

Personalist Leaders and Constitutional Changes. Exploring Their Effects on Democratic Freedom: Venezuela from Chávez to Maduro

*Líderes personalistas y cambios constitucionales.
Explorando los efectos en la libertad democrática:
Venezuela de Chávez a Maduro*

Bianca Schneemayer*

123



Abstract

In Venezuela, constitutional changes helped to change the way democracy works in the country under two personalist leaders: Chávez and Maduro. Therefore, this article uses a qualitative multiple case study method, exploring three different cases of constitutional alteration in Venezuela. The three cases under examination are the constitutional replacement in 1999, the constitutional amendment in 2009 and the constitutional crisis in 2017. Process tracing was used to in-depth analyze these cases to answer the following research question: Can constitutional changes implemented by a personalist leader undermine the status of democratic freedom? If so, in which ways? The findings indicate that in the case of Venezuela, these changes helped to reduce democratic freedom by systematically absorbing veto players and transforming first, into a hybrid-regime, and later into an authoritarian regime.

Keywords: Constitution, personalist leader, democratic freedom, hybrid-regime, Venezuela

Resumen

En Venezuela, las modificaciones constitucionales ayudaron a cambiar la forma en que funciona la democracia en el país bajo dos líderes personalistas: Chávez y Maduro. Por lo tanto, este artículo utiliza un método cualitativo de estudio de casos múltiples, explorando tres casos diferentes de alteración constitucional en Venezuela. Los tres casos que se están examinando son la sustitución de la Constitución en 1999, la enmienda constitucional en 2009 y la crisis constitucional en 2017. La metodología *Process tracing* (proceso de seguimiento) se utilizó para analizar en profundidad estos casos, con el fin de responder a la siguiente pregunta de investigación: ¿Pueden los cambios constitucionales implementados por un líder personalista socavar el estatus de la libertad democrática? En caso afirmativo, ¿de qué forma? Los resultados indican que en el caso de Venezuela los cambios ayudaron a reducir la libertad democrática al absorber sistemáticamente a los jugadores de veto (*veto players*) y al transformarse primero en un régimen híbrido y, luego, en un régimen autoritario.

Palabras claves: Constitución, líder personalista, libertad democrática, régimen híbrido, Venezuela

* Universidad Autónoma de Barcelona. e-mail: bianca.schneemayer@e-campus.uab.cat
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1. Introduction

Under the radicalization of personalist leaders Hugo Chávez and Nicolás Maduro, Venezuela suffered from a steady reduction in democratic freedoms. Over time, both leaders undertook controversial constitutional actions by absorbing veto players in the executive body and, thus, transformed Venezuela, first, into a hybrid-regime and, later, into an authoritarian regime. In this article the following three cases were chosen for closer analysis: the implementation of a new constitution (1999); the constitutional amendment (2009) undertaken during Chávez's presidency; and the constitutional crisis (2017) that occurred after the attempt to rewrite the constitution under the new regime of Maduro. While Chávez, a very charismatic personalist leader, enjoyed a high level of support from the people, Maduro lacks the charisma and support of his predecessor, even facing veto players from within his own circle. In the annual Freedom House (FH) report, Venezuela transitioned from a 'partly free' democracy into a 'not free' authoritarian regime. Today Venezuela – and Cuba – represent the only 'not free' countries in Latin America (Freedom House 2017- 2018).

The primary aim of this article is to identify the way in which the constitution can be used as a strong tool in the hands of personalist leaders to follow their own goals. Thus, the article seeks to answer the following question: *Can constitutional changes implemented by a personalist leader undermine the status of democratic freedom? If so, how?* One of the objectives of this article is to examine further the relationship between the unique process of recent constitutional changes in Venezuela coupled with the steady decline in democratic freedom.

Drawing upon inferences made from this three cases in Venezuela, this study uses qualitative case study methods to address the primary research question. Specifically, it uses process tracing (PT) tests and applies Tsebelis' veto player theory. PT allows the researcher to include diverse possible factors, encompass longer periods of time, explore the dynamics of actors or social structures and their interplay with formal, established constitutional rules. Studies that use PT can identify shifts in the disposition to alter the constitution in an unchanged setting and the timing of reforms (Schilling- Vacaflor 2012, 39).

