



Democratization

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of the anthropological damage produced
by totalitarian regimes

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Transformation for Venezuela:
Gangster State and democratization

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Transformation for Venezuela: Gangster State and democratization

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The idea of transformation can contribute to the analysis of the Venezuelan scenario. In this article, the term will be used with double intent: (i) to describe the depth of the autocratic transformation that the Chavista revolution has promoted starting with the creation of a gangster State in Venezuela and (ii) to give notice to the dimensions that this imposes on a potential democratization process.

Transformation for Venezuela. the gangster State and democratization is divided in three parts. First, I will discuss the conceptual framework that sustains the analysis. Next, I will focus on the development of the gangster State and the autocratic transformation that the Chavista revolution promotes. Finally, I will analyze the main challenges in terms of democratic transformation.

On the concept of transformation

The concept of transformation applied to the study of political, economic and social processes is complex. Its relevance and scope

have been studied and assessed from different approaches. For the purposes of this article, Merkel, Kollmorgen & Wagener's (2019), from "The Handbook of Political, Social, and Economic Transformation", will be used as reference. According to the authors, transformation is a political, social and economic change of a substantial systemic character that has been initiated in a revolutionary and target-oriented way by identifiable actors¹.

The term encompasses four aspects. First, transformation requires a radical system change. Second, it is deliberately promoted by political, social and economic actors. Third, it is a long-term process. And fourth, it is the product of a widespread social impulse that bursts into history². In this sense, the concept of transformation responds to deep political change processes promoted by specific political actors who seek to alter the configuration and dynamics of the entire society. Markedly, the concept is not a normative proposal. Merkel, Kollmorgen & Wagener explain that human history has seen transformations towards democracy and dictatorship³.

It is convenient to distinguish between democratic transition and democratic transformation. The former refers to a political

1 Wolfgang Merkel, Raj Kollmorgen & Hans-Jurgen Wagener, coord. *The Handbook of Political, Social, and Economic Transformation* (Oxford: Oxford University Press, 2019) 2.

2 The authors caution that this last trait is not essential: "Discrete system transformation are historical exceptions quite often triggered by crisis situations". Wolfgang Merkel, Raj Kollmorgen & Hans-Jurgen Wagener, coord. *The Handbook of Political, Social, and Economic Transformation* (Oxford: Oxford University Press, 2019) 4.

3 The authors identify and delve into the different waves of transformation that have occurred in the history of humanity. As an example of transformation towards autocracy, they refer to the rise of National Socialism in Germany (1933) and the installation of communism in Russia (1917), among others. On transformations towards democracy,

change that generates a new order that maintains aspects of the deposed system and uses them to move towards democracy⁴. The latter refers to a substantial change. Its radicalism does not refer to the genre of autocratic liberation, but to the depth of the reforms deliberately encouraged by the political actors who promote it. Such measures are necessary when the deposed system is made up of elements that are incompatible with the liberal democracy aspired to. It is noteworthy that the fundamental difference is found neither in the kind of autocratic liberation⁵ nor in its temporal extension, but in its systemic scope. The essential distinction between the two concepts is one of substance, not of form.

The concept of political transformation can help to better understand the problem and challenges of the country. Two moments can facilitate this analysis. The first refers to the *autocratic transformation* that Hugo Chávez led as of 1999 and that still advances as long as the revolution remains in power. The second is the *democratic transformation* that must occur in order to advance towards democracy.

they consider Germany after the triumph of the allies (1945), in their reunification after the fall of the Berlin Wall (1989), and in the democratization of countries belonging to the former Soviet bloc (1991).

4 Perhaps the most precise examples are the transitions that occurred in Latin America in the second half of the 20th century: Venezuela (1958), Spain (1978), Argentina (1983), Uruguay (1984), Brazil (1985) and Chile (1990). In the aforementioned cases, progress was made towards democracy by resorting to the legal and political resources offered by the deposed regime. This was possible because the autocratic system offered pre-democratic conditions and the political will to do so.

5 Neither transformation nor transition is necessarily associated with ruptures or reforms. In fact, the main transformation of the 20th century –the post-communist transformation in Eastern Europe– was conducted through reforms.

