

Democratization



Year 1, Issue 1

Ideological configuration of the Bolivarian
Revolution

Juan Miguel Matheus

Birth and evolution of two separated
national legal systems in Venezuela

Miguel Mónaco

Bolivarian Revolution and the development
of the gangster state in Venezuela

Paola Bautista de Alemán

Technology as a social control and oppression
mechanism in Venezuela

Edward Pérez

SEPTEMBER 2019

Bolivarian Revolution and the development of the gangster state in Venezuela

Paola Bautista de Alemán

We present hereunder an analysis of the gangster dimension of the Bolivarian Revolution. Far from being an exhaustive study, it is an approximation to the origins of the gangster state and a description of the challenges that this reality imposes in terms of democratization. The article is divided in three parts: theoretical approaches, the emergence of the gangster state in Venezuela and, finally, the challenges of democratization and forthcoming investigations.

Theoretical approaches: transnational organized crime and gangster state

The following section will be dedicated to the ideas that sustain our analysis of the gangster dimension of the Bolivarian Revolution. We will resort to the contributions of Lupsha¹, Paoli²,

1 Peter Lupsha, "Transnational organized crime versus the Nation-State", in *Transnational Organized Crime*. (Spring 1996).

2 Letizia Paoli, *The Oxford handbook of organized crime*. (Oxford: Oxford University Press, 2014).

Kleemans³, Hirschfeld⁴ and Polga-Hecimovich⁵. Firstly, we will define the concept of organized crime and describe its main features. Secondly, we will present theoretical approaches that will contribute to the understanding of this phenomenon. Subsequently, we will delve into the concept of gangster state and the symbiotic relationship between the state as a formal structure that holds the monopoly of legitimate violence and organized crime. Finally, we will detail the relationship that exists between the gangster and the failed state.

Organized crime and its features

For the purposes of this investigation, we will commence with the concept of organized crime offered by the United States Department of Justice:

...refers to those self-perpetuating associations of individuals who operate transnationally for the purpose of obtaining power, influence, monetary and/or commercial gains, wholly or in part by illegal means, while protecting their activities through a pattern of corruption and/or violence.⁶

3 Edward R. Kleemans, "Theoretical perspectives on organized crime", in *The Oxford handbook of organized crime*, coord. Letizia Paoli (Oxford: Oxford University Press, 2014).

4 Katherine Hirschfeld, *Gangster states: organized crime, kleptocracy, political collapse*. (London: Palgrave Macmillan, 2015).

5 John Polga-Hecimovich, "Chapter 15: "Weak State Capacity, Authoritarianism, and Democratic Security in Venezuela", in *Democracy and Security in Latin America*, coord. Gabriel Marcella, Orlando J. Pérez and Brian Fonseca. (US Naval Academy, 2019).

6 The White House, *Strategy to combat transnational organized crime*. (Washington: The White House, 2011), i..

We must complement this definition with three attributes that allow us to understand the essence of the phenomenon. The first refers to the conditions that make it possible: researchers agree that *organized crime emerges in places where the state is fragile and deficient in the exercise of its responsibilities*⁷. Russia is a paradigmatic case⁸. The post-Soviet era began with the dismantling of the communist state with the application of measures of political and economic liberation. This transformation gave way to a new order with serious institutional weaknesses that favored the emergence of international criminal organizations which undertook the duties of the state in terms of personal and legal security⁹.

The second characteristic refers to the *resilience capacity that organized crime has*. We understand resilience as “the human

7 Paoli in “The Oxford Handbook of Organized Crime” says: “Large, stable, structured criminal organizations operate in a number of countries, engaging in a plurality of money-making activities and usually also claiming some sort of control over the political, economic, and social life of their home areas of settlement. Contrary to popular perceptions, however, these organizations are a rarity. They consolidated and have survived in contexts in which government structures are weak or the latter’s representatives are willing to enter into pacts with the bosses of criminal organizations”. (3) The author, in addition to portraying the state’s weakness as a breeding ground for organized crime, highlights how the latter exercises political, economic and social control. These groups therefore become a sort of factual state within the territory where they emerge.

8 Vadim Volkov, “The Russian Mafia: Rise and Extinction”, in *The Oxford handbook of organized crime*, coord. Letizia Paoli (Oxford: Oxford University Press, 2014), 159.

9 The case of the Russian mafia of the 1990s fits best into the framework of understanding organized crime as both a nonstate governing agency (or a political community) and a form of protection industry (Gambetta 1993; Schelling 1984; Paoli 2003). The distinguishing feature of an organized criminal group or a mafia family is that it recruits members and creates an organizational structure to be able to use violence and coercion

capacity to accept limit situations and overcome them with flexibility”¹⁰. Kleemans and van de Bunt¹¹ and Hirschfeld¹² recognize this capacity in the dynamics of criminal groups¹³.

Kleemans and van de Bunt propose the term “social snowball” to describe the process of insertion in criminal organizations and their progressive growth. They explain that individuals begin to engage in criminal organizations doing small actions, and, over time, they deepen their relationship to entirely depend on these. The individual is thus subjected to the system’s broad interests

in a controlled way to govern other peoples’ behavior. Members of such groups may occasionally engage in conventional crime, such as swindling or robbery, but the group itself normally regulates conventional crime rather than directly taking part in it. The ability to govern is then used for generating income by imposing exchange relations with clients in illicit as well as in legal businesses, either through direct extortion or through providing more sophisticated services, such as protection, the regulation of market entry, mediation, contract enforcement, and the like—in these cases the income takes the form of a regular tax legitimated by the claim to provide utility to clients. Acting as governing or managing structures in the criminal realm, such groups should be distinguished from conventional crime. (Vadim Volkov, “The Russian Mafia: Rise and Extinction” en *The Oxford handbook of organized crime*, coord. Letizia Paoli (Oxford: Oxford University Press, 2014), 160). As explained by the author, two features are identified in the Russian case: 1. Non-state agency that assumes responsibilities of the State (Personal security, legal and tax work) and 2. Political community (Group of people with ties and affinities that exercise power using force).

