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**Edited by Archon Fung, David Moss, & Odd Arne Westad**

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## **Chapter 12**

### **Venezuela's Autocratization, 1999-2021: Variations in Temporalities, Party Systems, and Institutional Controls**

Javier Corrales

Venezuela experienced multiple forms of regime change starting in the late 1990s, all in the direction of deeper forms of authoritarianism, all under the same ruling party. The country transitioned from unstable democracy in the 1990s to semi-authoritarianism in the 2000s and then full-fledged authoritarianism starting in 2015. Venezuela thus raises the question about the “how and why” of autocratization.

My first goal in this chapter is to provide a description of Venezuela's democratic backsliding since the 1990s, showing the aspects that were typical (i.e., frequently replicated by other cases), less typical, and even sui generis. My second goal is to advance the causal claim that backsliding was mostly related to two permissive factors: 1) changes in party system features, specifically, variations in party system fragmentation, along with 2) ruling party capture of key state institutions, namely the judiciary and the electoral authorities. This is the argument I make in my 2023 book, *Autocracy Rising*.

An illiberal president is more likely to make inroads in democratic backsliding under conditions of asymmetrical party system fragmentation, meaning, the ruling party becomes strong and unified while the opposition

fragments. This happened in Venezuela between 1998 and 2005.<sup>1</sup> This party system feature facilitated the transition from democracy to semi-authoritarianism.

The transition from semi-authoritarianism to full-fledged authoritarianism, in contrast, is more likely when the ruling party loses electoral competitiveness. This is what happened in Venezuela starting in the early 2010s. Under declining competitiveness, the ruling party faces the choice of losing power if it leaves the regime unchanged. It can remain in office only if it restricts liberties further, including eroding electoral freedoms further. An illiberal president will choose the latter if the ruling party has an institutional reservoir of coercive institutions and practices to draw from. The second vital condition for transition from semi- to full authoritarianism is thus the president's capturing of the bureaucracy, especially the judicial system and the electoral system, which permits him or her to engage in deeper forms of autocratic legalism. Capturing the judicial and electoral systems is the essential institutional reservoir that allows the regime to deepen its restrictions of the political system and punish opponents. Autocratic intensification was also helped by the fact that the ruling party captured two additional parts of the bureaucracy: agencies controlling the main economic driver (the oil sector) and of course, the coercive apparatus.

I begin by reviewing the characteristics of the regime prior to democratic backsliding (the 1980s and 1990s), arguing that there were signs of both democratic stress and democratic renewal. I then look at the factors that allowed Hugo Chávez to undermine liberal democracy (the early 2000s). I identify the typical and non-typical aspects of this process. I then discuss the last stage, transition to full-fledge autocracy (2013 to the present), with a focus on the factors that prompted this transition and made it possible for the regime to prevail in its efforts.

### **The preamble: Democratic Degradation and/or Renovation in the 1990s**

Scholars agree that Venezuela in the 1960s had a strong, early-rising democracy. It was strong in that Venezuela managed to establish most institutions typically associated with liberal democracy. It was early-rising in that democracy emerged in the early 1960s, much sooner than in the rest of the Global South, long before the start of the Third Democratic Wave in the 1980s. According to some indices, Venezuela's democracy in the 1960s came close to matching U.S. scores, at least in terms of liberal democratic criteria.

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<sup>1</sup> Scott Mainwaring, "From Representative Democracy to Participatory Competitive Authoritarianism: Hugo Chávez and Venezuelan Politics," *Perspectives on Politics* 10, no. 4 (2012): 955-967.

Scholars disagree, however, regarding the course of democracy in Venezuela in the 1980s and 1990s, when the country was hit by two severe external economic shocks: the onset of the Latin American debt crisis in 1982 and the drastic drop in oil prices between 1981 and 1983. (Ever since the 1920s, when Venezuela became one of the world's leading oil exporters, Venezuela's economy has been highly dependent on oil exports.)

While scholars agree that these external shocks took a disproportionately large toll on the economy,<sup>2</sup> there is a debate on their impact on democratic institutions.<sup>3</sup> For some scholars, democratic institutions decayed irremediably in the 1990s. Institutions of representation stopped delivering and became corrupt to the core. For others, democracy came under stress, no doubt, but there were also signs of rebirth.

For the former school of thought, irremediable democratic decline in the 1990s explains the political instability of the period (interrupted market-reforms in the early 1990s, two coup attempts in 1992, a devastating banking crisis in 1994-1996, and the electoral collapse of traditional parties by 1998). It also explains the rise of political maverick Hugo Chávez in the 1998 presidential election. This school of thought would contend that Chávez prevailed because he promised a complete overhaul of Venezuela's democratic institutions, which resonated with the large majority of Venezuelans precisely because democratic atrophy was profound. For this school, the decline in the quality, functioning, and delivery of democratic institutions explains the huge electoral demand for an anti-system leader like Chávez.

For the latter school of thought, the explanation for the rise of Hugo Chávez is different. Chávez rose not exclusively because democratic institutions were moribund, but because of democratic openings in the 1990s, despite the chaos of the period. In response to much of the economic instability of the time, leaders introduced political reforms such as decentralization and more electoral opportunities at the regional level. Civil society also became more mobilized and independent of parties. The press acquired greater freedoms and journalistic quality expanded. Without these democratic openings in the 1990s, a political maverick would not have been able to rise. The old political parties and elites would have blocked him.

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<sup>2</sup> See: Ricardo Hausmann and Francisco Rodriguez, "Introduction," in *Venezuela Before Chávez: Anatomy of an Economic Collapse* ed. Hausmann and Rodriguez (University Park: Pennsylvania State University Press, 2014).

<sup>3</sup> See: Javier Corrales, "Explaining Chavismo: The Unexpected Alliance of Radical Leftists and the Military in Venezuela under Hugo Chávez" in *Venezuela Before Chavez: Anatomy of an Economic Collapse* (University Park: Pennsylvania State University Press, 2014).

