

Venezuela: Popular Sovereignty versus Liberal Democracy

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Opinions about the state of democratic governance in Venezuela during the first three years of the government of Hugo Chávez Frías were polarized. On one side, critics came close to labeling it a dictatorship. For example, Allan Randolph Brewer Carías wrote that the 1999 constitution “lays the constitutional groundwork for the development of political authoritarianism, buttressed by regulations that reinforce centralism, presidentialism, statism, state paternalism, partisanship, and militarism; with the danger of the collapse of democracy itself.”¹ On the other side, Chávez claimed to be restoring a truly democratic regime to Venezuela:

we will advance in the construction of a true democracy, of a true political, economic, and social system which we will build because they destroyed it during these last years. . . . We are now going to demonstrate the daring and intelligence of the Venezuelan people who are building with their own hands a true democracy, where justice, liberty, equality, and fraternity prevail.²

The truth is more complex and subtle. In order to evaluate accurately the state of democracy during the first years of the Chávez presidency, one must sharpen the distinction between democracy narrowly defined as popular sovereignty versus the more conventional notion of liberal democracy. It is also necessary to look beyond the rules and institutions of Venezuela’s 1999 constitution to consider the way they were used. On first inspection, Venezuela still had a liberal democratic regime. Understood more deeply, it was no longer a

liberal democracy in every respect. Instead, it became an extreme case of delegative democracy—a regime in which there is no "horizontal accountability," that is, no effective check on the president by the congress, courts, or other powers between elections.

In the next two sections, I will show that the president enjoyed widespread popular support for almost everything he and his followers in the Fifth Republic Movement (Movimiento V República, MVR) did, and argue that this fact qualified his government as "democratic" in the narrow sense of popular sovereignty. But I will then explain how Chávez used a constituent assembly to eliminate systematically all constraints on presidential action, which increased the risk that Venezuela would cease to be a democracy by any definition in the future. I then illustrate the impact of this concentration of power on democratic governance by examining the changed roles of civil society, elections, parties, and various branches and levels of government in the Chávez regime. The chapter concludes with speculation about how this regime might end.

The attack on horizontal accountability also damaged the governability of the regime. Elsewhere I have defined governability as "the degree to which relations among strategic actors are governed by stable and mutually acceptable formulas."³ Governability suffered because the new formulas regulating relations between government and opposition among branches of government, and between state and civil society were both unstable and far from mutually acceptable. Chávez and his supporters saw themselves as agents of a deliberate and self-conscious revolutionary process and believed that expediency and unilateral impositions of new rules were justified by the need for a radical break with the past. Needless to say, this attitude

also condoned a cavalier disregard for the rule of law, extending, as we shall see, even to the constitution.

Popular Support

Popular sovereignty--the idea that a government should do what most citizens want it to do--is the oldest and most literal definition of democracy, although not necessarily the best one.⁴ Contemporary theorists now consider popular sovereignty neither sufficient nor strictly necessary for democracy. But even though popular sovereignty has fallen out of favor with scholars and mainstream politicians, it has a long pedigree as one legitimate standard for democracy. Furthermore, few scholars would disagree with the claim that democratic governments must respect the popular will at least some of the time, especially when it is deeply felt, widely shared, and coherently expressed.⁵ Qualified in this narrow way, popular sovereignty is a necessary characteristic of democracy.

In this respect, the Chávez government's credentials were solid despite his past disloyalty to Venezuela's democratic regime. Hugo Chávez Frías rose through the ranks of the armed forces in the 1980s and 1990s. He was a star student at the military academy who considered himself an intellectual and took it upon himself to maintain a dialogue with intellectuals of the left. As early as 1983 he had formed a conspiracy with other junior officers that was critical of the Venezuelan regime for betraying the ideals of the country's founding father, Simón Bolívar. By 1992, members of this conspiracy had risen to positions of command; Chávez had been promoted to Lieutenant Colonel and commanded a paratrooper division close to the capital. In February of that year, they attempted to overthrow the government of President Carlos Andrés

Pérez by force, but were narrowly defeated. Nevertheless, Pérez was such an unpopular president that the coup attempt made Chávez a hero in the eyes of many Venezuelans.

Ever since March 1998, when he became the front-runner in the presidential race, Hugo Chávez was the most popular politician in Venezuela and his agenda was endorsed repeatedly in elections and opinion polls. He won the December 1998 presidential election with 56.2 percent of the vote, the most decisive electoral victory since Rómulo Gallegos's win in 1947. In April 1999, he sponsored a referendum seeking permission to summon a constituent assembly (Question 1) and to design an electoral law for the election of constituent assembly delegates (Question 2). He was the ultimate author of both questions, and both were approved with more than 80 percent of the vote (Table 1). When this election was actually held three months later, the first-place finishers in each district, all of whom were Chávez supporters, won nearly the same three million-plus votes that Chávez and his initiatives had won in the two previous votes. When the Chávez-dominated constituent assembly finished its work and submitted the draft constitution to a popular vote, it was ratified by nearly 72 percent of the voters. Later, in the "megaelections" of July 30, 2000 to renew all officeholders, Chávez himself was reelected with 56.9 percent of the vote.

[Table 1 about here]

These figures probably exaggerate the breadth of support for Chávez because abstention ranged from 36.5 percent in the 1998 presidential election to 62.4 percent in the two-part referendum. When the pro-Chávez vote is presented as a percentage of the whole electorate, it is reduced to a quite stable but far lower 30.3-33.4 percent. Given the constancy of this support in the midst of extremely high abstention, this seems to be an intense third of the electorate that

repeatedly turned out to register its support for Chávez or his agenda. One third may seem low, but to be fair it must be compared with support for past presidents calculated in the same way. As Table 2 shows, Chávez's initial base of electoral support was proportionally smaller than that of six other Venezuelan presidents; but larger than that of three past presidents—Leoni and Caldera in his two governments. He was therefore in the ballpark in terms of support in Venezuela, just a bit lower than the average of 37.4 percent. One should also consider that many Venezuelan presidents have tended to enjoy broader support than presidents in neighboring countries. Chávez's base of electoral support was proportionally larger than that of 10-11 of his contemporary Western Hemisphere presidents, and above the hemispheric (outside Venezuela) average of 28 percent (Table 3). The size of Chávez's base of electoral support therefore remains solid in comparative perspective, and the intensity of this support is relatively high.

[Table 2 about here] [Table 3 about here]

It is tempting to argue that Chávez really had only an ordinary level of support, which abstention magnified into the appearance of an extraordinary level of support. However, this interpretation is not compatible with survey evidence. Opinion polls, which are less biased by abstention, indicate that another sizable segment of the population also supported Chávez, although not intensely enough to cast an actual vote for him at every opportunity. This group, combined with the intense third, provided the president with clear majority support. A sampling of survey results will suffice to make this point:

*In January 2000 a survey in 10 cities by Alfredo Keller concluded that Chávez would receive more votes in the next presidential election than he received in 1998.⁶

*In February 2000, a Consultores 21 survey in 66 urban centers found that 71 percent of respondents would vote for Chávez if the elections were held then.⁷

*In May 2000, another Consultores 21 survey conducted in 66 cities reported that 55 percent would vote for Chávez against Arias Cárdenas and that Chávez had a 64 percent approval rating versus 31 percent disapproval.⁸

These indicators of the popularity of the president could also be corroborated by observing the enthusiasm with which he was received when he appeared in public and the deep respect heard in the voices of callers to his weekly radio program. Figure 1 shows that the popular support also extended beyond personal support for Chávez. Under the Chávez governments, the proportion of Venezuelans feeling positive and optimistic increased. In spite of poor economic performance, in 2000 62 percent believed that their personal and family economic situation would improve in the next twelve months, and 57 percent believed that the country's situation would improve. Most strikingly, the percentage of Venezuelans who claimed to be very satisfied with the way democracy works in Venezuela increased from 13 percent in 1998 to 28 percent in 2000; and those "not at all" satisfied shrank from 25 percent to 7 percent.

[Figure 1 about here]

However, not all Venezuelans held Chávez in such esteem. In fact, most middle class and wealthy Venezuelans opposed him for the same reasons that the lower classes welcomed him:

The references to *el pueblo* [the people] as central to the process are read by these sectors as evidence of demagogic populism; his informality is equated with improvisation; his military language an expression of authoritarianism; his baseball analogies are seen as

insufficiently serious and unbecoming of a statesman; his sense of humor shows boorishness; his pedagogical tone is perceived as primitive, lowbrow, and uncalled-for.⁹ This polarization of opinions by class also showed up when Venezuelan newspapers conducted on-line polls, which routinely registered overwhelming contempt, among computer users with Internet access, for the president and everything he did. Despite the intensity of their opposition, these critics were clearly in the minority.

