

Anomie of the state and law: a reflection from Venezuela

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Can the institution responsible for making laws and ensuring their enforcement be anomic? Anomic state seems to be a contradiction, a literary figure known as an oxymoron, just like talking about a deafening silence. However, social and political life can present anomic situations that require sociological imagination¹ for analysis. Under certain circumstances, it is possible to assert the existence of an anomic state. This is the subject of this article.

The concept of anomie has been used in social theory and sociology with variations in its meaning, according to major authors such as Durkheim and Merton². Without delving into the discussion of the different developments of the idea, we propose an instrumental definition: the failure of norms to regulate people's behavior due to the absence, confusion, or lack of legitimacy and acceptance of a normative framework. The opposite idea of anomie is social cohesion, which refers to a consensus on values and behavior that, in general terms, corresponds to shared values.

1 Mills, 2000.

2 Freda Adler, and W. Laufer, (eds.), *The Legacy of Anomie Theory*. New Brunswick: Transactions Publishers, 1995.

Briceño-León & Camardiel³, Briceño-León⁴, Pérez Perdomo⁵ have applied these ideas to the analysis of Venezuelan society with different conclusions. This is a new attempt with a more specific unit of analysis: the state.

This paper addresses anomie in relation to the functioning of the state and the legal system, which implies a reduction of the social group to be analyzed: primarily that of state officials. It also pays special attention to the legal sphere, which represents a certain extension of the concept primarily conceived for analyzing ethics in its relationship with society.

Other studies have made this extension-reduction⁶. In the introductory section, the legitimacy of doing so is discussed. The second section analyzes what the law becomes in an anomic state. The third section examines the economic and social consequences of an anomic state.

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- 3 Roberto Briceño-León, and A. Camardiel, "El impacto de la violencia en la cohesión social", in: Briceño-León, Camardiel & Perdomo (eds), *Los rostros de la violencia. Empobrecimiento y letalidad policial*. Caracas: Alfa, 2019.
 - 4 Roberto Briceño-León, "Anomia, cohesión social y derecho. Respuesta a Rogelio Pérez-Perdomo", *Espacio Abierto*, Cuaderno Venezolano de Sociología 30, no. 1, 2021.
 - 5 Rogelio Pérez-Perdomo, "Estado de naturaleza, anomia y derecho: Una reflexión desde América Latina", *Dykaioyne* 32, 2017.
Rogelio Pérez-Perdomo, "Anomia, cohesión social y derecho en tiempos de catástrofe", *Espacio Abierto*, Cuaderno Venezolano de Sociología, vol. 30, no. 1, 2021.
 - 6 Luis Fernando Mack, *Anomia del estado* (FLACSO, Guatemala, 2017).
Peter Waldman, *El Estado anómico: derecho, seguridad pública y vida cotidiana en América Latina* (Caracas: Nueva Sociedad, 2003).

An Oxymoron?

The idea of anomie in relation to the state could be considered an oxymoron, as the state is an artificial entity, a legal person, created by the law and, simultaneously, the creator of the law. From a purely formal perspective, it does not seem possible for a legal entity and law creator to be simultaneously the opposite. In the same sense, the idea of a “gangster state”⁷ would also make no sense, as it is the state apparatus that defines who the gangsters (or organized criminals) are and who they are not.

Obviously, the state is not only a legal construct, but it also has, above all, a physical foundation: it has a territory and a population with a fabric of social, political, and economic relations. It also has individuals who direct and represent it, such as the head of state or government, and many people who act on its behalf: judges, prosecutors, police officers, and state officials. It implies the exercise of power of some over others. The act of representing the state is often emphasized in political rituals and ritualistic phrases. For example, in Venezuela, when the president of the Republic appears publicly, the national anthem is played, and everyone stands up. Court judgments begin with the statement “in the name of the Republic and by the authority of the Law”. These are high-ranking officials who act on behalf of the state and with the competence granted to them by the laws. Likewise, when a police officer says, “I am the authority” and orders us to do or not do something, they are indicating that they represent the state and hold public power. There are, therefore, many people who can act on behalf of the state. In that sense, the phrase “I am the state” can be a political assertion, but in legal terms, it lacks meaning

7 Paola Bautista de Alemán, “Revolución bolivariana y desarrollo del Estado gansteril”, in: Bautista de Aleman, P., (editor), *Autocracias del siglo XXI. Caso Venezuela* (Madrid: Dahbar, 2020).

or is grossly incorrect: the state is not, nor can it be, a person or a group of people. However, the collective of those who direct and manage the state have behaviors that can strengthen or weaken the normative dimension that underlies the state's legitimacy.

