

# Democratization



Year 2, Issue 6

From authority inculturation  
to the rule of law

**Rogelio Pérez Perdomo**

The post-totalitarian reconstruction

**Francisco Plaza Vegas**

Totalitarianism, kleptocracy and pandemic:  
the crossroads of power in Venezuela

**Miguel Ángel Martínez Meucci**

Challenges faced by political parties  
in Venezuela

**Paola Bautista de Alemán**

FEBRUARY 2020

# From authority inculturation to the rule of law

Rogelio Pérez Perdomo

This study is an effort to shed light upon a discussion that Venezuelans have had for many years about the possibility of building the country under a rule of law or if we are rather condemned to an authoritarian form of government for society to function under a certain order. Today, this conversation has focused on the permanence of the current regime and on whether it is possible to transition to a modern democracy, governed by a rule of law, that transparently manages public money.

A preliminary distinction is essential to understand the approach of this article: legal-political culture and tradition. Culture has many meanings, but the one that interests us in this case is offered by Almond & Verba<sup>1</sup> regarding political culture, which Friedman<sup>2</sup> later adopted and adapted to the legal system, coining the expression “legal culture”. In this study, these variants have been associated, asserting that legal-political culture refers to people’s attitudes, opinions, values and behaviors regarding institutions from both the political and the legal systems. The

---

1 Gabriel Almond y Sidney Verba, *The civic culture: political attitudes and democracy in 5 nations* (Princeton: Princeton University Press, 1963).

2 Lawrence Friedman, *The legal system. A social science perspective* (New York: Russell Sage Foundation, 1975).

expression can have neutral value: there can be democratic, authoritarian, criminal cultures, or even a culture of illegality<sup>3</sup>. The expression “civic culture” is generally used to denote the variant that implies respect for the values of democracy and of the rule of law.

Tradition, also related to legal and political systems, denotes a part of culture that has remained in a society for a long time. It is the most rooted part of culture<sup>4</sup>. Cultures can change along with society, although they cannot be changed by decree. Traditions also change, but they do so more slowly.

This article is a social history essay whose purpose is to explain the terms of a long discussion that Venezuelans have had since the 19th century, but which has become a current and urgent matter today with the long-announced decline of Chavismo and the transition to democracy. One side of the argument holds, to put it simply, that the political transition is at hand and that the task is to design the appropriate institutional framework for the implantation of democracy, the rule of law, and civic culture in Venezuela. Perhaps the most indicative document of this position is the *Statute that governs the transition to democracy*, approved by the National Assembly on February 5th, 2019. The other position is more diffuse. Basically it implies that Chavismo is much more deeply rooted in the Venezuelan population as it comes from an authoritarian tradition, and that the change of regime can occur,

---

3 Carlos Nino, *Un país al margen de la ley. Estudio de la anomia como componente del subdesarrollo argentino* (Buenos Aires: Emecé, 1992).

Mauricio García Villegas, *Normas de papel: la cultura del incumplimiento de las reglas* (Bogotá: Centro de Estudios de Derecho, Justicia y Sociedad, 2009).

4 John Merryman y Rogelio Pérez-Perdomo, *The civil law tradition*. 4<sup>th</sup> ed. (Stanford: Stanford University Press, 2018).

but for another equally authoritarian. As Dante describes it in *Inferno* (IV, 33), without hope we are condemned to live only in desire. Of course, many intermediate positions are possible.

This essay does not offer a new proposal that could convince everyone, but it sheds light on the terms of the conversation, explores the assumptions of the different visions that thinkers of the past and present offer us, and identifies the public policies that could be designed based on the different theoretical premises.

This discussion in Venezuela is deeply rooted in universal thought, but we will keep the vast bibliographic references that could be cited to a minimum. Recognizing the limits of personal knowledge, the focus will be placed upon the Venezuelan bibliography, not only because it is a more comprehensive field but because it is the most relevant in this case.

The essay includes a historical section that establishes the terms of the conversation in the past and an approach regarding the conversation in the present, and some of the practical consequences that accepting some premises or others may lead to.

