

Democratization



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Anomie, State and Law in Venezuela¹

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Venezuelan academics are currently split between trying to understand what is happening in the country and feeling indignant about it. For those of us who have been instructed in Law, the situation we live in is painful, since in the face of the violation of fundamental principles and the most elementary human rights, including the execution of crimes against humanity, outrage is justified. Nevertheless, analyzing how the actions of the regime oppose the Law and the massive violations of human rights is both obvious and has been so many times repeated that we feel that it does not help the understanding of what happens and that it almost trivializes a much more vicious reality.

In this essay, the literature that sheds light on the failed or gangster State is taken seriously and driven to its consequences. The failed State is not really a State; the gangster State is contrary to Law and, thus, is not a State either. St. Augustine² compared the kingdoms void of justice with gangs of thieves. Our analysis begins there. We will argue that the gangster State is not just any criminal gang, so its structure and functions must be analyzed. Its consequences which weigh on society can be very different from those of any ordinary criminal gang.

1 I thank Elsa Cardozo, Miriam Rodríguez, Paola de Alemán and Juan M. Matheus for their comments and corrections in the preliminary version of this article.

2 *The City of God* IV.4

This study is presented from the perspective of Law and tries to understand the situation from the theoretical foundations of Law. To do so, we resort to philosophy, politics, and sociology, and try to observe reality from a perhaps-outdated perspective of 17th-century philosophers and 19th-century sociologists. Appealing to these thinkers is not escapism, because what we propose is to analyze what is happening in Venezuela today: situations which are so anomalous that we believe have questioned not only the rule of law but the State and the Law as such. For this reason, the most relevant literature probably belongs to those who laid out the foundations of Law, the State, and society.

When Venezuela is well argued as a failed State³ or a gangster State⁴, fundamental questions arise to those of us who work with Law: What becomes of the Law that pre-existed or the one that survives the destruction of the State? What type of criminal gang is the gangster State? What becomes of the apparatus of political power? What happens in society when the State disappears and perhaps the Law loses its foreseeable coercion character? Does it become an anomic society? And, finally, once the State has disappeared, is there any force or path that allows it to be rebuilt and do so as a Rule of Law?

These are the questions that this essay will try to answer by looking at the situation in Venezuela and drawing from philosophy, sociology, and law to reflect upon it. As it is an essay, the reader should not expect a detailed treatise of the situation in the country. For this, there is an abundant bibliography that will be mentioned briefly. It also does not intend to pose serious prob-

3 Moisés Naím and F. Toro, "Venezuela's suicide: lessons from a failed state" in *Foreign Affairs*. (Issue 6. Nov-Dec, 2018).

4 Paola Bautista de Alemán, "Bolivarian revolution and the development of the gangster state in Venezuela" in *Democratization*. (year 1, # 1, 2019).

lems of interpretation of philosophers and sociologists that are mentioned. It is something much more modest than an investigation of Political Philosophy or Sociology of Law, and is not considered as an ethnographic investigation. The purpose is to understand the country in order to start the conversation between those of us who feel at the bottom of the abyss and who want to get out of it and, especially, those who think that the reconstruction of the legal system plays an important role in that task.

In the first part, we will analyze how Venezuela has reached its current situation and the consequences of the State's failure, or its conversion into a kind of criminal organization, involving the Law and the citizens. In the second part, we will analyze what the Law or legal system becomes in the situation described above, if it can be said that it has survived. In the final and concluding part, we will speculate on the possibility of building a rule of law on the ruins of what we have at the time or the greatest destruction that we will have as long as the regime prolongs its agony.

From the rule of law to the state of nature?

