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Hugo Chávez's Theory of Countervailing Powers

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Incompetence, corruption, and authoritarianism: on these three pillars opponents of Hugo Chávez build their case. On any one of these issues, his administration can be defended comparatively. Past democratically elected Venezuelan governments have been inept, crime-ridden, and repressive. Both FDR in the US and Jacobo Arbenz in Guatemala tried pack their Supreme Courts. FDR failed, and abandoned the most progressive legislation of the New Deal. But Arbenz got away with it, ordering Congress to replace sitting justices with a panel sympathetic to his land reform. Even Salvador Allende, whose commitment to proceduralism is used to bash Chávez, imposed regional states of emergencies, included military officers in his cabinet, proposed to replace the two-house legislature with a single chamber, and relied heavily on “decretos de insistencia,” an obscure legal mechanism, to strengthen the executive

branch and override court decisions. And his government certainly compares favorably to a contemporary regime that, while secure in its power, has used national security concerns to revoke habeas corpus, threaten the press with prosecution, pay newspapers and reporters to run propaganda as news, harass lawyers who defend clients charged with terrorism, engage in illegal surveillance of domestic dissenters, detain thousands without recourse to trial, limit judicial review of the presidency, and rehabilitate torture and extrajudicial assassinations as legitimate instruments of state.

But comparative defense for a government that claims to represent a new form of democracy is not enough, so let's go through them one by one.

Incompetence is the most difficult charge to make stick; the fact of Chávez's survival confirms agility. His coalition can claim not just success at the ballot but economic indicators that are the envy of every Latin American country save perhaps Argentina: ten percent yearly growth; falling rates of unemployment and poverty; high currency reserves; and increased savings and consumer power across the board, but particularly impressive among the poorest fifth. The private sector is expanding in relation to overall growth and there are indications that government spending to encourage diversification is working. Critics say Caracas has the luck of expensive oil. But Chile's heralded social neoliberalism is equally dependent on the high cost of copper. And the relationship between rising oil prices and *Chavismo's* accomplishments is not unidirectional: one of Chávez's first diplomatic initiatives was to end Venezuela's habit of pumping more oil than was allowed under OPEC's production quotas and to work with other petroleum exporting nations to prompt a steady increase in world prices.

The success of *Chavismo's* social *missiones*—praised by an official at the Inter-American Development Bank for striking “at the heart of exclusion”—is confirmed by the opposition's acceptance of

the terms of a new social contract. Not only did Chávez's challenger, Manuel Rosales, in last month's election promise to "distribute land to the peasants" and expand the *missiones*, but he pledged to dole out billions of dollars in oil profit directly to the people.

There is a chaotic energy to Chavismo, driven as it is by a lack of ideological rigidity that has allowed it to experiment with innovative social programs, some successful, some clearly not. Chávez's role as a broker, mediating between competing constituencies within a broad and contentious coalition, also adds to the government's sense of incoherence. Detractors use this apparent incoherence as cover to distort his administration's recording, seeing failure where there is significant progress. This is most common when commentators, who out of malice, laziness, or ideological commitment, cherry pick outdated statistics to claim that poverty has either remained the same or increased under Chávez's rule when it has in fact declined from 41.6 to 33.9 percent between 2000 and 2006.¹

Flexibility has served Chávez well, yet there are shortcomings: an urban housing shortage and crime are two areas where there has not been enough progress. Corruption is also a major problem. But the fact that corruption, prior to Chávez's 1998 election flourished in the very institutions that are supposed to serve as controls on the executive, in the legislature, courts, and two governing parties, suggests that it is not Chavismo's unchecked power but its fragility and limited reach that is responsible for the persistence of institutional crime.

¹ For the latest example of this, see Jorge Castañeda, "Hugo Chávez's Moment of Truth," *Newsweek International*, December 4, 2006. For past examples, see Javier Corrales, "Hugo Boss: How Chávez is Refashioning Dictatorship for a Democratic Age," *Foreign Policy*, January/February 2006, and Franklin Foer, "The Talented Mr. Chavez" *The Atlantic Monthly*, May 2006. See the retraction printed by the *New York Times* on August 8, 2006, for using outdated poverty figures.

As a political movement that came to power through the ballot (as opposed to a protracted insurgency that could count on ideologically focused and technically capable cadre to fill the vacuum of power that followed the downfall of the pre-existing political establishment), Chavismo's ambitions, which include the reformation of the state, greatly outstrip its abilities. Because it is not truly hegemonic, in the way, say the Cuban or Nicaraguan Revolutions were in their early years, it has had to make significant compromises with existing power blocs in the military, the outgoing political establishment, and the civil and educational bureaucracy, all of which are loath to give up their illicit privileges and pleasures and have even seized on the openness of the moment to extend them.

In terms of authoritarianism, there are three related elements to this charge: that Chávez rules by polarizing the nation's polity, governing on behalf of the 58 percent who support him and demonizing his minority opposition; that he may have been elected democratically with majority support but he doesn't rule democratically (although his most fevered detractors won't even concede that he has majority support); and that he is a populist, and populism is ultimately not compatible with democracy.