Either way, there is no disagreement that Venezuela's democracy was under serious stress in the 1990s, besieged by economic crisis, policy paralysis, instability, and party system volatility. Perhaps the best summary is: in some areas, democracy was faltering, in other areas, it was regenerating itself. At the very least, there was an opening of the party system with changes in electoral rules facilitating new parties and leaders to compete in a larger number of arenas than ever before. The party system, because of both economic crisis and political reforms, experienced a sort of opening. And this opening in turn created conditions that could be exploited by non-traditional individuals, rising outside of traditional parties, to compete electorally and win. The Venezuelan case suggests that pre-existing instability of the party system can create conditions for non-traditional, anti-system candidates to rise, who may either choose to reform the system or overhaul it entirely.

### **Venezuela's Democratic Backsliding, 1999-2010: Common Elements**

Hugo Chávez chose to overhaul the system in the direction of autocratization. The process began soon after Chávez's election in 1998. By 2006, Chávez had transformed Venezuela into a semi-autocracy. The president came close to enjoying full dictatorial powers.

The entire process of autocratization in Venezuela was both representative in some respects as well as unusual in other respects. It was representative because the first phase of the process, democratic backsliding, displayed many characteristics that are typical of democratic backsliding elsewhere. It was unusual in that some aspects of this backsliding do not occur in most cases of backsliding. This section discusses the common elements

#### *Liberal Democracy as the first target*

The first feature of Venezuela's democratic backsliding, as in most other cases, was a rapid assault on the institutions of liberal democracy. Other institutions of democracy stayed unchanged or declined less rapidly. But institutions of liberal democracy were immediately targeted by the president. This is typical of most cases of backsliding.

Institutions of liberal democracy consist of those rules and norms that regulate the system of checks and balances on the Executive Branch and government-opposition relations. In almost all forms of executive-driven backsliding, these institutions are the first to be targeted by the president, leading to enormous concentration of power in the Executive branch along with the rise of

rules and norms aimed at hindering the ability of the opposition to compete electorally. This is what Nancy Bermeo (2015) describes as Executive aggrandizement.<sup>4</sup>

Figure 12.1 shows how rapidly the descent of liberal democracy occurred. The figure traces the steep decline in V-Dem's liberal democracy index, which is meant to capture checks and balances on the Executive branch, among other features.

This undermining of liberal democratic institutions was facilitated, in fact, only possible, because of asymmetrical party fragmentation (a ruling party that was unified and strong with an opposition that was fragmented). Initially, the steps were mixed. The 1999 Constitution gave the impression that newer checks on the power of the president were created through the establishment of new participatory mechanisms, including the option of a recall referendum. However, signs of executive aggrandizement proliferated even under the new presumably more inclusive constitution: the constitution extended the president's term in office from five to six years, eliminated the Senate (and thus a potential veto actor), restricted public financing for parties, and gave more powers to the president to manage military affairs without legislative oversight.

Executive aggrandizement continued even after the adoption of the new constitution, with the announcement of numerous executive decrees in 2001 that bypassed the legislature, renamed National Assembly. Dismayed by these power grabs, opponents of the ruling party began to stage street protests—including massive marches—that culminated in a strange coup. The government called on the military to repress the protests and the military refused, asking the president himself to resign. A new president was sworn in, but the optics were counter-productive: despite having the support of unions, the new president was the leader of Venezuela's leading business federation, giving an image of corporate power deposing a popularly-elected president. In a sign of rising polarization, Chávez's supporters took to the streets to demand his return, and the military, in an unexpected about-face, decided to restore Chávez to the presidency less than 48 hours after the ouster. No other ousted president in Latin America since the 1980s has been re-installed.

Once returned to power, Chávez showed few signs of changing his way. Consequently, more street protests followed in 2003-04. Chávez responded by further concentrating power, rather than softening his rule: he fired oil workers from the oil company who went on strike, and expanded presidential control over the affairs of the oil company in 2003. More broadly, he staffed the bureaucracy with loyalists, firing the professional staff. By 2004, Chávez had essentially

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<sup>4</sup> Nancy Bermeo, "On Democratic Backsliding," *Journal of Democracy* 27, no. 1 (2016): 5-19.

eliminated or reformed most economic laws to give himself more discretionary power in the use of oil money and he eroded the autonomy of the Central Bank.

In 2003, Chávez used every possible tactic to delay a recall referendum sponsored by civic groups, and when he finally agreed to allow it, Chávez engaged in massive social spending aimed at expanding clientelism and diverting enough funds to coopt business elites. Chávez used the influx of petro-dollars that began flowing into the country in large volumes in 2003, heavy dominance of the airwaves, and other electoral irregularities to prevail electorally. This tactic of giving the ruling party unrestricted access to petrodollars while denying funding to the opposition has been the hallmark of Chavismo to this day.

Perhaps the most decisive turn in the assault on the institutions of liberal democracy was the overhaul of the courts. Chávez began his administration by threatening members of the Supreme Court. The constituent assembly sacked and replaced most members of the Supreme Court. Then, in 2004, Chávez's party in the Legislature expanded the Supreme Court from 20 to 32 seats, appointing 17 new justices to fill the new seats and pre-existing vacancies. A new law defied the 1999 constitution by granting Chavez's party the power to remove judges from the court with a simple majority in the Legislature. The judicial administration had already failed to protect judicial independence, firing 3 judges who had decided controversial cases against the Chavez regime.

Chávez also eroded the autonomy of the electoral body in charge of monitoring elections, the National Electoral Council (CNE). He allowed the now-partisan Supreme Court to appoint its members in 2005, contravening the constitutional stipulation that nominations would come from civil society and the legislature. The CNE became another partisan body. Almost every scholar studying Venezuela's elections from the 2004 recall referendum and through the rest of the Chávez period raised alarms about the lack of impartiality of the CNE, its favoritism toward the ruling party, its whimsical enforcement and manipulation of electoral rules and norms, its decision starting in 2006 to stop international observations, and its unwillingness to investigate fraud allegations.