In the 17th century, Thomas Hobbes analyzed the insecure and miserable life that men (and women, as should be added today) have in the state of nature and how, supported by their rationality, they decide to constitute a State⁵. Hobbes does not propose a historical hypothesis –in the sense that we would have lived first in a state of nature and then we would have constituted the State–, but instead established models to understand society and politics. Just as we must disassemble a clock and assemble it again in order to understand how it works, Hobbes imagines the

5 All references to Hobbes are to his works *The Citizen* (1642/1966) and *Leviathan* (1651/1968). A first approach to this issue can be seen in Pérez Perdomo, 2017.

dissolution of the State, its consequences, and the incentives we have to rebuild it.

Hobbes did not think about emptiness; he lived in convulsive times in England and it was the observation of the dangers that English society faced from an extremely rational perspective, and a pessimistic or realistic conception of human nature that led to the formulation of the theory that is at the root of the modern conception of the State and of a way of thinking about the Law that we call legal positivism: Law is established by the State and is made coercible by sanctioning.

In Venezuela, we have inverted the equation: we have demolished the rule of law or the State, or we have built a gangster State that is not really a State. What we propose is ratified, expanded or nuanced in numerous studies. Now, we must specify a few details.

The metaphor of the demolition of the rule of law is not entirely accurate since it implies the pre-existence of the rule of law. The history of Venezuela teaches us, in turn, that the State consolidated itself in the country in the 20th century under the regime of Juan Vicente Gómez, which managed to unify the nation, impose peace and monopolize the use of violence, which is characteristic of the modern State. But under Gómez and his successors, the rule of law was not consolidated. The serious social inequality, poverty and ignorance of a very large part of the population made the constitutional provisions and the declared rights purely theoretical. The democratic party regime (1958-1998) had many benefits and made significant social progress, but functioning according to the law was not one of its strengths. The justice apparatus was penetrated by clientelistic and semi-criminal networks called judicial tribes. The police were abusive, especially with the most

vulnerable people, and this situation, although known to all and analyzed by academics, did not seem to matter to those who had the power to mend it. In particular, judges and prosecutors had the institutional obligation to act and did not. Frequent corruption scandals showed that many officials and politicians lacked the ethos of what is public. The legal system as a whole did not provide the legal certainty that the State must grant and that a modern economy requires. In short, as a rule of law it was very weak, and as a democratic political system it was far from having the loyalty of the population⁶.

The weaknesses of the rule of law, surely an erroneous economic policy and the neglect of civic education, which is at least co-responsibility of the government, led to economic stagnation since the 1980s and to the severe political crisis of the 1990s. The result was the election of an outsider who promised to re-found the republic, eliminate corruption and fry the heads of the corrupt in oil. Using socialist and anti-imperialist rhetoric, Chávez's government vigorously undertook the destruction of companies and private production of goods, armed groups of civilians to support the revolution and generated a climate of corruption and violence as was unknown in the Venezuelan history of the 20th century. He also called on the Cuban dictatorship to co-govern in Venezuela. High oil prices and external indebtedness made it possible to replace much of the loss of national production with imported products⁷. By lowering prices and becoming indebted, the country is at the center of an extreme economic crisis and Nicolás Maduro's government has only responded with repression⁸. The situation is so severe that more than 10% of the population has emigrated, including many of the doctors, nurses and

6 Pérez Perdomo, 2003, 2015

7 Naim & Toro, 2018.

8 Pérez Perdomo, 2015; Capriles, Pérez Perdomo & Santacruz, 2020.

professional and technical staff of companies of all kinds. That is why today Venezuela is called a failed State. The association of rulers with drug trafficking, gold smuggling, the looting of the main companies of the State and, in general, generalization of corruption, makes Venezuela qualify as a gangster State. It is a multidimensional crisis or a humanitarian catastrophe⁹.

Strictly analyzed, neither the failed State nor the gangster State can be called States. We are rather facing a disappearance of the State, which has been transformed into a kleptocratic tyranny. The objective of those who wield power is to enrich and satisfy personal passions, not very different from Plato's description of tyranny¹⁰. A coercive apparatus that does not intend to guarantee the personal integrity and prosperity of citizens, but rather make them flee from the danger of starvation or simply dwindle, cannot be called a State because it does not fulfill its functions.