The polls therefore suggest that Chávez had a comparatively large base of support, but the elections suggest that only about half of this base was solid. If his fair-weather friends deserted him, he would lose his main claim to democratic legitimacy. In such a situation, this former coup leader could be tempted to govern through non-democratic means. In order to judge the likelihood of such a scenario, it is important to understand where Chávez came from, what his goals were, and why so many Venezuelans supported him.

The Crisis of Democracy and the Rise of Chávez¹⁰

In the 1960s and 1970s, Venezuela earned a reputation as one of the most stable democracies in the developing world. The democratic regime inaugurated in 1958 survived guerrilla movements, terrorism, and several coup attempts in its early years and continued to celebrate clean elections every 5 years marked by vigorous campaigning and party competition. Stability was achieved through a formula that gave a central role to the two largest political parties, the social democratic Acción Democrática (AD) and the Christian democratic COPEI. Many Venezuelans came to call this formula *partidocracia* (an amalgam of *partido* (party) and *democracia* (democracy)), which I translate as "partyarchy."¹¹ The guardians of the formula, so to speak, were the leading *adecos* (members of AD) and *copeyanos* (members of COPEI), whom

some Venezuelans called the "*status*" *adecopeyano* and I will translate as the Adecopeyano establishment, or simply the establishment.

This partyarchy promoted governability in five ways. First, the two parties were broadly representative of society. They had huge numbers of party members; channeled demands from labor, peasants, and other organized groups; and from 1973 to 1988 split about 80 percent of the legislative vote and 90 percent of the presidential vote. Second, AD and COPEI practiced iron discipline: militants at all levels of the party organization risked expulsion if they disobeyed decisions made by the small inner circle of leaders, or *cogollo*, at the head of each party. Third, the two parties extended their control to nonparty organizations that they had politicized. Labor leaders usually refrained from holding strikes when their party was in power, and the politicized officers of professional associations, student governments, peasant federations, state enterprises, foundations, and most other organizations used their positions to further their party's interests. The two parties therefore acted as powerful and readily mobilized blocs. Fourth, they practiced *concertación*, or consensus-seeking. The leaders of AD and COPEI made a habit of consulting one another, and usually leaders of other parties and social organizations as well, whenever controversial issues arose.¹² Policies concerning defense, foreign affairs, and the oil industry were usually made by consensus, and even when consensus proved impossible, the attempt to reach it mollified the opposition. Finally, the two parties hammered out good working relationships with other strategic actors—the military and private sector. In exchange for noninterference in political questions, AD and COPEI governments kept benefits flowing to these other actors in the form of budget allocations, training, tax forgiveness, subsidies, protection, and other policy favors. Governability was therefore ensured by the Adecopeyano

establishment which, because it controlled large, popular, and tightly disciplined parties with influence over most other organizations, had the authority to bargain with other parties and other strategic actors, and the power to enforce the deals that it made.

Oil wealth also aided governability under Venezuela's democratic formula as long as it contributed to prosperity. The rapid economic expansion and social mobility of the 1960s and 1970s contributed to the legitimacy of the governing parties; oil financed policy favors to business leaders; and it financed patronage for elites and clientelism for the masses. But the economy began a long decline in 1978. From 1978 to 1989, per capita GDP shrank 29 percent, falling back to a level not seen since 1953.¹³ Venezuelans did not lose faith in their parties immediately; for the next decade, they continued to hope that a change of government would return them to prosperity. The decline began under an AD government; in 1978 they elected Luis Herrera Campíns of COPEI, and he enjoyed a second oil price surge for a while, but then the Latin American debt crisis hit. In 1983, Venezuelans elected Jaime Lusinchi from AD, who delivered only a modest reactivation of the economy, at the cost of higher inflation. In 1988, they returned to Carlos Andrés Pérez (also from AD), who had presided over the biggest boom in the 1970s; but Pérez instead began his administration with a radical shock program that led, in the short term, to an inflation rate over 80 percent and an 8.3 percent contraction of the economy—the worst performance on record. It was at this point that Venezuelans became increasingly alienated from AD, COPEI, and other democratic institutions. Public anger erupted in three days of rioting and looting in all major cities in 1989.

Parties were clearly powerful actors and no other parties had governed since 1958, so when Venezuelans felt like “throwing the bums out,” it was perfectly clear to them who “the

bums” were. To be fair, it would be wrong to lay all the blame at the feet of AD and COPEI. The debt crisis that began in 1982 owed much to a surge in U.S. interest rates and a temporary halt to new foreign investment in the whole region. And from 1985 to 1998, Venezuela was particularly hurt by a severe decline in oil prices. Oil revenues, which used to cover 70 percent of public expenditures, now covered only 40 percent. None of this was subject to Venezuela’s control. Nevertheless, the establishment parties did deserve much of the blame because they made these problems worse than they had to be and created other problems as well. They were accomplices to their own destruction.

The popular reasoning that connected the parties to the economic decline was as follows: Venezuela is a wealthy, oil-exporting country; the government’s duty is to share this wealth fairly with all of us; I’m not getting my share, and neither are those around me; therefore, the party politicians who have run the state for the last 30 years must be wasting and stealing the money. Again, this is not the whole story, but there was more than a grain of truth to this popular belief. When the decline began in the mid-1970s, Venezuela was between two magnificent, closely-spaced oil booms. With prudent management, this could have been a time of glorious prosperity. Instead, both Pérez (1974-1979) and Herrera (1979-1984) drove the country much deeper into debt despite commanding state revenues that were *several times larger* than those that any other Venezuelan governments had received. Obviously, there was massive waste and corruption. It was appropriate for Venezuelans to blame their leaders for this even if periodic overspending is virtually inevitable in oil economies.¹⁴

The waste and corruption—which continued throughout the decline of the 1980s and 1990s, when it was even less tolerable—was in turn made possible by partyarchy. Ironically, the

same characteristics of parties that had promoted democratic governance in the first two decades of the regime worked to undermine it in the last two decades. The continuation of corruption required a climate of impunity, which was a by-product of partyarchy. The courts, like the bureaucracy, the universities, and most other institutions, were thoroughly politicized along party lines and seemed never to find sufficient evidence to justify a trial or a conviction. There has to have been complicity between AD and COPEI as well, because they behaved as though there were a secret clause in the Pact of Punto Fijo prohibiting prosecution for corruption. The practice of *concertación*, intended to moderate political conflict, served equally well to conceal abuses of power by the Adecopeyano establishment. Also, in the hands of increasingly unprincipled party militants, the party founders' dedication to the moderation of conflict was transmogrified into an obsession with controlling other actors in civil society. But rather than welcoming and encouraging a newly flourishing civil society and opening the system to more genuine participation, the parties treated independent groups as threats to party control. An opportunity to deepen Venezuelan democracy was thus lost, and the independent organizations responded by linking their aims to an anti-party, anti-establishment agenda.

The parties were accomplices also in the sense that they stubbornly and tragically resisted pressures to reform themselves. Increasing disaffection with the system became evident as abstention grew from a low of 3.5 percent in 1973 to 12 percent in 1978 and 1983, 18 percent in 1988, and 39.8 percent in 1993. Many observers know that AD and COPEI, following the lead of their presidential candidates during the 1988 election year, passed an electoral reform that established the direct election of mayors and governors for the first time in 1989; this was seen as a move away from the hierarchical discipline typical of partyarchy. What fewer know is that

few party leaders besides the presidential candidates were happy about this reform. They set about to nullify its effects immediately by reasserting tight *cogollo* control over nominations to these offices. AD was also primarily responsible for stalling and eventually shelving a constitutional reform bill that grass-roots organizations had succeeded in putting on the agenda in 1992. The two parties flirted with reform in 1993 by nominating for president a mayor and a governor who had genuine local grass-roots support and who advocated greater openness and participation and economic liberalism. But when both candidates lost in 1993—the first time neither AD nor COPEI had won the presidency in a fair election—other party leaders systematically marginalized these candidates and purged hundreds of their supporters from the ranks. The AD candidate, Claudio Fermín, was eventually expelled; President Pérez was impeached in 1993 and expelled while awaiting trial. By 1998, COPEI had no viable presidential candidate of its own and so backed one, then another, independent. AD's top boss, Luis Alfaro Ucero, forced the party machine to nominate him for president and ran a doomed race in 1998 even when his own party dumped him two weeks before the vote. AD and COPEI contributed only 9.05 and 2.15 percent of the valid votes, respectively, to the independent candidate they both backed in the end, Henrique Salas Römer.

