the political arena at critical moments under the slogan of protecting the entire nation. In the historical legal context, an example of the functioning of such a concept is Brazil, where the very model of development of society for a long time was based on the doctrine of “national security and development”, designed by graduates of the higher military school, which provided for “protecting the vital interests of the nation at home and abroad”. The basic principles of the doctrine were nationalism, social order, and anti-communism. In this context, nationalism was considered as one of the tools for ensuring economic development, which should occur

through attracting foreign investment. The army was declared the only force of society capable of guaranteeing the implementation of this process, and it was tasked with taking over the management of the country [16, p. 4].

The concept that considers the army as a carrier and representative of national interests is directly related to the Latin American tradition of *militarism* (“Every Chilean has the heart of a soldier, every soldier has the heart of a Chilean” [17, p. 19]) and *caudillismo*, which forces the Latin American voter, especially in rural areas, to vote in elections not for a particular party, but for their leader – Caudillo [18, p. 15]. This system is gradually becoming a thing of the past along with openly militaristic regimes, but it still considerably affects the Latin American-type states. Although the army does not formally interfere in political processes, in the conditions of the Latin American-type states, it contributes to their normal development and compliance by all their participants with the corresponding rules of the game. The situation in Chile is exemplary in this case. Until 1973, the Chilean military rarely interfered in the national policy after gaining independence from Spain in 1818 [19, p. 33]. On September 11, 1973, in the context of an acute socio-political crisis, a military mutiny occurred in Chile, which brought to power the commander-in-chief of the country's ground forces and its defence minister, A. Pinochet Ugarte. Formally, the period of his dictatorship lasted until 1990, but A. Pinochet retained the post of Commander-in-Chief of the Armed Forces until 1998 [20, p. 359-362]. In the conditions of the Chilean realities of Pinochet's rule, the military influenced the state of affairs in the state in two ways. Firstly, as Ye. Fediakova noted, “the political system of Chile in 1973-1988 was based on a triple basis: the power of the armed forces, economic success, and the personality of General Pinochet” [21, p. 47]. At the same time, power in the country belonged to the military, because after the coup, it was from the commanders of the Armed Forces (ground forces, air force, and navy) and the Carabinieri corps that the military junta was formed [22, p. 13]. According to junta Decree No. 128, they granted themselves “constitutional legislative and executive power”. Any order of the commanders of the Armed Forces was granted the highest legal force. The government, which comprised 14 generals and admirals, was directly subordinate to the junta. The commanders of military formations and units, acting as their governors, were given extraordinary powers. Generals appointed “heads of state of emergency zones” were granted the right to carry out any repression against the population. Using military personnel, the junta banned the activities of all political parties and trade unions, mass public organisations, put under its control the press, radio, mass media, and the system of higher and secondary education. The management of radio broadcasting, for example, was entrusted to the “council”, which comprised five people, four of whom represented the Armed Forces. The junta also appointed

“rectors-commissioners” from among the top officers, who, “getting down to business”, expelled about 20 thousand students and teachers from educational institutions, introducing a course on “internal security”, which was aimed at imposing an extremely reactionary ideology on young people [23, p. 18]. In July 1974, the junta by its decree appointed A. Pinochet to be “Supreme helmsman of the nation”. In August of the same year, by a special decree of the junta, he was declared the president of the country, who held executive power. The junta retained the legislative power [22, p. 13].

Secondly, it was the military that was at the origins of the repressive regime that developed in pinocratic Chile. Immediately after the coup, the Military Information Center (Centro de informacion militar or CIM) – a Ground Force Intelligence Service of approximately four thousand officers and non-commissioned officers – was transferred to another 20,000 carabinieri and six army regiments stationed in the country's six largest cities. As a result, the CIM has evolved from a purely intelligence structure to a fairly powerful punitive body. It was CIM, in the first four months after the uprising, who killed approximately 20,000 people and tortured 30,000 [24, p. 107-108]. During the same period, a special unit was created, comprising several officers of the Chilean army, who later took up high posts, and two infantry guards. It was the so-called “death caravan”, which was led by General Sergio Arellano Stark. According to the official version, the latter was “a representative of the commander-in-chief of the army and the head of the ruling junta” [25, p. 26]. On September 30, 1973, the unit began flying around military prisons by helicopter. At that time, all prisons were under the direct control and management of the Chilean army. “The caravan of death” visited all the main prisons of the country where political opponents of the Pinochet regime were held in custody. Upon arrival at the scene, S. Arellano presented his powers and ordered the execution of the prisoners named by him. The participants were frequently executed by the members of “the caravan of death” themselves. The bodies of the victims were not given to their relatives for burial, and even the fact of the massacre was hidden by the authorities for many years. Furthermore, the military actively used their places of stay as places of detention. In particular, in the city of Valparaiso, warships (“Lebu” and “Maipo”) and barracks (“Silva Palma”) were used as prisons [26, p. 85].

However, one should not assume that the role of the army was limited exclusively to state coups and the suppression of the rights and freedoms of citizens. The fact is that it was the Chilean army that became one of the key factors that forced A. Pinochet to transfer power to the hands of the democratic government of P. Aylvin, because if not for pressure on Caudillo from the army, when many high-ranking officers openly spoke out for the removal of A. Pinochet from the post of President, he would have remained [27]. In addition, in some Latin American countries, the military tried to play the role of a stabiliser of the political system rather than a leader.