The disappearance of the State would lead us to the state of nature according to Hobbes. Do we live in Venezuela in a state of nature such as the one described by Hobbes? It is true that the State no longer has a monopoly on violence, partly because it has armed groups that tend to act on their own behalf and for their own benefit, and because it has allowed irregular Colombian forces to penetrate deep into Venezuelan territory. The renunciation of the monopoly of violence, which destroys the State, is actually a policy of rulers to avoid being left at the hands of the professional army and to maintain a political power that does not submit to the constitution and laws. The state of nature in which we would live is not made up of individuals who could be encouraged by reason to build a State that would protect them. There are groups with huge interests and willingness to maintain

⁹ Legler et al., 2018.

¹⁰ *República* 565c ss.

the status quo, even if it leads to catastrophe. The gangster State is not just another criminal gang. It has an enormous power that, as in the case of Venezuela, can paralyze society.

It is true that the Venezuelan situation has a certain resemblance to the Hobbesian state of nature. We live in fear of violence, suffer shortages, life expectancy has been reduced. To put it in Hobbes' words: we are subject to "continuall feare, and danger of violent death. And the life of man (is) solitary, poor, nasty, brutish, and short"¹¹. But it would not be true that we are in an all-against-all war. I live in a building where we respect the property of the neighbors whom we greet politely every day; we do not attack each other and we keep the common spaces clean and safe. I work at a university where I observe that students respect each other and their professors. If we are well provided with cornmeal or rice, and a relative, friend or neighbor needs it, we share it. In the subway, I see that pregnant women or people with small children are offered seats. I am not always offered the position despite my age, but I am comforted thinking that the young people who remain seated consider me strong enough to travel while standing.

It is true that the violent death rate can reach 90 per 100,000 inhabitants, although it varies according to how it is counted or who is counting¹². It is one of the highest rates in the world, but, even so, it implies that more than 90,000 out of every 100,000 inhabitants have not been killed that year. The vast majority can aspire to die of some disease, perhaps due to the lack of medication. We are certainly not in a state of law, and collectively we are

11 Thomas Hobbes, *Leviathan*, (Harmondsworth: Pelican, (1651-1968), 186.

12 Briceño-León et al. 2009, 2015.

poorer and more limited, but we are not in the state of nature that Hobbes describes.

Law in a denatured state

Does Law disappear when the State disappears or is the State denatured? The answer depends on what we look at. Law schools are maintained in Venezuela, universities graduate lawyers. Some legal journals survive and others have begun to be published digitally¹³. This implies that many law professors continue to write and that many have noticed what occurs in the country and write critically about what is happening to the legal system. Others have not noticed and continue to speculate on the correct interpretation of a given article of the Civil Code or on the concept of validity. At least a part of the graduates practice law professionally and there are a number of law firms, although most have reduced their size. NGOs that deal with the functioning of justice, human rights, prisoners and the politically persecuted have proliferated. In other words, Law has not died and many lawyers, in different ways, are part of the resistance to tyranny¹⁴.

Of course, in a more normative perspective, the answer to the question may be another. Positivists, who associate Law with the State and who think that only the norms provided by the State's coercion are Law, would surely respond that Law has disappeared. There are courts and the Supreme Court of Justice, but judges lack independence and are not impartial. Certain authors have shown that the government systematically wins all judicial battles in the Supreme Court¹⁵. In the courts, the criminal judges act by order of the government and when someone who has not

¹³ Pérez Perdomo, 2015.

¹⁴ Gómez and Pérez Perdomo, 2020.

¹⁵ Canova González et al, 2014.v

gotten the message properly releases an indicted politician, the police chief may choose not to obey, without bearing down the consequences. In purely private matters, it is not advisable to resort to a court because the outcome of the trial will depend on extra-legal factors.

