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Reading Tocqueville in Venezuela

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The works of Alexis de Tocqueville clarify much of the confusion that exists in contemporary analyses of democratization, particularly in relation to democratic backsliding. This paper highlights two advantages to a Tocquevillian reading of Bolivarian Venezuela (1999-present). His concept of democracy is not limited to political regime and it is very aware of the limits of democracy and democratization. This helps understand how efforts to democratize democracy can lead to democratic breakdown.

Keywords: *Tocqueville – Chávez – Democracy – Bolivarianism – Democratization*

Is not the picture of the future which de Tocqueville painted much more likely to come to pass in our age? [1]

1. Introduction[2]

Alexis Charles Henri Clérel, comte de Tocqueville (henceforth Tocqueville), was born into an aristocratic family in Paris in 1805 and reposed in Cannes in 1859, travelled extensively[3], was an active politician, including a five month stint as Minister of Foreign Affairs, and wrote *The Ancien Régime and the French Revolution*, the

[1] J. Eotvos, *The Dominant Ideas of the Nineteenth Century and Their Impact on the State*., vol. 1: *Diagnosis*, Highland Lakes, NJ, Atlantic Research and Publications, Inc., transl., ed. and annot. with an introd. by D.M. Jones, 1996, p. 363.

[2] The author thanks Mishi Romo Rivas, Ian Drake, David Clinton, Brian Smith, Christine Dunn Henderson, Ferenc Hörcher, Francisco Panizza, and David Martin Jones for comments on an earlier version.

[3] C.D. Henderson (ed.), *Tocqueville's Voyages*, Indianapolis, Liberty Fund, 2015.

posthumously published *Recollections:The French Revolution of 1848 and its Aftermath* and the best-selling two volume *Democracy in America*[4]. While his insights are broadly instructive, this essay focuses on two lessons for political science from contemporary Venezuela.

First, Tocqueville's understanding of democracy is more expansive than that of contemporary political scientists. For him, democracy was many specific things which could be grouped into two distinct categories, a political regime and a social state, a holistic alternative to aristocracy. By contrast, guided by parsimony, democratization scholars[5] focus on democracy as a political regime. They are not oblivious to the connections between social state and regime and have long been trying to determine how a regime can democratize society and how extra-regime actors can democratize a regime. In fact, scholars, recognizing that regime only explains so much, have favored *democratizing* democracy, a theme that recurs in democratic politics. Assuming democracy and democratization are analytically continuous variables and normatively unqualified goods, all democratization and democratization of all are considered good. But what happens when groups that claim to make democracy more democratic pursue actions and policies which seem to threaten democracy?

The issues of democratic backsliding – when a regime becomes less democratic – and breakdown – when the regime is no longer democratic – have come to the forefront in political science. Scholars see these as the product of anti-democratic elite actors, not democracy itself. Tocqueville's reading of democracy was more skeptical and, while supportive, he was clear that democracy could both secure and snuff out the blessings of liberty. The second lesson Tocqueville offers is that efforts to democratize democracy are likely to focus on the areas that restrain popular will – easily identifiable as elite, exclusive, anti-democratic – which he thought essential for checking and channeling democratic impulses and making democracy viable, plural, and sustainable[6].

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[4] A. de Tocquveille, *The Ancien Régime and the French Revolution*, New York, Cambridge University Press, *in* J. Elster (ed.), trans by A. Goldhammer, 2011. A. de Tocqueville, *Recollections: The French Revolution of 1848 and its Aftermath*, Charlottesville, University of Virginia Press, in O. Zunz (ed.), trans. by A. Goldhammer, 2016. A. de Tocqueville, *Democracy in America, Volumes One and Two*, Indianapolis, the Liberty Fund, in E. Nolla (ed.), trans. by J.T. Schleifer, 2012.

[5] G. O'Donnell-P.C. Schmitter-L. Whitehead (eds.), *Transitions from Authoritarian Rule,* Baltimore, the Johns Hopkins University Press, 1986, vol. 1-3.

[6] Other counter-forces such as the role of local politics, association life, and religion were also important though not necessarily anti-democratic. But these spaces are often seen as having some

This essay explores changes within Bolivarian Venezuela (1999 to the present) which were dominated by efforts to make democracy more democratic and led to efforts from pro-government and opposition activists to advance or defend democracy in ways that corrupted the regime and degraded the democratic social state[7]. The regime in Venezuela is no longer democratic but focusing on the regime leads to curiosities: democrats engaged in coup attempts, non-democratic regimes held elections with democratic results, and because critics declared democracy breaking and broken down for so long, the eventual breakdown of the democratic regime was less stunning. This essay first explains why Bolivarian Venezuela is examined and then analyzes Venezuelan politics surrounding the establishment of a new constitution in 1999, a coup in 2002, and the National Assembly elections in 2015 which produced, briefly, a supermajority for the opposition. Even with a non-democratic regime there are aspects of a democratic social state. These are easier to understand through a Tocquevillean lens.

2. Why Democratization in Venezuela?

Democratization scholarship responded to the particular challenge of making sense of how and why non-democratic governments became democratic (or not) beginning in the mid-1970s. It emerged in a global context shaped by the Cold War, studied events in countries that had received disproportionately little scholarly attention previously, ones in which the authors were often citizens or had deep social and political commitments, and responded to growing pressures to make the profession more scientific along positivist lines[8]. The primary concern was to track what led to a country's political regime shifting away from authoritarianism and whether this would lead to democratization[9]. Democracy was seen as consolidated when the most

legitimate claim for separation, at least partial, from the political sphere. The author is grateful to Christine Dunn Henderson for this point.