Autocratic transformation: from the liberal democratic State to the gangster State (1999 -)

Venezuela began a process of transformation towards autocracy when the Chavista revolution came to power (1999). The *process*⁶ –initially led by Lieutenant Colonel Hugo Chávez and currently headed by Nicolás Maduro– has promoted political, economic and social measures for more than twenty years that have caused radical changes in the country⁷. Knowing all the areas of autocratic transformation of the Chavista revolution requires multidisciplinary studies. For the purposes of this article, I will focus on its gangster dimension⁸ in order to reflect on the challenges that we will face in an eventual democratization.

To develop this argument, I will refer to my studies on the rise of the gangster State in Venezuela, which were initially published in previous issues of this magazine. Next, I will describe the conditions that allowed the emergence of this phenomenon, and I will justify why this constitutes a substantial change that can be identified as a feature of autocratic transformation.

6 It was common for Hugo Chávez Frías to use the term “process” to refer to the political project he led.

7 The roadmaps of these transformations can be found in the following documents: Constitution of 1999, Decree Laws promulgated by Hugo Chávez enabled between 1999 and 2010, Plan Cinco Motores of the Bolivarian Revolution (2007-2013), Plan de la Patria I (2013-2019) and Plan de la Patria II (2019-2025).

8 To delve into the gangster dimension of the Chavista revolution, I recommend reviewing the chapters on this matter included in *Autocracies of the XXI century: the case of Venezuela* (2020), by Paola Bautista de Alemán (ed.).

State weakness. constituent process, re-founding
of the State, democratic inertia and crisis

Hugo Chávez Frías was sworn in as President of the Republic for the first time on February 2, 1999. He placed his left hand on the then ruling Constitution and, breaking with what was established in the republican tradition of Venezuela, pronounced an alternative oath:

Juro delante de Dios... juro delante de la Patria... juro delante de mi pueblo que sobre esta moribunda Constitución haré cumplir... impulsaré las *transformaciones* democráticas necesarias para que la República nueva tenga una Carta Magna adecuada a los nuevos tiempos. Lo juro⁹.

His words showed the lengths of his ambition. He was looking for a substantial change that would allow the emergence of a new Republic and a new Constitution. A “clean slate” was proposed and had the support of the popular vote. It was a true republican suicide.

The first step to dismantle the liberal democratic State that was born in 1958 was the ruling of the Supreme Court of Justice that allowed the consultative referendum that opened doors to the Constituent Assembly. The then ruling Constitution (1961) allowed reforms and amendments, but did not admit the call to a

9 “I swear before God... I swear before the Homeland... I swear before my people that on this moribund Constitution I will enforce... I will promote the democratic transformations necessary for the new Republic to have an adequate Magna Carta for the new times. I swear”. See: *Venezuela recuerda hoy la primera juramentacion de Chávez* in [https:// www.youtube.com/watch?v=cnSIJrhzeJc](https://www.youtube.com/watch?v=cnSIJrhzeJc)

Constituent Assembly¹⁰. Sentence number 17, dictated on January 19, 1999, was a death certificate for the political system born in Puntofijo forty years earlier¹¹.

The Constituent Assembly was installed on August 3, 1999. Months before, its members were elected at the polls in an electoral process that excluded proportional representation from the election method, and a majority system was adopted in its place¹². Its first session was on August 12. The first meetings were dedicated to the creation and debate of the Statute of Operation of the National Constituent Assembly, which decreed in its first article that all organisms of the Public Power were subordinate to the National Constituent Assembly and were in the obligation to fulfill and to enforce the legal acts and other decisions of the National Constituent Assembly. Its second paragraph stated that the 1961 Constitution and the rest of the prevailing legal system will remain in force in all that does not conflict with or is contradictory