Omnipresent legal regulation is characteristic of the modern state or the rule of law. Every official or representative of the state must act within the limits of their competence and with the purposes assigned to them by the laws. Otherwise, they commit deviation or abuse of power, and their actions can be annulled. The abuse by officials carries responsibility for the state as an institution and also for the officials involved. An entire branch of law, public law, studies these matters. That's why the idea of a state whose officials do not respect legal principles and norms could be considered anomic: a state that denies its own legitimacy.

Undoubtedly, some individuals carry out actions that state officials frequently perform, such as depriving a person of liberty or property. If these actions are carried out without the legitimizing support of the law, they would be criminal actions: kidnapping or theft in the examples mentioned. The difference lies not in the act itself but in the qualification of legitimacy granted by the law. If the very officials of the state act against the law, the state would cease to be so. Saint Augustine had already keenly observed this when he pointed out that realms without law are bands of thieves⁸.

On the other hand, law is linked to the state. What distinguishes legal norms from moral or other social norms is their coercibility. In the definitions still used in most universities today, law is associated with norms established by the state, namely

8 San Augustin, *The City of God*, book IV, chapter 4.

legislation, and with coercion by the judicial and administrative apparatus of the state.

This leads to the formulation of a symbiosis between the state and the law: the state would produce the law, and at the same time, the law would regulate the state. This symbiosis is what would make the expression “anomic state” an oxymoron. In this perspective, separating the state and the law would be impossible, just as Achilles could never catch up to the tortoise in Zeno’s paradox. However, practice proves otherwise.

Jurists and especially sociologists of law are well aware of the mismatch between legal norms and actual behavior. They often analyze it as a conflicting relationship between theory and practice, or between law in the books and law in action⁹. The symbiosis is more apparent in the books than in actions. The state apparatus, including the legal system itself, can be used to commit the worst crimes or introduce confusion in norm production or its execution.

However, this does not mean that ethics are absent in the functioning of the state. On the contrary, the state requires politicians and officials to pay greater attention to the collective good and to prioritize the interests of all above their personal interests or those of a particular group. It can be argued that the state is an ethical project in addition to its legal foundation. Those who lead the state or serve as its officials are expected to embrace values and behavior that can be called the ethos of the public sphere¹⁰.

9 Lon L. Fuller, *Anatomía del derecho* (Caracas: Monte Ávila Editores, 1969).

10 Max Weber, *El político y el científico* (Madrid: Alianza Editorial, 1967).
Paul Du Gay, *A Praise of Bureaucracy: Weber, Organization, Ethos* (London: Sage, 2000).

As with any normative behavior, deviations can occur. One well-studied deviation is bureaucratization, where adherence to rules precedes the actual goals of the state or the organization to which the official belongs. Bureaucratic deviation often involves strict adherence to legal norms that, in turn, hinders the achievement of the organization's own objectives. Perhaps the deviation that most infuriates the population is corruption, where personal interests are prioritized at the expense of the state's own goals. Some systematically manipulate the state by spreading falsehoods. It is well known that when the state controls the media, "a lie repeated a thousand times becomes the truth", as famously attributed to Goebbels, Hitler's Minister of Propaganda. Lies can also cause significant public upheaval, such as the denial of the results of a presidential election in the United States, where a major television company was involved. The most serious cases involve using the state apparatus to commit heinous crimes. Many of these behaviors have been classified as crimes and can be prosecuted by national courts. In cases of extreme gravity that are not addressed by national courts, international tribunals or the International Criminal Court may intervene. In cases where these actions have not been classified as crimes, the sanction is ethical and political in nature: the instrument is scandal or public outrage, and the punishment is electoral.

Ethical or legal deviations are, to some extent, inevitable in practice. Among the thousands or millions of people who lead or manage the state, many take advantage of their position and state resources for deviant actions. What would make a state anomic is not occasional deviation but its establishment as a way of governing and managing the state that simultaneously destroys the possibilities of control.