[7] While many in the opposition think of Bolívar as a national hero, the term Bolivarian is usually used only for supporters of Chávez and his movement.

[8] See G. Munck-R. Snyder, *Passion, Craft, and Method in Comparative Politics*, Baltimore, Johns Hopkins University Press, 2007.

[9] G. O'Donnell-P. Schmitter, *Transitions from Authoritarian Rule: Tentative Conclusions about Uncertain Democracies*, Baltimore, the Johns Hopkins University Press, 1986.

salient political actors accepted democratic rules and procedures as the only way to political office[10].

This approach was later criticized as elitist and minimalist[11]. Indeed, a regime might have selected leaders democratically and protected association and dissent, but this did not necessitate democratic content in policies and law, behavior of elites or masses, or outcomes[12]. From the late 1990s onward, scholars decried incomplete transitions where democracy had not yet trickled down to the people or remained the provenance of some and inaccessible to others[13]. The most recent rise of populism in democracies (including in the wealthy West) raised issues of democratic backsliding, that democracies were becoming less democratic and possibly autocracies[14]. Thus, democracy (a regime) could be consolidated even if it was not very democratic.

3. Tocqueville's Science

Tocqueville did not clearly separate the two. Democracy could be monarchic, as in England, and the core of democracy was equality, identifiable with the rise of a bourgeoisie and expansive suffrage[15]. His descriptions of democracy fit in two broad categories: political regime and social state, a principle as holistic as the oligarchic system it sought to replace[16]. Democracy could «moderate democracy» but it was

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[10] J. Linz-A. Stepan, *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe.* Baltimore, Johns Hopkins University Press, 1996.

[11] L. Avritzer, *Democracy and the Public Space in Latin America*. Princeton, Princeton University Press, 2002.

[12] L. Diamond-L. Morlino (eds.), *Assessing the Quality of Democracy,* Baltimore, the Johns Hopkins University Press, 2005.

13 See A.P. Spanakos, *Adjectives, Asterisks and Qualifications, or How to Address Democracy in Contemporary Latin America*, in «Latin American Research Review» 42, 2 (2007), pp. 225-237.

14 See S. Haggard-R. Kaugman, *Backsliding*, New York, Cambridge University Press, 2021 and A. Little and A. Meng, "*Subjective and Objective Measurement of Democratic Backsliding*," https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4327307 accessed 9 August 2023.

15 L. Jaume, *Tocqueville: The Aristocratic Sources of Liberty*, Princeton, Princeton University Press, trans. by A. Goldhammer, 2013, p. 17. Schleifer highlights the range of Tocqueville on this concept. J. Schleifer, *The Making of Tocqueville's Democracy in America,* Second Edition, Indianapolis, Liberty Fund, 2000, Ch 19.

[16] Writing on this, Negro explains «[o]n the one hand, a regime is a form of political order, and it is only a partial and superficial aspect of the entire social order; and on the other, politics, which rests in the *ethos* or spirit of the social order, counts on religion in order to maintain itself limited with respect to religion», art, science, and culture without "ideologizing" them. D. Negro Pavón, *Democracia y religión* in «Anales de la Cátedra Francisco Suarez» 41 (2007), pp. 163-181, 164. Translation by the present author.

also a terrifying Biblical deluge which required the construction of «the holy guardian ark which must carry the human species on this boundless ocean»[17].

Tocqueville knew democracy was multidimensional and poly-semantic, bearing within countervailing tendencies. He also recognized the danger of determinism. He criticized thinkers who were «deceived … by the misleading light that history casts on the present»[18], a mistake that was easy given that «every historical moment is pregnant with the future, or rather many futures»[19]. In 1852 he wrote that political science produced the ideas that political actors used (even if unaware), and political science aimed to study the art of government, with all the inconsistencies inherent in the actions of multiple actors responding to diverse circumstances over time and space[20]. Thus, political science and the art of government were separable *and* inseparable, in a way that was unresolvable other than that science aimed at a longer view and art consisted in practical responses to demands of a particular time. Tocqueville seemed to realize that resolving the tension was fruitless and, given his comments on determinism, likely to be counterproductive and lead to mistakes or dogmatism[21].

Increasingly, political scientists recognize that democracy is multidimensional but struggle to adjust democracy as a concept (and proxy) to what they believe democracy (in its fullness) is[22]. This leads to all sorts of enquiry in which definitional and propositional characteristics of democracy are conflated. Positivist political science loses credibility when it does this (how can an independent variable, or some

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[17] Schleifer, *The Making* cit., 2000, pp. 338, 326.

[18] Tocqueville, *Recollections* cit., p. 46.

[19] A. Goldhammer, *Tocqueville's Literary Style*, in Tocqueville, *Recollections* cit., pp. xxix-xxxv, p. xxx. See also C.B. Welch, *Tocqueville's Recollections in Trump's America*, in «The Tocqueville Review/La Revue Tocqueville» 27, 2 (2017), pp.157-167, 162.

[20] A. Tocqueville, *Speech Given to the Annual Public Meeting of the Academy of Moral and Political Sciences on April 3, 1852*, https://archive.org/stream/TocquevillePoliticalScienceToTheAcademy1852_201805/Tocqueville%20-%20%27%27Political%20Science%2C%20to%20the%20Academy%27%27%20%5B1852%5D_djvu.txt accessed on 9 August 2023. No translation information available. From *Tocqueville*, *Oeuvres Complètes*, XVI: Mélanges, in F. Mélonio (ed.), Paris, Gallimard, 1989.