With control of the courts, the electoral authorities, the oil sector, the bureaucracy, the military, and the legislature, Chávez obtained what Javier Corrales and Michael Penfold called an "institutional resource curse."<sup>5</sup> This institutional control allowed the government to introduce laws, regulations, and practices that restricted the operation of independent societal actors. An important early victim of this autocratic legalism was the independent media. By 2005, Chávez was already restricting content, imposing fines, denying resources,

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<sup>5</sup> "Venezuela: Crowding out the Opposition," *Journal of Democracy* 18 no. 2 (2007): 99-113.

refusing to allow import of paper, and banning journalists from covering certain stories.

In 2005, the opposition made a costly mistake. It decided to respond to democratic backsliding by boycotting the elections for the 2005 National Assembly. This decision to boycott, always tempting to many opposition parties in backsliding cases, did nothing to stop backsliding. It actually empowered the ruling party more. The ruling party ended up with 100 percent control of the National Assembly. From then on, the legislature became a mere rubber stamp of the presidency. By 2006, other important institutions of government that were supposed to remain fairly independent—the Attorney General, the Ombudsman office, the Central Bank, the state-owned oil company—also became subservient to the Executive branch.

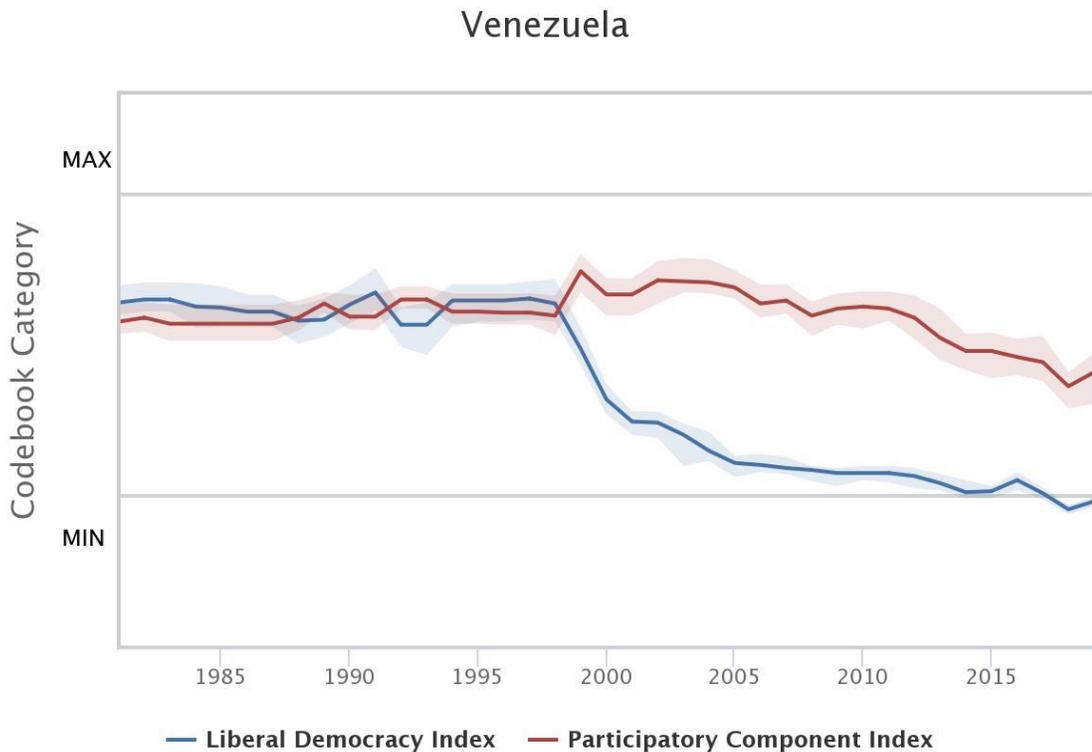
In short, by 2006, merely seven years after coming to power, the mixed signals of democratic backsliding were less mixed. The president had moved decisively forward with executive aggrandizement—using autocratic legalism to favor the president, electoral irregularities to disfavor the opposition, and heavy spending to coopt both the poor and the very wealthy. Institution after institution—the constituent assembly of 1999, the courts, the CNE, the bureaucracy, the military, the oil company, and the legislature—fell into the hands of the ruling party. This institutional control allowed the government to create laws, decrees, regulations, rulings, and norms that increasingly granted the president more power to act and greater restriction for dissidents to block the government’s agenda. Courts and law enforcement officials would look the other way each time the president would do something illegal. This use, abuse or lack of use of the law to help the president and hurt the opposition is the essence of autocratic legalism. It is perhaps that most inevitable effect stemming from presidential attacks on institutions of liberal democracy. If there was something less typical about this relentless attack on institutions of liberal democracy it was how far Chávez was able to reach. Few backsliding presidents achieve so much control of so many institutions in such a short period of time as Chávez did in his first seven years in office.

### *Unevenness*

The second commonality of Venezuela’s backsliding was initial ambiguity. At the beginning of the process, it is not easy for all societal actors to notice with clarity that backsliding is taking place. The ambiguity stems from the fact that even as one key aspect of democracy declines rapidly—liberal democracy—other aspects of democracy may not decline as much, as fast, or at all. Consequently, not all actors are able to see the signs of backsliding right away.

Although the literature on democratic backsliding tends to distinguish between two temporalities of democratic regression – gradual and rapid forms of regression<sup>6</sup> – most often, democratic backsliding shows both temporalities occurring *simultaneously*, with some institutions declining fast and others, more slowly if at all.

In the specific case of Venezuela, the aspect of democracy that did not decline rapidly at first had to do with participatory features.<sup>7</sup> This is clear from V-Dem’s participatory index. The index actually improves (briefly) and stays relatively strong before it begins to decline by the end of the 2000s. In other words, while the president was concentrating powers in the early part of the regime, he was also bolstering institutions designed to give Venezuelans new opportunities to participate in politics.



Highcharts.com | V-Dem data version 10.0

<sup>6</sup> See: Johannes Gerschewski, “Erosion or decay? Conceptualizing Causes and Mechanisms of Democratic Regression,” *Democratization* 28, no. 1 (2020): 43-62.