The regime has not only affected legislation and the judiciary. It has also distorted the legal profession. In universities controlled by the regime, lawyers are not prepared in Law, but rather receive superficial political education and training as political operators¹⁶. Nevertheless, there are universities that continue to take professional education seriously.

If the State's coercive apparatus has no relation to Law, what do lawyers do? In fact, they continue to do what they know how to do: they write contracts, even though they know that remedies cannot be requested for non-compliance; they defend political prisoners who know will be condemned; they introduce administrative resources that they know are not going to be taken care of. This forces us to analyze how the meaning of Law changes.

Lawyers and their clients sign contracts knowing that their compliance cannot be demanded in court. I have seen leases in dollars. Given Venezuelan regulations, said contract is invalid and, ultimately, the tenant will only pay if they want to do so. The chances of evicting them are minimal. Such contract has no more legal value than a conversation, but written, signed by the parties and signed and sealed by a lawyer and perhaps by a notary, the promise acquires a solemnity that the conversation would lack. There is a symbolic value and the parties will feel more obliged than if it were an oral agreement. The Law provides the solemnization of the promise.

¹⁶ Pérez Perdomo, 2018.

I have asked the lawyers who defend political prisoners why they defend them if they know in advance that they will be convicted. The answers vary: in some cases, they explain that relatives and friends want to do everything they can and they feel that legally protesting and claiming freedom is the least, and perhaps the only thing, they can do. Lawyers are generally aware of these circumstances and are quite moderate in fixing the price of their services. Other answers are more sophisticated: they want to exhaust the national jurisdiction, where they know they will not be heard, in order to go to international instances. The hope that the government will give in to international pressures is weak, but sometimes it works. Finally, there are those who say that the purpose is for their testimony to echo. The positivist jurist will deny that we are talking about Law, but if they were ever imprisoned, they will call a criminal lawyer to defend them.

Of course, it would be much better for the State to respect the rules of Law, to conduct it according to the Constitution, for the courts to fulfill their own functions, for the rules to be clear and not to give great discretion in their application. That is part of the civilization process that we have disregarded. But the point is that Law can exist without the State¹⁷. Classic Roman Law also worked without State and the jurists of the time developed some efforts that we still admire. The jurist who has faith that the Law is a coercible norm and cannot exist without the State should begin by denying Roman Law as a Law as well as seeking another occupation.

¹⁷ Dedek & Van Praagh, 2015; Helfand, 2015.

Anomie, ethical strength and reconstruction
of the rule of law

Émile Durkheim studied a social phenomenon which he called anomie¹⁸. The Hobbesian state of nature would be an extreme case of anomie because the proper legal rules have disappeared and the moral standards that remain are barely enough to enter into the contract that would constitute the State. Durkheim did not consider such an extreme position and in relation to the entire society. He studied situations, such as suicide or homicide, in which moral rules have failed not necessarily because they have ceased to exist but because there is a plurality of norms that send opposite messages. Anomie does not have to affect all the society but rather certain groups or even individuals. Contemporary sociologists have elaborated on these ideas¹⁹. Merton, in particular, developed a typology distinguishing degrees of conformity with what is normative²⁰.

Theorists and researchers who have studied Latin America have stressed that in our region there is a weak appreciation for legal regulations. They have paid special attention to the lack of respect for traffic regulations²¹. As we know, they have a legal and ethical dimension, as the transgressive driver endangers the life, bodily integrity, and property of others. Buenos Aires and Bogotá suffer frequently from the transgression of traffic rules. Caracas does too. However, if we look carefully, crashes and other traffic accidents do not have the frequency that one would expect from a society that does not respect rules. In Caracas, traffic is relatively orderly, especially since the Chavista Revolution solved the

18 Durkheim, 1969.

19 Passas, 1993.

20 Merton, 1968.

21 Nino, 1992; García Villegas, 2009.

problem of congestion by achieving a radical decrease in cars in circulation, a secondary consequence of economic paralysis. This indicates that there are rules, although they are not necessarily the formal ones established in the law and the regulation of land transit. Law is not the only computer in society and social order often occurs outside the law in any society. Ellickson²² has evidenced this in Northern California. Even in communities that are 'outside the law', there are social norms that allow society to function in a relatively orderly manner, as Gómez analyzes with respect to a 'vertical slum': the Tower of David²³.