[21] In a small thought experiment, Craiutu wondered if a doctoral dissertation submitted by Tocqueville would be passed by a contemporary committee in a leading US political science department. A. Craiutu, *Tocqueville's New Science of Politics Revisited*,1 May 2014. Law and Liberty Blog https://oll.libertyfund.org/page/liberty-matters-aurelian-craiutu-tocqueville-s-new-science-of-politics#leadessay, accessed 3 July 2023.

[22] For example, Przeworski does not assert that democracy *is* a 'regime in which governments lose elections' but that such a conceptualization allows consistent social science testing of potential causality. A. Przeworski, *Some Problems in the Study of the Transition to Democracy,* in O'Donnell-Schmitter-Whitehead (eds.), *Transitions* cit.

part of it, also be dependent?). Tocqueville's claims were not abstract but contextualized, aiming at understanding complex systems with high levels of unpredictability[23].

Operationalizing democracy as a regime in which government authority is limited and citizen activity is facilitated includes multiple criteria with subjective and normative content[24]. The latter is especially the case if democracy includes process, content, speech, action, and law[25]. Democratization research generally assumes that democracy (and its subcomponents) is a continuous variable: there can be more or less of it and all move in the same direction. There is no provision in which more press freedom or welfare expansion can make democracy less democratic or that less of those could improve democracy. Munck notes the difficulty of weighing different components and Wolff more directly criticizes the measurement of all democracy along the lines of liberal democracy[26]. Tocqueville was more provocative: many advances in democracy might weaken liberal constraints necessary for the preservation of liberal democracy.

4. Why Venezuela?

Tocqueville's characterization of democracy as «restless,» seeking to bring about equality, and his assumption that a democratic social state could be obtained in non-democratic regimes, are particularly helpful in understanding political transformations in Venezuela in the past two and half decades[27]. In 1958, Venezuela

[23] C. Tien-R. Marasco, *Ask a Political Scientist: A Conversation with Yuen Yuen Ang about China and Political Science,* in «Polity», 55, 3 (2023), pp. 638-648, 640.

[24] J. Wolff, *From the Varieties of Democracy to the Defense of Liberal Democracy: V-Dem and the Reconstitution of liberal Hegemony under Threat*, in «Contemporary Politics», 292 (2022), pp. 161-181.

[25] Diamond-Morlino, *Assessing* cit.

[26] G. Munck, *Measuring Democracy: A Bridge between Scholarship and Politics*, Baltimore, The Johns Hopkins University Press, 2009, and Wolff, *From the Varieties* cit.

[27] Tocqueville's pessimism on South American republics is well-documented. E. Aguilar, *Tocqueville, Argentina, and the Search for a Point of Departure*, C.Dunn Henderson (ed.), *Tocqueville's Voyages: The Evolution of His Ideas and Their Journey Beyond His Time*, Indianapolis: Liberty Fund, 2014, pp.365-389. In *Democracy in America*, he wrote «the people [of South America] seem obstinately to eviscerate themselves; nothing can divert them. Exhaustion makes them come to rest for an instant, and rest soon brings them back to new furies…. When I consider them in this alternating state of miseries and crimes, I am tempted to believe that for them despotism would be a benefit» (Tocqueville 2012a, II, 5, 367). His position resembles that of Simón Bolívar, who famously wrote: «You know that I have ruled twenty years, and from these I have not taken away more than a few certain points: First, America is ungovernable for us; Second, He who serves a revolution plows

established a remarkably stable democracy rooted in a pact among political elites – who had previously engaged in partisan extremism and conspired with the military against each other – which assured recognition of each others' victories, convergence on policy discussions (with both parties moving towards the center), and the rejection of seeking military solutions to partisan issues. The system was rocked by crises in the 1980s and 1990s resulting from low petroleum prices, massive debt, vast corruption, weakening support for the two centrist political parties by an increasingly fragmented and precaritized population, mass demonstrations, increasing support for extraordinary politics and outsider politicians, among other causes.

It is important to underscore the depth of the crisis in Venezuela which facilitated radical demands for change, including the evolving Bolivarian Revolution of Hugo Rafael Chávez Frias (1999-2013) and, later, Nicolás Maduro (2013-)[28]. Chávez became a national hero after leading a failed coup attempt in 1992 and, following the restoration of his political rights, he won the 1998 presidential elections. He campaigned by ruthlessly attacking the "*Punto Fijo*" democracy, the so-called 'Fourth Republic,' as being a cabal of racist, elitist, patriarchs who deliberately sought to pauperize the people and he was sworn in, reluctantly, on the 1961 Constitution, which he planned to replace. A few political scientists saw an inspiring moment for radical democratic change[29], while most saw a teetering democratic regime shaken by a charismatic, populist, authoritarian[30].

Bolivarian Venezuela is especially valuable as a case study for studying democratic backsliding and breakdown for a number of reasons. First, analysis of backsliding generally involves identifying gradations in indicators which can be

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the sea; Third, The only thing one can do in America is to emigrate; Fourth, This country will fall inevitably into the hands of the unbridled mass and then pass almost imperceptibly into the hands of petty tyrants, of all colors and races; Fifth, Devoured by every crime and extinguished be ferocity, the Europeans will not even regard us as worth conquering; Sixth, If it were possible for one part of the world to revert to primitive chaos, it would be America in her last hour». https://es.wikisource.org/wiki/Carta_de_Bol%C3%ADvar_al_general_Juan_Jos%C3%A9_Flores_(1830) accessed on 21 May 2023, translated by the author.

[28] The Bolivarian Revolution is often referred to as "*el proceso*", the revolutionary process. This essay uses Bolivarian and the "*proceso*" in reference to politics championed by Chávez and his supporters.

[29] G. Wilpert, *Changing Venezuela by Taking Power: The History and Policies of the Chávez Government*, Brooklyn, Verso Books, 2007.