<sup>7</sup> V-Dem defines the participatory principle of democracy as a measure of “ active participation by citizens in all political processes, electoral and non-electoral. It is motivated by uneasiness about a bedrock practice of electoral democracy: delegating authority to representatives. Thus, direct rule by citizens is preferred, wherever practicable. This model of democracy thus takes suffrage for granted, emphasizing engagement in civil society organizations, direct democracy, and subnational elected bodies.”

Chávez's defenders and several scholars contend that the regime actually expanded participatory democracy.<sup>8</sup> There is little question that the 1999 constitution expanded institutional avenues of inclusion: it recognized indigenous rights, called for greater racial integration, introduced the possibility of recall referenda for presidents, and created mechanisms for citizens to participate in nominations for certain public office. Many of Chávez's policies, not just his constitution, were also predicated on mobilizing the poor and the non-white, such as creating new communal councils to promote local participation, expanding funding for social services dramatically, establishing free health clinics in poor neighborhoods.<sup>9</sup> These reforms persuaded many voters, especially the president's supporters, that democracy was actually expanding rather than contracting.

Overtime, however, the evidence of participation expansion became more dubious (see Figure 12.1). Chávez soon began to distort participatory democracy by making it sectarian and conditional.<sup>10</sup> New groups were incorporated, and given new and expanded powers, provided they were demonstrably loyal to the ruling party; others were explicitly excluded or even ostracized. For instance, members of the ruling party were given priority in hiring decisions in state-owned corporations. These were the most appealing jobs because they offered incomparable job security. In contrast, non-loyalists were systematically excluded from any state-provided public service. Thus, new labor unions, civic organizations, neighborhood committees, and schools and universities were created—all of which incorporated people and sectors that were traditionally underprivileged and underrepresented, but with the condition that they needed to show support for the president. Participation became sectarian, and chavista groups became increasingly non-pluralistic. Being identified as a member of the

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<sup>8</sup> See for example: Gregory Wilpert, *Changing Venezuela: The History and Policies of the Chavez Government* (New York: Verso, 2007); Steve Ellner, *Rethinking Venezuelan Politics: Class, Conflict, and the Chávez Phenomenon* (Boulder, CO: Lynne Rienner Publishers, 2009).

<sup>9</sup> Ryan Brading, *Populism in Venezuela* (London: Routledge, 2013); Margarita López-Maya, "Hugo Chávez Frías: His Movement and His Presidency" in *Venezuela Politics in the Chávez Era* ed. Steve Ellner and Daniel Hellinger (Boulder, CO: Lynne Rienner Publishers, 2003), 73-92; Jesús María Herrera Salas, "Ethnicity and Revolution: The Political Economy of Racism in Venezuela," in *Venezuela: Hugo Chávez and the Decline of an "Exceptional Democracy"* ed. Steve Ellner and Miguel Tinker Salas (Lanham, MD: Roman and Littlefield, 2007), 3-16; Gregory Wilper, *Changin Venezuela: The History and Policies of the Chávez Government* (New York: Verso, 2007); Ellner, *Rethinking Venezuelan Politics*; Roger Burbach and Camila Piñeiro, "Venezuela's Participatory Socialism," *Socialism and Democracy* 21, no. 3 (2007): 181-200.

<sup>10</sup> Kirk A. Hawkins, "Who Mobilizes? Participatory Democracy in Chávez's Bolivarian Revolution," *Latin American Politics and Society* 52, no. 3 (2010): 31-66.

opposition, or even a chavista with contrarian views, carried huge risks: unemployment, disqualification from access to state services, public ostracism.

*Polarization, with a large “neither-nor” group*

A third commonality was the rise of polarization, with a sizable, disaffected middle. The regime’s initially mixed track record (different rates of decline of different institutions of democracy) causes a major split across the political system. On the one hand, the leaders of the opposition will of course notice the decline in liberal democracy – those leading to executive aggrandizement, degradation of rights, and an uneven playing field – more than any other actors in part because they are the most direct cost-bearers of this type of decline. These groups will actually panic. But for the rest of the electorate, the outlook is not that clear-cut. In Venezuela, the ruling party offered followers not only opportunities to participate in politics, but also copious amounts of social spending. The part of the electorate that cares more about the aspects of democracy that are not declining that much (in the case of Venezuela, participation, access to social service) may end up ignoring or forgiving the decline of institutions of liberal democracy – they see plenty of hope with the other indicators that they value most.

In other words, the initially mixed process of democratic decay, at least in the beginning, leads to an electorate that is very divided about the actual democratic trajectory of the regime. For some, democracy is crashing; for others, democracy is resurfacing. The result is rising polarization.

The president sometimes intentionally exacerbates this polarization by adopting increasingly more extremist public policies, in addition to the extreme power grabs that always occur with backsliding. In Venezuela, these extremist public policies focused mostly on expanding the role of the state in economic matters, which culminated in a massive nationalization drive between 2008 and 2010 that was so large that it was reminiscent of communist regimes during the Cold War. These nationalizations were mostly done by executive decrees and often at the random whim of the president. Policy extremism of any kind angers and even threatens the opposition even further. In the case of Venezuela, where public extremism focused so much on nationalizations, even labor groups mobilized against the president since many were opposed to expanding state control of the economy.

This polarization, which results from the combination of the president’s power grabs, intentional policy extremism, and unevenness in attacks on democratic institutions, can paradoxically help the incumbent politically. Under heightened polarization, government sympathizers become very forgiving of the president’s excesses and mistakes because they become very hateful of opponents.

Supporters morph easily into rabid fans; opponents, into threatened actors ready to embrace extremist positions, which in turn helps the president's supporters turn more hard line.

That said, even with this polarization, the process of backsliding also produces a group in the electorate that is turned off by the acrimony between both camps. These voters see little difference between—or little to admire about—the extremist positions adopted by either side. In Venezuela, this group was called the *ni/nis* (the neither/nors), meaning that they sided with neither group. Their tendency was to abstain politically. An important part of the political battle centers on capturing this group, or preventing it from voting with the other side. The dilemma facing the opposition leadership is that if it becomes extreme, it risks alienating this middle group. But if it becomes too moderate, it risks losing the support of hard-line opponents, who begin to see the opposition leadership as sellouts. Polarization is thus not easy for the opposition leadership to manage.