10 *Diccionario de la Real Academia Española*.

11 Edward R. Kleemans and H.G. van de Bunt. “The social embeddedness of organized crime”. (*Transnational Organized Crime*, 1999). 19-36.

12 Katherine Hirschfeld. 2015. *Gangster states: organized crime, kleptocracy, political collapse*. (London: Palgrave Macmillan, 2015).

13 Edward R. Kleemans, “Theoretical perspectives on organized crime” in *The Oxford handbook of organized crime*, coord. Letizia Paoli (Oxford: Oxford University Press, 2014), 40.

and even incorporates others from his or her social circle into the group. For the authors:

The nature of criminal networks also explains resilience. In networks, nobody is really irreplaceable; even important persons, such as investors, organizers, and facilitators, can be substituted by others. Perhaps this is the main reason why criminal networks often seem to suffer little damage from arrests or seizures: links may be lost, but the chain is easily repaired¹⁴.

Hirschfeld¹⁵, on the other hand, develops the concept of “exaptation” associated with the dynamics of gangster states. “Exaptation” is a term in biology that describes the structure of an organism with capacities to adapt to a specific environment but whose traits shift functions over time. It is somehow a type of criminal resilience that the author finds in Zaire (1997) –the current Democratic Republic of the Congo– and Somalia (1990). In both cases, gangster states that led their territories to almost complete and apparently definite collapse were consolidated. However, once the conjuncture was partially overcome, criminal

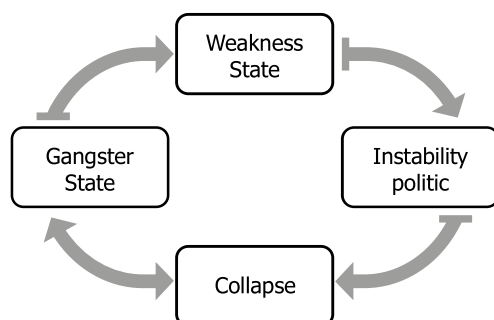
14 Katherine Hirschfeld. *Gangster states: organized crime, kleptocracy. political collapse*. (Londres: Palgrave Macmillan, 2015).

15 Robinson and Acemoglu explain: “Nations fail economically because of extractive institutions. These institutions keep poor countries poor and prevent them from embarking on a path to economic growth. This is true today in Africa, in places such as Zimbabwe and Sierra Leone; in South America, in countries such as Colombia and Argentina; in Asia, in countries such as North Korea and Uzbekistan; and in the Middle East, in nations such as Egypt. (...) In all these cases the basis of these institutions is an elite who design economic institutions in order to enrich themselves and perpetuate their power at the expense of the vast majority of people in society” (Barcelona: Deusto S.A. 465).

networks began to regenerate with the emergence of a new gangster state led by new actors.

It is then a vicious circle that severely hinders the road to democracy: the weakness of the state allows the emergence of criminal organizations that nearly lead to the total collapse of their territories. Once the crisis enables the fragmentation of the structure, the country is unable to offer institutional stability and a new gangster state rises. This is how the perverse dynamic is constantly reestablished: state weakness, political instability, collapse, and gangster regeneration.

Image 1: Dynamics of the rise of the gangster state.



The third characteristic refers to the *unpredictable nature of the dynamics of organized crime*. Kleemans¹⁶ explains that the absence of norms and the predominance of survival increases unpredictability in the dynamics of this type of groups. The author explains that “the world of organized crime might be characterised as a

16 Edward R. Kleemans, “Theoretical perspectives on organized crime” in *The Oxford handbook of organized crime*, coord. Letizia Paoli (Oxford: Oxford University Press, 2014).

kind of jungle”¹⁷. Hence, the relationship between those who give life to the system depends on the criminal outburst of the actors that manage its operation.

Theoretical approaches: Theory of protection
and theory of social insertion

Social and Legal Sciences have studied organized crime since the beginning of the 1900s. In a century characterized by research, various theories that encourage understanding the phenomenon and its derivations have been developed. For the purposes of this investigation, it is worth mentioning two models that offer useful tools to analyze the gangster dimension of the Bolivarian Revolution: the theory of protection and the theory of social integration.

The theory of protection refers to the weakness of the state. It affirms that organized crime emerges and is strengthened in territories where states disregard their responsibilities regarding the monopoly of the use of violence and fiscal management¹⁸. Such a scenario happens, for example, when the state is unable to offer security in a given territory and criminal groups that guarantee security in exchange for money arise. That transaction becomes a “tax” paid to irregular groups that ensure the safety of the inhabitants and who thus occupy the place that corresponds to the state.

17 Edward R. Kleemans, “Theoretical perspectives on organized crime” in *The Oxford handbook of organized crime*, coord. Letizia Paoli (Oxford: Oxford University Press, 2014), 38.

18 Edward R. Kleemans, “Theoretical perspectives on organized crime” in *The Oxford handbook of organized crime*, coord. Letizia Paoli (Oxford: Oxford University Press, 2014), 36.

The theory of integration is leveraged in the social dimension of the person, their desire for roots or ties and the links that bind them. Kleemans explains that

Case studies on transnational organized crime show that offenders in such strategic positions often operate at an international or inter-ethnic level or somewhere between the underworld and the licit world: they provide “bridges” between people in different countries, between people from different ethnic backgrounds, and between criminal networks and the licit world (Kleemans 2007). These offenders are the ones who make the necessary connections between networks that would otherwise remain apart. Because of the importance of trust in such activities, these connections are often forged through family ties or other strong social bonds.¹⁹

The unpredictable nature of organized crime demands the creation of firm personal and social ties. It is a structure that is sustained by the trust and fidelity of the actors. Once those conditions are broken or worn out, the most probable thing is that a conflict that culminates with the renewal of the members of the system that turn out losers crystallizes.