The findings of this study suggest that constitutional changes are a dangerous tool when in the hands of personalist leaders because they can undermine a country's democratic freedom. In Venezuela, such changes led to the liquidation of the separation of powers and the dissolution of democratic institutions. The article concludes by highlighting that Venezuela faces an acute danger of formally transforming into a dictatorship, particularly through the enforcement of a new constitution by Maduro- a radical process that began in 2017.



2. Conceptual framework

2.1. Personalist Leadership

Two of the most considerable definitions for what constitutes a personalist party and leader have been given by Gunther and Diamond (2003) and earlier by Ignazi (1996). Gunther and Diamond define a personalist party as one which the only rationale is to provide a vehicle for the leader to win an election and exercise power. They consider it as the ‘most purely electoralist party’. Ignazi defines personalistic parties as “*charismatic-like movements where a leader, without a partisan organizational structure which provides for a clear decision-making process or members’ recruitment/participation, attains a dramatic success* (Ignazi 1996, 552).”

Although no broadly accepted definition of personalist leader exists so far, authors like Kostadinova and Levitt aimed more recently to offer a contribution to the theory-building process of the concept. Kostadinova and Levitt underline the following two conditions: a dominant leader and a weakly structured organization. They define personalist leadership as f “*the exercise of authority vested in influential individuals based on personal attributes rather than organizational role* (Kostadinova & Levitt 2014, 490).”

A common attribute for a personalist leader is charisma. Nevertheless, “while all charismatic leadership is personalist, not all personalism is necessarily charismatic (Kostadinova & Levitt 2014, 494). This factor is especially applicable when comparing the highly charismatic leader Chávez with his uncharismatic ¹ successor Maduro (Ansell and Fish 1999). Another related, but still different concept is populism. Although, personalism and populism may in some cases overlap but this does not necessarily mean they are one and the same. Weyland states, under populism in Latin America, a leader “seeks or exercises governmental power based on the support from a large numbers of followers (Weyland 2001, 12)”. Populist leaders address people that distrust the established parties and are looking for an alternative course, a personalistic leadership, that represents their interests.

In their comparative study on personalism, Levitt and Kostadinova indicated that institutional differences, such as presidential versus parliamentary systems, influence the frequency that personalist parties occur and shape their leaders’ political strategies. Even though personalist parties emerge in both institutional settings, when comparing the (mostly) parliamentary Bulgaria to the (mostly) presidential Peru, it turned out that the degree of personalism was higher in Peru. Additionally, the Bulgarian state’s provision and supervision of political parties was indicated in the research as significantly more effective

1 On “noncharismatic personalism” see Ansell and Fish.



than in the Peruvian case. Hence, the parliamentary system (including the EU's democratic standards) seemed to hinder personalist leaders' intensive seizure of power, while the presidential system lacked these constraints. Finally, the authors stressed that one of the most urgent questions in research on personalist leadership is whether personalism can become a permanent feature of politics and how it can undermine democratic institutions (Levitt and Kostadinova 2014).

2.2. *Democratic Freedom*

One of the most difficult obstacles when addressing 'democracy' in research, is defining the concept itself. Robert Dahl, for example, established a pluralist theory of democracy and posited that modern democratic states can be understood in practice as polyarchies marked by several conditions such as elected offices, free and fair elections, inclusive suffrage, the right to run for office, freedom of expression, and alternative and associational autonomy (Dahl 1971).

However, this article primarily focuses on democratic freedom because it aims to show how personalist presidents can use constitutional change to undermine political, civil rights and liberties. When addressing the measurement of this concept, the Freedom House Index (FHI) is frequently used by many researchers as a tool to operationalize democratic freedom.² Furthermore, this article takes into account the Latinobarómetro, a public opinion survey on Latin American countries that measures people's satisfaction with democracy. An additional important factor to consider is what most Venezuelans understand by democracy. A study by Canache showed that even after ten years under Chávez participatory form of democracy, the majority of Venezuelans still define democracy in liberal terms, and only a few adopted the participatory conceptualizations (Canache 2012).