10 Carlos García Soto, in *¿Cómo fue el proceso constituyente de 1999?*, explains that the 1961 Constitution only allowed two formal channels for its modification: (i) the amendment, for specific modifications that did not alter the fundamental structure of the Constitution, and (ii) the reform, for modifications that did imply a significant alteration of the Constitution (Articles 245 to 248 of the 1961 Constitution). From that point of view, a National Constituent Assembly could not be convened in Venezuela, unless the Constitution was modified, due to the simple reason that the Constitution itself indicated the only mechanisms through which it could be modified, and a constituent mechanism was not contemplated among them. Available in: <https://historico.prodavinci.com/blogs/como-fue-el-proceso-constituyente-de-1999-por-carlos-garcia-soto/>

11 Alessandro Pace, "Muerte de una Constitución", *Revista española de derecho constitucional*, (1999): 271-283.

12 Ingrid Jiménez Monsalve, "El debilitamiento del principio de representación proporcional en Venezuela o autoritarismo electoral: dos caras de la misma moneda", *Politeia Magazine* (2011). Available in: <http://corteidh.or.cr/tablas/r31714.pdf>

with the legal acts and other decisions of the National Constituent Assembly. Thus, the Constituent Assembly emerged as a super power that abolished all pre-existing government institutions and allowed the foundation of the so-called V Republic.

In Venezuela, as in other countries that have faced transformation projects, the dismantling of the political system and its re-founding deepened State fragility. It should be noted that the rise of Chavismo was preceded by a process of democratic erosion that evidenced the deterioration of the capacity of the State associated with social rights and access to justice. In other words, the Venezuelan State showed signs of suffering a structural crisis¹³ when the Chavista revolution became an electoral majority, won the elections and launched its transformation plan.

Studies on organized crime establish a clear relationship between State weakness and the emergence of this reality¹⁴. Perhaps the most frequently referred to is the dissolution of the Soviet Union and the State building process that ensued. The dismantling of the USSR caused state fragility in Russia and in the countries that belonged to the Soviet bloc. This condition allowed the proliferation of criminal groups that gained ground and became an obstacle in the democratization process.

Mutatis mutandis, as of 1999, a State weakening process deepened in the country. The institutional dismantling of the democracy that was born in Puntofijo was followed by the re-founding of the State, or what was officially referred to as “The V Republic”. The new constitution was approved in a popular

¹³ I recommend reading the studies published on this subject by Allan Brewer Carías in the 1980s and 1990s.

¹⁴ Letizia Paoli, *The Oxford handbook of organized crime*. (Oxford: Oxford University Press, 2014).

referendum on December 15, 1999. Seven months later, on July 30, 2000, mega-elections were held in which president, governors, mayors and members of the National Assembly were elected. A year and a half after taking power, the Chavista revolution “reset” the political system and formally inaugurated a new order.

The institutional “clean slate” caused tension between the inertia of the deposed order and the inaugural impulse of the revolution. This situation generated a political crisis that led to the events of April 11, when Hugo Chávez was overthrown and returned to power two days later. This episode, among other things, revealed that the revolution did not yet have full control of the Armed Forces, and allowed a purge that made it easier to advance in that objective. Furthermore, a new dynamic was installed where the Venezuelan State allowed the action of irregular groups associated with organized crime in the country in exchange for becoming political shock forces¹⁵.

As of 2002, the Venezuelan State began a relationship with national and international irregular forces. This connection, in addition to leveraging itself in the development of illicit economic activities, had specific purposes of political and territorial domination. Identifying the circumstances that gave rise to the relationship between organized crime and the Venezuelan State in charge of the Chavista revolution is important to understand the depth of the phenomenon. In Russia, the Democratic Republic of the Congo, Mexico and Colombia, organized crime colonized spaces neglected by the State. In Venezuela, these actors were summoned by political actors to support the State in its plans for political domination. There are even groups which were even

15 Paola Bautista de Alemán, “Revolución bolivariana y desarrollo del Estado gangsteril en Venezuela”, *Democratización* (September, 2019): 51- 75.

created from this position of power. In this sense, its character is entropic, not expropriated.

Gangster transformation of the Venezuelan State

I have previously summarized the origin of the gangster State in Venezuela¹⁶. Considering Merkel, Kollmorgen & Wagener's categories on political transformation, we can identify similarities. Chavismo promoted a transformation in the structure of the State that has lasted for twenty years and has generated substantial changes in the country. Venezuela is a different nation after twenty years of revolution. Now, we should ask ourselves about the depth of these changes. The question is relevant because, as the aforementioned authors explain, it is necessary to define what the starting point will be when the transformation towards democracy is desired or can be undertaken.