### Less Typical or Sui Generis Characteristics

Other aspects of backsliding in Venezuela were more atypical, meaning that they were not necessarily inevitable elements of backsliding even if they were essential elements in the Venezuelan case. First, Chávez's assault on liberal institutions of democracy was justified using a leftwing (populist) discourse, which is common in some but not all forms of backsliding. The "antagonistic binarism" that is typical of populism, i.e., dividing the electorate between "we the *people* versus the *elite*" was heavily deployed by Chávez, but using a heavy dose of Marxist discourse. "We the people" was defined in terms of workers, low-income people, and underrepresented ordinary folks; elites were described as oligarchs, capitalists, multi-nationals, pro-American agents ("*pitiyankis*"). In typical populist fashion, all forms of dissent were subsumed under this category of class-based elites, and thus, not worth having a place at the table.

Second, the process also involved a heavy dose of militarism from the start. This was especially odd considering that the influence of the military in Venezuela and in Latin America was perhaps at an all-time low when backsliding began in 1999. Since the very beginning of his administration, Chávez was intent on creating a "civil-military alliance."<sup>11</sup> He promoted this alliance in a country that had essentially achieved military subordination to civilian control in the early 1960s, a feat that most analysts of democracy in the global south consider fairly

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<sup>11</sup>Hugo Chávez et al., *Understanding the Venezuelan Revolution: Hugo Chávez Talks to Marta Harnecker* (New York: Monthly Review Press, 2005).

admirable and rare.<sup>12</sup> Chávez came to power openly praising the military. He appointed military and former military officers to his cabinet, encouraged them to run for office, reduced the ability of the legislature to monitor military affairs, expanded the military budget for personnel, facilities, and equipment, and consulted with them more frequently than with members of parliament. He also purged the military of officers who did not display loyalty to the ruling party. This allowed him to co-opt, re-staff, and thus, de-professionalize the military to a degree that few other democratic presidents ever achieve. While many backsliding presidents ultimately end up siding closely with the military, and in fact, they must find way to coup-proof their regimes by courting the military heavily, it is less common to see a president promote so much militarism from the very beginning of the backsliding process.<sup>13</sup>

Third, the process involved a heavy dose of social spending, possibly more on a per capita basis than even other petro-states at the time. Chávez took advantage of the spectacular boom in oil prices from 2004 to 2008 to expand social spending. Social spending was channeled to society via the creation of special social programs called “missions,” each charged with different social services (literacy campaigns, health clinics, food distribution). These missions gave the government an image at home and abroad of being incredibly generous toward the poor. That said, it is important not to exaggerate the pro-poor aspect of the regime’s social spending. By 2008 social spending declined significantly. Many social missions were underfunded.<sup>14</sup> Most social programs generated unimpressive or declining returns as well as high degrees of corruption.<sup>15</sup> Incomes did not rise as much. While poverty declined, returns were incommensurate with the size of fiscal outlays. Returns were also not any better than most other comparable countries.<sup>16</sup> Despite these huge inconsistencies, Chávez gained the reputation early on of being a progressive distributionist. This reputation gained him allies at home and plenty of praise from abroad.

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<sup>12</sup> Deborah L. Norden, *Venezuela: Coup-Proofing From Pérez Jiménez to Maduro* (London: Oxford University Press, 2021).

<sup>13</sup> Jun Koga Sudduth, “Coup Risk, Coup Proofing and Leader Survival,” *Journal of Peace Research* 54, no.1 (2017): 3-15.

<sup>14</sup> Ryan Brading, *Populism in Venezuela* (London: Routledge, 2013).

<sup>15</sup> Francisco Rodríguez, “An Empty Revolution: The Unfulfilled Promises of Hugo Chávez,” *Foreign Affairs* 87, no. 2 (2008): 49-62; Thais Mangón, “Política social y régimen de bienestar, Venezuela 1999-2014,” *Estudios Latinoamericanos Nueva Época* 38 (2016): 115-143.

<sup>16</sup> Kevin Grier and Norman Maynard, “The Economic Consequences of Hugo Chávez: A Synthetic Control Analysis,” *Journal of Economic Behavior and Organization* 125 (2010): 1-21.

## **The evolution of opposition tactics and the end of asymmetrical party system fragmentation**

The opposition changed tactics halfway during the backsliding process, for the better. In the initial stages, the opposition, in its desperation, supported extreme measures: massive protests in 2001, followed by open support for the early removal of Chávez (with the slogan, “*Chávez vete ya*”; Chávez leave now). which resulted in the 2002 coup , encouraging oil company workers to go on strike to strangle the country economically (2002-2003), and calling for election boycotts, abstentionism (in 2005). .

After 2005, opposition tactics became far less extreme. Most of the opposition adhered to democratic norms and constitutional avenues to challenge Chávez. Starting in 2006, the opposition focused mostly on mobilizing the vote, seeking unity in decisions on whom to nominate as candidates for elections, and protesting peacefully. Extremists remained active, but were sidelined by the majority of opposition parties. This change in tactics from disruptive extremism to more institutional avenues paid off for the opposition. From its low point in 2005, the opposition achieved increasingly strong results at almost every election between 2006 and 2015, this despite the increasing electoral obstacles posed by the government. By 2013, the opposition came very close to defeating the ruling party in presidential elections. In 2015, the opposition defeated Chavismo in the elections for the National Assembly.

In short, by the early 2010s, the opposition was able to change the party system away from asymmetrical fragmentation. At election times, opposition parties campaigned jointly for most elections, thus lessening party fragmentation. Starting in 2008, the opposition’s catch-all electoral coalition became known as the Democratic Unity Roundtable (*Mesa de la Unidad Democrática*). It also opted to encourage electoral participation rather than boycotts. The opposition realized that rather than seeking unity at the level of ideology (which was near impossible due to the diversity of parties and viewpoints), it was best to focus mainly on fielding unified candidacies (rather than multiple candidacies) per post. This led to a rise in the opposition’s electoral competitiveness, and thus, in the party system’s asymmetry, with the advantage gradually shifting toward the MUD.

