

Juan Miguel Matheus

Post-Truth and the Crisis of Justice: From Pilatean Law to Orwellian Law

“Pilate said to him,
«What is truth?»
After he had said this,
he went back outside to the Jews
and told them,
«I find no guilt in him.»”
John, 18:38.

“The Party told you to reject
the evidence of your eyes and ears.
It was their final, most essential
command.”
1984, George Orwell.

On Thursday, September 22, 2011, His Holiness Pope Benedict XVI took his place at the speaker’s lectern in the upper house of the German Parliament. A place marked by the scars of history, and a German Pope. The Vicar of Christ on earth –the universal shepherd of the Catholic Church– was present in the temple of popular sovereignty in his native land. The symbols of God and Caesar were brought together within the same civic chamber.

Christianophobic Europe, which for decades had been in freefall toward secularism and nihilism, was consumed with anticipation over the outcome of that parliamentary session. As expected, the former professor of theology did not disappoint. He spoke without preamble and for only a few minutes. With the simplicity born of a desire to convey truth humbly, the Pope prompted an examination of conscience for all humanity: a reflection on law and the foundations of law amid a relativistic, positivist, and postmodern civilization. And although it is impossible to plumb the full depth of his words in just a few lines, I want to quote him at length in order to clearly delineate the moral coordinates that animate this article. He said:

“Allow me to begin my reflections on the foundations of law (Recht) with a brief story from sacred Scripture. In the First Book of the Kings, it is recounted that God invited the young King Solomon, on his accession to the throne, to make a request. What will the young ruler ask for at this important moment? Success, wealth, long life, destruction of his enemies? He chooses none of these things. Instead, he asks for a listening heart so that he may govern God’s people, and discern between good and evil (cf. 1 Kg 3:9). Through this story, the Bible wants to tell us what should ultimately matter for a politician. His fundamental criterion and the motivation for his work as a politician must not be success, and certainly not material gain. Politics must be a striving for justice, and hence it has to establish the fundamental preconditions for peace. Naturally a politician will seek success, without which he would have no opportunity for effective political action at all. Yet success is subordinated to the criterion of justice, to the will to do what is right, and to the understanding of what is right. Success can also be seductive and thus can open up the path towards the falsification of what is right, towards the destruction of justice. “Without justice —what else is

the State but a great band of robbers?”, as Saint Augustine once said. We Germans know from our own experience that these words are no empty spectre. We have seen how power became divorced from right, how power opposed right and crushed it, so that the State became an instrument for destroying right, a highly organized band of robbers, capable of threatening the whole world and driving it to the edge of the abyss. To serve right and to fight against the dominion of wrong is and remains the fundamental task of the politician. At a moment in history when man has acquired previously inconceivable power, this task takes on a particular urgency. Man can destroy the world. He can manipulate himself. He can, so to speak, make human beings and he can deny them their humanity. How do we recognize what is right? How can we discern between good and evil, between what is truly right and what may appear right? Even now, Solomon’s request remains the decisive issue facing politicians and politics today.”¹

Serving the law and combating the rule of injustice is and remains the fundamental duty of the politician, and it is necessary to prevent the state from becoming a great band of robbers... But why the question of the foundations of law? Because the crisis of democracy, which affects professional politicians and citizens alike, cannot be fully understood without examining the crisis of law. The latter has been the framework that –naturally– has given political power its structure, legitimacy, and limits.² In this

1 Benedicto XVI, Address of his Holiness Benedict XVI, Reichstag Building, Berlin 2011, https://www.vatican.va/content/benedict-xvi/es/speeches/2011/september/documents/hf_ben-xvi_spe_20110922_reichstag-berlin.html.