Preliminarily, I will dwell on three ideas that I consider central to the analysis: the concepts of nation, political society and State included in Jacques Maritain's (1951) "The man and the State". For the French author, the *nation* is a community whose members are united by natural ties. It is a community of affections rooted in the soil of the group's origin, as well as in the moral soil of its history¹⁷. It is an ethical-political reality. Those who make it up share history, language and tradition. They have a sense of belonging. They are recognized as part of something higher that

16 The origin of the gangster State in Venezuela is a long and complex issue. To delve into it, I recommend the studies included in "*Autocracias del S.XXI: el Caso Venezolano*" (2020), the findings of Polga-Hecimovich (2019), the publications of Transparencia Venezuela (2020) and the reports of *Insight Crime*.

17 Jacques Maritain, *Man and the State*, (Chicago: The University of Chicago Press, 1951).

is capable of alleviating dissent. For the purposes of this article, two ideas are relevant: 1. The nation is not the State. When these terms are seen as equals, the so-called totalitarian States emerge¹⁸, and 2. The nation thrives on the institutions developed by the political body that articulates its members¹⁹.

Political society, unlike the nation, is not a community because its members lack natural ties. Political society is required by nature and is achieved by reason²⁰. Freedom, will and reason of its members intervene in its existence. It is made up of people who decided to join forces animated by shared desires for justice. And that “union”, with time and shared experience, is transformed into a deep bond that is nourished by their human virtues and noble aspirations. In this way, the foundation of the “civic sense” that overwhelms them is the mutual love that they have for each other and the shared desire for justice. A healthy *political society* is not monolithic. On the contrary, dissent and pluralism nurture it.

Let us now look at the *State*. The State is that part of the political body especially related to the maintenance of the law, the promotion of the common good and public order, and the

18 “The State, when it has been identified with the Nation, or even with the Race, and when the fever of the instincts of the earth has thus invaded its own the State has had its will to power exasperated; it has blood presumed to impose by force of law the so-called type and genius of the Nation, thus becoming a cultural, ideological, caesaro-papist, totalitarian State”. Jacques Maritain, *Man and the State*, (Chicago: The University of Chicago Press, 1951): 7.

19 “The Nation thrives on institutions the creation of which, however, depends more on the human person and mind, or the family, or particular groups in the society, or the body politic, than on the Nation itself”. Jacques Maritain, *Man and the State*, (Chicago: The University of Chicago Press, 1951): 6.

20 Jacques Maritain, *Man and the State*, (Chicago: The University of Chicago Press, 1951): 10.

administration of public affairs. The State specializes in the interests of the whole²¹. Although the nation and political society are deeply human realities, the State is an institutional reality that must be at the service of men. It is an instrument of political society that submits to the requirements of the common good.

Maritain's concepts of nation, political society and State allow me to better approach the challenges of democratic transformation. Chavismo dismantled the democratic institutions inherited from democracy. After twenty years of revolution, little remains of the institutional advances achieved between 1958 and 1998²². Currently, the Venezuelan State does not fulfill its subsidiary duties in matters of education, health and food, and uses its resources to seriously limit the citizens' political rights. Moreover, far from serving Venezuelans and submitting to the requirements of the common good, it functions as a criminal conglomerate that benefits groups and mafias formally or informally associated with it.

The transformation of the liberal State into a gangster State is a terrible setback and a major challenge in terms of democratization. After autocratic liberation, we will face the challenge of rebuilding the State and its democratic institutions. But the task will transcend technical work. The reconstruction of the State after the revolution will be incomplete if we do not review the quality of the political society that will feed it and the

21 Jacques Maritain, *Man and the State*, (Chicago: The University of Chicago Press, 1951): 12.

22 Between 1958 and 1998, Venezuela experienced significant institutional development. In the last twenty years of democracy, the political system that was born in Puntofijo suffered a process of erosion. To delve into this topic, I recommend consulting the studies of Juan Carlos Rey, Diego Bautista Urganaja and Miriam Kornblith.

nation that will support it. In this sense, I wonder how much and how the regime has affected our political society and our nation.