Much more worrying are demonstrations such as lynchings or death squads called OLPs (Operation for the Liberation of the People), or more cynically OHLPs (Humanitarian Operations for the Liberation of the People²⁴). Lynchings are popular reactions without a clear organizing group: a slum criminal ('*azote*' or '*chigüire*'²⁵) is apprehended by the local people themselves and is beaten or stabbed to death. The police and the justice system generally avoid intervening. OLPs or OHLPs are organized by the government and are a response to crime and violence in slums.

22 Ellickson, 1991.

23 Gómez, 2014.

24 Operaciones Humanitarias para la Liberación del Pueblo.

25 The traditional social norm is that '*malandros*' –or slum criminals– do not commit crimes in their own neighborhood or slum, and consider themselves space defenders of the incursion of other *malandros*. That is why they have the appreciation of the people of the neighborhood. The '*chigüires*' are generally young people who have not internalized that social norm and commit crimes in their own slum. '*Azote de barrio*' is a more general term: a person who frequently commits crimes in a neighborhood regardless of their home base. The neighbors do not have the police to apprehend the *azotes* and *chigüires*, and in case the neighbors themselves apprehend them and hand them over to the police, the perception is that they would be released shortly after. This is why lynching is the option.

A special police brigade, the FAES, is responsible for visiting the slums and killing offenders in their homes. These deaths are officially recognized as ‘clashes’ and are not considered homicides. The number of homicides has thus dropped significantly. Even if we add the homicide figures with that of confrontations, the result is a lower figure than in the years before the start of the OLPs. The Interior Minister annually reports the success of the OLPs. The greater number of deaths in clashes is a sign of the government's commitment and the effectiveness of these operations²⁶. The figures report several thousands per year. The effectiveness of the operations is plausible, as the OLPs would eliminate ‘independent’ criminals and provide a monopoly to criminals who work for the government. By eliminating rivalries, the number of homicides also decreases. It is a mechanism that has a certain parallel with the reduction of automotive congestion in Caracas: it produces a certain order causing greater damage.

The way FAES proceeds responds to information from government activists in the slums so that the squad knows who they are looking for and where they are. Of course, there are no trials or proof. It is likely that in a certain number of cases there are errors or that personal revenge plays an important role. At least, the families of the victims frequently point to the media that the victim was a young and responsible worker. In some cases, they have operated for political repression. Given the methodology, errors and uses with different purposes are possible.

Even assuming that there have not been errors nor abuses, the institutionalization of what Romero Salazar and Rujano Roque²⁷ have called a “culture of death” is worrisome. The lynchings, which the State probably tolerates due to its own bad conscience,

²⁶ Avila, 2017a, 2017b.

²⁷ Romero Salazar and Rujano Roque, 2007.

are equally worrisome for the same reasons. OLPs and lynchings imply the absolute denial of Law and human rights. It is therefore not surprising that the regime turned out so badly in the report of the UN High Commissioner for Human Rights of 2019.

In short, the government and the judicial apparatus itself, completely controlled by the government, are the great violators of basic legal and ethical principles. In these circumstances, it is impressive and a reason to remain optimistic that, in general, the population has not plunged into a more generalized anomie and that the interest in Law and, in short, the vitality of Law is maintained in a part of legal education, between Law professionals and in the activity of professors, researchers, and human rights activists. On the other hand, it can be estimated that there is a generalized awareness of respect for the basic principles of coexistence reflected in respect to the basic rights contained in the Constitution and in international declarations. You can walk in Caracas without being constantly besieged by thieves or murderers. There are reports that at certain times there have been looting and situations of violence in cities other than the capital, but I do not believe that a Hobbesian situation is experienced anywhere. Respect for the basic rules of ethics and Law for the majority of the population allows us to anticipate that a kinder way of living together and also a recovery of the economy can be reconstructed. The road to a rule of law can be recovered.