The presidential election of 1998 that brought Hugo Chávez to the presidency was therefore the culmination of a fifteen-year process of traditional-party decline. Chávez did not destroy the old parties; rather, he filled a political vacuum. His promises were perfectly tailored to fill this particular void. His ultimate announced goal was to restore prosperity to the country—to stop the waste and corruption that Venezuelans believe to have been siphoning off their wealth, and to distribute it fairly among all citizens. But his means to that goal squarely targeted

the traditional parties, which he indicted for creating the mess and accused of standing in the way of the necessary reform. "We are being called to save Venezuela from this immense and putrid swamp in which we have been sunk during 40 years of demagoguery and corruption," he proclaimed in his inaugural address.¹⁵ Although AD's popular support had already diminished and COPEI was on the verge of extinction, their militants were believed to be entrenched still in the congress, the courts, the bureaucracy, the electoral council, and state and municipal governments. He promised to remove these corrupt politicians from power and replace them with honest, hard-working, patriotic--and frequently, it turned out, military--citizens. Rooting out the corrupt partisans would require a full-scale assault on the existing democratic institutions, and the tool Chávez proposed to carry out this political revolution was a constituent assembly.

Democracy and Horizontal Accountability

It is useful to interrupt the narrative at this point to reflect a bit more on democratic theory. I have gone to some lengths to substantiate the claim that Chávez had a clear majoritarian mandate to carry out his agenda of dismantling partyarchy in order to banish corruption and restore prosperity so that the oil wealth could be widely shared once more. His diagnosis of the problems may have been simplistic, his promises demagogic, and his abilities unequal to the task; but he clearly had broad popular support to pursue these goals. In making this claim, I have no wish to become an apologist for him. Instead, I have two different goals. The first is explanatory: anyone who wishes to understand why so many Venezuelans supported Chávez and how it was possible for him to execute so much of his political agenda must recognize that his supporters granted him a kind of democratic legitimacy. I wish to describe the rationale for that legitimacy precisely. Second, I want to sharpen the distinction between democratic legitimacy based on popular sovereignty—which Chávez could reasonably claim—and democratic legitimacy based on liberal democratic principles—which he sacrificed along the way. This distinction captures the tension between two core democratic principles in Venezuela and therefore is useful for describing and evaluating the situation. When seen against this backdrop of theory, the Chávez government serves as a paradigmatic illustration of the tension between two standards for democracy.

Much of Chávez's popular support was derived from certain democratic ideals. There was a logic to his claims to be creating a more democratic system.¹⁶ However, there is a different strand in democratic theory—liberalism—that calls for limits on the sovereignty of a popular majority. If majorities could be trusted never to undermine the basic procedures that make it possible to ascertain and give effect to the majority will, liberalism would be

unnecessary. But the dominant strain of democratic theory for the past 150 years has assumed that majorities cannot be trusted. They easily give in to the temptation to modify the rules of the game to discriminate in favor of themselves and against the opposition. This discrimination is not always intolerable: for example, it is almost universally accepted as legitimate for governments to prefer their own partisans and allies for cabinet positions, top executive branch appointments, and legislative committee appointments.¹⁷ But the narrower the governing coalition is, and the more its discrimination extends to positions and rules that have a deep impact on fundamental interests of the opposition, the greater the danger of the tyranny of the majority.¹⁸ If these encroachments go so far as to threaten the opposition's ability to formulate and express its views, to receive equal treatment under the laws, and ultimately to compete in the next election on an equal footing, then the minimal standards for democracy are not met.¹⁹

Liberal principles therefore justify and in fact require limits on the authority of the government of the day, no matter how clear its majoritarian mandate may be. In order to reduce the risk that a president will abuse a popular mandate, presidential constitutions provide for a diverse array of institutions with various powers to check the executive between elections. These institutions include an independent judiciary, a legislature with a distinct electoral base, and in some states, a division of powers among tiers of government and an independent electoral agency, attorney general, comptroller, and *defensor del pueblo* (ombudsman). Liberal institutions can be thought of as a kind of democracy insurance policy. Citizens pay premiums in the present, in the form of sacrificing some of the government's representativeness and immediate responsiveness to their wishes. But these premiums purchase assurance that democracy will not fall below some minimal level in the future. Following this analogy,

Venezuela's partyarchy was part of such an insurance policy: it guaranteed that the basic elements of democracy would be respected, but the price for this benefit was an excessive concentration of power in the the two leading political parties (and all the abuses that followed from such concentration). Eventually, Venezuelans came to feel that the premiums were too high. They cashed in the policy and enjoyed a windfall of responsiveness from the Chávez government; but they lost their insurance that democracy would survive in the future.

Venezuela's partyarchy also aided governability, as disciplined and hierarchical parties mediated almost all relations among powerful actors. When the parties were no longer able to provide this service, governability suffered. Decades-old understandings about the role of business and labor, the Church, and especially the armed forces were questioned and had to be renegotiated, creating a time of uncertainty and unpredictability. The most fundamental rules of all—those contained in the constitution—were debated and revised, and, as we will see, sometimes ignored.

The Elimination of Horizontal Accountability

During the first year of the Chávez government, participants on all sides seemed to agree that the Constitution of 1961 somehow locked in the terms of the 1958 party-centered Pact of Punto Fijo, allowed corruption, and guaranteed impunity and economic decline. This belief was baseless. The 1961 constitution was adequate for a democratic regime in Venezuela. In fact, it was a fairly standard Latin American presidential constitution, with very few provisions that could not be found in the constitutions of other democratic countries. Furthermore, the 1961 constitution provided for an amendment procedure that was feasible as long as there was sufficient political support for amendment; and what could not be accomplished by amendment could often be accomplished through ordinary legislation. For example, direct elections for governors and mayors were postponed for 30 years due to the lack of ordinary legislation, and were eventually instituted by the passage of ordinary legislation. There was no pressing institutional need to reform it.

Similarly, although the Constitution of 1999 made many changes, it stayed within the range of constitutional practice in Western democracies. The presidential term was increased from four years to six, but Chile has a six-year presidential term and France had a seven-year term from 1958 to 2000. The 1961 constitution had prohibited presidential reelection for two terms, and the 1999 constitution permitted two consecutive terms. But the U.S., Brazil, and Argentina allow for presidential reelection, and we must keep in mind that there are no term limits (prohibitions of reelection) on the executive at all in most parliamentary systems. Venezuela's new electoral system did exaggerate the margin of victory of the Chavistas, but in principle the first-past-the-post elections of the U.S., U.K., and Canada would do so as much under comparable conditions.²⁰ The greater exaggeration in practice was not due to the

constitution, but to the size of the Chavistas' majority and the fact that it was distributed fairly uniformly throughout the country. Also, there was nothing in the new text that prohibited further decentralization: if the government wanted to favor decentralization, it could happen (as was true under the 1961 constitution). The 1961 constitution was not an important part of the problem, and the 1999 constitution will not be an important part of a solution. The primary motivation for calling a constituent assembly was not to tinker with the constitution.

The real problem with the constitution was that it protected Chávez's adversaries' control of congress and other institutions. AD and COPEI had cleverly arranged for the 1998 congressional and gubernatorial elections to be held one month before the presidential elections so that Chávez's powerful coattails would not affect these elections. The tactic worked: after the November 1998 elections, the pro-Chávez forces controlled only one third of the seats in the two chambers while the anti-Chávez forces controlled two thirds (Table 4). This representation created a serious obstacle to the most radical items on the president's agenda during the seven months of this legislature's existence. Intimidated by the pro-Chávez majority in public opinion, the congress tried to appear cooperative. But the incumbent congress did deny the president some of the emergency powers he requested in 1999, especially those that would have given him the greatest discretion for the longest periods of time. The constituent assembly was urgently desired not because the constitution was so poorly designed, but because it was the only conceivable body that would have the power to neutralize congress, the courts, and all other guarantors of horizontal accountability.