2.3. *Hybrid Regimes vs. Dictatorships: How fine is the line?*

Even though hybrid regimes are frequently addressed in the literature, it is difficult to find a common consensus defining them. In this study hybrid regimes will be variably understood as bated subtypes of democracy or authoritarianism or as a transitional state that will return to either democracy or authoritarianism (Mufti 2018, 113). Although scholars define dictatorships differently³, one of the most common definitions is expressed by Linz when he states, *"political systems with limited, not responsible political pluralism, without*

2 FH created two indexes, one for political rights and one for civil liberties. For details, see Freedom in the World (2018).

3 In this paper, the terms dictatorship and authoritarian regime are used interchangeably.



intensive not extensive political mobilization, and in which a leader or a small group exercises power within formally ill-defined limits but actually quite predictable ones (Linz 2000, 159)." Przeworski provided a minimalist definition of dictatorships while referring to Dahl's definition of democracy, calling all democratic regimes as those that carry out elections in which the opposition has some chance of winning and taking office. Thus, *"when in doubt, we err in the direction of calling a regime dictatorial (Cheibub et al. 1996, 39)."*

2.4. Veto Player Theory

In every political system, for the purpose of changing policies or to change the (legislative) status quo, a particular number of individual or collective actors-veto players, have to agree to the purposed change. The veto players who present proposals to other veto players have significant control over the policy that replaces the status quo. Tsebelis calls such veto players *agenda setters*. He argues that policy outcomes are the result of (1) the preference of the actors involved and (2) prevailing institutions. Tsebelis provides a short definition of veto players stating, *"If the constitution identifies some individual or collective actors that need to agree for a change of the status quo, these obviously are veto players (Tsebelis 2002, 120)."* Institutional veto players are either called individual or collective veto players according to the constitution. It is assumed that the number of these veto players stays the same, while their properties may change, meaning they can change from collective to individual and vice versa. Additionally, their ideological distances can transform and become *absorbed* (Tsebelis 2002,121). Where in democratic regimes there are multiple veto players, under authoritarian rule, there is only one. Therefore, the *absorption rule* plays an important role.⁴ Tsebelis further stresses that the result of veto player analysis depends on the ideological positions of veto players, as some of them may be absorbed and cause serious consequences for policy stability.

Tsebelis provides the following three-step guidelines to help analyze distinct political situations: *"First, we locate institutional veto players in a multidimensional space; second, we proceed to disaggregate them into the partisan players they are composed of in order to identify the individual or collective veto players inside each one of them; third, we apply the absorption rules to this system: if some of the veto players are located in the unanimity core of the others, we can eliminate them because they do not restrict the win set of the status quo (Tsebelis 2002, 122)."*

4 According to Tsebelis, absorbed means: a. a veto player located in the 'unanimity core' of other existing veto players (does not alter policy decision-making); b. any actor within the same party; c. veto players in every country can modify their positions over time and so get absorbed; d. a president ruling by decree in a presidential system can bypasses all veto players and make final decisions (extreme case).



This article follows Tsebelis' theory and identifies the actors and veto players involved in the constitutional changes that were implemented in Venezuela.

2.5. Constitutions

In this article, we understand constitutionalism as “*the commitment on the part of governments and political communities to adhere to constitutional rules and principles* (Schilling-Vacaflo 2012, 4).” A constitution is essential for the formulation of rules and institutions maintaining a political and economic system. Moreover, it shapes the relations between the State and society and includes a symbolic and ideological dimension of shared values and principles.

128



3. Literature Review and Hypothesis

The constitutional replacements in Venezuela (1999), Ecuador (2008) and Bolivia (2009) changed the balance of power in these countries and transformed the political system. Despite important differences, they are similar in the fact that they all shared a “*complex, contentious and contradictory process of transforming democracy under broadly democratic conditions* (Schilling -Vacaflo 2012,183).” To some extent, these political changes were intended to break with the characteristics of liberal democracy and promote new ways of participation and citizenship to influence democratic politics (Arditi 2008, 67). However, these constitutions entailed the risk that centralist and presidential features erode the participation, particularly if the participatory component becomes a tool in the hands of political leaders to control and silence the opposition (Schilling -Vacaflo 2012, 198).