Kleemans emphasizes that one of the main contributions of this theory was a paradigm shift in the study of the phenomenon. With the development of theories of social insertion, it was discovered that the question to be asked by the investigators is not

¹⁹ Edward R. Kleemans, “Theoretical perspectives on organized crime” in *The Oxford handbook of organized crime*, coord. Letizia Paoli (Oxford: Oxford University Press, 2014), 39.

who is in charge of the criminal organization, but who depends on whom? And what is the reason that makes them dependent?²⁰

Gangster State

The concept of international organized crime may be insufficient and inaccurate to explain the gangster dimension of the Bolivarian Revolution. In order to explain it, it is convenient to consider Peter Lupsha's²¹ description of the phases of the dynamics between the state and organized crime. The author identifies three evolutionary phases without teleological character and susceptible to corrective measures: predatory, parasitic and symbiotic.

The predatory phase is seminal: it is the emergence of organized crime groups "at the expense of external actors, including the State". In this period, the relationship between the state and organized crime groups is tense because, in the former, there may be agents who resist the colonizing intentions of the latter.

The parasitic phase represents an expansive advance of organized crime. The groups capture the State and achieve degrees of independence in its operation. The existing tension in the predatory phase expands and increases its freedom of action. In this way, organized crime takes hold of territories and becomes a

20 Edward R. Kleemans, "Theoretical perspectives on organized crime" in *The Oxford handbook of organized crime*, coord. Letizia Paoli (Oxford: Oxford University Press, 2014), 39.

21 Peter Lupsha. "Transnational organized crime versus the Nation-State". *Transnational Organized Crime*. (Spring 1996).

factual power in those places where the state has been displaced or did not exist.

Finally, in the symbiotic phase, “criminal organizations coexist with existing authority structures, either through overlapping membership or clandestine arrangements of reciprocity, collusion, and joint venture arrangements”²². Polga-Hecimovich, referring to Lupsha, affirms that this phase is the entirety of the relationship between the state and organized crime. When the first colonizes the second.

When studying the Bolivarian Revolution, we can acknowledge that this theoretical description is necessary because it defines the depth of the relationship that may exist between the state and organized crime, but it is insufficient for our case study. As we will see later, the Venezuelan State was not colonized by transnational organized crime; what happened was the opposite. Organized crime emerged from the socialist state to guarantee political power. Given this particularity, it is necessary to resort to the concept of gangster status by Hirschfeld.²³

The autor defines it as follows:

Gangster-states are defined here as chimeric, transitional political economies that temporarily formalize the extractive economic monopolies of racketeering over marked geographic territory. Once territorial boundaries become established, the

22 John Polga-Hecimovich, “Chapter 15: “Weak State Capacity, Authoritarianism, and Democratic Security in Venezuela” in *Democracy and Security in Latin America*, coord. Gabriel Marcella, Orlando J. Pérez and Brian Fonseca. (US Naval Academy, 2019), 200

23 Katherine Hirschfeld. 2015. *Gangster states: organized crime, kleptocracy, political collapse*. (London: Palgrave Macmillan).

racket resembles a rudimentary kleptocratic state, with the security forces repurposed beyond monopoly enforcement into activities more typically associated with government. These may include the organization of economic production, conflict resolution and territorial defense. Gangster-state territories are not fixed or static, as kleptocratic elites will seek to colonize surrounding territory if conditions are favorable. On the other hand, the extractive core of racketeering creates an impetus for conflict with neighboring groups as well as exhaustive depletion of resources that may ultimately lead to political-economic decline or collapse.²⁴

In gangster states, the tasks of organized crime are institutionalized in a specific territory. Once these activities are stabilized, its members welcome a kleptocratic dynamic where the purpose of their actions is the accumulation of goods for personal enjoyment. It is a territorial looting. From the gangster state, economic production is driven by the development of licit and illicit activities, conflicts of power are solved, and the territories that have been dominated are defended. Its double expansive character due to its pernicious effects and the search for new markets is interesting.

Failed states, collapsed states and gangster states

Rotberg²⁵ in “Chapter 1: Failed states, collapsed states, weak states: causes and indicators” exposes the features that define and

24 Katherine Hirschfeld. *Gangster states: organized crime, kleptocracy. political collapse*. (London: Palgrave Macmillan, 2015), 68.

25 Robert Rotberg. *Chapter 1: Failed states, collapsed states, weak states: causes and indicators*. (Washington: Brookings Institution Press, World Peace Foundation, 2003)

differentiate the failed states from the collapsed states. About the first ones –failed states–, he says:

1. Although we do find violence, it is not the intensity of this trait that defines the state. The probability of violence, even of advancing towards a Civil War, increases in two specific environments: 1. Territories where there are deep ethnic, religious or linguistic differences, and 2. Countries with extractive and monopolistic economies (oil or diamonds, for example) where there could be clashes between power groups.
2. Inability to control boundary borders.
3. Inability to guarantee personal safety to its citizens.
4. Political and military oppression of a specific group that represents a threat to the development of state powers.
5. Increase in criminal violence.
6. Inability to comply with the subsidiary duties of the state in matters of education and health. Emergence of “warlords”²⁶ that replace the state in terms of safety, education and health.

26 We understand “Warlords” as “individuals who control small pieces of territory using a combination of force and patronage”. (Marten, 2012:3) The author adds: *Warlords rule in defiance of genuine state sovereignty but through the complicity of state leaders. Warlords today flout and undermine state capacity and state institutions, and they do so by colluding with cost-conscious, corrupt, or frightened officials and bureaucrats. In other words, warlords are parasitic creatures of the state.* (Marten, 2012 :3)

7. Serious weakening of popular elections mechanisms and the democratic institutions.
8. Serious deterioration of the country's infrastructure.
9. De facto privatization of health and education and a radical increase in social inequality.
10. Predominance of administrative corruption and emergence of kleptocratic networks.