[30] A. Romero, *Rearranging the Deck Chairs on the Titanic: The Agony of Democracy in Venezuela*, in «Latin American Research Review», 32, 1 (1997), pp. 7-36, J. Corrales, *Hugo Boss,* in «Foreign Policy», 152, 1 (2006), pp, 32-40, and F.A. Plaza, *Beyond Tyranny: The Totalitarian Spirit of the Venezuelan Regime*, in «Political Science Reviewer» 42, 1 (2018), pp. 1-33.

subjective in terms of observation and expectations[31]. There was a democratic regime in Venezuela and there no longer is. Second, Bolivarian Venezuela demonstrates dangers associated with democratizing democracy. Over a long period of time, the government weakened liberal norms and institutions in order to enable popular sovereignty in order to remove elite privilege and establish a democracy, broadly defined.

5. Democratizing until No Longer Democratic?

The section uses a Tocquevillean lens to analyze three moments in Bolivarian Venezuela to show some of the limits of a regime-centered approach and highlight how efforts to democratize democracy consistently weakened liberal norms and institutions and, eventually, led to the collapse of a democratic regime. Even still, democratic norms, behavior, and institutions continue to exist and operate in some fashion, something obscured by a focus on regime.

Venezuelan democracy had been in crisis prior to Chávez's 1998 election. Economic growth was negative in the 1980s and inflation reached 84% in 1989. A package of neoliberal reforms slowed inflation but generated massive protests in 1989, 2 coup attempts in 1992, and presidential impeachment in 1993. These events were indicative of a sickness, though not necessarily unto death. Electoral support for the two main parties (AD and COPEI) declined from 93.4% to 46.3% in the 1988 and 1993 presidential elections, respectively. There were many reasons to see such extraordinary politics as symptoms of a government (not a regime) in a profound crisis. Successive governments had been performing poorly, citizens were alienated and enraged, but they were still democrats and political reforms made it possible for democracy to resolve its issues[32]. Indeed, the victor of the 1993 elections was Rafael Caldera, former COPEI leader and the owner of the Punto Fijo estate where the original democratic pact was signed. He understood the need for deep reform and to open space for new political movements, including those of Hugo Chávez, to whom he restored his political rights.

[31] Most cases of alleged backsliding might be the result of circumstantial factors (such as fragmentation or decline of traditional political parties or outsized impacts of one particular charismatic leader) and may not necessarily lead to breakdown.

[32] B.F. Crisp-D.H. Levine, *Democratizing the Democracy? Crisis and Reform in Venezuela*, in «Journal of Interamerican Studies and World Affairs» 40, 2 (1998), pp. 27-61.

Chávez won the 1998 presidential elections with a resounding 56.2% of the vote and no candidate arrived at the finish line formally representing the traditional political parties. Chávez's interest in not being just another president but the founder of a new republic raised concerns including when he pushed forward a referendum of dubious constitutionality as the Constitution provided for constitutional change only through the congress, neither giving the president the right to call a referendum nor people the right to sanction such a call[33]. The Supreme Court, however, allowed the vote on whether to compose a constituent assembly, bowing to presidential and popular pressure, basing its decision on new constitutionalist approaches which highlighted the superiority of the constituent power of popular will over the constituted power of elected offices.

Most political scientists saw the move as unconstitutional[34]. The possible breach in constitutional order was exacerbated by the process of selection and deliberation as the popularity of the president and skewed system of counting votes overrepresented forces of radical change with 121 of 128 elected seats being pro-Chávez. The 1999 Constitution weakened some liberal institutions but also created innovative democratic processes, including a recall provision for the president, many new rights, an ombudsman, and a range of new powers for the now single chamber of the legislature. Political scientists saw an environment and document which was concerning in its flagging support for liberalism and its disregard for separating government and state[35]. Yet, the regime remained democratic and, perhaps, with a new, popularly sanctioned constitution, it would have greater legitimacy. If, as scholars argued, democracy was about institutionalizing uncertainty allowing for peaceful resolution of conflict, a new constitution, the country's 26th, might have done just that[36].

The emphasis on regimes and rights, and criticism of democratization literature as being elitist, made it easy to miss the role of responsibility among elites. While Bolivarians believed the partisan group writing the constitution were responsible to the base and the program of making a genuine democracy, there was a prudential and ethical responsibility for pluralism missing. This is ironic since the great lesson of the 10 year dictatorship of Marcos Pérez Jiménez (1948-58) – the one that led to the

[33] A.P. Spanakos-D. Pantoulas, *The Contribution of Hugo Chávez to Understanding Post-Neoliberalism*, in «Latin American Perspectives» 44, 1 (2017), pp. 37-53.

[34] A. Brewer-Carías, *Dismantling Democracy in Venezuela: The Chávez Authoritarian Experiment*, New York, Cambridge University Press, 2010.

[35] Corrales, *Hugo Boss* cit.

[36] Przeworski, *Some Problems* cit. and O'Donnell-Schmitter, *Transitions* cit.

Punto Fijo pact – was that elites needed to have a stake in the continued participation of opponents in the political system, otherwise they would have incentive to engage the military in coups[37]. As Brewer writes «the question in democratic systems [is]… how constitutions must be adopted to effectively prevent conflicts and build stable democratic institutions»[38].