Among veto-player analyses, McCarthy-Jones called attention to the consequences on the policy-making process that result from an absence of veto players in the governmental structure and institutions of a certain nation. This is an essential point to consider, particularly in the case of Venezuela's policy-making process, under Chávez's government (McCarthy-Jones 2010, 36). Cross and Sorens point out that Tsebelis' theory lacks the possibility that actors confronted with extreme gridlock may find ways around formal institutions. This occurs especially when polarization (which the authors define as ideological distance among veto players) presents an obstacle for powerful actors to secure important interests. Generally, the greater the ideological differences are, the more exclusionary the constitutional framers will be. Furthermore, the more ideologically unified the coalition (for example, a constituent assembly), that accomplishes the drafting of the constitution is, the more it will insist on securing powers to rule authoritatively and unconditionally (Cross and Sorens 2016, 1294).

Cross and Sorens's argument goes in line with Corrales's findings when examining presidential powers in new constitutions in Latin America. Corrales's findings suggest that, in order to get more balanced constitutions and or a 'better quality of democracy,' one that includes strengthened checks on presidential powers, power asymmetry is an essential factor, as neither side (executive branch and opposition) of the debate should have a high-power advantage over the other (Corrales 2018). Additionally, Corrales's index considers the 1999 Venezuelan constitution as one of those in Latin America that provides the executive with the most formal powers in comparison with the previous constitution. Additionally, in his work regarding the quality of Venezuela's democracy under Chávez, Corrales stressed that the president gained informal partisan powers, since the National Assembly (AN⁵), under the ruling party's control, surrendered its accountability (Corrales 2013).

As mentioned above, due to the personalist component of aiming for extensive power to be consolidated in the executive, it can be argued that a personalist president will strive for full control of partisan veto players and cause an absence of veto players in the government structure and institutions (=absorption rule). Hence leading to a negative effect on democratic freedom. As Tsebelis describes, democratic regimes have multiple veto players, while authoritarian regimes have only one (Tsebelis 2002, 118). Therefore, building upon previous research done in the field and adopting the framework laid out in Tsebelis' theory, the main argument and hypothesis tested in this paper is as follows:

H: Personalistic leaders intend to absorb veto players during the process of constitutional change, which leads to undermine democratic freedom.

4. Process tracing

This article evaluates if and in which ways constitutional changes made by personalist leaders undermine the status of democratic freedom through PT. Van Evera stressed that in PT studies "*the cause-effect link that connects independent variable and outcome is unwrapped and divided into smaller steps; then the investigator looks for observable evidence of each step (Van Evera 1997, 64).*" The important advantage of PT studies is the ability to examine the dynamics of actors and/or social structures and their interaction with formal constitutional rules, such as political struggle, compromise, and the diffusion of ideas. PT studies can explain shifts in actors' willingness to change the constitution in an unchanged context, the varying amplitude or frequency of constitutional change within a system, and the timing of reform (Schilling-Vacaflor 2012, 39).

5 Asamblea Nacional de Venezuela.





The process of inference can be formalized as a sequence of tests whereby all pieces of meaningful evidence increase or decrease the likelihood of the hypothesis under inspection. Methodologists have classified these tests into distinct types based on the logical connection between the evidence and hypothesis in question, as well as the implications of rival or null hypotheses (Fairfield 2013, 9). Accordingly, these tests categorize if passing is necessary to ascertain causation (hoop and doubly-decisive), sufficient (smoking-gun and doubly-decisive), or neither (straw-in-the-wind). As pointed out by Collier, in practice, the two terms ‘necessary’ and ‘sufficient’ are heuristics that need to be interpreted strictly (for details see Collier 2011,825).