Chávez neutralized all of these institutions' ability or desire to check his actions with breathtaking speed and efficiency. All of the key moves were executed in slightly more than one

year. On December 6, 1998, Hugo Chávez was elected president with 56.2 percent of the vote. On February 2, 1999, at his inauguration, he called for a popular referendum to summon a constituent assembly. A blue-ribbon panel was appointed to draft the text of the referendum and design an interim electoral law, but Chávez disregarded its report and dictated the terms of the referendum himself. On April 25, 1999, both referendum questions were approved by over 80 percent of the voters. On July 25, 1999, legislative elections were held and the pro-Chávez alliance won 122 out of 131 seats in the National Constituent Assembly (Asamblea Nacional Constituyente, ANC). The ANC began its work 8 days later and finished the new constitution on November 15, a little more than three months later. At the same time, the ANC arrogated to itself the power to intervene or dissolve other state institutions. On the day the new constitution was popularly ratified (December 15, 1999, with 72 percent of the vote), the congress and supreme court were dissolved. However, the ANC continued to work as a sovereign legislature until January 31, 2000. During these six weeks, it appointed a vast number of public officials, rewrote the electoral law, and approved a “transitory regime” that served as a kind of unratified constitution until new elections could be held. The opposition howled that the transitory regime, and some decisions adopted under it, violated provisions of the constitution the ANC had just written (for example, in scheduling elections too soon); but in order to ensure that elections would actually take place, these rules were allowed to stand. Between the dissolution of the ANC and the installation of the new National Assembly, all legislative functions were performed by a 21-member National Legislative Committee appointed by the ANC. The sections below describe the role of key actors and institution during this process and evaluate their current contributions to democratic governance (or the lack thereof).

Civil Society

Governability is favored when civil society is structured into solid, well-organized associations and these societal actors have understandings with one another and with the state that permit them to act freely and confidently.²¹ This was one of the weakest areas of governance in Venezuela. There were relatively few social actors that were large and well organized, and the few that were all had a very strained relationship with the Chávez government. The most respected actor was the Catholic church, which initially had good relations with the government. However, in July 1999 the executive cut in half its \$3.4 million annual direct subsidy to the Church, and the ANC rejected proposed constitutional language that protected life "from the moment of conception."²² By November church officials were unofficially calling for a "No" vote in the constitutional referendum, and one bishop publicly interpreted the catastrophic mudslides in December as a sign of God's fury against the president. Chávez replied that "God is with the Revolution" and accused Church officials who opposed him of being in league with AD and COPEI and "having the devil up their cassocks."²³

The Church's ability to mobilize opposition remains to be seen, but the private sector did not delay in expressing its lack of confidence. The one exception was the oil sector, which continued to be a private investment magnet, despite the new government's renewed determination to retain ultimate ownership and control over this key resource. Under the leadership of Venezuelan oil minister Alí Rodríguez, and with the help of growing U.S. oil consumption and refining bottlenecks, OPEC (the Organization of Petroleum Exporting Countries) succeeded in raising prices during 1999 and 2000. The oil sector therefore enjoyed a mini-boom during Chávez's first two years in office.

In all other sectors, the economic news was bad. Honda, Fiat, and Unilever were among the foreign firms that closed factories in the first two years; in all, \$4 billion was transferred out of the country between July 1998 and December 1999.²⁴ Domestic business associations openly campaigned against ratification of the new constitution. CEOs were undoubtedly discomfited by the former guerrillas in the cabinet, the president's admiration of the Cuban model ("I feel happy to follow the path of Fidel. . . . [Venezuela is swimming] toward the same sea as the Cuban people. . . , a sea of happiness, social justice and true peace."), and his anti-business invective ("enemies of the nation," "a rancid oligarchy," "a truckload of squealing pigs," "a batch of bandits who have betrayed, pillaged and humiliated the people").²⁵ A lack of business confidence can certainly affect economic management: production fell 7.2 percent in 1999 and unemployment rose to approximately 20 percent of the workforce.

A third large organization, the Venezuelan Workers Confederation (CTV), also found itself in an antagonistic relationship with the government but lacked the leadership to launch concerted opposition. Organized labor had long been dominated by the political parties, especially Acción Democrática, but now that the parties were crippled, the organization lacked direction. Nevertheless, the Chávez government made plans to separate the unions from the parties in its second year. ANC President Luis Miquilena complained that "there is an entrenched mafia of real *capos* [organized crime bosses] of labor who forgot about elections and the grass roots."²⁶ To root them out, the government ended the hefty state subsidies to the CTV and proposed to audit the labor leadership's assets.²⁷ It also held a referendum to obtain a popular mandate to dismantle the CTV by, among other means, forcing the labor federations to hold open internal elections supervised by the National Electoral Council. At the same time,

Chávez promoted a parallel official union movement called the Bolivarian Workers Front (Frente Bolivariano de Trabajadores, FBT), clearly intended to mobilize workers behind the government's projects, beginning with the destruction of the CTV.²⁸

Because the Establishment parties had been so thorough in their penetration of other organizations, only a small number of well-organized, autonomous, and well-known interest groups survived the parties. Human rights groups were the exception, as many organizations were founded after the violent repression of the 1989 riots. One group listed 80 human rights organizations nationwide, although it is not known how many remained active.²⁹ Some of these, such as the human rights group PROVEA and the electoral reform group Queremos Elegir, participated in debates about constitutional reform. However, the fundamental fact is that there were comparatively few viable organizations in Venezuelan civil society. Chávez's relationship with "the people" was therefore mostly unmediated by secondary associations.

Elections

Clean elections are obviously essential for democratic governance. For decades, Venezuela's Supreme Electoral Council (CSE) enjoyed an excellent international reputation and Venezuelan elections were presumed to be pristine. However, it was well known that politicians practiced all sorts of chicanery in internal party elections, and in the popular mythology, the major parties represented at voting stations often divided up among themselves any votes cast for minor parties. Because minor parties continued to win some votes during this time, I doubt that there was systematic or widespread fraud of this nature in general elections before 1988. But with the election of governors and mayors in 1989, hard evidence of attempted fraud at this level began to turn up, and several elections had to be re-run to ensure an accurate result.³⁰ As these cases gained publicity, widespread cynicism about the CSE set in.³¹ A reform during the second Caldera administration renamed this body the National Electoral Council (CNE) and aimed to depoliticize it by replacing some party representatives with technocrats. The CNE weathered some turbulence in the composition of its board, despite the adoption of computerized voting machines and frequent changes in electoral law, until early 2000. In January, 138 CNE officials affiliated with political parties were fired.³² In February, the three-member board was rotated, probably due to suspicions that one board member was an "agent" for opposition presidential candidate Francisco Arias Cárdenas.³³ In the midst of this turmoil, the CNE was tasked with organizing the election of all officials, from president to local representatives, in a simultaneous election on May 28. This time, the CNE no longer had the technical capacity for the job, and these crucial elections had to be postponed. The "mega-elections" (so called because all elective offices were filled at once) were finally held on July 30 without serious technical problems.

Nevertheless, informed observers considered the new council overwhelmingly *chavista* (pro-Chávez). This cannot be considered an improvement over the former multi-party council.

Political Parties

During its peak years of partyarchy, Venezuela had two well-organized, legitimate, and tightly disciplined political parties that were well-suited for ensuring governability. But one concomitant of the decline of partyarchy was a popular rejection of parties structured along these lines. Consequently, after the 1998 elections, political parties became one of the weaknesses of democratic governance in Venezuela.

AD fell from one third of the congressional seats in 1998 to 18 percent in 2000. By 2000, COPEI was diminished almost to the point of extinction. The government accelerated the collapse of the old parties by cutting off all public financing to parties, but the main cause was the loss of popular support. Neither party finally ran a presidential candidate of its own in 1998 or 2000. All members of the ANC who did not belong to a party allied with Chávez ran as independents. Nine of 23 governors and a respectable number of mayors were successful in the mega-elections despite being allied with opposition parties.³⁴ However, if there is no strong national organization, these affiliations will become increasingly meaningless. AD initially seemed to retain enough of a foothold to reconstitute itself as a leader of the opposition, but internally it was reeling from its fall from prominence. In September 2000 it suffered a serious top-to-bottom split (the fourth in its history) that further damaged its potential to recuperate. With their co-partisans being rejected at the polls and purged from the bureaucracy, many remaining traditional politicians followed the example of Rafael Caldera, Carlos Andrés Pérez, and Claudio Fermín and abandoned their parties, some to retire and others to found new parties.

Most of these politicians and new parties immediately lost political significance. They continued writing editorials and appearing on television, but had little chance of winning many votes. For example, Claudio Fermín, who even in 1998 was well positioned to be the leader of a reformed AD, won only 2.72 percent of the presidential vote in 2000, and he was the most successful of the former establishment politicians.