Another constitutional breach, this in clear violation of the Supreme Court ruling that the Constituent Assembly did not have 'originary powers,' was when the Constituent Assembly – composed nearly entirely of Bolivarians – absorbed legislative responsibilities from the Congress, where an opposition majority prevailed. The move, upheld by the Supreme Court (14 Oct 1999), allowed members of the Constituent Assembly, elected in 1999 with a mandate to draft the new constitution, to replace the members of Congress, elected in 1998 with a mandate to legislate. Popular will, expressed in acclamations and the most recent elections, as well as an anti-liberal preference which saw bracketing authority as elitist, made the move permissible. From a regime perspective, the elimination of separation of powers and defenestration of an elected legislature should have been a red-line but it was done by elected bodies, sanctioned by an independent Supreme Court, and was later validated through regular elections.

Democratization scholars were very critical of threats to democracy and absorption of the state into the government but, this was not the first radical government and in the 1990s and early 2000s – unlike the 1950s through 1970s – political crises did not lead to democratic breakdown[39]. Democracy as a regime resolved such institutional crises.

The Chavista-dominated legislature regularly delegated emergency powers to the president who governed, at least publicly, by decree[40]. Chávez announced policy decisions, small and big, in his weekly hours-long television show, "*Aló Presidente,"* a mix of incessant political talk, camp, travelogue, feel-good messages for supporters, and periodic policy notifications. Through the Constitution and his unique style, Chávez created and expanded spaces for popular discussion and

[37] The decline in discussions of responsibilities and the ascent of rights in constitutions and political discourse more broadly converged with a shift in the field from elite-centered analysis towards structural causes or bottom-up pressures. See S. Mainwaring-A. Pérez-Liñán, *Democracies and Dictatorships in Latin America: Emergence, Survival, and Fall,* New York, Cambridge University Press, 2014.

[38] A. Brewer-Carías, *Dismantling* cit., p. 14. Brewer, importantly, was one of the few opposition members of the constituent assembly.

[39] A. Pérez-Liñán, *Presidential Impeachment and the New Political Instability in Latin America*, New York: Cambridge University Press, 2007.

[40] It did so until 2016 when the opposition gained the majority of the Assembly.

decision[41], though they were often inefficient and highly partisan[42]. He invested heavily in culture, education, and media, both in public quarrels and institutional (judicial) processes against established groups and critics[43]. The "*proceso*" did not separate the political from the administrative, economic, military, social, cultural, or religious, aiming at democratizing democracy with the understanding that democracy touched on all aspects of life. Such efforts, from a Tocquevillian perspective, stood in contrast to the federalism, religious affiliation, associational life, and other ways in which democracy was prevented from dominating all American life

This sense of a totalized notion of democratization drew on Marxist readings of popular sovereignty and constituent power[44]. Bolivarians believed that revolutions required state power to overcome the resistance of reactionaries whose reserves of power were in diffuse domains and to accelerate a revolutionary process such that returning to a previous order would be impossible[45]. Democracy, then, is not a regime as much as it is a project that seeks to open the possibilities for the awakening of the identity, public deliberation, and decision-making power of the people[46]. Democracy is prefigurative, lacking permanent or predictable institutional form, and liberalism is usually at odds with the institution of democracy[47]. Tocqueville perceived this as well and believed, untempered, it would lead to servitude.

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[41] D. Azzellini, *Constituent Power in Motion: Ten Years of Transformation in Venezuela,* in «Socialism and Democracy» 24, 2 (2010), pp. 8–31, and G. Ciccariello-Maher, *We Created Chávez: A People's History of the Venezuelan Revolution,* Durham, Duke University Press. 2013.

[42] B. Goldfrank, *The Left and Participatory Democracy: Brazil, Uruguay, and Venezuela,* in S. Levitsky-K.M. Roberts (eds.), *The Resurgence of the Latin American Left*, Baltimore, The Johns Hopkins University Press, 2011, pp. 162-183, and A.P. Spanakos, *Citizen Chávez: The State, Social Movements, and the Publics in Forming a New Citizenship- Nation-State Project*, in «Latin American Perspectives» 38, 1 (2011), pp. 14–27.

[43] S. Fernandes, *Who Can Stop the Drums?: Urban Social Movements in Chávez's Venezuela*, Durham, Duke University Press, 2010.

[44] A. Negri, *Insurgencies: Constituent Power and the Modern State*, Minneapolis, University of Minnesota Press, 2009, trans. by M. Boscagli.

[45] I. Mészáros, *Bolívar and Chávez: The Spirit of Radical Determination*, in «Monthly Review Press» 1 July 2007, https://monthlyreview.org/2007/07/01/boliivar-and-chaavez-the-spirit-of-radical-determination/

[46] E. Dussell, *Twenty Theses on Politics*, Durham, Duke University Press, trans. by G. Ciccariello-Maher.

[47] D. Losurdo, *Liberalism: A Counter-History*, Brooklyn, Verso Books, trans. by G. Elliott, 2014.

The effort to democratize democracy via awakening constituent power introduced a new, experimental form of institutionality[48]. The idea of democratizing democracy was not anathema to democratization scholars who rebuked new democracies for failing to become more democratic, but the anti-liberal mode of the process made it suspect. This was inevitable given that the *proceso*'s aim was to establish what Tocqueville called a democratic state via government and state.

6. A Coup to Defend the Democracy?

The early years of Bolivarian Venezuela were replete with polarization, anxiety, intense rhetoric, and regular occupation of plazas and other spaces in which citizens – both supporters and opponents of the *proceso* – made public manifestations of their binary support/rejection of the government. Although much of Chávez's early economic policies were not especially radical, his language was and he engaged in a number of policies which aimed at shifting power relations in the society. Whether this was part of a plan to democratize democracy by eliminating reserves of reactionary, elite power[49] or a deliberate effort to eliminate bodies that could offer a check on executive aggrandizement and expand government control over the whole of the productive economy[50], a very popular president with a new constitution providing wind at his sails, moved to bring about the change he promised.