In summary, the author explains that

Failed states are tense, deeply conflicted, dangerous, and contested bitterly by warring factions. In most failed states, government troops battle armed revolts led by one or more rivals. Occasionally, the official authorities in a failed state face two or more insurgencies, varieties of civil unrest, different degrees of communal discontent, and a plethora of dissent directed at the state and at groups within the state.²⁷

On the other hand, Rotberg indicates that a collapsed state is the radicalization of the conditions of a failed state. It happens when the formal state almost totally loses territorial control and the features outlined above are intensified.

A collapsed state is a rare and extreme version of a failed state. Political goods are obtained through private or ad hoc means. Security is equated with the rule of the strong. A collapsed state exhibits a vacuum of authority. It is a mere geographical expression, a black hole into which a failed polity has fallen. There is dark energy, but the forces of entropy have

²⁷ Robert Rotberg. *Chapter 1: Failed states, collapsed states, weak states: causes and indicators*. (Washington: Brookings Institution Press, World Peace Foundation, 2003), 5

overwhelmed the radiance that hitherto provided some semblance of order and other vital political goods to the inhabitants (no longer the citizens) embraced by language or ethnic affinities or borders. When Somalia failed in the late 1980s, it soon collapsed²⁸.

When Rotberg²⁹ reflects upon the conditions that generate failed and/or collapsed states, he resorts to the theory of state protection and weakness. He points out that these pathologies emerge when the state is weak and landlords that substitute their functions by leveraging illicit activities that mesh with legal environments emerge. It is then an *extropic development* (from the outside inwards): the failed and/or collapsed state emerges when the political power is unable to maintain the monopoly of violence and territorial control.

When we approach the Venezuelan case we find an entropic dynamic (from the inside out). In Venezuela, the failed and later collapsed state was a result of the installation of a gangster state that was promoted from the heart of power to perfect its capacity for political domination. The failed state and its subsequent collapse arose as a result of the installation of an extractive gangster state that embezzled the nation.

28 Robert Rotberg. Chapter 1: Failed states, collapsed states, weak states: causes and indicators. (Washington: Brookings Institution Press, World Peace Foundation, 2003), 9.

29 Robert Rotberg. 2003. Chapter 1: Failed states, collapsed states, weak states : causes and indicators. (Washington: Brookings Institution Press, World Peace Foundation).

On the emergence of the gangster state in Venezuela

In the previous section we offered the theoretical references that guide our analysis. Next, we will describe the circumstances that seem to explain the emergence of the gangster state in Venezuela, understanding that they are not unique or exclusive because it is a complex topic that should be expanded in future investigations.

Polga-Hecimovich³⁰, in “The Rise of Organized Crime in Venezuela under Chavismo”, proposes that the relationship between the Bolivarian Revolution and these groups is symbiotic. He resorts to the classification by Peter Lupsha³¹ to describe the current dynamics between the Venezuelan state and organized crime: “...the state seems to be doing little to fight it, as many groups have developed a symbiotic relationship with the government”³².

As we saw in the previous section, the symbiotic relationship between organized crime and the State occurs when the former colonizes part of the latter and operates through its structures. We could say that its development is extropic because it occurs

30 John Polga-Hecimovich, “Chapter 15: “Weak State Capacity, Authoritarianism, and Democratic Security in Venezuela” en *Democracy and Security in Latin America*, coord. Gabriel Marcella, Orlando J. Pérez and Brian Fonseca. (US Naval Academy, 2019), 190.

31 Peter Lupsha. “Transnational organized crime versus the Nation-State” in *Transnational Organized Crime*. (Spring 1996).

32 “Chapter 15: “Weak State Capacity, Authoritarianism, and Democratic Security in Venezuela” in *Democracy and Security in Latin America*, coord. Gabriel Marcella, Orlando J. Pérez and Brian Fonseca (US Naval Academy, 2019), 190).

from the outside inward³³. Hereunder we will suggest and *argue the uniqueness of the Venezuelan case in the development of a symbiotic relationship of an entropic nature that gave rise to a gangster State*.

Polga-Hecimovich³⁴ identifies three milestones that made Venezuela an attractive country for organized crime operations:

1. National Constituent Assembly and Article 69 of the 1999 Constitution: Hugo Chávez Frías won the presidential elections on December 6, 1998, and his main electoral promise was the dismantling of the Civil Republic inaugurated in 1958 and the installation of a National Constituent Assembly that would offer the country a new Magna Carta. Polga-Hecimovich states that “when the National Constituent Assembly, convened by Chávez, approved a ban on extraditing both born and nationalized Venezuelans³⁵” the country became fertile territory for this type of activities. The reason is practical: the country could be converted, by constitutional mandate, into a refuge for

33 Perhaps the paradigmatic case of the extropic development of the relationship between the State and organized crime in Latin America is found in Colombia. In the eighties the drug trafficking industry grew in such a way that it tried to colonize the State, achieving it on some scales. The execution of the Plan Colombia and institutional corrective measures - some controversial - managed to stop the expansion of organized crime and limit its dynamics with the State.

34 John Polga-Hecimovich, “Chapter 15: “Weak State Capacity, Authoritarianism, and Democratic Security in Venezuela” en *Democracy and Security in Latin America*, coord. Gabriel Marcella, Orlando J. Pérez y Brian Fonseca. (US Naval Academy, 2019)

35 John Polga-Hecimovich, “Chapter 15: “Weak State Capacity, Authoritarianism, and Democratic Security in Venezuela” in *Democracy and Security in Latin America*, coord. Gabriel Marcella, Orlando J. Pérez and Brian Fonseca. (US Naval Academy, 2019), 197.

Venezuelans born or nationalized who were requested by international justice for this type of activity³⁶.