The largest party was Chávez's Movimiento V República (Fifth Republic Movement, or MVR), the electoral heir of the MBR-200 (Bolivarian Revolutionary Movement) that organized the February 1992 coup attempt. This organization appeared to be a true party with a large membership and some organization beyond election periods. Its membership swelled rapidly after Chávez took power, which made it more internally diverse. Dominant parties, like oversized coalitions, can be hard to hold together. This one was reportedly divided between civilian and military wings that were united only by the personality of Chávez. Rumors that Chávez was distrusted by parts of its military base were confirmed in February 2000, when Yoel Acosta Chirinos accused Interior Minister Luis Miquilena of unethical contracting practices and Jesús Urdaneta Hernández was removed from the leadership of the party by its National Tactical Command. In March, these two leaders endorsed the presidential candidacy of Francisco Arias Cárdenas. All three were former military officers who collaborated with the first 1992 coup attempt. This was, in effect, a split of the MVR just 14 months into the administration, which raised doubts about the party's future contributions to governability. Indeed, Chávez himself began undermining the MVR in 2001 by re-founding his original non-party movement, MBR-200. The existence of an MVR-affiliated "José Martí group [*coordinadora*]" of thugs who provoked violence against the Arias camp and journalists raised further doubts.³⁵

Some small parties participated in an alliance with the MVR called the Polo Patriótico. These included the Movimiento al Socialismo (MAS) and, for a time, Patria Para Todos (PPT).³⁶ MAS was a left or center-left party dating back to 1971, popular among students and intellectuals. Although it was awarded several positions in the cabinet, the Chavistas called their alliance with it "tactical" rather than "strategic" because it carried the taint of partial involvement

in *concertación* under AD and COPEI administrations.³⁷ PPT, a ragtag center-left splinter from the moribund new-unionist La Causa R, nursed an increasingly unrequited love for Chávez. Although initially part of his alliance, Chávez all but excluded PPT candidates from the Polo's tickets for 2000, as he felt that this small party contributed few votes and endangered his reputation. PPT leaders had no choice but to withdraw formally from the alliance for that election, but unofficially continued to support Chávez's candidacy. The role of both parties subsequently was more that of opportunistic hangers-on than of important independent parties. These small, pragmatic parties were more easily co-opted by a president than their better-institutionalized predecessors. In this respect, party politics in Venezuela began to resemble party politics in Peru and Ecuador.

All other parties outside the Polo Patriótico were little more than personalistic vehicles with short life expectancies. Irene Sáez Conde's IRENE became defunct even though she had been the leading presidential candidate before March 1998; Salas Römer's *Proyecto Venezuela* (Project Venezuela) was a relevant political actor only in the state of Carabobo, even though he had finished second in the December 1998 presidential race. Many believed that a new opposition party or parties could emerge from the alliance backing Arias in 2000. However, it is more likely that this will be simply one more short-lived personal vehicle. It will probably be years before the political climate makes it possible to establish a coherent, well-organized opposition party that is not based on a charismatic personality. And until then, there will be no political actor with democratic legitimacy based on a popular following that is in a position to mount effective opposition to the government.

The Executive

Democratic governance requires an executive that faithfully executes the law, maintains its autonomy from the influence of unelected actors, and yet remains accountable to other democratic actors such as a legislature and an independent judiciary. Chávez based his democratic legitimacy primarily on the first two conditions, which are derived from the logic of popular sovereignty, and sought ways to avoid the third condition, which is based on the logic of liberal democracy.

The president claimed to be promoting efficiency and honesty in the executive branch by appointing military officers to high posts and mobilizing troops to carry out some duties that would normally be assigned to civilian bureaucrats. (Polls routinely showed that the armed forces were among the least distrusted institutions in Venezuela.) In his first cabinet, six ministries were headed by military officers and 70 percent of the vice-ministers were from the military as well. He also appointed a leader of the November 1992 coup attempt as Governor of Caracas and welcomed the selection of another *golpista* (coup plotter) as President of the Congress in 1999.³⁸ However, what drew more attention was his "Bolívar 2000" project, which deployed 70,000 troops to build roads and bridges, distribute food, vaccinate children, clean sewers, and carry out other public works.³⁹ Contrary to Chávez's boasts and his supporters' hopes, the military did not appear to be immune to corruption. Eduardo Roche Lander, who served as Comptroller General until his dismissal in December 1999, charged that commanders in Barcelona, Ciudad Bolívar, and Maturín billed for services not rendered and could not account for all their expenditures.⁴⁰

Instead of increasing confidence in the executive branch, Chávez's reliance on the armed forces raised the fear of the militarization of the government. This fear was further encouraged

by a 13 percent increase in the Armed Forces budget (despite an overall budget cut of 10 percent); the granting of suffrage to active-duty soldiers; and proposals to add a required “pre-military” curriculum in the schools and either eliminate most draft exemptions or require universal military service.⁴¹ Nevertheless, these changes or proposals are properly understood as a not entirely welcome military role expansion initiated by a popularly elected president, not as a power grab by the military. Especially after the defection of Arias, Urdaneta, and Acosta from the Chávez camp, which was partly a reaction against this role expansion, the military’s loyalties were divided. As long as the pro-Chávez tendency remains dominant, civil-military relations will be good.

But if the balance tipped against the president, the armed forces had sufficient autonomy to challenge the regime.⁴² Ironically, their autonomy was increased by several changes adopted in the 1999 constitution. First, articles 328 and 330 gave explicit constitutional responsibility to the armed forces for the maintenance of public order, participation in national development (formerly recognized only in an organic law), and some police and investigative activities. Second, the new constitution gave the armed forces complete autonomy to make military promotions, a role that had been shared with the senate. Finally, under the 1999 constitution, all branches were united in a single command, which dampened competition for resources and would make any coup attempt easier to coordinate.

Some of the constitutional changes also raised the specter of an emerging dictatorship. However, none of these changes by itself made a dictatorship likely. Chávez’s push for a six-year term with the possibility of reelection for another six years (in addition to his first year and a half in office) strongly suggested that he would *like to* stay in office a long time. But doing so

would require getting reelected, and that is not assured as long as other democratic procedures are followed. The constitution gave him the new power to dissolve the National Assembly, but before he could do that, the National Assembly would have to dismiss the Vice-President three times in the same period. Although Chávez's disciplined MVR majority provided him with the means to carry out such a maneuver, it simultaneously removed the principle motive for doing it—congressional obstruction of his agenda.⁴³ The Assembly can grant decree powers to the president, and indeed did so through a broad Enabling Law passed in October 2000. However, such delegations were also possible (and abused) under the 1961 constitution, although this one was defined more vaguely and not restricted to economic and financial matters. Nevertheless, Chávez obtained these powers following procedures defined in the 1999 constitution and with ample political support. The president is also empowered to declare a state of emergency and suspend certain constitutional guarantees, but under the new constitution he must submit such a decree to the legislature within 8 days, rather than 10. Of course, if the president had a strong majority in the National Assembly, either decree powers or a state of emergency could be used to transform a government into a kind of dictatorship. But again, the crucial variable was not the constitution, which did not change significantly in either regard, but the president's intentions and the political support he could muster.

The Legislature

There were three different national legislatures in the first year of Chávez's government and a fourth elected during his second year. Each of the first three was less inclined to hold the executive accountable than the one before it. The first legislature was the bicameral congress elected one month before the presidential election, under the 1961 constitution and the 1989 electoral law. Because it was purposely de-linked from the presidential election but coincided with gubernatorial elections, the parties that had attractive gubernatorial candidates did relatively well. This helped the traditional parties and Salas Römer's Proyecto Venezuela, and denied a majority in either chamber to Chávez's Polo Patriótico coalition (Table 4). Although members of this congress could not avoid being intimidated by Chávez's landslide one month later, they nevertheless refused to rubber-stamp his agenda. For example, this congress granted the president only about 80 percent of the decree powers he requested in 1999, and the 20 percent denied him were those most wide-ranging and ill-defined. The authority congress withheld frustrated Chávez.⁴⁴

The next legislature was the unicameral National Constituent Assembly (ANC), authorized by a referendum held in April 1999 and elected in July of that year. This body might seem to have been the ultimate check on the executive, for it declared itself legally omnipotent: not bound in any way by the 1961 constitution or any existing democratic institutions. This was a controversial claim: César Pérez Vivas, leader of the parliamentary faction of COPEI, charged that "an effort is being made to stage a coup d'etat with the Constituent Assembly, which is illegally usurping the functions of Congress and the Supreme Court. Democracy is dying in Venezuela."⁴⁵ The claim of unlimited powers was supported as much by the precedent of the 1991 constituent assembly in Colombia as by any Venezuelan legal text.⁴⁶ Chávez endorsed this

interpretation and promised that he would even leave the presidency if the ANC decided to remove him. The Supreme Court, however, ruled that the ANC's powers were more limited and that its decisions would have to be ratified in a popular referendum. Nevertheless, upon being sworn in, the ANC immediately tried to close down the existing congress. After objections from the Court and the international community, the officers of the two bodies negotiated an arrangement that allowed the old congress to extend its technical existence until a new constitution was ratified as long as it recognized its subordination to the ANC in all matters of consequence.⁴⁷ The old congress was inactive after early August 1999.