In *Plan Bolívar 2000*, Chávez proposed civil-military partnerships, initially, an effort to build a government-directed organization of civil society. Some groups broke from the government but remained loyal to the *proceso,* and others disappeared or were absorbed into different local organizations. Eventually, remnants of the early *Bolivarian Circles* were, under Maduro, absorbed into militias and *colectivos",* armed groups who control small- to medium-sized territories. The opposition who saw a government co-opting the military and militarizing civil society to advance control over everything were representative of "attempts by the Chávez administration to

[48] A.P. Spanakos, *Institutionalities and Political Change in Bolivarian Venezuela*, in A.P. Spanakos-F.E. Panizza (eds.), *Conceptualizing Comparative Politics*, New York, Routledge, 2015, pp. 215-241.

[49] Wilpert, *Changing* cit.

[50] Plaza, *Beyond Tyranny* cit.

dominate all arenas of public life"[51]. For its part, Chavistas refused to allow the opposition a monopoly on civil society and willingly cooperated with (and received funding, advice, bussing, etc) from the government. Simultaneously, much of the military high command resented the politicization of the military and the government's increasingly friendly relations with the Cuban government and the hostility towards the United States.

In November of 2001, Chávez raised the stakes of competition using Enabling Powers given to him by the National Assembly (where the largest pro-Chávez party had 92 of 165 seats, from 44.3% of the votes). Supporters claimed that a mandate for change and crisis conditions justified the enabling powers. Critics claimed bypassing parliamentary discussion and review was evidence of anti-democratic behavior. Chávez used the enabling powers to launch a number of new laws including a law on hydrocarbons which promoted land redistribution, and shifting policy in PDVSA, the state owned petroleum company, which previously enjoyed considerable autonomy from the government.

This occurred while oil prices, already low, were declining and the broad economy continued to be weak, and Chávez's popularity dove to 30%, fomenting zero-sum brinkmanship. As McCoy notes, in 2002 «[p]olitical order hung by a slender thread… Two mutually antagonistic groupings, the Bolivarians and their opponents, viewed each other as illegitimate»[52]. Large and intense manifestations from both sides were constant. Finally, on 7 April, Chávez fired 6 of 7 members of the PDVSA board, including its president, on television, blowing a whistle as though a referee ejecting players. The anti-Chávez Confederation of Venezuelan Workers called a general strike for 9 August and on 11 August, some one million opposition protestors marched on the Miraflores Palace where they encountered a large collection of government supporters and *Bolivarian Circles*. Shooting commenced and the military was mobilized to protect the palace but the military leadership refused to move ahead and demanded Chávez's resignation and subsequently jailed him.

Pedro Carmona, head of the Venezuela business organization, was given the presidential sash. He immediately dissolved the 1999 Constitution and the National Assembly, reinstated the 1961 Constitution, and promised elections in December, during which he would not be a candidate. A group of loyal leaders within the

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[51] L. Salamanca, *Civil Society: Late Bloomers*, in J. McCoy-D. Myers (eds.), *The Unraveling of Representative Democracy in Venezuela*, Baltimore, the Johns Hopkins University Press, 2004, pp. 93-114, 113.

[52] J. McCoy, *From Representative to Participatory Democracy?* in McCoy-Myers (eds.), *The Unraveling of Representative* cit., pp. 263-295, 295.

military rebelled and Chavistas flooded the street demanding the return of their president, while groups within the opposition were divided over the extreme direction of the interim government and public support dwindled.

Much remains unclear but, first, the opposition engaged in massive and contentious street manifestations to demonstrate that it too had popular power and, in fact, it represented the true will of the people. Given the low popularity of the government and the economic crisis, the claim was not unreasonable, certainly not by Bolivarian logic. Second, the opposition – both the broad group that opposed Chávez and the smaller group which engaged in the coup – believed democracy was endangered and that the democratic demonstration of the people leading to the military's declaration of the president in dereliction of duty was justifiable. Third, relying on Bolivarian readings of populist democracy, they accepted the idea that the mass demonstrations empowered an unelected official (Carmona had no constitutional claim to succession) to restore a previous constitution and invalidate the one that had been endorsed by popular election only three years earlier. Such claims were not inconsistent with the logic of the Supreme Court which, three years earlier, reasoned that the people's will is superior to a written constitution.

Democratization scholars recognized that a coup took place but, with the democratic government restored, considered the regime still democratic. The coup seemingly validated Bolivarian claims that democratizing democracy was opposed not by democrats but authoritarians and fascists intent on preserving privilege. Even if some did not think democracy "the only game in town," scholarly concerns about democracy in Venezuela focused on anti-liberal executive behavior, not recalcitrant former elites[53]. This emphasis is not surprising given that democracy is considered to be a self-limiting regime[54] and government expansion of authority led by elites with anti-liberal views tend to be the most important causes of democratic breakdown[55].

The focus on democracy as a regime, and its exploitation by officeholders, under-appreciated the role of non-governmental actors and political values. Importantly, there was a shift in norms attached to democracy – dominant among Bolivarians and increasingly among the more radical opposition – that the people's will was democratic politics at its purest and acclamation in public space by a mass of people produced more legitimate claims and actions than that produced by elected bodies and officials. This represented not only a different way of understanding how

[53] See Corrales, *Hugo Boss* cit., and Mainwaring-Pérez-Liñán, *Democracies* cit.

[54] A. Schedler-L. Diamond - M.F. Plattner (eds.), *The Self-Restraining State: Power and Accountability in New Democracies*, Boulder, Lynne Rienner, 1999.