In order to avoid the traps researchers can fall into when doing PT, we use here the work of Fairfield as a model (Fairfield 2013). This model pays attention to issues of research design and causal inference to explain how evidence is collected and how conclusions are reached (Toshkov 2016, 302). Thus, this article not only reviews the key ideas in the methodological literature, but also explicitly guides the reader through the multiple PT tests that form the basis for the cases analyzed.

5. Case studies

Case 1: Constitutional Replacement 1999

Since the end of the dictatorship in 1958 and the democratization process that followed, Venezuelan democracy was considered as an exception in Latin America (Schilling-Vacaflo 2012, 164). The so-called *Punto Fijo* system began with the end of the period of dictatorship in 1958, when the center-left *Acción Democrática* (=AD, Democratic Action), the center-right *Comité de Organización Política Electoral Independiente* (=COPEI, Social Christian Party), and the *Unión Republicana Democrática* (=URD, Democratic Republican Union) signed a pact agreeing to share power and oil prosperity. An important premise of the pact was the view that a democratic state appears to be more equitable, stable and powerful instrument for distributing oil supplies (Romero 1997, 8). However, this model of democracy established a government dominated by AD and COPEI, which fabricated hierarchical national organizations and relied on oil earnings to please the needs of their primary constituencies. State funds gave everyone a part of the affluence, but income distribution stayed unequal and the parties step-by-step assumed control of most organizations within civil society (McCoy 1999, 64).

Accordingly, the dissatisfaction with the prevailing *Punto Fijo* system is frequently mentioned as a trigger for Chávez’s level of high popularity and support in Venezuela. Many Venezuelans looked for political and democratic change in their country. For this reason, Chávez promised early on during his election campaign that he would, when elected, make an impact providing ‘needed’ change, starting with rewriting the constitution (see Timeline 1).

6. Timeline 1



As it is argued in this article, the implementation of a new Venezuelan constitution under the regime was the first step toward the absorption of veto players. During the sequence of events, the power of the first possible partisan veto player was given to the Supreme Court, whose role was to decide whether Chávez's proposed interpretation of the 1961 constitution, regarding the replacement procedure, was legal or not. Because the previous constitution clearly set out a process for its total reform, Chávez's actions in taking another path could be considered unlawful, according to constitutionalists (Pace 1999; Brewer-Carías 2015). This was also one of the justifications mentioned in the FH report in 1999 when downgrading Venezuela's score in political rights from 2 to 4. However, President Chávez's vindication for his proposal was the argument that he intended to provide an opportunity for the people of Venezuela to make a decision on the new constitution directly via a referendum, and later indirectly through National Constituent Assembly (ANC⁶) elections. Nevertheless, the Supreme Court was later replaced. Balkin and Levinson argued that presidents can force constitutional doctrines along a course they favor by installing judges and justices to the federal judiciary who share the political agenda of the party of the president (Balkin and Levinson 2006, 490). Accordingly, Chávez, as a personalist leader, can often be considered 'the party' itself. For this reason, the Supreme Court could no longer be considered an effective veto player, particularly, when it became aligned with the party of the president and, therefore, the president himself. Moreover, the elected ANC consisted of an enormous majority of representatives of the president's party, and therefore, failed to act as a legitimate veto player, due to the operation of party discipline. Furthermore, the new constitution abolished the Senate of the Republic, which previously represented an important veto player, thereby establishing a unicameral AN in place of a bicameral legislature.⁷

6 Asamblea Nacional Constituyente.

7 See Figure 2.



Figure 2. Identified institutional veto players in Venezuela according to the Constitution (1961 vs. 1999)

1961 Constitution	1 Legislative Power	2 Executive Power	3 Judicial Power and Public Ministry			
	Bicameral Exercised by National Congress, composed of: *Chamber of Deputies *Chamber of Senators Auxiliary Organ: Contraloría General de la República	Exercised by the President of the Republic as the Head of the State and The National Executive or Government (elected for a period of 5 years, were not able to be reelected for a period of 10 years)	Represented by Supreme Court of Justice			
1999 Constitution	1 Legislative Power	2 Executive Power	3 Judicial Power	4 Electoral Branch (Poder Electoral)	5 Citizen's Branch (Poder Ciudadano)	
	Unicameral National Assembly (eliminates the Senator Chamber) **former legislative powers were transferred to the President	President of the Republic is established as Head of State and Government (elected for a period of 6 years, are able to be reelected for a period of 12 years)	Represented by Supreme Court of Justice	Its head is the National Electoral Council (CNE), which is in charge for the independent supervision of all elections in the country.	Represented by the ombudsman (defensor del pueblo), the Chief Public Prosecutor (fiscal general), and the controller general (contralor general); in charge for representing and defending the citizens	

Source: own (data taken from: Constitute Project (2012); Confinder (n.d.).