2. The DEA's expulsion from Venezuela: On August 7, 2005, Hugo Chávez Frías expelled the DEA from Venezuela, alleging that their agents were spies who conspired against his government³⁷. Polga-Hecimovich³⁸ identifies then a key moment for the strengthening of drug trafficking in the country. In addition, when we review the evolution of homicide figures, we find that between 2005 and 2006 the number of violent deaths in the country was doubled.³⁹
3. Modification of the Organic Law against Illicit Traffic and Consumption of Substances: In the Official Gazette of the Bolivarian Republic of Venezuela number 38,337, changes

36 Although the 1961 Constitution did not explicitly prohibit the extradition of nationals (Article 116), it could be done through bilateral treaties. In the 1999 Constitution the norm changed and was explicitly prohibited. Article 69 reads: "The Bolivarian Republic of Venezuela recognizes and guarantees the right of asylum and refuge. The extradition of Venezuelans is prohibited." A year later, the Criminal Cassation Chamber of the Supreme Court of Justice, in Sentence No. 1119 issued on August 3, stated: "Regarding extradition, the Venezuelan State acts with a high sense of responsibility. Indeed, on the one hand, it accepts extradition as a moral obligation under International Law, but reserves the most absolute freedom in the assessment to grant or deny it, taking into account whether in this concrete case the principles of our national legislation and the Justice would be contracted".

37 We recommend the consultation of "Chavez says US drug agents spying" in: <http://news.bbc.co.uk/2/hi/americas/4130354.stm>

38 John Polga-Hecimovich, "Chapter 15: "Weak State Capacity, Authoritarianism, and Democratic Security in Venezuela" in *Democracy and Security in Latin America*, coord. Gabriel Marcella, Orlando J. Pérez and Brian Fonseca. (US Naval Academy, 2019).

39 Asociación Civil Paz Activa published the report "Evolution of criminality in Venezuela 1990-2015). The study states that in 2005 there were 9,964 homicides and 12,257 the following year.

in the Organic Law Against Illicit Traffic and Substance Consumption were published. Changes in the legal framework facilitated the action of organized crime:

...a new drug law in 2005, the Ley Orgánica Contra el Tráfico Ilícito y el Consumo de Sustancias, decreed that counternarcotics investigations and operations would no longer be the exclusive domain of the National Guard but would include all other branches of the armed forces. This was also a definitive moment as the military shifted from a facilitator in the drug trade to an active participant. Before the passing of the law, drug trafficking was largely limited to the National Guard. However, once all branches of the military were given jurisdiction, competition among corrupt groups for participation in narco-trafficking increased. In particular, the army and GNB began to fight with each other for routes, and began dealing directly with the FARC rather than with Colombian civilian drug traffickers⁴⁰.

The author also identifies an external condition that impelled organized crime in Venezuela. He proposes that the application of the Plan Colombia in the neighboring country replicated narco-guerrilla groups that found in Venezuela a safe spillway for their operations.

To the considerations exposed by Polga-Hecimovich we can add the political conjuncture that weakened the state and set the conditions for organized crime to operate comfortably. In 1999,

40 John Polga-Hecimovich, "Chapter 15: "Weak State Capacity, Authoritarianism, and Democratic Security in Venezuela" in *Democracy and Security in Latin America*, coord. Gabriel Marcella, Orlando J. Pérez and Brian Fonseca. (US Naval Academy, 2019), 197

the Venezuelan institutions underwent major changes. The political proposal of Hugo Chávez supposed the transformation of the Venezuelan state: the end of the democracy that was born in Puntofijo and the inauguration of the V Republic. This process weakened democratic institutions and marked the beginning of the destruction of the republican tradition in Venezuela.

The relationship between the transformation of the political system and the weakening of the state is not new. As we saw in the previous section, a similar phenomenon occurred in the former Soviet Union. The dismantling of the communist system and the installation of liberal democracy weakened the emerging order and allowed the rise of organized crime. In 1999, the Venezuelan political system faced a process of transformation that contributed to the proliferation of illicit activities.

We must also add political considerations that help explain the development of the entropic symbiotic relationship that gave way to the emergence of the gangster state in Venezuela. The dismantling of the constitutional democracy that was born in 1958 and the installation of the V Republic also generated friction in Venezuelan society. While it is true that Hugo Chávez had electoral support, he still had to deal with the institutional inertia of the old order.

These tensions generated crispation and polarization. The events of April 11, 2002, showed that the Bolivarian Revolution had not yet been settled in all the institutional spaces of the country. Then, Hugo Chávez decided to rely on irregular groups in order to advance his political project⁴¹ and manage weaknesses

41 It is recommended to consult the study "Venezuela: a Mafia State" conducted by Insight Crime. The authors state: "In 2002, President Hugo Chávez faced two attempts to unseat him from power: a military coup

in terms of power. The following dynamic was thus installed: the Venezuelan state allowed irregular groups associated with organized crime in the country to act in exchange for becoming political shock troops.⁴²

In summary, the emergence of the gangster state in Venezuela can be explained as follows: Hugo Chávez Frías won the presidential elections in 1998 and his main electoral promise was to dismantle the constitutional democracy that was born in 1958 and install a new order. This purpose was accomplished with the installation of the National Constituent Assembly. The promulgation of the new Constitution demanded the renewal of all public powers and brought with it elements of institutional weakness⁴³.

and a strike in the crucial oil sector. In the aftermath of these threats, he decided he needed parallel security structures that could act as a counterweight to the military and the ability to rapidly concentrate political shock troop against opposition demonstrators. His solution was the *colectivos* (collectives)."

42 It is recommended to consult the book "Delinquent State" (2015) of Carlos Tablante and Marcos Tarre. The authors explain how the dynamics between the Bolivarian Revolution and organized crime were installed.