[55] See Mainwaring-Pérez-Liñán, *Democracies* cit.

principles of democracy related to the regime, but also how institutionality could reflect the primacy of the people's will[56]. Bolivarian efforts to create "parliaments in the street," communes, and communal councils, as well as opposition protests rely on such notions. Opposition efforts to end the "dictatorship" of Maduro (2013-) beginning with mass protests challenging his narrow electoral victory in 2013, demanded the president's immediate *salida* (exit) and efforts were made to win over military support for a type of civic-military alliance that would push Maduro out of office. Such claims assumed that democracy ought to make imminent the will of the people even in contradiction to previous expressions of popular will[57]. Years later in 2019, opposition leader Leopoldo López, jailed because of his support for the 2014 protests, escaped house arrest and appeared publicly with "interim president" Juan Guaido to call on the military and supporters to rebel. The various efforts of the opposition at street politics and efforts to win the military also reflected an awareness that the electoral processes were no longer viable because of government intervention, and constituted a different context than elections wherein the opposition was likely to fare poorly.

The idea of a restless form of democracy in which popular sovereignty is seen as a goal which justifies constitutional violation and, even, a coup is consonant with Tocqueville's fear of democracy without restraints. This is particularly true of a democracy which deliberately tries to extend itself into all aspects of society as it democratizes democracy.

7. A Free Election and a Free Hand in Responding?

Most scholars think democracy broke down between 2005 and 2009. Since the narrow opposition victory to defeat a package of constitutional amendments in 2007, the government continued to expand the scope of its activities, engage in more heavy-handed interference with civil society, proscribe speech and invalidate political rights of opponents, and continue to win most elections. The death of Chávez in 2013 and the succession of Maduro led to a hardening of the regime, far greater participation of military personnel in government offices, more repression and economic crisis. Bursts of mass protests against Maduro, often violent in nature

[56] Spanakos, *Institutionalities* cit.; A.P. Spanakos-M. Romo Rivas, *Ideologies and Social Movements*, in F.M. Rossi, (eds.), *The Oxford Handbook of Latin American Social Movements*, New York, Oxford University Press, 2023, pp. 607-624.

[57] Spanakos, *Institutionalities* cit.

and government response, in 2013 and 2014, were considered evidence of an authoritarian government. But the 6 December 2015 elections produced, initially, a super-majority victory for the opposition in the National Assembly, the first opportunity for majority control of a branch of federal government since 2000. A regime-based analysis needs to consider how democracy persisted even after its breakdown, though the subsequent actions by government and opposition demonstrate how difficult it is for democracy to flourish in a non-democratic regime.

Decline in oil prices in 2011 and again in 2014 weakened the economic base of the government and inflation became among the highest in the world. Maduro expertly balanced competing elites within the Bolivarian coalition but he lacked the charisma to win over the base. The most solid Bolivarians (10-17% of the population) were determined to continue the *proceso* ignoring the government if necessary, while most Bolivarians became increasingly dissatisfied, many drifting into opposition camp. This led to a hollowing out of positive support among non-elites, and more passive and active support for opposition groups that held few meaningful political offices. Core Bolivarians believed they needed to advance the *proceso* and prepare themselves for "reactionary" attacks, including from the government. The government could rely on this group and a small group of others not wanting the old elites (anyone in the opposition) to "come back" into power but it could not take for granted the number of such supporters. Meanwhile, the opposition struggled to maintain a broad group which disagreed about defeating "dictatorship" through electoral or non-electoral means. The street protests in 2013 and 2014 were evidence of the latter but the weak levels of support for Maduro encouraged an electoral strategy in 2015.

The opposition coalition won 109 seats in the elections for the National Assembly and, with the 3 seats reserved for Indigenous representation, it would have had a supermajority when the newly elected assembly took their seats. A supermajority would have activated a number of powers in the National Assembly, long a rubber stamp, including the ability to recall the president. Diosdado Cabello, the Bolivarian head of the National Assembly, convened the Communal Parliament in the National Assembly chamber and suggested they would replace the National Assembly[58]. The lame duck National Assembly also made 13 new appointments to the Supreme

[58] M.P. García-Guadilla- .Mallen *Participatory Democracy and the Debate on Antagonistic Polarization in Venezuela*, Paper prepared for II Workshop "Polarized Polities", 12-14 March 2017. Later Maduro called for a new National Constituent Assembly, allegedly to draft a new constitution to get through the political impasses, but essentially to bypass the National Assembly.

Court, adding to the 16 from the previous year, to ensure favorable rulings[59]. The government alleged electoral irregularities and, in December 2015, the Supreme Court declared the election of 4 deputies (3 opposition, 1 pro-government) invalidated, thereby eliminating the opposition supermajority.

The newly elected National Assembly swore in the deputies whose election was invalidated in January 2016 and the Supreme Court declared the National Assembly to be in breach of the constitution and all activity within it to be void. The opposition-led National Assembly entertained competing strategies to limit Maduro's powers (shorten his mandate or recall him). Tensions between the branches continued with the Supreme Court briefly assuming legislative powers in March 2017, Maduro's decision to call and hold elections for a competing National Constituent Assembly, and the eventual declaration by the National Assembly that Maduro was in breach of the constitution. It selected its head, Juan Guaidó, as interim president of the republic, and he was recognized by some 60 countries, including the United States, as president.

Few democratization scholars believed Venezuela had a democratic regime in 2015. Despite very serious problems – a playing field that was not level, invalidating many competitive candidates from running – the elections produced a resounding opposition victory. The government's autocratic legalist response[60] demonstrated its unwillingness to dispense entirely with elections. Yet, it was less willing to grant the opposition the power to challenge the government, particularly in the form of forcing a presidential election when the popularity of Maduro collapsed. The government had made ineligible many opposition political candidates, often justifying the move because the latter were "*golpistas*" who supported violent anti-regime activity. Thus, the claim was it was protecting a democracy that, in pursuing democratization, was facing anti-democratic reactionary enemies.