2 This subject has been extensively studied by various scholars. However, I believe it is important to highlight the contribution of André Hauriou, for whom the purpose of Constitutional Law is “the legal framework

article, I intend to examine how the law of the Western tradition –originally grounded without hesitation in philosophical anthropology and metaphysics– has undergone a process of degradation. In particular, I will coin and develop two concepts to examine some concrete forms of its decomposition: Pilatean law, which evades truth under the “dogma” of moral neutrality, and Orwellian law, which turns the law into an instrument of ideological manipulation and totalitarian domination. Mi objetivo es desentrañar las causas y consecuencias de estas crisis que se retroalimentan, mostrando cómo la pérdida de cimentación en la verdad y en la justicia ha llevado al vaciamiento del derecho y al debilitamiento del orden democrático. Para ello, el artículo se dividirá en tres partes. Primero, abordaré la crisis espiritual de la democracia y su relación con la crisis del derecho. Luego, definiré qué entiendo por *derecho pilático* y por *derecho orwelliano*, examinando sus características principales. Y a continuación, explicaré cómo se ha producido esta degradación espiritual del derecho, sus efectos en las sociedades y los riesgos que conlleva para la democracia. No plantearé conclusiones porque los problemas aquí tratados permanecerán como cuestiones abiertas a los desafíos éticos de nuestro tiempo.

My aim is to unravel the causes and consequences of these mutually reinforcing crises, showing how the loss of a foundation in truth and justice has led to the hollowing out of the law and the weakening of the democratic order. To this end, the article will be divided into three parts. First, I will address the spiritual crisis of democracy and its relationship to the crisis of law. I will then define what I mean by Pilatean law and Orwellian law, examining their main characteristics. Finally, I will explain how this spiritual

of political phenomena.” Cfr. André Hauriou, *Derecho constitucional e instituciones políticas*, trad. José Antonio González Casanova, Ariel, Barcelona, 1971, 17.

degradation of the law has occurred, its effects on societies, and the risks it poses to democracy. I will not offer any conclusions, because the issues addressed here will remain open questions in the face of the ethical challenges of our time.

I. Introduction: The Spiritual Crisis of Democracy and Its Reflection in the Spiritual Crisis of Law.

1. The Spiritual Crisis of Democracy

Liberal democracy has been the dominant political model in the West since the Enlightenment. Its fundamental promise is that of a system based on individual freedom, respect for human dignity, and the pursuit of the common good through institutions legitimized by popular consent and the intrinsic justice of laws.

However, today this model is facing a profound crisis that cannot be explained solely in political or institutional terms. It is a spiritual crisis insofar as it affects the ethical and philosophical foundations upon which democracy was built. Perhaps for this reason, anticipating such a situation, John Paul II pointed out that the Church does not canonize democracy, but rather values it as a form in which justice is historically realized.³

When I speak of a spiritual crisis, I am referring to the loss of purpose in political life, the relativization of human values, and the breakdown of the idea of the common good. I am not referring to accidental difficulties in technical, economic, or governance matters. It is a crisis of “meaning” that entails doubts about

3 “In any case, Catholic social ethics supports the democratic solution in principle, because it better reflects the rational and social nature of the human person, as I have already noted. But it is far from —this should be made clear— «canonizing” this system.» Juan Pablo II, *Memoria e Identidad*, La esfera de los libros, Madrid, 2005, 95.

the reasons why democracy should exist, as well as collective blindness about what must be done to create and maintain a just political order.⁴

One of the clearest signs of this crisis is the erosion of the notion of truth in the public sphere. Over time, democratic debate has revolved around rational deliberation and the effort to reach consensus based on objective criteria for approximating social reality. But today, relativism has displaced this model, giving rise to a moral climate in which truth is regarded as a subjective and manipulable construct. It is the “weak democracy”,⁵ of weak thought; all of this has generated a sea of uncertainty and weakened societies’ ability to resolve conflicts peacefully of weak thought; all of this has generated a sea of uncertainty and weakened societies’ ability to resolve conflicts peacefully.⁶ Democracy has fallen into a “morass of relativism,” as Eric Voegelin would put it.⁷ Or, to frame it in *Straussian* terms, it has become mired in the tragedy of guiding the historical action of a people by mere opinions—even when they are those of the majority —rather than by truth.⁸

4 Walter F. Murphy, *Constitutional Democracy: Creating and Maintaining a Just Political Order*, Johns Hopkins University Press, United States, 2008.