In particular, the military regimes that once existed in Peru, Panama, Bolivia, Honduras, Ecuador, and Venezuela sought to create conditions for transition to civil society, initiated certain democratic transformations and liberalised authoritarian rule, thereby exercising a certain revolutionary influence on the continent and forcing political and military figures to realise the need for socio-economic transformations. In these countries, the army turned out to be not only an instrument of power of the ruling groups, but also a force that directly influenced political processes, the restructuring of social institutions, and the development of the main areas of internal and external policy. This situation was caused by national crises, as a result of which the democratic army strata usually took power into their hands, achieving considerable changes in the political development of the country. Such influence was not limited only to the political sphere, but, as a rule, also extended to the economy, culture, ideology, and religion [12, p. 2]. For its part, religion has become a critical factor, because the Latin American continent is described by the common religious preferences of the absolute majority (over 90% of the total population of the region) of citizens: the dominant religion here is Catholicism [28, p. 711], and, consequently, the Latin American-type states traditionally experience the influence of the Roman Catholic Church. The origins of this situation should be sought from a historical perspective.

The Roman Catholic Church played a key role in the processes of Christianisation of the European continent in the Middle Ages. According to the famous church historian M. Thalberg, “the missionary activity of the Roman Church in the 11<sup>th</sup>-15<sup>th</sup> centuries acquired a nature that was not inherent in Christianity. The peaceful way of spreading the Gospel teaching through preaching and persuasion has been abandoned. When attracting non-believers, the Roman church was more willing to resort to violent means – by fire and sword” [29, p. 313]. Notably, the situation changed radically in the 16<sup>th</sup> century. In 1520, as the main policy towards the Indians, the Spanish Dominican monk B. de Las Casas introduced the idea of the conquest of souls, spiritual hunting, “conquista spiritual”. Under his influence, during the Council of Rome in 1538, Pope Paul III gave an approving answer to the question: “are the Indians human?”. From that moment forward, the Catholic clergy began to pursue a more peaceful policy towards the Native American population. The Jesuit order especially distinguished itself in this area, whose representatives even with weapons in their hands protected the Indians from numerous acts of genocide by white settlers [30, p. 22-23]. This position of the Roman Catholic Church could not but inspire respect, and therefore today its priests play not only a socio-cultural, but also a political role in Latin American-type states. At the same time, the interaction of the church with the state plays a significant role. There are five options for such interaction:

1. The state and the church officially entered into an alliance (Argentina, Colombia).

2. States restrict church activities by introducing special laws that are usually illiberal for the church itself (Honduras, Panama).

3. The state and the church are separated from each other according to the principle “free church in a free state” (Brazil, Chile).

4. Countries where the church is separated from the state, and its activities are substantially restricted or even controlled by special legislation (Mexico).

5. Countries where the status of the church is not precisely defined or disputed [31, p. 47].

Even in cases of such special control and separation, the church in Latin America is one of the main carriers of social ideology. The activity of the church leaves a substantial imprint on the functioning of the entire state mechanism and public consciousness for both the ruling elite and the general population.

### Conclusions

In the course of the study, the features of the social basis of state power of the Latin American type were analysed

through the lens of aspects of the armed forces and religion. It is found out that Latin America belongs to “mixed civilisations”, as a result of which its inherent feature is the multi-layered social structure and the presence of military coups. The authors considered the specifics of the dominance of military power in Latin American countries in the context of a historical retrospective, according to which the army in different periods of its development was perceived as a guarantor of stability, as a carrier of national interests and as an initiator of repressive policies. Special attention was paid to the correlation of government-church institutions in the context of Latin American statehood, according to which five main types of their interaction have been defined. The present study has confirmed the importance of such factors as the armed forces and religion in the process of creating Latin American-type states. Prospects for further research are seen in comparing the practices of legal regulation of internal political contradictions in Latin American and European countries.

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## Соціальна основа державної влади в умовах держави латиноамериканського типу

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### **Анотація**

Стаття присвячена особливостям функціонування латиноамериканського типу держави в контексті глобалізаційних процесів, актуальність якої обумовлюється потребою дослідження правового регулювання країн вказаного типу для можливості подальшого встановлення міжнародних відносин. Метою роботи є дослідження соціальних чинників державної влади в умовах держави латиноамериканського типу. У процесі дослідження з'ясовано, що латиноамериканське суспільство характеризується неоформленістю соціальної структури. Обґрунтовано специфіку історичного становлення Латинської Америки крізь призму військових переворотів і важливість інституту армії як ключового чинника латиноамериканського типу держави. Надано аналіз функціонального сприйняття армії в її історичній прогресії як дестабілізатора та джерела репресивного режиму, як гаранта безпеки та як носія загальнонаціональних інтересів. Розглянуто особливості військового регулювання на прикладі країн Чилі та Бразилії. Зокрема, була проаналізована державна політика в Чилі за XIX–XX ст., а також зміни векторів політичного ладу після приходу до влади головнокомандувача сухопутними силами країни та її міністра оборони А. Піночета Угарте. Визначено, що в окремих випадках в історії становлення Перу, Панами, Болівії, Гондурасу, Еквадору та Венесуели роль армії полягала в демократичній стабілізації латиноамериканського суспільства. Авторами звернено увагу на вплив християнської церкви на сприйняття та становлення латиноамериканського соціуму. У науковій роботі зазначено, що кореляція інститутів церкви та держави відбувається відповідно до п'яти типів їхньої взаємодії. Практична цінність наукової роботи полягає у теоретичному обґрунтуванні важливості впливу соціальних чинників, таких як армія та релігія, в процесі державотворення латиноамериканських країн на регулювання суспільних відносин

**Ключові слова:** тип держави, правове регулювання, латиноамериканська цивілізація, збройні сили, церква, Августо Піночет