Of course, the ANC was not inclined to check the executive, as the Polo Patriótico alliance had won 122 of its 131 seats and Chávez's MVR had a 68 percent majority all by itself (Table 4). This overwhelming dominance would have been impossible without massive popular support, but it was also exaggerated by two provisions of an electoral law that Chávez unilaterally decreed, ignoring the recommendations of a blue-ribbon commission he himself had convened. The first provision was that candidates could choose whether to run on a party ticket, a social movement ticket, or as independents (*por iniciativa propia*). All the Polo candidates ran on a single Polo ticket and, because the parties in the alliance had negotiated well to prevent competition within the alliance, they succeeded in pooling their votes efficiently. Tragically, all the opposition candidates ran as independents, competing against one another and dividing the opposition vote. The second provision complemented the first: voters were allowed to cast as many votes as there were seats to be filled in each district, and the candidates with the largest pluralities were elected. This was a variant of a system known as the block vote, which has strongly majoritarian tendencies, i.e., it tends to exaggerate the margin of victory of the largest

party.⁴⁸ The Polo Patriótico ran first in every single district nationwide, and because most Polo supporters cast all of their votes for candidates identified on the ballot as Polo candidates, the Polo won 95.3 percent of the elected seats with 65.5 percent of the votes, while the independents won only 4.7 percent of the seats with 34.5 percent of the votes.⁴⁹

Although the ANC adopted rules that allowed the tiny opposition a disproportionate voice in its proceedings, the constitution inevitably favored the preferences of the governing alliance. The ANC also welcomed initiatives from interest groups but, predictably, groups advocating reforms endorsed by Chávez were far more “successful” in influencing the content of the constitution than unaffiliated groups.⁵⁰ The ANC finished its work far ahead of schedule, producing the final draft in 98 days out of the permitted 180. Chávez himself did not get a constitution that reflected his stated preferences in every respect. For example, the constitution basically endorsed decentralization even though Chávez favored greater centralization.⁵¹ Because there was no sign that Chávez was upset by these “losses” and because Chávez pressured the ANC to finish its work quickly, I suspect that he did not care much about the text beyond a few key provisions, such as the six-year term, immediate reelection, and the extension of the suffrage to the military. He was probably more interested in what the ANC did *besides* drafting a constitution.

The ANC did a great many other things that were crucial for eliminating checks on presidential power. As already mentioned, by the end of August it neutralized any challenge that might come from the old congress. At the same time, it created a Judicial Emergency Commission that began a purge of the entire judiciary, including the Supreme Court and the Judicial Council. After the draft constitution was ratified on December 15, the ANC (which was

not dissolved until January 31, 2000) decreed a Public Power Transition Regime that dissolved congress and the Supreme Court, and appointed the Ombudsman (*Defensor del Pueblo*), Public Prosecutor (*Fiscal General de la República*), Comptroller (*Contralor General de la República*), and the board of the National Electoral Council. It also provided for itself to be succeeded, until new elections could be held, by a National Legislative Committee consisting of 11 ANC members and 10 unelected members appointed by the ANC. This *Congresillo*, as it was informally known, had vast powers, including the power to remove elected officials at the state and local level.⁵² Any partially appointed body with such powers is more like a revolutionary junta than a representative legislature. By the time the ANC ended its functions, there was not a single national power, other than President Chávez himself, that had not been appointed by a body that was 93 percent Chavista.⁵³

The Judiciary

The Chávez government focused extraordinary efforts on purging the judiciary of allegedly corrupt or partisan officials. There was some irony in this, as the outgoing Supreme Court of Justice had handed the government a precious legal victory not long before. The Constitution of 1961 made no provision for a constituent assembly summoned by a popular referendum. Without a constituent assembly empowered to neutralize the legislative and judicial branches, Chávez would have remained accountable. It was therefore crucial for his success that the supreme court ruled, on January 19, 1999, that a constituent assembly *could* be summoned through a referendum. This decision provided legal cover for almost everything that followed; without it, the entire process would have been patently unconstitutional. The Court's reasoning in this decision was equally important:

The possibility of [the people] delegating sovereignty via the suffrage to popular representatives does not constitute an impediment for its direct exercise in matters for which there exists no express provision in the norm regarding the exercise of sovereignty through representatives. Thus the people preserves its sovereign [*originaria*] power for situations such as being consulted about referendum issues. . . . The opinion of the electorate can be sought on any decision of special national transcendence other than those expressly excluded by article 185 of the Organic Law of Suffrage and Political Participation, including a decision relating to the calling of a Constituent Assembly.⁵⁴

This rationale endorsed the priority of democracy-as-popular-sovereignty over the logic of liberal democracy. It lent legitimacy to the profoundly illiberal notion that “supraconstitutional” means can be invented to give effect to the apparent will of a large majority of the people.

This supreme court was dissolved in December 1999 and replaced by a new Supreme Tribunal of Justice, which included a new Constitutional Court and inaugurated oral arguments in order to make justice more speedy.⁵⁵ Because the new tribunal was appointed by MVR majorities, it was not independent of the executive. This expectation was confirmed in June 2000, when the tribunal dismissed well-documented charges of corruption against Legislative Commission President Luis Miquilena.⁵⁶ In the meantime, the Judicial Emergency Commission, succeeded by the Commission on the Functioning and Restructuring of the Judicial System in December 1999, lost no time in replacing judges. By the end of March 2000, 294 judges had been suspended, 47 others fired, and 101 new judges appointed.⁵⁷ It was probable that most of these had ties with one of the traditional parties, as the courts had long been infiltrated by partisan or family-based "tribes." It was also credible that most of these judges were corrupt.

According to Transparency International, 67 percent of Venezuelans perceived the judicial sector to be inaccessible and corrupt; the corresponding figures for Argentina, Ecuador, and Brazil (not models of propriety themselves) were 46, 47, and 56 percent.⁵⁸ Clearly a drastic change was necessary, but there was little reason to believe that the new judges would be any better.

Other Powers

The dissolution of the old institutions in December 1999 gave the government a convenient opportunity to dismiss officials who had become critical. One of these was the Comptroller General, Eduardo Roche Lander, whose charges of corruption against the armed forces have already been mentioned. It also provided a new opportunity to stack some organs with loyalists. This may have been one of the problems with the CNE that led to the postponement of the mega-elections originally scheduled for May 2000. In retrospect, it was unreasonable to expect that officials appointed in January would be able to master a completely new electoral system, renegotiate with foreign contractors, and run elections at all levels with more than 6,000 candidates in less than five months. It would have been even less realistic if some CNE officials were seeking to gain some partisan advantage; there was scattered evidence of such intent.⁵⁹ Fortunately, after the postponement, the *Congresillo* appointed a new CNE board, but its impartiality remains to be seen.⁶⁰

Federalism

The *Congresillo* quickly made use of its power to dismiss elected officials at subnational levels of government. In April 2000, acting on investigations by the Comptroller General appointed just three months earlier, the National Legislative Committee dismissed Governor Alberto Galíndez of Cojedes state and seven mayors in three other states.⁶¹ All of these were

members of Acción Democrática, and the only other governor threatened with dismissal was also from AD.⁶² In at least one instance, heavy-handed tactics short of dismissal were used to intimidate or embarrass an opposition governor. When the Regional Legislative Committee (appointed by the ANC like its national counterpart) conducted an investigation into the administrative practices of Governor William Dávila Barrios of Mérida state, 30 submachine-gun-toting commandos in gray fatigues from the national police (DISIP) accompanied the judge and two accountants who were sent to inspect the books. The premises were sealed off and traffic was blocked during their two-hour visit. This raid drew nonstop local media coverage just 4 days before a scheduled election in which the governor was a candidate.⁶³

Prospects

In comparative perspective, Venezuela stands out as a case of the loss of democratic governance. In the 1960s it was exemplary in both democracy and governance, but in the 1970s and 1980s both the quality of democracy and the state's capacity to govern deteriorated gradually. This trend culminated in a string of crises beginning in 1989 that climaxed with Chávez's introduction of what amounts to a different political regime, which is neither fully democratic (because it is illiberal) nor very governable.

However, it would be misleading to paint a completely negative portrait of democratic governance in Venezuela. It did not become a completely illiberal democracy during the first years of the Chávez government. There was still organized opposition, which was able to criticize the president and his ministers harshly. Despite intimidating language coming from the government, newspapers still reported scandals about both sides.⁶⁴ Individuals were still free to form and express their own political opinions and organize interest groups, social movements,

and political parties. In some ways--legal protections for human rights, a lessening of impunity--the situation may even have been improving. But this regime (or, more accurately, this transitional moment) was illiberal in the sense that, for the time being, a single political movement controlled the executive, the courts, the legislature (if the *Congresillo* deserved the name), and hand-picked all the members of supposedly independent agencies. The institutions necessary for liberal democracy were present, but they were not sufficient, because their shared political agenda rendered them incapable of checking each other.