Having written off Venezuela as a non-democracy for some time, scholars were surprised by the 2015 elections but not by the government's post electoral machinations. Did the electoral results prove Venezuela was still a democracy or did the post-election activities demonstrate the opposite? Those are important questions but it seems more interesting to understand the ways in which democratic processes could be present even under considerable constraint. Perhaps Venezuela was still rather democratic even if the regime was not. Maduro could claim that the *proceso*'s

[59] Thus, 29 of 32 justices had been appointed in 2014-5.

[60] J. Corrales, *The Authoritarian Resurgence: Autocratic Legalism in Venezuela*, in «Journal of Democracy», 26, 2 (2015), pp. 37-51.

revolutionary goal of transforming society, as a whole, to eliminate anti-democratic pockets of elite resistance, meant protecting the democratic gains of the people: democratizing democracy could not happen without opponents resisting. Could such groups be permitted to take office, particularly if they could be tied, in some way, to coup attempts or an earlier "exclusive" democracy?

For their part, opposition members who engaged in and supported coup attempts (2002, 2020), violent street protests, and electoral participation and non-participation justified their actions in terms of resisting anti-democratic pressures in a democracy or playing a dual game of democratic-oriented politics in a non-democratic government. There certainly was precedent for some of this as a 1958 coup produced Venezuelan democracy and a democratic civic-military alliance was not only promoted by Chávez and Maduro but also by radical oppositions leader Leopoldo López who met with military leaders prior to an unsuccessful rebellion in April 2019. But did not many efforts to manifest popular rage and opposition lead to spaces, moments, and actions which, even if defending democracy, made it less viable, particularly in the medium term?

There is little hope of reconciliation at the negotiating table between government and opposition with reference to the 2024 elections. The government has shown an interest in enticing opposition participation while also making ineligible the most popular candidates. This tactic has been increasingly used by a government which has determined over 1,400 citizens ineligible for public office since 2008[61]. The closure of the possibility for electoral-driven change in government means the regime is not a democracy. But there will be elections in 2024 and there are very important aspects of the democratic social state that are present, some of which can be attributed to opposition resistance, as well as to *ni-ní* (neither one, nor the other) activity and some pro-government groups. Members of both Bolivarian and opposite groups have contributed to public discourse and actions, and the government has consistently engaged in law and policy, which have weakened liberal constraints and spaces for pluralism and conviviality where partisanship is neither the main nor only determining factor. Many of the attacks on liberal aspects of the regime and society have, in the medium term, contributed to backsliding and breakdown of the democratic regime and to the degradation of the democratic social state[62]. Ironically, all such actions were justified and, at least partially, motivated by efforts to

[61] J. Ospina-Valencia, *Venezuela: inhabilitaciones como garrote contra la oposición,* DW.COM, 4/7/2023, https://www.dw.com/es/venezuela-inhabilitaciones-pol%C3%ADticas-como-garrote-contra-la-oposici%C3%B3n/a-66115228 accessed 31 July 2023.

[62] Spanakos, *Citizen Chavez* cit.

democratize or protect democracy. If democracy and democratization are always good how can such a thing happen?

8. *Retour à* Tocqueville

Tocqueville saw countervailing tendencies in democracy in a way that is increasingly difficult for political scientists to express. First, the preference for positivism and conceptual clarity facilitated treating a liberal democratic regime as a proxy for democracy. Second, particularly since 2015, scholars have imbued democracy with a normative meaning which lacks nuance. Tocqueville scholar Ewa Atanassow's critique of basic assumptions of democratization scholars, particularly Levitsky and Ziblatt is noteworthy. She writes that they focus on how gatekeepers, particularly political party elites, are fundamental to preventing democratic backsliding. Thus, the elites who must accept the rules of the game are the one who have a responsibility in preserving and enforcing those rules. But Atanasssow asks "can a society whose health signally depends on the civility and enlightened will of elites be properly called democratic"[63]?

Most democratization scholars argue that backsliding happens because a democratic regime is becoming less democratic. This produces conceptual confusion which is why Przeworski insisted that a regime was either democratic or not, not democratic in degrees or in domains[64]. With their continuous variables and multiple dimensions, democratization scholars deal in democracies that become less democratic and elites must save democracy from breaking down entirely. The conceptual obfuscation aside, there are policy, strategic, and other consequences. Movements that seek to democratize democracy can produce outcomes, and generate responses, that imperil democracy as a regime and social state, as happened in Venezuela. That may not always be the case but, given the countervailing tendencies Tocqueville identified so clearly, the potential is always there. It is particularly important to remember this as countries experience perceived democratic crises and groups and organizations rise to defend democracy.

Tocqueville never found a way to split democracy as a regime from the social state, probably recognizing a productive tension existed and it was better to be accurate in description rather than parsimonious in theoretical modeling. He knew

[63] E. Atanassow, *Tocqueville's Dilemmas, and Ours: Sovereignty, Nationalism, Globalization*, Princeton, Princeton University Press, 2022. p. 151.

[64] Przeworski, *Democracy* cit.

democracy required gatekeepers because he understood democracy as a powerful, relentless force, which had the potential to sustain or threaten liberty, just as he could intuit how efforts aimed at democratization (particularly of a democracy) could wind up bringing forth autocratic government and reducing the independence and vitality of civil society. These are the great two lessons that Tocqueville offers political science today.