5 Julio Borges Junyet y Javier Ormazabal Echeverría, *La posmodernidad en jaque: un debate entre C.S. Lewis y Gianni Vattimo*, Libros Libres, Madrid, 2023, 299.

6 “In this regard, it should be noted that if there is no ultimate truth to guide and direct political action, then human ideas and convictions can easily be instrumentalized for the pursuit of power. A democracy without values can readily become an overt or covert form of totalitarianism, as history demonstrates.” Juan Pablo II, *Centesimus Annus*, n. 46.

7 Eric Voegelin, *Introduction to the New Science of Politics*, University of Chicago Press, Chicago, 1952, 14.

8 Leo Strauss, *What Is Political Philosophy?*, University of Chicago Press, Chicago, 1959, 343.

Another fundamental aspect of this crisis is the transformation of the concept of freedom. Whereas in the classical and liberal tradition, freedom was linked to responsibility and to the citizen's obligation to participate in the pursuit of the common good, today it has been turned into a subjective notion that is often understood as a license to act without restrictions or reference to objective standards of justice. This is a distortion of freedom –left-wing and/or right-wing license– that has contributed to the individualistic atomization of societies, the retreat from public life, and a profound loss of civic identity that should be something Western democratic citizens can share with one another.

The third expression of this crisis to which I wish to refer is the denaturalization of justice. Here it is enough to say that, in the democracy of our times, justice is –as Thrasymachus would shamelessly put it in Book I of Plato's Republic– “nothing but the advantage of the stronger,” that is, to the ruler (power), who is never wrong in his will to dominate.⁹

And, as is evident, a democracy in which truth, freedom, and justice have become blurred is condemned to spiritual sickness...

2. *The Spiritual Crisis of Law*

The spiritual crisis of democracy is not an isolated phenomenon. It is directly linked to –and gives life to– the spiritual crisis of law. As I have noted above, law has been, is, and will continue to be the normative and institutional framework that has enabled democracies to function with legal rationality,

⁹ The quote is: “Justice is nothing but the advantage of the stronger.” Platón, *La República*, trad. José Ortega y Gasset, Editorial Gredos, Madrid, 1954, 147.

in a predictable manner,¹⁰ while providing moral protection to the weakest. It has not been merely a set of rules or written texts, but rather a system of practical-prudential guidelines designed to make justice, civic stability, and the protection of human rights possible.

However, law has gradually been emptied of its substance. A relativistic democracy requires, as its instrumental cause, a relativistic law. For this reason, law has been turned into a formal instrument, used to justify any political decision under the pretexts of the proper application of positivist procedures and the necessary prevalence of majorities. All of this has deprived law—or, to put it more bluntly, castrated it—of its sources of substantive and natural legitimacy.

For this reason, in this context, it is essential to examine how law has evolved from its classical conceptions to its current state of crisis. Doing so will provide a better understanding of the causes of the degradation of law and allow us to explore possible solutions for restoring its role as the backbone of a spiritually healthy, non-relativistic democracy.

II. Pilatean Law and Orwellian Law: Definitions and Characteristics

1. Pilatean Law: Evasion of Truth and Moral Neutrality

By coining the term *Pilatean law*, I am referring to Pontius Pilate, the Roman governor of Judea who, when faced with his own question about what truth is, chose to wash his hands and leave

10 Tom Ginsburg and Aziz Z. Huq, *How to Save a Constitutional Democracy*, University of Chicago Press, Chicago, 2018.

it to the crowd to decide whether Barabbas or Jesus of Nazareth should die.

In legal terms, this model of law is characterized by an attitude of indifference toward truth and ethics, to say nothing of metaphysics... It is based on the idea that law should not commit itself to any objective conception of truth or the good, but should limit itself to regulating the procedures through which political decisions are made and the supreme will of the majority emerges. It claims to be neutral on matters of values and has been defended to the utmost by thinkers in the legal positivist tradition.