This shift in power balances had repercussions for regime dynamics from 2013 to 2019. For the first time since 1998, the ruling party felt electorally threatened. The regime faced a stark choice – to keep the regime and electoral rules unchanged, which however biased toward the ruling party, would have still led defeats, or restrict the electoral opportunities for the opposition more severely and even repress protests. The regime chose the latter. This choice resulted in the autocratic intensification phase of Venezuela’s democratic backsliding.

## **The Autocratic Intensification Phase: The Maduro Regime, 2013-present**

Venezuela's transition from semi-authoritarianism to full-fledged authoritarianism took place between 2013 to the present. During this period, Venezuela achieved levels of autocracy similar to those of Cuba, one of the most autocratic states in the world. No other cases in Latin America except Nicaragua,<sup>17</sup> and few cases of democratic backsliding worldwide, end up undergoing this degree of autocratic intensification. Few cases of democratic backsliding worldwide started from such a high level of democracy and ended so low as Venezuela.<sup>18</sup>

### *The why: triggers and capabilities*

In my book *Autocracy Rising*, I deploy a functional and an institutional argument to explain Venezuela's autocratic intensification in the 2010s. The functional argument is that the regime needed to respond to deep political and economic crises that were threatening regime survival. Chávez's successor, Nicolás Maduro, needed to come up with desperate survival tactics with the rise of the opposition's strength. If he had allowed electoral politics to run its course, the ruling party would not have survived in office. The regime needed to be altered. The institutional argument is that Maduro's alteration focused on reinforcing and repurposing autocratic institutions already in place. To put out each and every crisis he confronted, Maduro drew from the pre-existing toolkit left in place by Chávez. Maduro's contribution was to reinforce, update or deepen these inherited tools. Autocratization emerged therefore as a response to both functional needs (emerging crises), as well as an institutional endowment (the regime inherited practices, laws, and institutions), along with some clever adaptations.

The main crises afflicting Venezuela's ruling party in the early 2010s were twofold. First, the economy deteriorated sharply, mostly as a result of underperformance of the oil sector and in fact all state-owned enterprises established during Chávez's massive nationalization drive of 2008-2010. Second, the opposition continued to make electoral inroads, taking advantage of new

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<sup>17</sup> Freedom House, *Freedom in the World*; Corrales, "Radical Claims to Accountability," in *Democracy and its Discontents in Latin America*, ed. Joe Foweraker and Dolores Trevizo (Boulder, CO: Lynne Rienner Publishers, 2016), 115-131; Peter H. Smith and Melissa R. Ziegler, "Liberal and Illiberal Democracy in Latin America," *Latin American Politics and Society* 40, no. 1 (2008): 31-57.

<sup>18</sup> Stephan Haggard and Robert R. Kaufman, *Dictators and Democrats: Masses, Elites, and Regime Change* (Princeton: Princeton University Press, 2016)

opportunities (widespread grievances stemming from the economic crisis) and persevering on its strategy since 2006 of mobilizing the vote and maintaining unity during electoral races.

As the competitive authoritarian regime became *less* competitive electorally, it opted to become *more* authoritarian.<sup>19</sup> Signs of declining competitiveness were clear in the 2013 presidential election, the first after Chávez's death. Running as Chávez's chosen heir, Maduro won by a shockingly small margin and under suspicious circumstances. Further signs of declining competitiveness emerged in the 2015 legislative elections. The government lost the election, and thus control of the legislature, despite an electoral system rigged to its advantage.<sup>20</sup>

The response of the regime to this declining competitiveness was to turn more authoritarian. This response required making use of, fortifying, and repurposing some of the authoritarian features adopted by the regime in previous years.

*The how: the end of unevenness*

Whereas under Chávez democratic institutions were attacked unevenly, under Maduro, the three fundamental aspects of democracy—minimal, liberal, and participatory institutions—were attacked fully and simultaneously. Mixed temporality disappeared in favor of across-the-board attack on all aspects of democracy. This change in temporality is the reason, I argue, the regime under Maduro qualifies as fully authoritarian rather than semi-authoritarian.

First, Maduro essentially eliminated minimal democracy between 2017 and 2021. He either stopped electoral processes altogether, or turned them so irregular that they ceased to have any semblance of fairness and freedom. For instance, Maduro blocked a petition to carry out a recall referendum. Using questionable rulings from his co-opted Court and unfair statements from his co-opted Electoral Council, the government argued groundlessly that the opposition did not comply with technical requirements to request a recall referendum. This marked the first

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<sup>19</sup> Javier Corrales and Michael Penfold, "Venezuela: Crowding out the Opposition," *Journal of Democracy* 18, no. 2 (2007): 99-113.

<sup>20</sup> See: Brading, *Populism in Venezuela*; Corrales, "Democratic Backsliding through Electoral Irregularities: Venezuela 1999-2019," *European Review of Latin American and Caribbean Studies* 109 (2020): 41-65; Raúl Jiménez and Manuel Hidalgo, "Forensic Analysis of Venezuelan Elections during the Chávez Presidency," *PLOS One* 9, no. 6 (2014): 1-18.

time that electoral irregularities in Venezuela caused the outright cancellation of an election rather than just tilting the playing field.

The elections that did take place between 2017 and 2021 were all unprecedentedly irregular and adverse to the four main parties of the opposition: Primero Justicia, Voluntad Popular, Acción Democrática, and Un Nuevo Tiempo. Maduro organized an impromptu election for a new “constituent assembly,” charged officially with the task of drafting a new constitution, but in reality, designed to supersede the legislature. For this election, the regime used some of the most irregular electoral practices in the history of elections in Latin America. For instance, some Venezuelans (mostly pro-government) were allowed to vote twice—one time to select a member at large, which was a right granted to all Venezuelans, and then for special “section representatives,” which was a right granted mostly to loyalists. Opposition figures were not given enough time to get organized. Many were banned from running campaigns. Then came the 2018 presidential election. This election featured bans on major opposition candidates, excessive use of public funds and public media to benefit the ruling party, manipulation of the timing of the election to leave little time for the opposition to campaign and organize observation teams across polling stations, and significant repression of protests (in 2017). A portion of the opposition decided to boycott the election. The portion of the opposition that did participate and came in second place did not recognize the results. The government refused to audit the results.