### **Civilization, barbarism and caesarism**

The first idol that will be hereby tackled is Venezuelan essentialism: the nature of Venezuelans is to be attributed to the fact that Spanish conquerors had certain defects or that the indigenous people who were found in Venezuelan territory had others, and, on top of that, since conquerors also raped the natives, we were born under the sign of violence. I do not wish to enter into a discussion on genetics about which my knowledge is scarce, but I suspect that Venezuelans today have very mixed origins due to successive waves of immigration. If we have any

genetic characteristic, perhaps it is miscegenation and diversity. In addition, I have my reservations about the brocard “Venezuelans are not Swiss”. On the one hand, it is obvious, but this does not imply that we have a completely different mental structure and abilities than the Swiss, although we have a very different story. I am among those who take the universal declaration of rights seriously, but I do not deny that there is a cultural dimension and that there are traditions in the political sphere, all which we must analyze later.

Those who thought our political organization in 1811, 1821 or 1830 were on the side to which I subscribe. Laboriously, they produced constitutions establishing the fundamental rules of operation of the State, with separation and limitations in the branches of the public power, and declaring the rights of citizens. They surely sinned by addressing imaginary citizens, but we must admire their effort that went beyond writing constitutions: they established institutions and wrote important works. Beyond the debate on federalism and the place of God in the Republic<sup>5</sup>, they were “liberal” in political terms. Páez had clear leadership, but he was not an authoritarian ruler. Under his leadership, there was a serious effort to create institutions<sup>6</sup>. Perhaps the key work of the period is the *Political manual for Venezuelans*<sup>7</sup>, which is both the explanation of the constitutional government (which we now

---

5 Guillermo Aveledo Coll, *Pro religione et patria. República y religión en la crisis de la sociedad colonial venezolana (1810-1834)* (Caracas: Academia Nacional de la Historia y Universidad Metropolitana, 2011).

6 Elena Plaza, *El patriotismo ilustrado o la organización del estado en Venezuela 1830-1847*, (Caracas: Universidad Central de Venezuela, 2007). Rogelio Pérez Perdomo, *Justicia e injusticias en Venezuela* (Caracas: Academia Nacional de la Historia y Universidad Metropolitana, 2011).

7 Francisco Javier Yanes, *Manual político del venezolano -1839- y Apuntamientos sobre la legislación de Colombia -1823* (Caracas: Academia Nacional de la Historia y Universidad Metropolitana, 2009).

call the rule of law) and an effort to transmit its values to the Venezuelan population. In other words, to build citizenship<sup>8</sup>.

Later on, under the leadership of Guzmán Blanco, but also during the presidency of Rojas Paul (1870-1890), there is a more conspicuous and less sincere organizational effort<sup>9</sup>. The desire for a society ordered by law is maintained adopting codes, reforming study programs and in works of political and legal thought such as those of Felipe Larrazábal, Luis Sanojo and Jesús Muñoz Tébar, as well as in political programs of the time.

Laureano Vallenilla Lanz was a shrewd critic of jurists who tried to build a rule of law at this early stage of the Republic. The violence of the independence war destroyed the Venezuelan elite and undisciplined the population. Very suggestively, the author compared Venezuela to Chile, where independence did not lead to these destructive consequences and where social stratification was maintained. Socially, Venezuela became more democratic, but in need of a Caesar to impose order, an idea which inspired the title of his book<sup>10</sup>.

---

8 This part of the study revisits “The misfortunes of the constitution”, which is part of *Suma del pensar venezolano* and which contains sections of some of the fundamental texts that are cited (Pérez Perdomo, 2015). In the case of Yanes, his criticism of the Cúcuta constitution that was included in the edition of the Metropolitan University and the National Academy of History (Yanes,) is also important. Although this document was known, it had never been published before.

9 Rogelio Pérez Perdomo, *Justicia e injusticias en Venezuela* (Caracas: Academia Nacional de la Historia y Universidad Metropolitana, 2011).

10 Laureano Vallenilla Lanz, *Cesarismo democrático* (Caracas: Biblioteca Ayacucho, 1991).

According to Vallenilla, the jurists were the great culprits of trying to impose a government with strong constitutional limitations when what was required was someone to impose order.

Note that Vallenilla limits himself to the independence stage to explain the need for authoritarianism in Venezuelan society. His approach simplifies the rich history of the 19th century, the stage of many rebellions and civil wars, but which also encompassed efforts to establish institutions. Even the 1909 constitution, the first of Gomecismo, is politically liberal. It expresses the project of limiting political power and separating the branches of public power. Naturally, it can be argued that this was hypocritical of Gómez, who can be blamed for an authoritarian project from the beginning. However, accepting a liberal constitution indicates that Gómez and the supporters of authoritarianism recognized the strength of politically liberal ideas in order to not try to impose authoritarianism during times of political change. Vallenilla Lanz does not acknowledge this.