43 It is recommended to consult the study coordinated by Dr. Diego Bautista Urbaneja entitled *Desarmando el modelo: las transformaciones del sistema político venezolano desde 1999*. In "La estructura jurídico-estatal del sistema político venezolano en el siglo XXI", by José Ignacio Hernández, the constituent process of 1999 is described and affirms "The first legal expression of the SPV that began to develop in December 1998 was then characterized by the constituent process and then by the 1999 Constitution itself. To such an extent that it can be said that, in reality, the SPV was merged with that Constitution, which became a constant element of political legitimization of the same system. In that way, the SPV was presented then, as the beginning of a new stage, in the so-called Constitution-refoundation of the State." (Diego Bautista Urbaneja, coord., *Desarmando el modelo: las transformaciones del sistema político venezolano desde 1999* (Caracas: Instituto de Estudios Parlamentarios Fermín Toro: abediciones: Konrad Adenauer Stiftung, 2017), 159).

In 2002, the Bolivarian Revolution overcame a political crisis that removed Hugo Chávez from power for a few hours. Once retaken, Hugo Chávez decided to ally with irregular groups due to his distrust of the Armed Forces⁴⁴. In this way, groups related to international organized crime nested in the heart of the Venezuelan state, contributing to the design and operation of the nascent V Republic.

Gangster state and democratization

For two decades, the Bolivarian Revolution has promoted and installed a system whose undemocratic performance includes dynamics in which actors associated with international organized crime participate. Following the contributions of Hirschfeld⁴⁵, we can affirm that *Venezuela is a gangster state of an entropic nature that is currently in a state of collapse*⁴⁶. This article, far from being an exhaustive study on the gangster dimension of the Nicolás Maduro regime, is an approach that opens doors to future investigations that allow strengthening the process of political change that this country could experience.

In this sense, we will share preliminary conclusions that will contribute to the analysis of the autocratic nature of the regime here presented, and we will propose future investigations that are

44 It is recommended to consult the study "Venezuela: a Mafia State" conducted by Insight Crime.

45 Katherine Hirschfeld. Gangster states: organized crime, kleptocracy, political collapse. (London: Palgrave Macmillan, 2015)

46 Samuel Huntington. 1991. The third wave: democratisation in the late twentieth century. (Norman: University of Oklahoma).

necessary to deepen the relationship between the gangster state and democratization. Here are four final considerations:

1. *On the gangster nature of the Bolivarian regime.* Samuel Huntington⁴⁷, in “The third wave”, mentioned that there may be a relationship between the transition gender and the autocratic nature of the deposed system. In the same way and with practicality, Jeane Kirkpatrick, in “Dictatorships and Double Standards”⁴⁸, proposed that the types of political change are conditioned by the ideological sign of the regime that clings to power. We find that the Bolivarian Revolution is a complex system that integrates five dimensions: international, progressive, ideological, technological and gangster. In this sense, it would not be a process of traditional political change that starts from a military autocracy or from communism, but a complex tyranny that has become a gangster state. The complexity increases when we identify that this condition is also nourished by an ideological sign and a highly militaristic mark⁴⁹.
2. *On the particularities of an agreed or negotiated process of political change.* Since the starting point presents a multidimensional particularity that includes the gangster trait, we consider that any process of negotiated change must be carried out in several bands or sides. While in the agreed transitions of the 20th century negotiations were made between politicians who aspired democracy and politicians who exercised power away from justice, in this type

47 Samuel Huntington. 1991. *The third wave: democratisation in the late twentieth century*. (Norman: University of Oklahoma).

48 Jeane Kirkpatrick. 1982. *Dictatorships and Double Standards*. (New York: Simon and Schuster).

49 It is recommended to read the chapter on the ideological dimension included in this volume.

of processes politicians seeking democracy must deal and negotiate with criminals who have built a state according to their kleptocratic interests.

3. *On the compatibility between gangster State and constitutional democracy.* The gangster nature imprints unjust and illicit modes and structures that make it incompatible with constitutional democracy. However, any negotiation process for political change implies concessions with the autocracy that seeks to open itself to democracy. It is therefore appropriate to ask whether a political solution could be negotiated without proposing to dismantle the gangster state, or how to avoid restarting the vicious circle described by Hirschfeld⁵⁰ –state weakness, political instability, collapse and a new gangster state– in this scenario.
4. *On the current situation of collapse and the possibility of free elections.* The development of the gangster state has configured a situation of collapse that is especially profound in some states that lack electricity, gasoline, water, food, cell phones, public transport, among others. Added to these deficiencies is the action of military and paramilitary groups that persecute political dissidence. When acknowledging the reality of these entities, the question on the structural conditions that are required to carry out an electoral process that allows the faithful expression of the citizen's will arises. In this sense, we consider that the struggle for electoral conditions in an eventual negotiation

50 Katherine Hirschfeld. *Gangster states: organized crime, kleptocracy, political collapse*. (Londres: Palgrave Macmillan, 2015).

process must transcend traditional demands and extend to the solution of structural problems.

The analysis offered in previous pages and the four considerations exposed allow us to identify lines of research that we will develop in the near future and will allow us to better understand the Bolivarian autocracy. We list them below:

1. Emergence and progressive development of the gangster state in Venezuela.
2. Actors of the gangster state, its illicit activities and its relationship or dynamics with the formal structures of the national and local state.
3. International networks of the gangster state.
4. Legal and institutional reforms that limit the action of the gangster state.
5. Models of democratization from a gangster state.

The gangster dimension of the Bolivarian Revolution is a field of study that demands to be expanded. This reality imprints the process with particular challenges that demand political creativity and considering the greater good. We hope that what has been said so far and future researches will help open the horizons and find paths that lead to democracy.

Conclusions

Lech Walesa, the first President of Poland after communism, offered a conference at the FAES Foundation on May 24, 2005. In his speech, he shared details about his political experience. In the Q&A session, a person from the audience asked about the differences between Francisco Franco's Spain and the USSR Poland. With the simplicity that characterizes him, the labor leader offered the following example: Imagine two fish tanks. In the first one, the water is cloudy, but the fish still swim. In the second, there is no water and the fish are suffocated. Spain was a fish tank with dirty water, so changing the water was enough for the fish to swim again. Poland was an empty fish tank, without oxygen. We, the fish, were dry.