Although these institutions have not yet been abused very much, democracy can still suffer, because it is largely a game of expectations. Citizens who expect to be punished for acting freely cannot be truly free. It may be premature to conclude that Venezuela has already reached such a situation. But it is difficult to believe that after acting so boldly to align all these institutions politically, Chávez and his followers will refrain from using them.⁶⁵ There are few rosy scenarios for the future. After attempting a military coup, shoving aside the old congress and supreme court, stacking the new ones, empowering the military, cutting off party financing, and initiating a conquest of organized labor, it would hardly be a complete shock if Chávez were to jail his critics, disband some parties, close the National Assembly, steal elections, or attempt a presidential coup. A descent into authoritarian rule cannot be ruled out.

Ironically, friends of democracy should hope for the president's continued popularity. As long as he remains popular, Chávez has no reason to subvert or destroy democratic institutions and no need to artificially boost his support by aggravating the border disputes with Guyana or Colombia. A popular autocrat is not the best guarantor of democracy, but the feasible alternatives could be much worse. As Fujimori's example suggests, Chávez's popularity will not

last forever. Perhaps the chances of a peaceful departure are greater after a long government, but, despite Fujimori's example, this is not guaranteed. Before Chávez leaves there would be a risk of either a descent into authoritarianism or a sudden presidential coup. One way or another, sooner or later, he will have to go. The one certainty is that he will not go quietly.

Notes

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1. Allan Randolph Brewer Carías, “Reflexiones críticas sobre la Constitución de Venezuela de 1999” (paper prepared for the conference on “The New Venezuelan Constitution: A New Political Model for Latin America?” Georgetown University, 2 February 2000): 4.
 2. Hugo Chávez Frías, “Palabras al dar inicio al desfile militar con motivo del 188° aniversario de la Independencia,” Paseo de Los Próceres, July 5, 1999, in the on-line library of *Venezuela Analítica* 30 May 1999 <<http://www.analitica.com/bitbliblioteca/hchavez/99-07-05.asp>>.
 3. Michael Coppedge, “Instituciones y gobernabilidad democrática en América Latina,” *Síntesis* 22 (July-December 1994): 63.
 4. In order to meet this standard, a government would actually have to do what most citizens want it to do, not merely *claim* to act in their interests. Of course, in practice it is difficult to know what most citizens want on every issue. Contemporary procedural definitions of democracy specify institutions and processes that help reveal the will of the people, but in reality these rules are sufficient for only a rough and sporadic alignment of government policy with public opinion. The older ideal of popular sovereignty is a more demanding standard, even if it is vague on the process that would come close to achieving it.

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5. Robert A. Dahl, *A Preface to Democratic Theory* (Chicago: University of Chicago Press, 1956), especially chapter 3 (pp. 63-89) on “Polyarchal Democracy,” which proposes a reconciliation of the tensions between the “Madisonian democracy” outlined in chapter 1 (pp. 4-33) and the “populistic democracy” discussed in chapter 2 (pp. 34-62).
 6. Margarita López Maya and Luis Lander, "La popularidad de Chávez: ¿Base para un proyecto popular?" unpublished manuscript (Caracas: 6 February 2000): 6.
 7. Ibid., 6.
 8. “Sondeos de opinión,” *El Nacional* archive, 10 May 2000 <<http://www.el-nacional.com/megaelecciones/Encuestas/>>.
 9. Ibid., 14.
 10. Some of the text in this section is taken from an earlier version of this article: Michael Coppedge, “Venezuela: The Rise and Fall of Partyarchy,” in *Constructing Democratic Governance: South America in the 1990s*, ed. Jorge I. Domínguez and Abraham F. Lowenthal (Baltimore: The Johns Hopkins University Press, 1996): 3-19.
 11. This concept is fully developed and contrasted with Dahl's concept of polyarchy in my book, *Strong Parties and Lame Ducks: Presidential Partyarchy and Factionalism in Venezuela*

(Stanford, 1994). This section summarizes arguments developed at length in chapter 2 (pp. 18-46).

12. Daniel H. Levine, *Conflict and Political Change in Venezuela* (Princeton: Princeton University Press, 1973).

13. Angus Maddison, *Monitoring the World Economy, 1820-1992* (Paris: Development Centre of the Organisation for Economic Cooperation and Development, 1995), table D-1d, 203.

14. Terry Lynn Karl, *The Paradox of Plenty: Oil Boom and Petro-States* (Berkeley: University of California Press, 1997).

15. "New Venezuelan President Sworn In," Associated Press report, February 2, 1999.

16. See Charles D. Kenney, "Reflections on Horizontal Accountability: Democratic Legitimacy, Majority Parties and Democratic Stability in Latin America" (paper presented at the conference on "Institutions, Accountability, and Democratic Governance in Latin America," Kellogg Institute for International Studies, University of Notre Dame, May 8-9, 2000), 5, for an eloquent application of this idea to both Chávez and Fujimori.

17. However, Lijphart has argued that the more the rules require the inclusion of as many political tendencies as possible, as opposed to narrow majorities or even minorities, the more

democratic the system is. Arend Lijphart, *Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries* (New Haven: Yale University Press, 1999): 275-300.

18. Alexis de Tocqueville, *Democracy in America*, translated by George Lawrence, ed. J.P. Mayer (Garden City, NY: Doubleday, 1969): 246-261.

19. Robert A. Dahl, *Democracy and Its Critics* (New Haven: Yale University Press, 1989): 220-222. Here I am equating the “minimal standards for democracy” with polyarchy.

20. The electoral system used in 2000 was a version of the increasingly popular mixed member proportional system, in which some seats are filled in single-member districts by plurality and others are filled in multi-member districts by proportional representation (PR). Venezuela’s version deviated from the basic German system in two ways. First, 60 percent of the seats were filled by plurality and 40 percent by proportional representation (d’Hondt), instead of the usual 50-50 split. Second, some of the plurality districts were multi-member districts, which made the rule there, in effect, a block vote. For these seats, each voter cast a number of votes equal to the number of seats to be filled, and the most-voted candidates were elected until all the seats were filled. This system had a strong tendency to exaggerate the margin of victory of the largest party due to most voters’ tendency to vote a straight ticket. For example, in the first district of Zulia state, MVR candidates won all four seats with less than 40 percent of the votes cast. Nationally, however, most of the plurality districts were single-member districts, and the overall allocation

shifted partially toward proportionality because each party's plurality seats were subtracted from the number of PR seats to which it was entitled.

21. Michael Coppedge, "Instituciones y gobernabilidad democrática en América Latina," 61-88.

22. "Evangelicals Bring Chávez's Message to the People," *Oxford Analytica* (January 28, 2000).

I thank David Smilde, Department of Sociology, University of Chicago, for this piece.

23. Ibid.

24. Andrew Webb-Vidal, "Exodus from Venezuela," *Business Latin America*, reprinted in *The Economist Intelligence Unit*, 8 May 2000; David J. Myers, unedited submission for "Venezuela," *Encyclopedia Britannica Online Yearbook 2000*, supplied personally to the author.

25. Larry Rohter, "A Divided Venezuela to Vote on New Constitution," *New York Times*, 15 December 1999.

26. "Gobierno presiona a la CTV para producir cambios," *El Nacional* 3 February 2000.

27. Ibid.

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28. Gustavo Méndez, “[Chávez:] Nadie evitará la demolición de la CTV,” *El Universal*, 12 November 2000 <<http://noticias.eluniversal.com/2000/11/12/12114AA.shtml>>.
29. Website of the Comité de Familiares de las Víctimas de los Sucesos de Febrero y Marzo de 1989 <<http://www.cofavic.org.ve/lista.htm>>.
30. Margarita López Maya, “El ascenso en Venezuela de La Causa R” (paper presented at the XVIII International Congress of the Latin American Studies Association, Atlanta, March 10-12, 1994).
- 31 . Julia Buxton, *The Failure of Political Reform in Venezuela* (Aldershot, UK and Burlington, VT: Ashgate, 2001): 82-104.
32. "CNE desincorporará a 138 funcionarios adscritos a nómina de partidos políticos," *El Nacional*, 4 January 2000.
33. "Reestructurada directiva del Consejo Nacional Electoral para actuar bajo consenso," *El Nacional*, 7 February 2000.
34. AD won governorships in Amazonas, Apure, Mérida, and Monagas; COPEI in Miranda and Táchira; Unión Nuevo Tiempo (a COPEI offshoot) in Zulia; Proyecto Venezuela in Carabobo; Convergencia in Yaracuy. Patria Para Todos, which supported Chávez, won in Guárico and

Nueva Esparta. The remaining twelve governorships were won by MVR. A very similar distribution prevailed in the election of mayors of the state capitals.