In 2021, the government organized elections for a new National Assembly. For this election, most opposition parties were officially “taken over” by the government. Again, using rulings from the court, the government forced the replacement of the existing leadership of parties with leaders who were more conciliatory toward the regime. In many ways, the government created fake opposition parties and further divided the opposition.

Second, Maduro attacked not just minimal democracy, but also the little that was left of liberal democracy. In 2015, for instance, right before the new Legislature was about to take place, Maduro reaffirmed the regime’s penchant for court-packing: the government rushed the appointment of 13 new justices before the start of the new congress in 2015. He devoted most of 2016 trying to bypass congress, again using Court rulings to declare invalid and illegal any law or resolution coming from the National Assembly. In fact, going forward with an impromptu election for a Constituent Assembly could be construed as a form of self-coup against the legislature, because the constituent assembly was granted enormous legislative powers after it came into being.

Finally, Maduro redoubled the attacks on institutions of participatory democracy. Local governments and communal councils, which became ubiquitous under Chávez, morphed essentially into cells of the ruling party, inaccessible to anyone who was not a party loyalist. Communal councils were granted enormous

powers to distribute economic assistance during the economic crisis. They also engaged in communal watching, keeping tabs of the activities of neighbors, and especially, whether they participated in protests. And within the ruling party, pluralism diminished even more. Dissident voices were suppressed and many were arrested.

In short, the regime drew from preexisting institutional resources practices and resources: control of electoral authorities; autocratic legalism; disdain for pluralism in participatory institutions<sup>21</sup> to respond to new threats and target the opposition. Existing tools of repression were updated, fortified, and deployed.

A good example of this updating was military policy under Maduro. No doubt, Maduro inherited from Chávez a regime in which the military had been deeply incorporated into governance structures. It was thus relatively easy for Maduro to resort to the military to entrench his power deeper during the opposition-rising phase—the military was an available institutional asset at his disposal. But Maduro adapted this inheritance by giving the military far more economic powers and autonomy than Chávez ever did. This included granting the military full control of the oil company, privileged access to imports and exports, greater presence in state-owned corporations, control over the distribution of consumer goods and public assistance. Maduro went as far as to even allow the military to engage in illicit activities with almost complete impunity (black market operations, smuggling goods across the Colombian border, exporting gold illegally, and abetting with drug trafficking). As extreme as Chávez’s civil-military alliance was, it paled in comparison to Maduro’s overutilization of the military institution and diversification of military roles.

Maduro’s military policy can be classified as an example of what I call function fusion.<sup>22</sup> Function fusion means taking an existing institution and giving it functions that are normally assigned to other institutions. In the case of the military, the institution was given mostly economic functions (licit and illicit). Function fusion was also applied to civilians (who were given military functions as paramilitaries, or *colectivos*, as they are called in Venezuela); judges (who were

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<sup>21</sup> Miriam Kornblith, “Venezuela: Calidad de las elecciones y calidad de la democracia,” *América Latina Hoy* 45 (2007): 109-124; Allan R. Brewer-Carías, *Dismantling Democracy in Venezuela: The Chávez Authoritarian Experiment* (Cambridge, U.K.: Cambridge University Press, 2010); Daniel Levine and J.E. Molina, *The Quality of Democracy in Latin America* (Boulder, CO: Lynne Rienner Publishers, 2011); Scott Mainwaring, “From Representative Democracy to Participatory Competitive Authoritarianism: Hugo Chávez and Venezuelan Politics,” *Perspectives on Politics* 10, no. 4 (2012): 955-967; Corrales and Penfold, “Venezuela: Crowding out the Opposition.”

<sup>22</sup> Corrales, Javier. 2020. Authoritarian Survival: Why Maduro Hasn’t Fallen. *Journal of Democracy* 31(3): 39-53.

given the function of business leaders, regulators, and legislators); and ruling party governors (who were allowed to become semi-dictators within their jurisdiction). By giving different institutional actors so many overlapping functions and prerogatives, Maduro was able to maintain a coalition of support from these institutional actors, without needing to offer as many economic handouts as one would have expected. Function fusion is how Maduro was able to offer payoffs to institutional groups in the context of declining economic resources.

### *Polarization During Autocratic Intensification*

The Venezuelan case suggests that even within periods of autocratic intensification, polarization across the electorate does not necessarily dissipate. Rather, polarization will center on different issues.

For supporters of the regime, the issue is no longer agreement with policies, but rather, fear that the opposition, if allowed to return to power, will turn punitive: e.g., take away any institutional gains, remove regime supporters from any job or position held, ostracize them for having supported the regime.

The issue for the opposition is no longer confusion about how to interpret signs of democratic decline, as is the case in the early stages of backsliding, but rather, how best to confront the growing closure of institutional avenues to compete. Disagreements within the opposition will emerge focusing less on interpretations but rather on best strategy to fight back. Fighting back through institutional means becomes hard, not just because the opposition is prone to disagreements about strategy (how confrontational to act), but also because the institutional channels shrink continuously.

Thus, for the 2018 presidential election, as the regime turned more hard-line, the opposition split, with one group deciding to compete and vote, and a significant group calling for abstention. The combination of repression in 2017, enormous electoral irregularities heading into the elections of 2018, and divisions within the opposition allowed the government to prevail electorally. None of the leaders of the opposition recognized the results.

The opposition had a brief revival in 2019-2021. On the day that Maduro was supposed to be sworn in for his second term in early 2019, the leadership of the National Assembly, still controlled by the opposition, refused to recognize Maduro's new term. At that point, the newly-designated president of the National Assembly, Juan Guaidó, made the clever legal argument that Maduro's swearing-in ceremony constituted an "act of usurpation of power:" because Maduro never really won a free and fair election, he was illegally arrogating to himself the

presidency by starting his second term. The National Assembly invoked the constitutional clause stating that in the absence of a legitimate president, the presidency is transferred to the president of the National Assembly, in this case, Juan Guaidó. Guaidó received the support of most leaders of the opposition, as well as a broad international coalition that included the United States, the European Union, the Organization of the American States, and the majority of the countries in the Western Hemisphere.