The Venezuelan political society that allowed the emergence of the Chavista revolution in 1998 was in crisis. The erosion of civic friendship, honesty, trust, the capacity for consensus and the use of reason as a tool to alleviate disagreements allowed the advance of unfair political actors who bet –and put into action– the destruction of the democratic system. I do not pretend to make an exhaustive description of the process of degradation of political society in Venezuela during democracy or of its current state. That would require further study. But to move forward, I must point out that unofficial political parties are currently banned, the regime has set up a loyal opposition that simulates confrontation, and the United Socialist Party of Venezuela dominates all formal spaces. It is evident that a political society of these characteristics suffers from serious pathologies and is far from democracy. In this sense, and taking into account the relationship between the State and political society, *I believe that any initiative of State building must be accompanied by a healing process of political society*²³.

Let us now reflect on the Venezuelan nation after twenty years of revolution. On different occasions, Aleksandr Solzhentsyn referred to the “soul of nations”. For the Russian Nobel laureate,

culture was essentially spiritual: from a mystical point of view, it should have a soul. And since each native culture has something unique to offer the world, each of them must

²³ I here understand *healing* as the reconstruction of an honest relationship between political actors united by their mutual desires for justice and freedom. It will be up to subsequent analyses to develop the concept and concrete instruments –public policies– that will promote the healing of political society.

also possess a unique mystical soul. The soul of Russia was different, for example, from the soul of England or the soul of France²⁴.

The soul of our nation has suffered. We will hardly ever go back to what we were before this autocratic episode. The revolution brought Venezuela hunger, emigration, widespread and systematic political persecution, State violence, repression of conscience, torture and death. For twenty years we have discovered pains that we thought we had overcome in our republican history. How and how much has it changed us? It is difficult to pin down the answer to this question, and it is a matter that requires further study. Nonetheless, I can foretell that the democratization process will require an intense review of the ills suffered that will pave the way to justice, forgiveness and reconciliation. As stated by Juan Miguel Matheus, it will be urgent to achieve progress through *transformative justice*, which allows reaching the balance of reconciliation, which consists of forgetting enough so that there is no room for revenge or historical resentment, and remembering enough to avoid the atrocities from happening again²⁵.

Democratic transformation: from gangster State to democracy

To move forth with the last section of this article, it should be pointed out that Venezuela will require a transformation to shift towards democracy. As I have stated, a transition would be insufficient –and perhaps inefficient– because there are

24 Joseph Pierce, *Solzhenitsyn: un alma en el exilio*. (Madrid: Ediciones Palabra, 2005): 236.

25 Juan Miguel Matheus, "Justicia transformadora para Venezuela", *Democratización* (November, 2019): 5-60.

pre-existing features in the Chavista regime that are incompatible with liberal democracy. To overcome the gangster State, I suggest three ideas that should be further considered in future research:

1. **Transformative disposition:** The change that Venezuela needs demands a transformative disposition on the part of the political actors who lead the process. I understand *transforming disposition* as the conscious and deliberate purpose of promoting substantial changes in the country. This provision does not preclude progressiveness or the construction of agreements to promote political change. In this sense, I suggest to aspire and build an environment that allows what Merkel, Kollmorgen & Wagener (2019) identify as “a discrete systemic transformation”, one that occurs without altering the peace in the course of history. There are practical decisions that can help weave that desire together. The first measure must be to maintain the 1999 Constitution in its original version and rescue it as the depository of the rules of the political game that all actors must respect. This decision may offer security and stability in times of stress. Next, it is necessary to build and promote a unity of purpose that guides the democratic transformation. And to achieve this end, the healing of the body politic is necessary.
2. **Healing of political society:** The quality of political society depends on the people who make it up. To advance in the healing process of the body politic, the soul must be attended to. It is a necessary condition for democratic transformation to repair the anthropological damage²⁶ that the revolution has caused. An important temporal