The first of these charges ignores the deep social polarization that existed prior to Chávez's election in 1998. In 1995, sixty-six percent of Venezuelans lived below the poverty level, and any attempt to change the structures of this inequality, to confront the venal impunity not just of domestic elites but of multinational corporations, would transmute social division into political conflict. Can anyone seriously argue that someone like Manuel Rosales would be talking about land reform and promising to spend oil money on the poor if it weren't for the kind of mobilization and confrontation that has occurred over the last seven years?

The second holds up specific instances of this conflict—the government's attempts to restructure the judicial system; legislation

to regulate the media;² the infamous Tascon list, etc.—as evidence of governing undemocratically. Yet if one accepts the premise, and certainly not all do, that the rise of Chavismo represents a transfer of power from an outgoing political establishment, which had come to be seen as illegitimate in the eyes of a majority of Venezuelans, to a new governing coalition, one with a mandate to restructure economic relations in a more equitable fashion, then Chavismo has to be understood as remarkably democratic.

Here's a good working definition of revolution a moment of condensed crisis, unfolding in various definable phases provoked by a violent assault on an established, relatively sovereign state and society representing incumbent elites, institutions, political and economic hierarchies and class relations, values, symbols, myths and rituals.³ This assault is led by political actors with mass support and a more or less coherent opposing worldview. To the degree that such a clash breaks and recasts political and social relations and values is the degree that it is a political and social revolution. Another marker to measure the depth of revolution is the degree it provokes the dominant inter-state power. While taking place within the conceptual borders of the nation state, revolutions are by their very nature international. The universal, ecumenical and world-historical claims of revolutionaries spill beyond national frontiers and as such pose a threat to the international order's ruling states, classes, and presumptions.

Substitute “elongated” for “condensed,” “electoral” for “violent,” and “work-in-progress” for “coherent” and you have a fair description of what is going on in Venezuela.

² For an sober, and by no means apologetic, discussion of these laws, which have provoked much controversy in the international community, see Chesa Boudin, Gabriel González, Wilmer Rumbos, *The Venezuelan Revolution: 100 Questions; 100 Answers*, Thunder's Mouth Press, 2006

³ Arno J. Mayer, *Dynamics of Counterrevolution in Europe*, 47, for the quote.

Save perhaps for Chile's Popular Unity government—which never received nearly as much electoral support as the Bolivarian process has—I can think of no other instance where such a profound attempt to reorder political and social relations has been ratified at the ballot on an ongoing basis. This is a remarkable achievement, for revolutions, by their nature, generate crises that drain away much of their popular support.

But it also means that many of the conflicts which in successful insurgencies or revolutions would have been resolved during foundational moments of violence are prolonged across time through the electoral and constitutional system. These conflicts are not just between reactionaries and reformers but among competing factions that vie for the power to define the new coalition. Take, for instance, the Venezuelan government's May 2002 expansion of the Supreme Court from 20 to 32 members, which international monitoring groups like Human Rights Watch condemned as a betrayal of Venezuelan democracy. But not only did the Court absolve the military officers who were involved in the previous month's coup, the majority of judges were allied with Luis Miquilena, who having competed with Chávez and others over the direction Chavismo should take broke with the government and supported the effort to oust his former ally.

But even this defense concedes too much, for many of the charges of Chávez's governing undemocratically are unfounded distortions, amplified by the international media that has placed his every action under a magnifying glass. For all its unseemliness, there is no credible evidence, for example, that the Tascon list was anything more than the actions of a zealous supporter, or that it was orchestrated, or even condoned by the central government. Likewise, most international critics ignored the actual legislation, which didn't do away with the need for a 2/3 majority vote to approve new judges, as critics claimed, but rather included a

mechanism whereby if the assembly failed to reach this absolute majority in two subsequent voting sessions, then can approve the nomination with a simple majority. It was designed to prevent nominations from being blocked indefinitely by an intransigent minority (such as the one that existed in the old National Assembly—remember, for instance, that they systematically blocked all the nominations for the CNE directorate in 2003, until finally the TSJ stepped in and named a provisional CNE directorate). The opposition decided not to participate in the nomination and approval process of the judges who took over in 2004.

Last year, in an essay in *Foreign Policy*, political scientist Javier Corrales offered a new twist on the “he may have majority support but he doesn’t govern democratically” theme. There is no “systemic state-sponsored terrorism,” he tells us, nor “repressive and meddling bureaucracy” in Venezuela. In fact, Venezuela “appears almost democratic,” and one can still “find an active and vociferous opposition, elections, a feisty press, and a vibrant and organized civil society.” But appearances can be deceptive, for Chávez has created something akin to a perfect dictatorship, one in which coercion is mistaken for freedom. What is interesting about this position is how closely it mirrors New Left critiques of the illusory nature of “bourgeois democracy,” especially that found in Herbert Marcuse’s *One-Dimensional Man*, where every indication of liberty is really a mask for domination.