Historians with a more culturalist vision have emphasized the liberal features of Gomecismo<sup>11</sup>. Even the penal legislation of the period is liberal<sup>12</sup>. Nobody denies the authoritarian and repressive nature of the regime, but the 'doctors' or '*lights of Gomecismo*'<sup>13</sup> surely saw Gomez as a peacemaker who could command a more legalistic regime. In fact, this was what happened, and what the periods of López Contreras and Medina meant, although it is a

---

11 Manuel Caballero, *Gómez, el tirano liberal* (Caracas: Monte Ávila Editores, 1993) y Yolanda Segnini, *Luces del gomecismo* (Caracas: Alfadil, 1987).

12 Rogelio Pérez Perdomo, *Justicia e injusticias en Venezuela* (Caracas: Academia Nacional de la Historia y Universidad Metropolitana, 2011).

13 Yolanda Segnini, *Luces del gomecismo* (Caracas: Alfadil, 1987).

sufficiently close stage and some still consider the period 1936-1945 to be a mere prolongation of Gomez authoritarianism.

This excursion in history is intended to draw attention to the fact that there has been a persistent aspiration to constitute a State governed by law and where political power is controlled. It has not been attained partly because the rule of law is itself a normative model and real legal systems can move closer to or further away from that model. The *Rule of Law Index* ([www.wjp-rule-law-index](http://www.wjp-rule-law-index)) does exactly that: it ranks countries according to how close their legal systems are to the model. In Venezuela, even under a party system (1958-1998), the rule of law was weak: human rights were knowingly violated, torture was applied to force confessions, and the judicial system was penetrated by corruption networks called 'judicial tribes'<sup>14</sup>. The glass may look half full or half empty, but it is a mistake not only to see it completely empty, but to believe it is impossible to fill it, at least to an acceptable level.

Julio César Salas<sup>15</sup> associated authoritarianism with barbarism, while civilization represented the rule of law. He did so under the regime of Gómez, which marginalized him as an intellectual<sup>16</sup>. The great Venezuelan novel, *Doña Bárbara*<sup>17</sup>, elaborates on this distinction: the law, embodied in the lawyer Santos Luzardo, makes Doña Bárbara go to more remote places. In reality, if we were to update the writings of Salas and Gallegos, it seems as if

---

14 Rogelio Pérez Perdomo, *Justicia e injusticias en Venezuela* (Caracas: Academia Nacional de la Historia y Universidad Metropolitana, 2011).

15 Julio César Salas, *Civilización y barbarie* (Caracas: Ediciones Centauro, 1977).

16 Rogelio Pérez Perdomo, "Los infortunios de la constitución en Venezuela", en *Suma del pensar venezolano*, ed. Asdrúbal Baptista, tomo II, libro 2 (2015).

17 Rómulo Gallegos, *Doña Bárbara* (Madrid: Cátedra, 1997).



he came to Caracas and is now still leading us. That is why it is important to analyze the current situation and future prospects.

### **From authoritarianism to the democratic state of law**

The present is bleak. Analysts tell us that we live in a gangster State, that is, under a ruling group that has distorted state functions and that uses State agencies for the commission of crimes<sup>18</sup>. Others observe that it is a failed State<sup>19</sup>, that is, that it has ceased to fulfill its functions, in serious detriment of the Venezuelan society. The decline of Chavismo has long been perceived<sup>20</sup>, and today the thunderous failure of its 'revolution' is undeniable. The dramatic hardships of the Venezuelan population and the massive emigration are indicators of failure. Its leaders feel the rejection of the population and cannot move freely across the world because they risk being apprehended as criminals. However, the Chavista revolution seems to be resilient because it remains in power despite little internal and external support <sup>21</sup>.

We will not elaborate on the resilience of the current government. There is no doubt that its criminal activities have provided it with unusual resources and that the abdication of the traditional functions of the State reduces its expenses. The unlimited use of repression obviously instills fear in the population. Those who saw an easy transition to democracy were obviously wrong. Twenty years of a political regime obviously

---

18 Paola Bautista de Alemán, "Bolivarian revolution and the development of the gangster state in Venezuela", *Democratization* 1, no. 1 (2019).