Given the current circumstances, it is difficult to imagine how Venezuela can leave the abyss and move towards a democracy that respects the rule of law, but it would not be the first country to shake a tyranny that seems to be well established. It is wrong to think that we are condemned to remain in it, but it is also wrong to think that the change of political regime can be like the swift of a magic wand that turns Venezuela into a rule of law. The

construction of the rule of law is a long-term operation that must set clear objectives and maintain a firm direction for a long time.

Two proposals

The construction of the rule of law is not achieved by changing the Constitution or with the implementation of an electoral system that guarantees that the will of the people is respected. Undoubtedly, it will be necessary to disarm the bands that the government has armed and to whom they have given a license to commit crimes and combat the irregular forces that have risen in the country. This will require a major police and military effort. Aspects that generally seem inescapable and that are related to the people in charge of the operation of the legal system will be highlighted: without adequate work on this part of civil operators of the State any consideration seems to be built on a void. In other words, if a rule of law is desired we have to pay attention to those responsible for building and operating it.

The first aspect or scope of action refers to judges, prosecutors, and police, and I suppose that the reader does not have to be persuaded that it is a very important aspect if a rule of law is to work. This is an area that was neglected in the two previous regimes: the democratic party regime and the authoritarian revolutionaries that replaced it. In both of them, an exaggerated political control was imposed, which prevailed over the technical competence and the ethical competence that must be had by those who work in the delicate functions of control and power that constitute these bodies. This should be a lesson learned.

We currently have two supreme courts operating, both with very debatable legitimacy. One has a good number of magistrates who were irregularly appointed and / or lack the requirements

to be magistrates. Its decisions, especially those of the Constitutional Chamber and the Political-Administrative Chamber, show it as just another office of the regime. Another group of magistrates, appointed according to the constitutional procedure, has been constituted as Supreme Court in Exile because they had to emigrate when the government unleashed persecution against them. Its operation as a supreme court does not have a clear constitutional basis and its decisions, which have had little practical impact, show them very radicalized regarding the government. Article 22 of the Statute governing the Transition to Democracy (National Assembly, 2019) provides for them to join the Supreme Court, but it does not seem possible that a body with politically and radically opposed members can function. Institutional recomposition requires that the Supreme Court be independent of political groups and highly trained professionally.

Almost all of the judges of the different courts have been appointed without complying with the competition and other procedures required by the constitution. The renewal of the judiciary requires a very careful public policy. Given the lack of prestige of the judiciary, one of the difficult tasks will be to attract qualified professionals to attend the position of judge. An indiscriminate disobedience of the judiciary and the mass appointment of improvised judges would be a bad start for a regime that wants to establish a rule of law.

What was said regarding the judges is also valid for other officials of the justice system. The Public Ministry, in particular, requires as much attention as the judiciary. The police are also important because they are the face of the State in the daily relationship with citizens.

The second aspect refers to the educational field. In my opinion, it is very important for the medium and long term if we want a democracy with the rule of law to work. The educational issue has two aspects: civic education or citizens' education and the education of legal professionals.

Civic education refers to the understanding of how a political system works, the importance of political participation and parties, and how the functioning of the legal system is very important for the guarantee of the rights of all. Civic education was banished from secondary education since the 1980s and replaced by 'pre-military education'. In other words, the State resigned from forming citizens: they wanted soldiers. The triumph of the "saviors of the country" and other populists is related to the neglect of civic education in many countries, and, in Venezuela, this seems especially alarming.