As was that book, Corrales’ essay is a bit under-theorized when it comes to explaining the relationship between his assertion of “unfreedom” and the fact that the opposition can organize, mobilize, and criticize and has access to a confrontational press and can vote by secret ballot in internationally monitored elections. Another political scientist, Jorge Castañeda, recently reported that Chávez, despite presiding over a government that has spent massively on social programs—a projected \$25 billion next year—“loves the poor

as they are, and wants to keep them that way.” Since when did political science abandon its empirical rigor to become the discipline of unfalsefiable speculation?

Finally, the question of the relationship of populism to democracy is too complex to be addressed here. But a few points are worth stressing. There is more than a whiff of elitism when Chávez’s critics, as does Franklin Foer, talk of the “tremendous psychological impact on the “poor” that the government’s social programs have. Teodoro Petkoff, an outspoken opponent and advisor to Rosales, has talked about Chávez’s “magical realist” hold over the poor, who are apparently entranced by the baubles their president dangles in front of them. But what can be more populist than Rosales’s signature campaign pledge, a promise to give 3,000,000 poor Venezuelans a black credit card, called *Mi Negrita*, from which they could withdraw up to \$450 a month, which would drain over \$16 billion dollars a year from the national treasury (call it neoliberal populism, giving to the poor just enough to force the defunding of state services). This strategy alone, which apparently was thought of by Petkoff, should be enough to end once and for all the charge that Chávez is an irresponsible populist.

Not all social scientists have abandoned empirical research to pronounce on *Chavista* populism. A recent survey of activists in poor neighborhoods conducted by an economist and political scientist from Brigham Young University did raise concerns that too much organizing was dependent on a charismatic identification with Chávez, which, they felt, could undermine democratic institutionalization.⁴ Yet they also found a significant degree of both financial and political independence from national level organizations. A large majority of their sample were committed to

⁴ Kirk A. Hawkins and David R. Hansen, "Dependent Civil Society: The Círculos Bolivarianos in Venezuela," *Latin American Research Review*, 41:1 2006: 102-132.

“liberal conceptions of democracy and held pluralistic norms,” believed in peaceful methods of conflict resolution, and worked to ensure that their organizations functioned with high levels of “horizontal or non-hierarchical” democracy. My own impression corresponds to these findings, as well as to Sujatha Fernandes’s account here. There is, it seems, a good deal of competitive pluralism among grassroots organizations, many of which long predate the arrival of Chávez on the political scene. It is common to find committed Chavistas who not only are not members of Chávez’s official party, the Movimiento Quinta República, but are openly hostile to it, which, at least in principle, helps keep it responsive and honest. This stands in sharp contrast to Nicaragua in the 1980s, where it would have been impossible for someone to oppose the Sandinista Party and still consider him or herself a revolutionary.

At the minimum, discussions on the nature of Venezuela democracy should be required to account for what is going on in the barrios, cooperatives, and rural communities, rather than just dismiss this activity, as do Chávez’s detractors, as manifestations of either authoritarian patronage or subaltern enthrallment.

The key to understanding Chavismo can be found in the writings of an author Chávez mentioned during his last visit to New York. Not Noam Chomsky, but John Kenneth Galbraith, whose 1952 *American Capitalism: The Concept of Countervailing Power* argued that the success of the US economy was largely due to the New Deal’s extension of labor rights, which balanced the power of monopoly capitalism to set wages and prices. A similar vision of development held great sway in Latin America in the years after WWII, as a wide array of reformers believed that the best way to weaken the oligarchy and stimulate domestic manufacturing was to empower society’s most marginal. In many ways, Chavismo represents a fusion of this older, state-directed vision of development and wealth redistribution

with a “bottom-up” civil society model of social change that has been evolving throughout Latin America over the last two decades.

Ultimately, what is happening in Venezuela is being judged through the prism of competing lessons drawn from the Cold War. Some look at the history, see the enormity of US power, along with the viciousness of domestic elites who have fought even the mildest efforts at reform, and conclude that any fulfillment of democracy’s promise will entail conflict and polarization. Others draw a different conclusion, that the intractability of power demands the hollowing out of the concept of democracy to its institutional carapace, emptied of its egalitarian and populist impulse. “Political democracy,” as Samuel Huntington put it in a book that sought to advise Latin America’s post-Cold War transition, “is clearly compatible with inequality in both wealth and income, and in some measure, it may be dependent upon such inequality.”⁵

But it is too much to ask Venezuela to bear the weight of this history. It should be judged on its own merits. Chavismo has its shortcomings, but its achievements have been impressive.

⁵ Samuel P. Huntington, “The Modest Meaning of Democracy,” in Robert A. Pastor, *Democracy in the Americas: Stopping the Pendulum*, New York: Holmes and Meier, 1989, 12-13.