19 Moisés Naím y Francisco Toro, "Venezuela's suicide: lessons from a failed state", *Foreign Affairs* 6 (Nov-Dec, 2018).

20 Margarita López Maya, *El ocaso del chavismo: Venezuela 2005-2015* (Caracas: Alfa, 2016).

21 Juan Miguel Matheus, "La resiliencia de la revolución chavista", *Democratización* 1, no. 4 (2019).

have an effect on society. The interest of this essay is precisely the effect of the Chavista revolution on Venezuelan political culture: whether it has accentuated the authoritarianism as part of our political tradition and if, ultimately, the construction of a State closer to the normative model of the rule of law is possible.

Sociologists hold that Venezuelan society has become anomic. This term does not imply the absence of norms but rather confusion regarding them and even the weakening of their ability to shape behavior<sup>22</sup>. The excessive rates of violence and homicide<sup>23</sup> and the behavior of rulers, which have a modeling effect, are clear signs of anomie. The establishment of the FAES, a death squad, by the government, and the fact that it refuses to dissolve it despite an express condemnation by the United Nations High Commissioner for Human Rights, is an indicator that the Venezuelan population cannot understand the function of law or ethics by observing the conduct of the State. Venezuelans who are in their 20s or 30s today have known no other political regime and have no civic education either in their schools or in daily practice.

However, anomie itself is not a permanent state nor is it general throughout society. Within a society, there are subcultures, that is, groups that share a certain culture. It is well known, for example, that certain groups have criminal cultures, which perceive committing certain crimes as an appropriate form of conduct. But the opposite can also happen: certain groups can maintain or develop different values and cultures from criminal

---

22 Nikos Passas, "Theorising in the anomie tradition: Durkheim, Merton and beyond", en *Anomia: normas, expectativas y legitimación social*, ed. Tosca Hernández (Oñati: International Institute for the Sociology of Law, 1993).

23 Roberto Briceño-León y Alberto Camardiel, *Delito organizado, mercados ilegales y democracia en Venezuela* (Caracas: Alfa, 2015).

groups. Certain circumstances can lead to anomic situations that are then overcome.

Another study has argued that Venezuelan society as a whole is not anomic<sup>24</sup>, although there may be groups that appreciate disturbances such as the use of violence. The effect of the Chavista revolution on the configuration of the mentality of Venezuelans seems reduced to a not-too-large group of the Venezuelan population, not necessarily greater than the 15% of the population that generally declares their support for the regime.

On the other hand, there have been situations of quite general anomie that were soon overcome at different moments of transition. This reminds us of Dahrendorf's<sup>25</sup> description of the situation in Germany immediately after the defeat of the Nazi regime in 1945. It is likely that the proportion of the German population that supported the Nazis between 1933 and 1945, and perhaps after 1945, was very significant. On the other hand, the authoritarian tradition of Germany at that time was much longer and more solid than that of Venezuela. How was it possible that they built a rule of law and a democracy in the following decades? Germany is not the only example; the Czech Republic is a more recent example.

Chavistas have wanted to give a historical foundation to their revolution and present themselves in the vein of a Venezuelan and nationalist tradition. For this, they have considerably distorted the history of Venezuela. They have taken Bolívar as their father to the point that they originally called their revolution Bolivarian. To do this, they have distorted Bolívar's complex thoughts, as well

---

24 Rogelio Pérez Perdomo, "Los infortunios de la constitución en Venezuela", en *Suma del pensar venezolano*, ed. Asdrúbal Baptista, tomo II, libro 2 (2015).

25 Ralf Dahrendorf, *Law and order* (Boulder: Westview Press, 1985).

as distorted his image to make him similar to Chávez. They have rewritten history, giving prominence to secondary characters and demonizing or trying to overshadow Páez. It is true that there were civil wars in Venezuela, but the history of Venezuela is not only a war nor only military history. There have been efforts to establish institutions and periods in which important achievements were made in such substantial areas such as health and education, in addition to economic growth and modernization. However, traditional historians have given priority to military figures and war events in the history of Venezuela.