The training of legal professionals is also a topic of great interest since those who are going to operate a rule of law must have an understanding of this and must respect human rights. Even before Chávez, there was a worrying inequality in the quality of legal education, but at least those who graduated knew something about Law. This is no longer the case²⁸. We must work with what we have and we must be aware that more than half of Law graduates in the last decade have not studied law and they have been prepared to operate the legal system at the service of the revolution. It may be time to distinguish between law degrees and to implement a status test or verification of competencies. These exams are traditional in several countries and others, such as Spain and Brazil, have implemented it more recently.

²⁸ Pérez Perdomo, 2018.

In summary, the construction of a rule of law is not a matter of pure political change, or even of a sustained 'political will', as generally stated. It is necessary to rethink the institutional reconfiguration and, as far as this paper is concerned, to reestablish the justice system.

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Conclusions

The second issue of the magazine *Democratización* concludes with these ideas. In this edition, we deepen the objective we set out in the previous one: to determine the autocratic nature of the dictatorship of Nicolás Maduro¹. We understand that knowledge itself leads to action, and scholars' duty goes beyond study, they must intervene². We seek to encourage our practical disposition and that of those who read us. This chapter is divided into two parts: (i) Summary of the findings, and (ii) challenges for democratic liberation.

I.

The articles by Juan Miguel Matheus, Rogelio Pérez Perdomo, Ángel Alvarado and Paola Bautista de Alemán –together with those published on our first issue– delve into essential features that shape the current regime and offer a definition of its autocratic nature. We find that the *dictatorship of Nicolás Maduro is a gangster, failed State, and of Marxist rhetoric*.

The efforts to find a true diagnosis for the political illness we suffer allowed us to identify one of its essential components: *Gradualness*, a concept developed by Juan Miguel Matheus in his

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- 1 Just as was explained in the first issue of this magazine “...Following the contributions of Samuel Huntington, it is understood that there may be a relationship between the autocratic nature of political systems and the possible development of a democratization process. In this sense, typifying the Bolivarian Revolution is an indispensable task to advance in the analysis of the process of political change and evaluate the possible outcomes”. “Introduction”, *Democratización*, (septiembre 2019), 3.
 - 2 Tzvetan Todorov, *La experiencia totalitaria* (Mexico: Galaxia Gutenberg, 2014), 68.

article, “The gradual nature of the dismantling of the rule of law in Venezuela”. The term refers to the progressive development of a destruction logic and the autocratic potential of the Bolivarian Revolution, who seek to preserve –or rather abuse– power, simulating renewed forms of legitimacy.

Matheus identifies five elements that define gradualness: (i) as the principle of action of the Bolivarian Revolution, (ii) as disarticulation of the legitimately established legal and political institutions, (iii) as a logic of destruction by degrees, (iv) as a means to preserve power, and (v) as a simulation of renewed sources of legitimacy.

The installation of a *gangster, failed and Marxist rhetoric State* in Venezuela has brought devastating consequences for the country and the continent. The articles by Rogelio Pérez Perdomo and Ángel Alvarado describe this from two complementary perspectives. The former emphasizes the impact on political and institutional culture. Pérez Perdomo offers clues to reflect on the consequences of the dismantling of the State and the emergence of autocracy. The testimony of those who grew up in democracy and have seen the installation of the dictatorship are interesting and enriching. The essay rescues the cultural foundations that can contribute to the reconstruction of the State and the Law in the country. His contribution is hopeful.

Ángel Alvarado's findings in “Economic structure in Venezuela and its path to democracy” are in tune with the concept of *gradualness* and with the identification of a “black economy”. The article accurately describes the Venezuelan economic system prior to 1999 and tidily synthesizes the destruction of the oil economy, a fact that opened doors to the predominance of illicit dynamics. Deputy Alvarado points out that the complex human-

itarian emergency Venezuela is currently experiencing, far from being a consequence of economic sanctions, is a product of the destruction of the economic system.