35. “Agreden a periodistas junto a sede del Consejo,” *El Universal*, 31 May 2000.

36. Others that allied with MVR for the 1998 presidential election were the Venezuelan Communist Party, the People’s Electoral Movement (MEP), and four other tiny parties (IPCN, GE, SI, and AA—meaning of acronyms unknown), none of which contributed as much as 2 percent of the vote to Chávez.

37. Steve Ellner, “Polarized Politics in Chávez’s Venezuela,” *NACLA Report on the Americas* 33:6 (May-June 2000): 29-33.

38. Ludmila Vinogradoff, “La creciente presencia militar marca los 100 primeros días de Chávez,” *El País*, 15 May 1999.

39. Ibid.

40. Alicia La Rotta Morán, “Roche Lander califica al actual gobierno como el más corrupto,” *El Universal Digital*, 1 April 2000 <<http://universal.eud.com/2000/04/01/01102FF.shtml>>;

Florángel Gómez, “En este gobierno faltan sanciones ejemplares,” *El Universal Digital*, 14 April 2000 <<http://politica.eud.com/informespecial/corrupcion/eltrabajo.html>>.

41. Vinogradoff, op. cit.

42. Arguments and evidence for this paragraph come from Harold Trinkunas' excellent analysis, "The Crisis in Venezuelan Civil-Military Relations: from 'Punto Fijo' to the Fifth Republic," *Latin American Research Review* (forthcoming 2002).

43. Nevertheless, there could be other motives for dissolving the assembly, such as eliminating the inviolability and immunity of deputies or preventing impeachment.

44. "Chávez To Return Enabling Law To Congress," *Agence France Press* report, 6 April 1999, translated by *World News Connection* (FBIS-LAT-1999-0406).

45. *Agence France Press*, 25 August 1999, reported and translated by *World News Connection* (FBIS-LAT-1999-0825).

46. The text approved in the April referendum authorizing the ANC read in part, "Once the ANC is installed, it must dictate its own operating statutes. Its limits will be the values and principles of our republican history, as well as the fulfillment of international treaties, accords, and commitments validly signed by the Republic; the progressive character of the fundamental rights of man and democratic guarantees; within the most absolute respect for the commitments assumed." ("Proceso Constituyente," <<http://politica.eud.com/procesoconst/referendo.html>>.) If

this is read as a *complete* listing of the limits on the ANC's authority, it supports the view of its absolute sovereignty; if it is read as a *partial* listing of limits, then it supports a more conservative view. Considering the magnitude of the consequences of readings of this pivotal passage, a more explicit statement would have been desirable. However, the revolutionary mood prevailing in April 1999 probably would have made it possible to approve even a completely unrestricted grant of authority to the ANC.

47. "Decreto de regulación de las funciones del Poder Legislativo," 30 August 1999, text published at <<http://politica.eud.com/1999/08/31/250899d.html>>.

48. Andrew Reynolds and Ben Reilly, *The International IDEA Handbook of Electoral System Design* (Stockholm: International Institute for Democracy and Electoral Assistance, 1997): 36. The variant used in Venezuela was that 104 seats were filled in statewide districts and 24 were filled in a single national district. Four of the six independents were elected in the large national district.

49. María Pilar García Guadilla and Mónica Hurtado, "Participation and Constitution Making in Colombia and Venezuela: Enlarging the Scope of Democracy?" (paper presented at the XXII International Congress of the Latin American Studies Association, Miami, March 16-18, 2000), 19.

50. García Guadilla and Hurtado, *op. cit.*, 20-22.

51. The Bolivarian constitution defined the state as “federal and decentralized”; permitted states to adopt their own constitutions; recognized regional powers between the states and the federal government; established a “Federal Council of Government”; established the right to local and state-level referendums and recalls; and delegated certain minor taxation powers to states and municipalities (as contemplated in legislation under the 1961 constitution). However, the federal government retains control over the bulk of the financing for state and local government and in 1999 and 2000 was dispensing it in a discriminatory way in order to undermine regional regime opponents. William Dávila Barrios, “Crisis fiscal y poder central,” *El Universal*, 6 November 2000 <<http://noticias.eluniversal.com/2000/11/06/OPI9.shtml>>.

52. "Decreto mediante el cual se dicta el Régimen de Transición del Poder Público," *Gaceta Oficial* Número 33,859, published at <<http://politica.edu.com/1999/12/26/231299b.html>>.

53. This percentage, unlike the one reported earlier, is based on the total membership of the ANC, including the three indigenous delegates.

54. Corte Suprema de Justicia, “Fallo 17 [de la Corte Suprema de Justicia de Venezuela sobre el referendo para convocar a una Asamblea Constituyente],” 19 January 1999, from chapters IV

and VIII, published in *Venezuela Analítica*

<<http://www.analitica.com/bitbliblioteca/csj/fallo17.asp#introduccion>> [my translation].

55. This Tribunal was to be renewed in late 2000 by the National Assembly, which was to choose from a larger number of nominees composed by citizen dialogue groups (*mesas de diálogo*). The most likely outcome was that the assembly's MVR majority would reappoint most of the incumbent justices.

56. "Tribunal Supremo absuelve al presidente de la Comisión Legislativa," *El Universal*, 9 June 2000 <http://noticias.eluniversal.com/2000/06/09/09062000_16059.html>.

57. Irma Alvarez, "Suspendan 83 jueces y destituyen a 28," *El Universal*, 30 March 2000.

58. Florángel Gómez, "Esperemos colocar un puñado de buenos jueces en el sistema judicial," *El Universal Digital*, 14 April 2000 <<http://politica.eud.com/informespecial/corrupcion/>>.

59. Jesús Urdaneta charged that new technicians were incompetent because they were chosen for their political loyalties: "From Miquilena's daughter on down, they are all [Chávez's] people and serve his interests." Larry Rohter, "Critics Question Legitimacy of Venezuelan Election Process," *New York Times*, May 23, 2000. Also, one CNE technician dismissed after the postponement quoted his boss telling him not to trust certain other technicians, who were alleged to be supporters of Francisco Arias. Finally, the head of the U.S. firm contracted to supply

electronic equipment for the voting machines charged that he had been instructed by the CNE to ensure that all votes for any party in the pro-Chávez alliance would count as votes for Chávez in the presidential race even though PPT had formally withdrawn its support for him. (Alcides Castillo, "El CNE planteó a ES&S que los votos favorecieran al candidato Chávez," *El Nacional*, 1 June 2000.)

60. "Los cinco principales del CNE" and "Los cinco suplentes," *El Universal*, 4 June 2000.

61. Cenovia Casas, "Congresillo decide hoy sobre destitución de siete alcaldes," *El Nacional*, March 30, 2000; Luisana Colomine, "Sólo el gobernador de Cojedes será destituido," *El Universal* 5 April 2000.

62. "Congresillo intervendrá las gobernaciones de Cojedes y Amazonas," *El Nacional*, 26 March 2000.

63. Eleonora Delgado and Alonso Zambrano, "Denunciarán ante la OEA allanamiento de la Disip a la Gobernación de Mérida," *El Nacional*, 25 May 2000; Deisy Martínez and Solbella Pérez, "Eliézer Otaiza: No hubo allanamiento," *El Nacional*, 25 May 2000.

64. President Chávez tended to complain loudly whenever his government's actions were criticized in the media, calling on editorialists to report news with a more optimistic and "patriotic" slant. In December 1999, Teodoro Petkoff was fired from the board of the Caracas

daily *El Mundo* in response to such official pressure. In February 2000, Interior Minister Luis Alfonso Dávila blamed the media for the criminality rampant in the country. Ernesto Villegas Poljak, “Denuncian amenazas a libre expresión,” *El Universal*, 23 February 2000
<<http://noticias.eluniversal.com/2000/02/23/23111AA.shtml>>.

65. There were signs that expectations had changed already. To whom, for example, did Governor Dávila complain when the DISIP raided his office? He complained to the Organization of American States, an international organization, because he could not expect an impartial, much less sympathetic, hearing from any politically relevant actor inside Venezuela. He no longer had the protection of a party with clout; the electoral council was in disarray at the time; judges would risk dismissal if they protected him; the comptroller was the one auditing his books; and the executive and legislature were on Chávez’s side.