In addition, as a former military officer and coup leader, Chávez took over another important veto player: the armed forces. His election was the trigger of a major transformation in civil-military relations with disconcerting results for the future of civilian control by the armed forces. Consequently, the constitution of 1999 reaffirms the enlarged role of the military in state affairs. First, it gave soldiers and officers the right to vote which encouraged them to participate in politics as individuals instead of cooperatively by forming part of the armed forces. In addition, Article 328 of the new constitution redefines the armed forces' mission by including cooperation in maintaining domestic order or active involvement in national development (Trinkunas 2002, 71). After Chávez faced a coup attempt in 2002, he promoted an even stronger civil-military alliance, and sought to ensure the highest support for his Bolivarian revolution in a more radical way (Sonneland 2016). His solution was the so-called *colectivos*, heavily armed irregular groups of young men proving loyalty and willingness to defend the revolution by all means (Venezuela Investigative Unit 2018).

Furthermore, an influential factor that became more important over time was the electoral system, which steadily came into question from 2004 and on. In 1997, Venezuela passed a law for the process of automating the counting of votes. While between 1998 and 2000, the counting of votes was carried out both manually and automatically, from 2004 and so forth the results came straight from a computer center in which the data of the voting station distributed throughout the country was centralized. However, the essential feature that distinguishes the electoral processes before and after 2004 is the composition of the governing body of the elections, the National Electoral Council (CNE⁸). The AN, when controlled by the governing coalition, appointed a management body that was openly pro-government. Thus, another veto player became slowly absorbed and politicized over time by Chávez's regime. Studies by Jiménez and Hidalgo indicate that "anomalous statistical patterns were consistent with hypothetical electoral fraud in the 2004 recall referendum and all elections and referenda held between 2006 and 2012 (Jiménez and Hidalgo 2014, 17)." While the authors stress that this does not offer conclusive evidence of fraud, it suggests serious concerns about the impartiality of the actual electoral authority and strengthens the accusations of fraud frequently made by high extracts of Venezuela's society.

To sum up, the process of replacement and the new constitution itself can be viewed as contradictory. Two indexes that we use to measure the dependent variable, democratic freedom, indicate different results. While FH, as mentioned previously, downgraded Venezuela's status of democratic freedom from democratic 'free' to 'partly free', the public opinion survey of Latinobarómetro in 2000 showed an increase in satisfaction with democracy

8 Consejo Nacional Electoral.





after Chávez took over the government. This survey indicates that 55% of respondents were either ‘rather’ or ‘very’ satisfied with democracy (in 1998 it was only 35%); meanwhile, the percentage of people that were ‘not at all’ satisfied decreased from 25% (1998) to 7% (2000).

Personalism and its anti-parliamentary traits constituted a striking threat to democracy and decentralization (Schilling-Vacaflor 2012, 179), because they gave enormous power to the executive and less power to other veto players. By implementing a new constitution, Chávez absorbed the Senate of the Republic and the military, two formerly important veto players. Additionally, to secure and maintain his power, he started to politicize the CNE, which also became absorbed. The highly charismatic president Hugo Chávez strategically used the constitutional replacement for the purpose of following his own interests and, thus, contributed to undermining the current (liberal) democratic system in Venezuela, moving toward a so-called hybrid regime (Corrales 2015, 38).

Case 1: PT Tests

Actors involved in the process:

- President Hugo Chávez (MVR⁹)
- Constituent Presidential Commission, appointed by Chávez.
- Supreme Court.
- ANC (131 members in total, distributed as follows: 121 of the 128 elected constituents represented the *Polo Patriótico* (PP¹⁰).