In this regard, it is well known that more than ninety years ago, in the distant year of 1934, Hans Kelsen's book *The Essence and Value of Democracy* was published. The book brings together a pair of essays that represent the summum of Kelsenian thought on democracy and on the philosophy that, in his view, should animate every democratic and constitutional system. He writes:

(...) if it is stated that truth and absolute values are inaccessible to human cognition, at least not only one's own opinion but also the opinion of others, and even a contrary one, must be considered possible. Therefore, the philosophical view presupposed by democracy is relativism.¹¹

And he continues:

In the eighteenth chapter of the Gospel of Saint John, an episode from the life of Jesus is described. The narrative—simple, yet lapidary in its naivety— belongs to the most sublime creations of world literature, and, without intending

11 Hans Kelsen, *Esencia y valor de la democracia*, Editorial Labor, Barcelona y Buenos Aires, 1934, 156 (Own translation)...

to, it dramatically symbolizes relativism and democracy. It is during the season of Passover when Jesus, accused of calling himself the Son of God and King of the Jews, appears before Pilate, the Roman governor. Pilate ironically asks him who, in the eyes of a Roman, could only be a poor madman: “Are you then the King of the Jews?” And Jesus answers, with deep conviction and illuminated by his divine mission: “You say that I am. I am a king, born and come into the world to bear witness to the truth. Everyone who belongs to the truth listens to my voice.” Then Pilate, that man of an old, exhausted, and therefore skeptical culture, asks in turn: “What is truth?” And since he does not know what truth is, and as a Roman is accustomed to thinking democratically, he turns to the people and holds a plebiscite. He went out to the Jews and said to them: “I find no guilt in him. But you have a custom that I should release someone to you at the Passover. Do you want me then to release to you the King of the Jews?” The plebiscite went against Jesus. They all cried out in response: “Not this man, but Barabbas!” The chronicler adds: “Now Barabbas was a robber.” Perhaps the partisans of autocracy will object that this very example speaks more against than in favor of democracy. This objection is worthy of respect, albeit on one condition: that they, for their part, are as convinced of their political truth –and prepared, if necessary, to seal it with their blood– as the Son of God was of his.¹²

However, this supposed neutrality is itself a position. By avoiding taking a position on fundamental questions of justice, *Pilatean law* leaves the way open for political power to impose its own worldview without any limitation whatsoever. In other

12 Hans Kelsen, *Esencia y valor de la democracia*, 158-159 (Own translation)..

words, law becomes an instrument of injustice at the service of those who wield power.

But it is also well known that, more than sixty years after Kelsen's assertions, another German-speaking thinker, Joseph Ratzinger, critically addressed this issue in order to illustrate the tragedy of a constitutional democracy hollowed out of values:

The Austrian jurist (Kelsen), father of political positivism and champion of the relativist position, sets forth his view when commenting on a Gospel passage: the passage from the Gospel of Saint John in which Pilate asks Jesus, "What is truth?" (*John* 18:38). Pilate's question is a question only in appearance. In reality, it is a categorical answer that could be formulated as follows: truth is unattainable. The proof lies in the fact that he does not wait for an answer, but instead turns to the crowd so that they may decide a difficult question by vote. Through this maneuver, Pilate expresses the necessary skepticism of the politician, who must be distrustful, incredulous, indifferent, disinterested, and cold. His creed is to believe in nothing: neither truth nor goodness nor justice. By proceeding as he does, Pilate behaves as a perfect democrat. The perfect democrat must shrug his shoulders—or wash his hands—in the face of moral dilemmas and pass them on to the majority, which is the source, origin, principle, and root of value. An exemplary figure of relativistic and hollow democracy: that is Pilate. As such, he disdains relying on truth or the good. His only support is procedure. Kelsen does not seem troubled by the fact that the democrat Pilate, acting with impeccable democratic propriety and without moral scruples, brings about the death of an innocent man. Since there is no truth or good beyond that of the majority, there is no point in asking whether its decisions are just or legitimate. To send a righteous man to his death, all that is

needed is the majority's approval –in other words, sufficient support. Kelsen went so far as to defend the need to impose relativist certainty, with blood and tears if necessary. One must firmly believe in the necessity of believing in nothing. Therein lies the superficial democratic imperative.¹³