The Walesa example clearly illustrates the main motivation of the first volume of *Democratization*. We dedicate our initial efforts to study the autocratic nature of the Bolivarian Revolution to know the situation of "our fish tank". We believe that this work is useful and necessary because it will allow us to identify two important aspects: 1. The starting point of an eventual political change in terms of pre-democratic conditions and 2. The reformist capacity that could exist –or not– within those who today lead the Bolivarian Revolution.

The conclusions presented below are divided into three parts. First, we will list the particular findings of each of the articles included in this volume. Next, we will offer general conclusions

and, finally, we will present the directions that our research will take in the future.

I.

The first issue of *Democratización* includes 4 articles. Below we list the main findings of each of them.

*El problema del nacimiento y desarrollo de dos ordenamientos jurídicos nacionales separados en Venezuela*¹, by Dr. Miguel Monaco, is a description of the constitutional dismantling that Venezuela experienced as of 2007. His research yields three central conclusions:

1. *The Laws of Popular Power and “the constitutional emptiness”*. The constitutional reform proposal promoted by the Bolivarian Revolution in 2007 was defeated at the polls. However, before the electoral failure, their promoters decided to impose their political ends through the so-called “Laws of Popular Power.” In this way, *Chavismo continued*² progressively emptying the contents of the Magna Carta and advanced in the creation of a parallel legal system.
2. *The National Constituent Assembly and the emergence of a new factual and illegitimate legal system*. The unconstitutional call

1 *The birth and development of two separate national legal systems in Venezuela*

2 We recommend seeing the chronological description offered by the Dip. Juan Miguel Matheus in his article included in this issue. The author specifies the constitutional and institutional irregularities that allowed the Bolivarian Revolution to repeal the 1961 Constitution and initiate the constitutional process of 1999. In this way, we identify that the “constitutional emptying” described by Dr. Mónaco is the extension of the progressive dynamic of democratic erosion that has marked the political performance of the Bolivarian Revolution.

of the National Constituent Assembly in 2017 constitutes the emergence of a new legal system that becomes dominant due to its factual application and coexists simultaneously with what survives of the 1999 Constitution.

3. *On the need for negotiation as a political solution to the conflict.* For the author, the optimal and least costly solution in human and political terms for the Venezuelan conflict is a negotiation and/or agreement between the parties involved.

*La tecnología como mecanismo de control social y opresión en Venezuela*³, written by Edward Pérez, describes the main technological measures used by the Bolivarian Revolution to dominate citizens. The author dwells in the case of the *captahuellas*⁴ as an instrument to manipulate the vote and as a mechanism for obtaining information regarding the access of goods and services. Finally, it offers an analysis of the operation of the so-called *Carnet de la Patria*. Below we list their main findings:

1. *Technology as a mechanism of social control configures an environment in which suspicion and fear predominate.* The Bolivarian Revolution uses technology as a mechanism of social control, which generates an undemocratic environment marked by suspicion and fear. This situation could limit the political articulation capacity of democratic forces.
2. *Technological domination is leveraged in global autocratic solidarity.* Larry Diamond, in *Ill winds* (2019), describes the expansive nature of the autocratic modes of China and Russia from cooperation in military, economic and financial matters⁵. Technological assistance in surveillance,

3 *Technology as a mechanism of social control and oppression in Venezuela*

4 fingerprint reader

5 Larry Diamond. *Ill Winds* (New York, Penguin Press, 2019)

communications and repression of these countries to the Nicolás Maduro regime contributes to the strengthening of their autocracy.

3. *Technological controls at the service of the rationing of goods and services favor the emergence of mafias.* Pérez accurately describes the operation of food and goods rationing through the *captahuellas*. It also emphasizes the emergence of mafias that control food distribution and the consolidation of powerful corruption networks. The description of these dynamics will correspond to future investigations related to the gangster state⁶.

*Configuración ideológica de la Revolución Bolivariana*⁷, a study conducted by Dip. Juan Miguel Matheus is an analysis of the ideology that guides the autocratization process initiated in Venezuela in 1999. Using philosophical and political science categories, the Doctor of Constitutional Law identifies the dynamism of the ideological configuration of autocratic systems and distinguishes two mobility modes: (i) Ideological reconfiguration and (ii) Ideological disfiguration.

After exposing the theoretical foundations of his study, the author identifies the six features that ideologically shape the regime inaugurated by Hugo Chávez in 1999: militarism, left-marxist language, Bolivarianist delirium, democratic instrumentality, internationalization and castro-communism, and populist constitutionalism. Next, the author examines the permanence or mutation of these features to determine if the ideological

6 See Larry Diamond. *Ill Winds* (New York, Penguin Press, 2019). The chapter dedicated to kleptocracy describes the gangster dynamics of autocracies

7 *Ideological configuration of the Bolivarian Revolution*

identity of the Revolution has been subject to a process of reconfiguration or ideological disfiguration.

Finally, Matheus concludes that the terms of the ideological reconfiguration of the Bolivarian Revolution constitute an obstacle to advancing in a process of democratic transition either agreed or negotiated. His main findings include:

1. *Ideological configuration, capacity for internal reform and negotiated transition.* The author identifies that, currently, there is little capacity for internal reform in the Nicolás Maduro regime. Negotiated and/or agreed transitions are possible when the parties involved are able to minimize exit costs and open doors to the democratization process. In the Venezuelan case, we find that the aforementioned “exit costs” may be associated with intangible assets related to a conception of the world based on firm ideological positions that shape existential political positions. In this sense, the offers of a material nature or postponement of justice that could be negotiated in an eventual negotiation process could be insufficient to satisfy the regulatory preferences of the dictatorship actors.
2. *On populist constitutionalism and the dismantling of constitutional democracy.* The dismantling of constitutional democracy is channeled more quickly when promoted from a specific ideological configuration that serves as justification and framing of a supposed historical legitimacy.
3. *Political culture and democratization:* The democratic transition in Venezuela will be a cultural problem. Their concrete times and ways will necessarily be conditioned by the wounds of the ideological configuration that the

Bolivarian Revolution has left in the political soul of the Venezuelan nation.