It is important to note that the term “anomic state” has been previously used by Luis Fernando Mack¹¹ in a socio-political work primarily focused on Guatemala, and by Peter Waldman¹² about Bolivia. Mack presents different forms of deviation within the state or in the behavior of state officials, while Waldman discusses the potential effect of anomic state on society. The purpose of this paper is analytical, with a socio-legal perspective. The case of Venezuela will be used as an example to illustrate theoretical propositions. The scarcity of data and the difficulties of conducting field studies in an environment that makes them challenging and even dangerous require presenting an essay based on published information or information circulating in the media as scandals. Naturally, this perspective is that of a participant in the country’s life. Due to the weakness of the sources, the assertions should be considered as hypotheses.

The rule of law model has been developed in juridical-political literature, especially in constitutional law. This model is characterized by officials’ actions within the limits and purposes established in the constitution and laws, as well as the respect for citizens’ rights. Since it is a model, no state may perfectly align with it. Informal networks permeate formal systems in almost all areas¹³, but the situation is not identical in every country. This makes it possible to construct an index of the rule of law based on the degree of deviation from the model. In this index, Venezuela has consistently ranked far from the model of the rule of law and can be an appropriate unit of analysis for this reflection. The further a state is from the rule of law model, the more likely it is to

11 Luis Fernando Mack, *Anomia del Estado* (Guatemala: FLACSO, c2017).

12 Peter Waldman, *El Estado anómico: derecho, seguridad pública y vida cotidiana en América Latina* (Caracas: Nueva Sociedad, 2003).

13 Larissa Adler Lomnitz, “Informal exchange networks in formal systems: a theoretical model”, *American Anthropologist* 90 (1988).

be classified as anomic. This classification does not imply that the state ceases to produce regulations or that the activity of the courts of justice is suspended. However, the state's anomie undoubtedly has consequences on the legal system's functioning, which is the subject of the following section.

Law before an anomic state

If the state introduces confusion in its normative production and ceases to apply the rules of law, in other words, if it becomes anomic, the symbiotic relationship between the state and the law is destroyed. However, this does not indicate what happens in practice. Hobbes posed the problem: we cannot dissolve the state to see what happens, but we can imagine what would occur. He argues that if the state disappears, we would return to a state of nature. In this situation, freedom and property have no limits. Inevitably, this would lead to a state of "every man for himself", a situation where violence would become widespread.

Hobbes did not set out to analyze historical experiences, although he referenced the England of his time and the frequent European wars. His model responded more to a radically individualistic preconception. Historical experiences do not show such atomization, nor are there historical examples of a state of nature, likely because if it were to occur, society would extinguish itself. The Augustinian hypothesis is that the state becomes the greatest band of thieves, or to use today's language, a vast, organized crime entity. This implies that there is an organization that employs unregulated violence and guarantees a precarious peace not based on rules or justice. The gangster state¹⁴, lacks

14 Paola Bautista de Alemán, "Revolución bolivariana y desarrollo del Estado gansteril", in: Bautista de Aleman, P., (ed.), *Autocracias del siglo XXI. Caso Venezuela* (Madrid: Dahbar, 2020).

legitimacy as a state but can have the appearance of a state and can guarantee peace, albeit precariously.

The hypothesis can be refined: in a complex society with many legal professionals and organizations responsible for training new professionals, there is no need to assume that lawyers will disappear or that law schools will close. It is likely that many legal professionals will cooperate in carrying out unjust purposes, while others may resist in more or less overt ways. Still, others may avoid contact with state bodies and pay much less attention to the rules they promulgate. Both lawyers and law schools can also assume new roles. In other words, the law can transform, and its uses can diverge radically.

Firstly, let's consider the use of law for purposes contrary to the assumptions of the legal order. The most well-known example is the Law for the Protection of German Blood and German Honor, also known as the Nuremberg Laws (September 15, 1935). It prohibited marriages and sexual relationships between German people and Jews and later played a significant role in justifying the Holocaust. Judges, legal professionals, and police officers become instruments for enforcing or justifying these laws when they themselves do not participate in their elaboration. In Venezuela and several countries in Latin America, there are well-known cases of important jurists who have collaborated with dictators who have massively violated human rights and the principles of the rule of law. Studying their biographies and ideas is of great interest in analyzing how those with appropriate legal education resolve their cognitive dissonance.