The contrast between the quotations reproduced above is overwhelming. It brings two ethical visions of human life and political coexistence into confrontation. For now, it is enough to say that both account for the spiritual crisis of democracy and of law, including law in its *Pilatean* form. Kelsen does so pathologically, just before the most devastating consequences of moral relativism in Europe came to pass: National Socialist and Communist totalitarianism. Ratzinger does so from practical experience –with the historical weight of the wounds inflicted by totalitarian regimes– and with a therapeutic outlook and an ethical prescription for the future of humanity.

2. Orwellian Law: *Ideological Manipulation of Law.*

Orwellian law represents an extreme degree of corruption of law: law is transformed into an instrument for the ideological control of the human person. By this term, I am referring to George Orwell's 1984, in which language and reality are manipulated to consolidate the power of a totalitarian regime¹⁴. In this context, Orwellian law distorts legal reasoning and, moreover, imposes a single worldview, suppressing any dissent and legitimizing the restriction of fundamental freedoms –in a Gnostic manner, as Francisco Plaza would put it in his profound work *The Silence of*

¹³ Joseph Ratzinger, *Verdad, valores, poder. Piedras de toque de la sociedad pluralista*, Ediciones Rialp, Madrid, 1995, 28-29.

¹⁴ George Orwell, 1984, trad. Rafael Vázquez Zamora, Ediciones Destino, Barcelona, 2003.

*Democracy*¹⁵ – in the name of the “human good,” the “common good,” or “democracy.” Orwellian law is the law of Hitler, Stalin, and totalitarian systems.

Unlike *Pilatean law*, which evades truth and takes shelter behind moral neutrality, *Orwellian law* goes a step further: it constructs a “new” legal truth, reinterpreting essential concepts such as “justice,” “human rights,” and “freedom” to fit a given ideological agenda. In this process, law becomes a means of social engineering designed to shape society according to a pre-established worldview. It is the death of metaphysics in social life.

This phenomenon manifests itself in contemporary democracies, in which law has been used, for example, to restrict freedom of expression, freedom of conscience, and freedom of association, under the pretext of combating “dangerous” or “anti-democratic” speech. Through this mechanism, the law ceases to serve as a guarantor of pluralism and becomes a weapon of exclusion and repression. Any position that does not conform to the official narrative is silenced, censored, or even criminalized on the grounds that it represents a threat to the democratic order and pluralism. And, of course, the full institutional and coercive power of the state is brought to bear in this direction, violating the conscience of the human person; this is a reality in many of today’s “constitutional powers.”

15 This subject has been broadly studied by Francisco Plaza, *El silencio de la democracia*, Los Libros de El Nacional, Caracas, 2011.

2.1. *The Manipulation of Legal Language and Its Impact on Society*

One of the fundamental characteristics of *Orwellian law* is the manipulation of legal language. In 1984, George Orwell describes the concept of *Newspeak*: a strategy of distorting people's perception of reality through which the ruling regime transforms the meaning of words in order to consolidate its power and alienate human consciousness altogether.

In the legal sphere, this translates into the redefinition of fundamental principles of the constitutional tradition. Terms such as "equality," "tolerance," "human rights," or "democracy" cease to have an objective meaning and are reinterpreted according to the dominant ideology. They become whatever serves those in power. For example, in many countries, the concept of fundamental rights has been redefined to include new categories of rights based not on human nature, but on ideological constructs. I will examine this in greater depth later.

Moreover, this manipulation of law affects the legal sphere but also extends to education, the media, and culture, creating a single "constitutionally protected and guaranteed" mode of thought. In this sense, *Orwellian law* seeks not merely to shape laws, but above all to seize control of consciences by establishing a model of the "ideal" citizen who must conform to official narratives. It is a distorted way of circumventing the old Aristotelian dilemma of how to attain the best form of government, in which the good man and the good citizen coincide in the same human being.¹⁶

16 Leo Strauss, *What Is Political Philosophy?*, University of Chicago Press, Chicago, 1959, 356.

2.2. Law as an Instrument of Social Control

Under *Orwellian law*, constitutions and statutes become instruments for legitimizing the expansion of the state into the private and social lives of citizens¹⁷. This can be seen in various public falsehoods that, under the guise of promoting rights or advancing official state agendas, impose restrictions on individual freedoms.