This perspective of the history of the country, that is, of our tradition and of ourselves, is again at stake now that the decline of Chavismo, or rather its thunderous failure, allows us to envision a transition. Those who still think Venezuelan society is irremediably violent and undisciplined, and that this has been aggravated by the Chavista revolution, undoubtedly contemplate a new Caesar, a liberal tyrant who imposes discipline, using the language of Caballero<sup>26</sup>. Those who contemplate the persistence of the effort to build a republic in its own sense, that is, a limited government that respects the citizens, will envision –not only as a form of desire, but as a possibility– the creation of a modern democracy, a polyarchy in the Dalhian sense<sup>27</sup>, a rule of law.

Democracy and the rule of law cannot be decreed. It is not enough to modify the constitution and a number of State organization laws. It is mainly a cultural project. The founders of modern democracy in Venezuela reached a political agreement that avoided violence in the political conflict and legitimized the opposition. It was an important achievement, and the period of

---

26 Manuel Caballero, *El tirano liberal* (Caracas: Monte Ávila Editores, 1993).

27 Robert Dahl, *Polyarchy: participation and opposition* (New Haven: Yale University Press, 1971).

1958-1998 can be called republican and considerably successful in economics and politics, but it failed to address the civic education of citizens and to train the professional and political elite in the values of the rule of law and democracy. Surely that was one of the roots of its decline. Those tasks are still pending.

In the cultural-institutional vision, many aspects require attention. The short list hereby offered is surely also influenced by my own professional training in law.

One issue that has already occupied many is transitional justice, that is, how to deal with the massive violation of human rights and the serious crimes that have been committed during the period. Any judicial system that can be imagined will have limited capacity to solve cases, and the decision of which cases to prosecute and which to dismiss is enormously complicated. Fortunately, some experiences from various countries that have transitioned towards democracy can be helpful to learn from other experiences.

A topic closely related to the latter is that of the justice system. The regime has made successive purges and enormous efforts to indoctrinate its members. A number of judges and officials have been instrumental in the worst human rights abuses. Furthermore, the proper functioning of the rule of law requires judges, prosecutors and other officials of the system to act independently and impartially, respecting the constitution and the laws. Assessing their performance and helping those who remain to embrace the values of the rule of law is a daunting task.

Higher education, and especially that of State officials and the political-administrative elite, has been neglected and requires very serious attention. In the particular case of law, approximately a

third of the country's graduates in the last ten years have basically been politically indoctrinated and have studied very little law. In traditional education, law is transmitted as mere technology, without paying attention to the fact that it is the guarantee of people's freedom and the limitation of State power.

In formal education, civic education was suppressed many years ago, before Chavismo, and replaced by pre-military and military education. In the way politics has been conducted in the last twenty years, the basic rules of institutional behavior have been ignored. The effort to be made in both formal and informal education is very important.

The Chavista regime has made an important effort to distort the history of Venezuela<sup>28</sup>. Education in history is important for the way we envision the country, that is why it is important to address this issue. A more institutional vision of the country's history in the context of a Latin American and world history would be of enormous interest for the formation of citizens.

Building a democratic culture under the rule of law is thus a complex and lengthy task, which we hope to start soon.

---

28 Inés Quintero, "Enseñar historia en Venezuela: carencias, tensiones y conflictos", *Caravelle* 104 (2015).

# The post-totalitarian reconstruction

Francisco Plaza Vegas

An essential characteristic of the Bolivarian Revolution is its dynamic as a continuous and deliberate process of destruction. Venezuela has already suffered more than twenty years from a political regime that has tirelessly and systematically demolished all aspects of national life. If we also consider the regime's ability to shroud its evil actions in the dark, shamelessly hiding and manipulating the information, or simply lying about the reality of the country with absolute cynicism, it is only possible to imagine that the already undeniable misery within the country is still many times more severe. Venezuelans have confirmed that it is always possible to be worse off than before, and that there isn't really such thing as "rock bottom". Destruction will continue its unstoppable and devastating path as long as the regime remains in power.

When facing this bleak scenario, it seems naive, and perhaps even foolish, to think about reconstruction. The only realistic task would be to focus all efforts on removing this destructive regime as soon as possible, and other actions would not only be useless distractions but even counterproductive, because it could undermine the determination necessary to achieve this essential objective. Only when Venezuela is freed from the occupation of this invading force –a description that applies not only in a