Secondly, other legal professionals may strive to oppose authoritarianism and the distortion of law using the resources provided by the legal system itself. This is the expected behavior

among individuals with a high ethical consciousness of their profession. It is a risky and even heroic conduct: many judges, prosecutors, and lawyers have been sentenced to prison or killed for their commitment to act independently and uphold the values of the law, even in direct resistance to political power. The research problem is investigating the motivations behind taking risks, knowing that it is unlikely to achieve a favorable outcome or change the course of events in an anomic state.

Finally, there is the behavior of those who maintain a neutral professional practice. Judges or prosecutors who handle non-politically relevant cases and do not take advantage of lax controls or political tolerance for corruption, or lawyers who advise on non-political relationships between individuals, are examples of this. This third category of individuals may strive to maintain a high professionalism. If they handle cases unrelated to political affairs, they can act similarly to any other legal professional. This category includes a significant number of practicing lawyers. Still, the decline of the legal order affects them because the contracts they draft may not lead to legal recourse in case of non-compliance. In general, lawyers will try to avoid interactions with public entities as it can make them victims of extortion.

For analysis purposes, this is undoubtedly the most interesting case. Why make a contract if there can be no legal recourse before the justice system in case of non-compliance? One option is to keep the contract outside the jurisdiction of the state. The use of arbitration clauses is a commonly employed approach, but it is partially incomplete. If one party refuses to comply with the arbitral award, the formal recourse is to approach the state's judiciary. The enforcement of the award may encounter the same obstacles as enforcing a contract, although the creditor's position is somewhat stronger. In interviews with lawyers, I have found

that arbitration clauses are common, but resorting to arbitration itself is rather exceptional. The interviewed lawyers also indicate that they further avoid resorting to the courts¹⁵. The preferred way to resolve conflicts is through negotiation.

This brings us to the situation of contracts whose enforcement is not expected. The hypothesis is that contracts operate as a way to solemnize the promises involved in them. This means that the strength of the law lies in social norms: the ethical obligation is to fulfill our promises, and a solemnized and carefully described promise carries greater weight than an informal one. The power of social norms has been documented in various research studies. Ellickson¹⁶ demonstrated that farmers and ranchers in Shasta County (Northern California) are guided by ethical-social norms and pay little attention to the law. There are various examples for numerous countries and a wide range of human activities. History shows us examples of law without a state. Roman law during classical times developed without a state apparatus or a police force.

Generally, the preference for social norms to regulate behavior instead of the law is more prominent in highly cohesive societies with multiplex relationships. In Venezuela, Pérez Perdomo¹⁷ found this in a rural community, the San Miguel Parish in the Boconó Municipality. The peasants had a sense of ownership and believed that damages caused by their own animals on someone else's

15 The statements cannot be supported with data because no statistics are available for the last two decades.

16 Robert C. Ellickson, *Order without Law: How Neighbors Settle Disputes* (Harvard University Press, 1991).

17 Rogelio Pérez Perdomo, "Asistencia jurídica y acceso a la justicia en Venezuela", in: Pérez Perdomo, R., (coordinator), *Justicia y pobreza en Venezuela* (Caracas: Monte Ávila Editores, 1987).

property should be compensated. The responsible animal, whose owner was unknown, was detained in a corral by the local chief for this purpose. When the owner came to retrieve it, the chief would call the victim and seek a friendly settlement. Frequently, there was no monetary payment, but both parties would drink together to strengthen their friendship. In San Miguel, there was (or is) a local tribunal that the peasants don't use. In cases of persistent disagreements, the local chief would threaten to take the case to Boconó. The idea of facing higher and unfamiliar authorities was enough incentive to reach an agreement. The law and lawyers were feared: it was an arcane and dangerous territory that was rather avoided.

When society becomes more complex, and individuals' relationships become more unique, the law appears to be the most appropriate means to provide security in exchanges. However, societies can break down into smaller groups that create personal bonds through frequent interactions. For example, in New York, a city well-known for its size, complexity, and diverse population, the wholesale diamond business is controlled by a cohesive predominantly Jewish group controls the wholesale diamond business. Bernstein¹⁸ studied their business relationships and conflict resolution methods, showing that they are quite informal with certain religious elements. The legal system is used exceptionally. A similar finding was made by Lijtszain¹⁹ when studying the way business conflicts are resolved in the Jewish community of Mexico City, which is equally complex and cosmopolitan. The highly cohesive and multiplex relationships

18 Lisa Bernstein, "Opting out of the legal system: Extralegal contractual relations in the diamond industry", *The Journal of Legal Studies* 21 (1992).