For example, in certain contemporary democracies, legislation has been enacted that limits freedom of expression, restricts public debate, and generates self-censorship, leading citizens to prefer remaining silent rather than risk punishment by the state's punitive machinery.

Another troubling aspect of *Orwellian law* is its impact on the educational system. Instead of fostering critical thinking and pluralism, many educational institutions have adopted teaching programs designed to inculcate a specific vision of society, excluding any alternative perspective—all without respecting, for example, the natural right of parents to determine the essential parameters of their children's education. In this way, education becomes indoctrination, never intellectual formation or liberation: it is the creation of a new human being¹⁸.

Finally, *Orwellian law* tends to concentrate power in supposedly independent bodies, such as constitutional courts

17 "To the extent that civil society, or the political body, has become more clearly differentiated from the spiritual realm of the Church—a process that is simply the development of the distinction between what belongs to Caesar and what belongs to God—," Jacques Maritain, *El hombre y el Estado*, trad. José Luis López, Ediciones Rialp, Madrid, 1951, 129.

18 Rafael Tomás Caldera, *La formación intelectual*, Editorial Monte Ávila, Caracas, 1977, 15–21.

or international organizations, which act —as one might call them— as ideological arbiters. They are employed so that groups of unelected “ideologues,” who impose their worldview without genuine popular support, can make key decisions concerning the social and political life of nations. I will return to this point later.

2.3. The Ultimate Consequence of Orwellian Law: Democracy as a Legal Fiction

The ultimate result of this Orwellian process is the transformation of democracy into a legal fiction. Citizens may vote, but their decisions have no bearing on the fate of nations. The formal structure of the democratic system —elections, parliaments, courts— remains in place, but political debate is reduced to a simulation in which all options are predetermined by the prevailing ideology and by what is deemed “politically correct.” Democracy becomes a façade concealing a system of one-track thinking, all the more monolithic the more power the Big Brother of the day —political, economic, cultural, or media— has accumulated.

Orwellian law is the endpoint of a long process of legal degradation. It begins with *Pilatean law*, which relativizes truth, and culminates in a system in which legal truth is constructed according to the needs of those in power, in order to control the conscience and conduct of citizens. And even to smuggle in the transition from a democratic regime to an autocratic one.

III. The Spiritual Degradation of Law

The transition from law in its classical conception to *Pilatean law*, and from the latter to *Orwellian law*, represents a degradation that is spiritual in nature because it entails the loss of the fundamental principles that give meaning to the political

and legal order, giving rise to various problems such as: (i) the hollowing out of law and the loss of its legitimacy, (ii) the erosion of the cultural identity of nations and social fragmentation, and (iii) the risk of authoritarianism.

*1. The Hollowing Out of Law
and the Loss of Its Legitimacy*

One of the principal effects of this degradation is the hollowing out of law. As law becomes detached from justice, it becomes violence.¹⁹ It loses its ability to generate political legitimacy and guarantee social stability.

Law ceases to be a mechanism for protecting human dignity and becomes a means of imposing power, ideology, agendas, lies... And this, as one would expect, breeds distrust in institutions and weakens the rule of law: citizens cease to believe in the impartiality of the legal system.

In a society where law has been emptied of substance, a crisis of legitimacy arises that can lead to the radicalization of political conflicts and the collapse of the democratic order. Without an objective foundation of justice, law becomes a battleground in which different groups seek to impose their will without reference to universal principles or even common sense. The capacity to find common ground and reach consensus is lost.²⁰

19 "Human laws have the force of law insofar as they are derived from natural law. But if, at any point, a human law departs from natural law, it is no longer a law, but rather a corruption of law." Santo Tomás de Aquino, *Suma Teológica*, I-II, q. 96, a. 4, trad. Padres de la Provincia Dominicana Inglesa, Nueva York: Benziger Brothers, 1947.