Paola Bautista de Alemán continues the line of research from the first issue of *Democratización*. The author makes efforts to identify the features that define the *gangster State* with the purpose of discovering its dynamics and rebalancing tools of the autocracy. Its main contribution is the preparation of a methodology that allows ordering the data and identifying the relationship between actors, illegal activities and territories that serve as input for political analysis.

The relationship she proposes between the decentralized efforts of power and how this condition generates inequality in the structural collapse of the country, affecting the sense of urgency of political change, is interesting. This finding, together with the concept of *gradualness* and the regime's repressive capacity –official and unofficial–, can help understand why the complex humanitarian crisis has not triggered a social commotion to pursue regime change.

II.

We wonder how the traits identified in our investigation affect the process of democratic liberation in our country. When studying the itinerary of the struggle for democracy in Venezuela in the last two decades, we find that all roads have been traveled and all internal and external means have been used. If we recourse to the studies on the fall and survival of regimes, we find that a dictatorship without popular support, with low economic performance and internationally fenced, should tend either to break or to its internal reform, but not towards stability. However, the Bolivar-

ian Revolution has managed to overcome each crisis and emerge even stronger from the junctures.

The publications that our research accumulates can help understand the capacity of autocratic resilience that the dictatorship has in Venezuela. Thus, two concepts must be highlighted: (i) *gangster State*, and (ii) *gradualness*.

The identification of the gangster State, its bureaucratic structure and the normative preference of its members (Marxist rhetoric) can explain the stubbornness of those currently leading the Bolivarian Revolution. We propose, as a hypothesis, that the dictatorship grant historical and existential dimensions to their political project. They cling to power for reasons that transcend economic benefits and cyclical power. We do not mean to downplay their lucrative advantage, which is the product of corruption and illegal operations. Certainly, in the map of actors of the dictatorship, the degrees of commitment to non-material matters may vary. But we must warn that the *strength* that the system has shown so far may be associated with the non-material values (maybe ideological) of the actors and the *resilience capacity* may be related to the complex bureaucracy that they have developed from within the State to channel the sources of illicit enrichment.

On the other hand, *gradualness* enlightens a pattern of action that has allowed the autocracy to firmly advance despite resistance from society. In Venezuela, this dynamic allowed political actors with autocratic potential to advance their projects without igniting national and international democratic alerts. They propagated with a veil of legality that allowed them to hide their regulatory preferences and simulate renewed forms of legality. It was the *long agony* of institutions and individual freedoms. Our

exhaustion has been so long that it is difficult to determine when democracy died and when we woke up in dictatorship.

The elements pointed out by the author can also explain the difficulties faced by academic, intellectual and political environments to understand and timely identify the autocratic nature of the Bolivarian Revolution. We believe that these findings are of special relevance for the international community –especially for Chile, Colombia, Mexico and Spain– where populist and/or rupturist phenomena threaten to come to power with electoral support in order to gradually dismantle the democratic systems that gave them access to decision-making positions.

The concept identified by Juan Miguel Matheus also specifies the dynamics that allow the dictatorship to adjust to adversities and set the means to achieve its ends. It is what we have called *autocratic resilience*. Under these operating schemes, time tends to play in favor of those who have the ability to strengthen themselves in the face of clockwise progress. Autocracies that progress gradually are like the blades of a well-forged sword: they can bend without breaking. Undoubtedly, this quality represents a challenge for the forces that resist it.

Identifying and describing the gangster State and its gradualness impose challenges on democratic forces. Both phenomena feed the resilience of the regime. Our findings seem to indicate that medium or long-term liberation strategies tend to benefit the dictatorship because they could deplete opposition forces and offer opportunities to rebalance the regime. The challenge is, therefore, to find ways of autocratic liberation that limit the

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regime's resilience and protect the democratic forces from fatigue, not sacrifice, which seems inevitable.