19 Yanine Lijtszain, "Choosing the right dispute resolution mechanism: A case study on the Jewish community in Mexico" (Stanford Law School, SPILS thesis, 2002).

within the Jewish community allow them to opt for an alternative mechanism to formal law.

A different case is Vietnam, studied by McMillan & Woodruff²⁰. The legal system was ineffective in regulating business relations between firms. The option was to visit the company's facilities and assess the commercial reputation of those managing them to establish trust-based relationships that enabled business transactions in the absence of formal law. In Venezuela, Pérez Perdomo²¹ found that the entry of new economic actors in the 1970s led to a perception of the legal system's inability to generate security and trust. The peculiarity was that the use of the courts by instrumental litigants, i.e., those who took advantage of deficiencies in the justice system, affected their reputation as ethical, economic actors and condemned them to a certain degree of ostracism in the business environment.

Lastly, in the globalized or transnational world we live in, there is a type of law that is not anchored in states, which has sparked enormous interest among scholars²². The key aspect of the literature on the effects of globalization on law is that there is much more private or multilateral creation of law and diminishing

20 John McMillan and C. Woodruff, "Interfirm relationship and informal credit in Vietnam", *The Quarterly Journal of Economics*, vol. 114 (1999).

21 Rogelio Pérez-Perdomo, "De la justicia y otros demonios", in: Boza M. E., and Pérez-Perdomo, R., (compiladores), *Seguridad jurídica y competitividad* (Caracas: Ediciones IESA, 1995).

22 Volkmar Gessner, (ed.), *Contractual Certainty in International Trade: Empirical Studies and Theoretical Debates on International Support for Global Economic Exchanges* (Oxford: Hart, 2009).

Karen Knop, "State law without its state", in: A. Sarat, L. Douglas, and M. M. Umphrey, (eds.), *Law without nations* (Stanford: Stanford University Press, 2011).

importance of states as creators of law, or the generalization of norms and models beyond any state imposition.

In summary, law can exist without the support of the state²³, and there can be anomic states that do not respect the law or basic ethical norms. Still, naturally, this has economic, political, and social consequences.

Economic and political consequences: Venezuela as a case study

Since Max Weber's highly influential studies, a state governed by law and formally rational law has been associated with the development of the capitalist economy²⁴. Weber was aware of the limitation of his analysis, which was useful for explaining the development of France and Germany but not for England. The rationalization of law occurred on the European continent, while England maintained a law that, according to Weber's standards, was not formally rational. Hence, there was a problem in explaining England's capitalist development, which was, in fact, the first in the world. This became known as Weber's "English Problem". Douglass North²⁵ proposed a solution that led to a new approach in economics: institutions matter. It is not abstract rules but a combination of structure and culture, which we call institutions, that can provide confidence for investment. In England, an independent judiciary and a few fundamental norms guaranteed respect for property and contracts. The relationship

23 A. Sarat, L. Douglas L., and M. M. Umphrey, (editors), *Law without Nations* (Stanford: Stanford University Press, 2011).

24 David Trubek, "Weber on law and the rise of capitalism", *Wisconsin Law Review* 720 (1972).

25 Douglass C. North, *Institutions, Institutional Change, and Economic Performance* (Cambridge: Cambridge University Press, 1990).

between liberal democracy, which respects fundamental rights, and human development has been well-documented²⁶.

More recent experiences have shown that economic growth can be achieved through means other than the rule of law. This is the case in the People's Republic of China. It is beyond question that it is a repressive government with minimal regard for fundamental rights. However, it offered guarantees to investors while providing an abundance of disciplined workers with virtually no capacity to claim rights²⁷. The guarantees do not come from the legal system, but from the political system. The system operates according to rules that are not necessarily expressed in the constitution and laws but allow for predicting the behavior of those in political power. There is no separation of powers and checks and balances. Still, there is a division of labor that works and makes the officials' conduct predictable, as well as their response to cases of deviation²⁸. The implemented system allowed for spectacular economic growth, but it is not certain that we would want to live in an extremely repressive society, especially if we find ourselves in the roles of industrial workers or lawyers. The growth model is subject to political actors, and its long-term sustainability is still to be seen.

26 Ronald Inglehart y C. Welzel, *Modernización, cambio cultural y democracia: la secuencia del Desarrollo humano* (Madrid: Siglo XXI, 2005)..