20 "Only by defeating autocratic regimes do societies tend, through a kind of civic intuition, to organize human coexistence around the Constitution, concord, the center, and consensus," Juan Miguel Matheus, interview

2. *The Erosion of Cultural Identity and Social Fragmentation*

Another effect of the degradation of law is the erosion of the cultural identity of democratic societies. Naturally, law reflects the culture and values of a given political community. However, when law is used as an instrument of social domination, it becomes a means of destroying the traditions and values that have historically sustained societies.

Orwellian law, in particular, is characterized by the promotion of policies that seek to redefine the fundamental principles upon which the culture of a people has been built. This includes removing references to history and national identity from constitutional and legal texts and interpretations, or adding new, false, or artificial elements that are fictionally presented as part of that history.²¹

And this erosion of cultural identity generates social fragmentation because it destroys the bonds that unite citizens within a political community. Without a shared foundation of values and principles, society fragments into a multitude of groups with opposing worldviews, making democratic coexistence and

by Isabella Sanfuentes, "Political Change in Venezuela Points to Two Tasks in Parallel: Achieving Democracy and Rebuilding State Capacity," *Democratización*, Año 6, n.º 32, diciembre 2024, 8.

- 21 The replacement of portraits of Simón Bolívar with those of Hugo Chávez in some official spaces in Venezuela has been a subject of political debate and symbolism. This change took place during Chávez's administration as part of his Bolivarian Revolution project, seeking to emphasize his vision of historical continuity between Bolívar and his own leadership. Bolívar's portrait, traditionally displayed in public institutions, was in some cases replaced with images of Chávez. See: "Develan versión digital del rostro de Simón Bolívar," *BBC News Mundo*, July 24, 2012, accessed March 26, 2025, https://www.bbc.com/mundo/ultimas_noticias/2012/07/120724_ulnnot_bolivar_rostro_mr.

dialogue more difficult. It is a loss of memory and identity, as John Paul II warned.²²

3. The Risk of Authoritarianism

Finally, the degradation of law leads to a crisis of democracy insofar as it weakens the principles that guarantee its stability. When law exists to serve power rather than the other way around, and when power takes precedence over truth and justice, the door is opened to authoritarianism²³.

Democratic systems can function only if objective limits exist on the exercise of power.²⁴ However, in a context of Pilatean or Orwellian law, these limits disappear, allowing regimes to become entrenched that, although they retain the appearance of democracies, in practice function as authoritarian systems; and, what is worse, some of them may be embraced by citizens and enjoy high levels of popularity.²⁵

22 John Paul II, *Memoria e Identidad*, La Esfera de los Libros, Madrid, 2005.

23 "Saint Thomas More is venerated as an enduring example of moral integrity. And even outside the Church, especially among those called to guide the destinies of nations, his figure is recognized as a source of inspiration for a form of politics whose supreme purpose is service to the human person." John Paul II, *E Sancti Thomae Mori*, Apostolic Letter issued *Motu Proprio* proclaiming Saint Thomas More the patron saint of statesmen and politicians, October 31, 2000, n. 1, https://www.vatican.va/content/john-paul-ii/es/motu_proprio/documents/hf_jp-ii_motu-proprio_20001031_thomas-more.html

24 "The State has the duty to oversee and direct the exercise of human rights in the economic sphere; however, it must not supplant individual initiative, but rather ensure that it develops within a framework of justice and solidarity." John Paul II, *Centesimus Annus*, no. 47.

25 "The success of totalitarianism depends on its ability to mobilize the masses, not as individuals with interests of their own, but as a homogeneous entity shaped by propaganda and terror." Hannah Arendt,

Under these circumstances, elections and institutions (parliament, the courts, etc.) become mechanisms for validating injustices that are manifestations of the existential and spiritual voids within democracy.

Los orígenes del totalitarismo, trad. Guillermo Solana, Alianza Editorial, Madrid, 2006, 57.