26 Dagoberto Valdés, “El daño antropológico en Cuba”, Editorial *Revista Vitral* no 74, (July-August 2006).

clue is that, to tend to this reality, it is not necessary to wait for autocratic liberation. Political work, solidarity networks, trust structures and comprehensive civic education pave the way to ease pain and heal wounds, hence the importance of the parties, unions, churches and organizations that function independently of the State and maintain pre-democratic conditions despite the attacks. Collective challenges should also be considered, such as managing the incorporation into the new democratic system of political actors previously related to the regime who express their willingness to loyally submit to the Constitution, overcome the hegemonic desires of specific political groups and build consensus spaces that avoid situations that place the new order at risk.

3. **State reconstruction:** The State building process requires measures that seek to restore its operational capacity, preserve sovereignty and recover the monopoly of violence. Each of these areas is complex in itself and I do not intend to exhaust them here. Given the complex humanitarian crisis that we suffer and the criminal dynamics that the Venezuelan State has established²⁷, I can anticipate that support from the international community will be required to overcome the collapse that the country is experiencing. It is appropriate to ask ourselves whether it is necessary for international accompaniment to also assist in the rescue of sovereignty and the monopoly of violence. In addition, there are two equally important issues: First, identifying the responsibilities corresponding to irregular

²⁷ Elliott Abrams, Special Representative for Venezuela of the Department of State of the United States of America, stated on August 4, 2020, that he had learned that, unlike other dictatorships, there are soldiers who are really part of the criminal structure.

activities that are incompatible with democracy with the purpose of suppressing them. In this way, it will be possible to preserve what does not violate the new order as well as avoid situations of State weakness that create conditions for the emergence of new organized crime networks. Second, creating a Ministry in charge of civic education that channels public policies dedicated to the management of our historical memory and offers training for democracy. For both purposes, it is convenient to study the transformation process of Germany after National Socialism (1945) and its reunification (1989).

Conclusions

This issue seeks to contribute to the understanding of the problems Venezuela faces and influence national and international public opinion. Each of the authors, from their own perspectives, offers diagnoses and proposals. On this occasion, we offered an added value: the vital testimony and intellectual reflection of Dagoberto Valdés.

Below we will specify four ideas that deserve to be developed in future editions and that show the intellectual and political effort to identify phenomena that are found in our daily lives.

1. **On “anthropological damage”:** “Anthropological damage” is a concept created and developed by Dagoberto Valdés. It identifies what is –perhaps– the direst consequence of any totalitarian system, because it refers to the intimate world of the human person. Although the concept has some features associated with the culture and specific temporality of the Cuban case, we must make an effort to identify its universal aspects in order to find antidotes that serve both countries. This initiative is FORMA's first multilateral effort, and it fills us with joy to be able to build bridges with those who for so long have suffered from the same wrongdoings that plague us.
2. **Transition and transformation:** The identification of the autocratic nature of Chavismo was followed by a series of reflections on the need for a “transition to democracy” in the country. Numerous investigations, proposals and reflections on the subject have been developed. Most of these initiatives reference transitions in Latin America in

the second half of the twentieth century. Although they offer key aspects to understanding the phenomenon, they deserve to be expanded. For this reason, we put the concept of *transformation* at the service of the country with the aim of extending the scope of political reflections and its practical dimension.

3. **State building dimensions:** Eventually, Venezuela will face the challenge of rebuilding the State. We propose that this challenge be faced with a sense of transcendence. Initiatives that address the quality of political society and the nation, which show symptoms of suffering that “anthropological damage” identified by Valdés, should be added to the technical tasks of the process. We do warn that if these aspects are left aside, we can run the risk of sinking in our aspirations for freedom and promoting new illiberal orders that maintain autocratic features.
4. **Transformative disposition:** Given the dimensions of the damage that the Chavista revolution has created, and based on the demands for transformation, we consider that it is convenient to cultivate in the political actors a disposition oriented towards the impulse of a systemic change that allows progress towards democracy in a stable, inclusive and sustained manner. This provision requires unity of purpose among the members of the political society and the construction of a joint vision of the country.

We thus conclude this edition, hoping that it contributes to the political debate.