I consider that the process of undermining democratic freedom in Venezuela began with the replacement of the constitution in 1999, which can be viewed as a first step toward the absorption of partisan veto players. The following hypotheses encompass the main elements of my argument.

H(i): Chávez’s changes enhanced features for citizen’s participation.

H(ii): The changes included in the constitutional replacement supplied means for the centralization of powers.

H(iii): Chávez’s first accomplishment as president, replacing the constitution, involved unlawful actions.

9 Movimiento Quinta República (Fifth Republic Movement).

10 An alliance of political parties and groups, formed by Chávez’s party MVR and Patria Para Todos (PPT), Movimiento al Socialismo (MAS) and a group of small national and regional organizations. For more information, consult Combellas (2003).

H(iv): Chávez's enormous popularity helped to absorb the Supreme Court, a partisan veto player.

Status quo:

Up until 1999 when the Venezuelan constitution was replaced, the constitution of 1961 was still in force. Therefore, the primary debate was involving the legality of the call for the ANC and the decision made by the Supreme Court favoring Chávez's will. Concerning the rewriting of the new constitution, the essential topics (regarding the democratic component) were about direct democracy and citizen's participation, decentralization of power, civil and political rights.

Observation H(i)a: The new constitution strengthened areas such as human rights and socio-economic rights (for instance, health care in Articles 83-85 or women's rights in Article 21), justice, and citizen control of public life.

Observation H(i)b: *"New regulatory bodies such as the Defender of the People to protect human rights and represent citizen concerns to the state were created, and democracy was extended through the establishment of referendums, recall referendums, and constituent assemblies among other innovations (Cannon 2009, 119)."*

Observation H(i)c: Even strong critics of the Chávez regime pointed out the advanced civil and political rights regulations the new constitution implemented (Brewer-Carías 2010, 35).

Observation H(i)d: Criticism arose regarding the way articles were adopted and further respected, since the implementation appeared to be much more difficult than the adoption, and not fruitful (Henríquez 2010, 693).

Inference: The articles concerning human rights and the promotion of citizen participation helped to move the country from a representative democracy to a more participatory democracy.

Hypothesis(i) passes Hoop-Tests: Citizen's participation was an important change in comparison to that outlined in the old constitution, nevertheless, the realization appeared to be more difficult.

Observation H(ii)a: Under article 4, Venezuela is supposed to be a "decentralized nation."

Observation H(ii)b: Title V (articles 186 to 224) established a unicameral AN, eliminating the Senate of the Republic¹¹ (an important veto player).

¹¹ See Figure 2.





Observation H(ii)c: The new constitution (article 230), due to the insistence of Chávez, increased the term for presidency from five to six years; additionally, it allowed the immediate (before prohibited) presidential reelection.

Inference: Even though article 4 states that Venezuela is supposed to be decentralized, other articles (see H(ii)b-c) impose the opposite.

Hypothesis(ii) passes Smoking-Gun Tests: The observations provide decisive evidence that the new 1999 constitution involved means for the centralization of power.

Observation H(iii)a: Chávez and the PP proposed an interpretation of articles 4 and 50 of the 1961 Constitution considering that no reform to the 1961 Constitution was necessary (Confinder n.d., 3,11). This (in its article 4), enshrined the principle of popular sovereignty recognized as primary or original constituent power, this power can, at any time, modify and transform the constitutional order (Maingon, Baralt and Sonntag 2000, 26).

Observation H(iii)b: Based on a debatable (and extensive) interpretation of articles 4 and 50 of the Constitution, and not in the only interpretation of article 181 of the Organic Law on Suffrage and on Political Participation, the Supreme Court endorsed the thesis held by Chávez. Consequently, it established the full constitutional legitimacy of the referendum call, notwithstanding the validity of the 1961 Constitution and even when Article 246 provided a specific procedure for its total reform (Confinder n.d., 32,43) different from that foreseen to make specific modifications (Pace 1999).¹²

Inference: According to classic constitutional theory, the enactment of a new constitution requires the legal abrogation of its forerunner. Ergo, because the 1961 Venezuelan constitution provided (unlike some other constitutions) its own replacement, this process should have been followed. The fact that Chávez decided to replace it in a different way can be viewed as an unlawful action. However, constitutionalists call this point ‘debatable’ because constitutional interpretation is broadly used (Schilling-Vacaflor 2012, 55).