27 Stanley Lubman, *Bird in Cage: Legal Reform in China after Mao* (Stanford: Stanford University Press, 1999). Yang Su and X. He, "Street as courtroom: State accommodation of labor protest in South China", *Law and Society Review* 44 (2010).

28 Xin He, "The party leadership as the living constitution in China", *Hong Kong Law Journal* 42 (2012).

Waldman²⁹ posed the opposite hypothesis: if the legal system works poorly largely due to state anomie, areas of the country that are not under the direct influence of the state should perform much better. The hypothesis could not be proved in Bolivia, perhaps because the study did not consider other variables. Still, it is worth considering the issue of the effect of state anomie on society. The Venezuelan case may be of interest as it was a relatively well-ordered society, with a weak rule of law and a democracy that functioned regularly between 1958 and 1998³⁰. The vices were visible: the police especially abused the poor, and they had difficult access to justice, while corruption generated frequent scandals, amplified by unrestrained media. However, this did not hinder significant economic growth, albeit with cycles, and considerable social development. The country attracted a significant number of migrants, first from Europe and later from other countries in Latin America.

From 1999, Venezuela decided to follow a different path under the strong leadership of Hugo Chávez: that of a revolution that led to the nationalization of both national and foreign private companies and the dismissal of a significant portion of the professional staff in nationalized companies, including the national oil company, the country's main industry. All of this was carried out without having prepared executive and technical teams to oversee the state-owned enterprises. On the contrary, meritocracy was demonized, and political loyalty became the most valued trait. The macroeconomic result has been negative,

29 Peter Waldman, *El Estado anómico: derecho, seguridad pública y vida cotidiana en América Latina* (Caracas: Nueva Sociedad, 2003).

30 Rogelio Pérez-Perdomo, "Venezuela 1958-1999: The legal system in an impaired democracy", in: L. Friedman and R. Pérez-Perdomo (eds.), *Legal Culture in the Age of Globalization: Latin America and Latin Europe* (Stanford: Stanford University Press, 2003).

with increased poverty, violence, repression, and significant emigration.

In many cases, the state refused to pay the corresponding compensations for the “expropriations” carried out without following proper legal procedures. Management controls were deliberately weakened. The result was rampant corruption and a decline in production. Protests and criticisms were seen as acts of opposition, and those who opposed the government were repressed. Political polarization intensified, and the repression led to massive human rights violations. Social inequality deepened, and there was an attempt to establish political apartheid³¹, which now is less severe than the one described by Jatar.

The idea of an anomic state must be separated from societal anomie, although this is a topic of discussion regarding Venezuela. Briceño-León & Camardiel³² and Briceño-León³³ argue that social cohesion has weakened. Pérez Perdomo maintains that the rule of law, which was not strong to begin with³⁴, has clearly deteriorated further due to the decay of the state. This is not unfamiliar in

31 Ana J. Jatar, *Apartheid del siglo XXI. La informática al servicio de la discriminación política en Venezuela* (Caracas: Súmate y Tecni-ciencia Libros, 2006).

32 Roberto Briceño-León and A. Camardiel, “El impacto de la violencia en la cohesión social”, in: Briceño-León, Camardiel & Perdomo (eds.), *Los rostros de la violencia. Empobrecimiento y letalidad policial* (Caracas: Alfa, 2019).

33 Roberto Briceño-León, “Anomia, cohesión social y derecho. Respuesta a Rogelio Pérez-Perdomo”, *Espacio Abierto*, Cuaderno Venezolano de Sociología 30, no. 1 (2021).

34 Rogelio Pérez-Perdomo, “Venezuela 1958-1999: The legal system in an impaired democracy”, in: L. Friedman and R. Pérez-Perdomo (eds.), *Legal Culture in the Age of Globalization: Latin America and Latin Europe* (Stanford: Stanford University Press, 2003).

Latin America, where there is a certain culture of rule-breaking³⁵. However, curiously, ethical-social norms are strengthening, as shown in this study through the new role of contracts. Life in Caracas, a city with a growing number of poor people, offers an experience that calls for reflection. These poor individuals beg or search for food in garbage bins, but they do not rob us or take our bags of groceries when we leave the supermarket. Indeed, we do not strictly adhere to traffic rules, but collisions are not more frequent than in cities where societies have greater respect for the law, implying that there are unwritten rules by which we abide. This allows us to affirm that society is not anomic; at least, not yet.