*Revolución Bolivariana y desarrollo del Estado gangsteril en Venezuela*⁸, by Dr. Paola Bautista de Alemán, is a study that describes the emergence of the gangster state in Venezuela and identifies the challenges that this reality imposes on an eventual democratization process. The author offers a theoretical approach to the concept of a gangster state, then describes the entropic development of this phenomenon in the country and concludes that Venezuela is a gangster state of entropic nature that is currently in a state of collapse. Her main findings include:

1. *On the particularity of the entropic nature of the emergence of the gangster state in Venezuela.* After studying the development of these phenomena in other latitudes, the author states that the Venezuelan State was not colonized by international organized crime. On the contrary, organized crime emerged from the socialist state to guarantee political power.
2. *On the singularities of a process of political change agreed or negotiated.* Considering that the starting point for political change in Venezuela is multidimensional and includes the gangster dimension, she proposes that any process of negotiated change must be carried out in several bands or sides. While in the agreed transitions of the 20th-century negotiations were made between politicians who aspired democracy and politicians who exercised power away from justice, in this type of processes politicians seeking

8 *Bolivarian Revolution and development of the Gangster State in Venezuela.*

democracy must deal and negotiate with criminals who have built a state according to their kleptocratic interests.

3. *On the compatibility between gangster State and constitutional democracy.* The gangster nature of the Bolivarian Revolution imposes unfair and illicit structures that make it incompatible with constitutional democracy. However, any process of negotiated or agreed political change involves concessions with the autocracy that seeks to open itself towards democracy. Considering this reality, the author asks if a political exit could be negotiated without intending to dismantle the gangster state. How to avoid restarting the vicious circle described by Hirschfeld⁵⁰ -State weakness, political instability, collapse and new gangster State- in this scenario.

II.

After specifying the main findings of each of the articles, general conclusions will be offered with the purpose of contributing to the understanding of the political process that Venezuela is experiencing:

1. *Progressive autocratization dynamics.* The autocratization process that began the Bolivarian Revolution in 1999 has gained ground progressively using democratic instrumentality to empty the contents of the Constitution and to install in fact a supposed new legal order. Identifying the progressive dynamics of the Bolivarian Revolution can contribute to the understanding of the phenomenon of democratic erosion that Venezuela experienced and can provide inputs for current studies on populism. Given the performance of *Chavismo-Madurismo*, we can affirm that

the progressivity used as a political tool facilitates autocratic rebalancing and power adjustments that offer resilience to those who exercise power far from justice.

2. *The socialism of the 20th century is an anachronism and a syncretism.* The Chavista ideology is an anachronism and a syncretism. We can affirm that it is anachronistic because, in its aspiration of total domination, it is related to the totalitarianisms of the 20th century (communism, fascism, and Nazism) and, in that sense, it is a setback in the world of political ideas. On the other hand, we consider it a syncretism because it tries to reconcile highly technological modes of domination, typical of the 20th century, with aspirations of total domination that were thought defeated with the fall of the Berlin Wall. It is, therefore, appropriate to ask ourselves about the essential and the accidental in autocratic natures. Perhaps the desire for total domination corresponds to the former and the ways of executing them refer to the latter. That is to say: the nature of evil remains, while its forms advance with technology.
3. *Ideological reconfiguration is less susceptible to democratic reform than ideological deconfiguration.* We understand by ideological reconfiguration what was expressed by Deputy Matheus in his article. It is a partial mutation in the body of ideas that guides the autocracy where an ideological stronghold remains that is preserved with flexibility of action and adaptation to circumstances. The ideological disfiguration is different: it is a reset of the original framework and the emergence of a new ideological identity. The empirical reference of ideological reconfiguration is Cuban Castroism and that of ideological disfiguration is state capitalism in China. In the processes of ideological

reconfiguration, strong ideological principles that constitute obstacles for political change and limit the capacity for internal reform within the autocracy remain. On the other hand, although ideological disfiguration may allow a “reset to the original framework” of ideas, we do not mean a democratic easing. In both cases, it is an autocratic rebalancing.

4. *On the need and the real possibility of a negotiation process.* The Venezuelan situation is a source of imbalance for the entire region. The consequences of structural collapse are expansive and the American continent experiences the worst migration crisis in its history. National and international political actors have denounced the need to find a solution for this situation and when analyzing the possible ways out of the problem, a negotiation is presented as the most desirable option.

While a fruitful negotiation is the least costly path in human and political terms, it is worth asking whether the desirable can be real or possible. The exercise of identifying the main obstacles that separate us from the desirable -negotiation- has the purpose of discovering (or creating) mechanisms that allow us to remove or make them more flexible. The study that ends with these lines identifies that the firmness of the ideological commitment of the political actors that currently lead the Bolivarian Revolution, together with the gangster dynamics and the support of the autocracies of the world, are the main obstacles that prevent the development of a negotiation process that allows opening the doors to democracy.

We can affirm that these three conditions -ideological stubbornness, gangster dynamics, and autocratic solidar-

ity- are the pillars that feed the autocratic resilience of the Bolivarian Revolution.

III.

The first edition of *Democratización* offers an analysis of the autocratic nature of the Bolivarian Revolution and its implications in an eventual process of political change. In the next installments, we will continue to fathom those variables that could influence the process of democratic liberation. In the immediate future, it will be necessary to dwell on the international dimension of the Bolivarian Revolution. As we observe in the development of the articles, the support of world autocracies is a fundamental element in the survival of the autocracy.