With encouragement from the Trump administration, Guaidó became increasingly hard-line. He brushed aside most forms of negotiations with Maduro, calling for Maduro's departure as a precondition for any new election. In fairness to Guaidó, Maduro hardly approached the negotiations with any intention of making major concessions (so Guaidó's hard-line policy was surpassed by Maduro's extremism). Guaidó also encouraged military uprisings. And he welcomed draconian economic sanctions from the United States, Canada, and the European Union. In short, there was a return to the strategies deployed by the opposition in the early years of Chavismo: electoral boycotts, "vete ya" posture, economic crippling, and calls for military uprising.

The regime responded by actually upping the pressure on the opposition. The courts issued increasingly more adverse rulings against opposition parties and its leaders. The pandemic (2020-21) was used as an excuse to curtail the incidence of protest and freedom of the press. The ruling party turned further to illicit economic activities—and condoned loyalists engaged in illicit activities—as ways to retain power. The military, and especially colectivos, were given full discretion to repress protests. Espionage was reinforced and deployed specifically to the military, leading to a large number of dismissal or arrests within the military. The government responded to Western sanctions by strengthening its ties with autocratic regimes in Russia, Turkey, and Iran and relying increasingly on smuggling of mineral exports and even drugs. Ties with autocratic regimes and illicit transnational economic actors allowed the regime to find international loopholes to the sanctions regime imposed by the West.

In short, the transition from semi-authoritarianism in the 2010s was prompted first by a dramatic change in the party system (declining ruling party competitiveness), which encouraged the president to turn more autocratic to survive. The regime managed to turn more autocratic because it had a reservoir of autocratic institutions and tools at its disposal that could be redeployed and adapted to deal with the new political challenge posed by Venezuela's new party system (a co-opted court and electoral council, a coercive apparatus designed to engage in corruption, a mobilized group of paramilitaries, and illicit economic ties with business groups across society). The regime responded to political threats by updating pre-existing autocratic practices and bringing them to new levels. Had there not been an arsenal of autocratic tools to draw from, the regime would not

have been able to deploy autocratic tools as swiftly and effectively as it did in the 2016-2021 period. It would have either been overthrown or would have had to negotiate some form of regime liberalization, which most likely would have resulted in Chavismo losing control of the Executive branch. And that is the one political loss that autocratic presidents never tolerate, and will prevent if they have the right tools for the job.

## **Conclusion**

This chapter made a conceptual and a theoretical contribution to the study of democratic backsliding. The conceptual contribution is the idea that democratic backsliding can occur with different temporalities simultaneously—the presidency targets some dimensions of democracy but not others, leading to some institutions declining fast while others decline slowly, if at all. This has at least two implications. First, this unevenness is one reason that backsliding leads to very polarized electorates, with some groups noticing the democratic decline quite clearly, and others hardly noticing it or perceiving improvements instead. Second, this polarization can be exploited by backsliding presidents to their advantage, because it turns supporters into a more forgiving constituency. Thus, backsliding presidents will act as both inadvertent as well as intentional polarizers.

The theoretical contribution is the idea that backsliding is related to party system features. Initial backsliding is more likely under conditions of pro-incumbent asymmetrical party fragmentation: the ruling party becomes strong and cohesive while opposition parties become fragmented. This is the condition that allows illiberal presidents in democracies to go far in concentrating power and attacking institutions of liberal democracy. This claim is not meant to deny that pre-existing socio-economic conditions (e.g., rising societal discontent with the status quo) are unimportant contributors to backsliding. In fact, democratic backsliding in Venezuela started with an external economic shock that no doubt contributed directly (by producing anti-status quo sentiment) and indirectly (by facilitating the change in the party system). But without the change in the party system toward asymmetrical fragmentation (1999-2006), backsliding would have been harder for the anti-status quo leader to achieve.

Asymmetrical party fragmentation, together with the recovery of oil prices (starting in 2004), allowed Chávez to overhaul or colonize a good number of democratic institutions in the country. At first, Chávez's backsliding record was mixed: even while attacking institutions of liberal democracy, he did introduce or promote some democratic innovations. But by mid 2000s, the democratic innovations disappeared and the democratic reversals acquired speed and scope.

During this period of steady democratic backsliding (2006-2012), the opposition and many civic organizations managed to remain independent and very active, but they were unable to stop the process of democratic backsliding: the state, the ruling party, the economy, and the restrictions imposed on independent organizations were too strong.

The process of autocratic intensification (2013 to the present) was the result of changes in the party system again as well as institutional capacity. Unlike backsliding, the autocratic intensification phase is more likely when the competitive-authoritarian regime loses competitiveness. At that point, the ruling party's only chance of hanging on to the presidency is to impose greater restrictions on party competition and turn more repressive toward opponents. Maduro was able to impose those restrictions because he had inherited a reservoir of autocratic practices and institutions that could be updated and re-purposed to confront the challenges posed by Venezuela's new party system.

These autocratic responses succeeded politically, but only to a point. The responses managed to contain the political reverberations from the crises Maduro inherited (economic collapse, leadership vacuum, and declining competitiveness). Dissent was repressed, opposition parties were denied freedoms and opportunities to compete, and loyalists in the military and the ruling party were showered with favors, often including autonomy to engage in illicit economic activities. However, autocratization did not fundamentally solve, and in fact actually exacerbated, the country's governance crisis, and by extension, the ruling party's weak electoral competitiveness. By 2022, the regime's top leaders, including Maduro, had some of the lowest approval ratings of any government in Latin America.

Because of these policy failures, Venezuela's autocratic regime entered the 2020s with vulnerabilities. The regime has the capacity to survive in office, but it is far from consolidated. The president intensified autocracy, but the regime is not entirely free from the risk of internal implosion or being toppled even by actors within or connected to the ruling party.

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