Undoubtedly, the anomie of the state has had a significant cost for Venezuelan society. In general terms, investments have stalled, poverty has increased, and the country has become more violent. However, the situation affects the population unevenly. One can observe a growing number of luxury constructions and well-established restaurants. Several Venezuelans have been sanctioned for their involvement in mass human rights violations or illegal economic activities. The number of Venezuelans detained in different countries for money laundering has also increased. The United States, Canada, the European Union, the United Kingdom, Switzerland, and other countries have imposed restrictions or made it more difficult to do business with the government or certain Venezuelan individuals and companies, especially after 2015³⁶. The government and its supporters refer to

35 Mauricio García Villegas, *Normas de papel: la cultura del incumplimiento de las reglas* (Bogotá: Dejusticia. Centro de Estudios de Derecho, Justicia y Sociedad, 2013). Carlos S. Nino, *Un país al margen de la ley: Estudio de la anomia como componente del subdesarrollo argentino* (Buenos Aires: Emecé, 1992).

36 Yamila A. Montenegro, "Sanciones impuestas por los Estados Unidos a Venezuela: consecuencias regionales", *Revista de Relaciones Internacionales, Estrategia y Seguridad*, vol. 16 (2021).

these sanctions as a blockade, which naturally has exacerbated the economic difficulties.

In the face of the worsening situation and massive street protests, the President of the Republic in 2017 called for the National Constituent Assembly, a recourse provided for in the constitution, as “the people of Venezuela... may convene a National Constituent Assembly to transform the State, creating a new legal order, and drafting a new Constitution” (Article 347). What was anomic was the President’s call and the election system for members that the opposition deemed unconstitutional and undemocratic, leading them to abstain from participating. A considerable number of countries were highly critical and considered the assembly illegitimate. The National Constituent Assembly assumed the functions of the parliament but did not draft a new constitution; instead, it approved several “constitutional laws”. The most important being the *Anti-Blockade Constitutional Law for National Development and Human Rights Guarantee* (2020). Constitutional laws are a category not provided for in the Constitution, but that effectively modify the Constitution without following the established procedure for its reform. The anti-blockade law allows for secret contracts of public interest and other acts and consolidates all power in the Executive Branch if deemed necessary to counter the blockade. The result is that we do not know which parts of the constitution and the legal system remain effective³⁷.

Opacity and lack of government accountability have been characteristics of the revolution. The anti-blockade law formalizes these traits but does not prevent the moral risks that concentration of power and weakened controls bring. One of the features of

37 Rogelio Pérez-Perdomo and E. Bolívar Méndez, “¿Una nueva constitución para Venezuela? La Asamblea Nacional Constituyente 2017-2020 y la Ley Antibloqueo”, accepted for publication in *Novum Ius*. (In author’s file).(2023).

the revolution has been a series of scandals. Two former justices of the Supreme Court, an Attorney General, several judges and prosecutors, as well as former ministers and lawmakers, are now fugitives living in exile. They have been accused of serious acts of corruption, and, in turn, have made public statements showing complicity between high-ranking officials of the Republic and drug traffickers, as well as the use of the justice system to violate citizens' rights³⁸. The most recent scandal involves dozens of high-ranking state officials (cabinet ministers, former ministers, former governors, parliamentarians, directors of important state agencies, and associated businessmen or criminals). They have been imprisoned without respecting minimum due process guarantees, and the scandals have unfolded through government-controlled media.

Officially, the entire affair is presented as an anti-corruption crusade, but informal comments also suggest rivalries and the settling of scores among high-ranking state officials. Social media exploits the most obscene aspects of the scandals, such as photographs of beautiful women associated with the involved individuals posing alongside bags filled with gold ingots.

These scandals unfold while teachers, public employees, and nurses protest against the meager salaries they receive. The government blames the blockade for the impossibility of implementing increases that would allow them to survive amidst accelerated inflation. Perhaps it is too early to tell whether the *Anti-Blockade Constitutional Law for National Development and Human Rights Guarantee* will produce the effects announced in its

38 Rogelio Pérez-Perdomo and A. Y. Santacruz, "The Chavist revolution and the justice system", *Latin American Policy*, vol. 8, issue 2 (2017).

title. Or maybe it is the state's anomie and not the blockade that prevents the situation from being overcome.