Hypothesis(iii) passes Smoking-Gun Tests: The observations offer decisive evidence that because the provided replacement process of the 1961 constitution was ignored, it can be considered an unlawful act.

Observation H(iv)a: “... *facing a hugely popular president and the prospect of becoming an irrelevant player during the confrontation between the displaced elites and the new Chávez-led regime, the Court yielded to the president’s wishes in a strategic-survival move (Dixon and Ginsburg 2017, 289).*”

¹² Alessandro Pace is an Italian constitutionalist.

Observation H(iv)b: The Supreme Court president, Cecilia Sosa, resigned in protest (August 1999). “*The court simply committed suicide to avoid being assassinated, but the result is the same—it is dead (Freedom House 1999),*” Sosa commented.

Observation H(iv)c: Together with the approval of the new constitution, the Supreme Court was replaced by a newly created Supreme Tribunal. All but a handful of the Supreme Court’s justices were replaced with justices from diverse professional paths but sharing links and relations with the *Chavista* political establishment (Urribarri 2011; Brewer-Carías 2015).

Inference: Chávez’s domination during the 1998 presidential elections helped him to overcome partisan veto players. The Supreme Court lost its previous high power and finally got absorbed.

Hypothesis(iv) passes Hoop-Tests: The hypothesis is affirmed but not confirmed.



Case 2: Constitutional Amendment 2009

Because a constitution determines the fundamental rules for the political game, it is not erroneous that political actors, especially (personalist) presidents, can attempt to change these rules for their own benefit, most notably related to electoral rule. A new trend began in the 1990s with frequent reforms of constitutional rules on presidential reelection (Schilling-Vacaflo 2012, 16). Venezuela was not an exception. However, no other country in Latin America changed this rule as drastically as Venezuela under Chávez’s government.

Following the theory of personalist leadership, it can be observed that Chávez’s degree of personalism increased through his period of governing. An indicator for this argument is that Chávez established his own party and made political appointments to people who proved to be highly loyal to him. In this context, existing research has found a positive link between the personalist style of government and presidential approval (Ortiz Ayala and García Sánchez 2014). This finding leads to the risks that presidential popularity entails, especially because popularity has been used in some cases as a justification to bypass democratic institutions (Seligson 2008, 31).

7. Timeline 2



8. Background of the 2009 Amendment: Indicators for the Regime's Radicalization

To understand the timing and the result of the 2009 referendum, it is inevitable to consider the evolution of *chavismo* and the previous referendum in 2007, as well as local and regional elections in 2008. After Chávez won again in the 2006 presidential elections, he took actions to extend his power indefinitely. To unify his supporters, he created his own party, the United Socialist Party of Venezuela (PSUV¹³), a purely personalist party. In 2007, Chávez proposed a constitutional reform that strove to make the president able for reelection, to build a centralized municipal state, to further enhance relations between the government and the military and to implement his socialist program (Myers 2014, 238). The proposal was rejected in a referendum. Nevertheless, without paying much attention to his referendum setback, the president continued promoting his course through a set of decrees in order to broaden the central control of the government over the economy. Furthermore, even when in the 2008 regional elections Chávez-aligned candidates were able to defeat opposition candidates, the opposition made essential political, as well as symbolic gains. However, it seemed that previous forms of electoral irregularity became more intensive and new factors raised questions on freedom and fairness. First, Chávez's behavior radicalized by becoming more aggressive and confrontational; second, administrative restrictions on the freedom of candidates intensified (the comptroller used his power to investigate 400 candidates, mostly from the opposition and disqualified 272 of them for suspected administrative offenses) (Hidalgo 2009, 85).

9. 2009: Amendment 1

As discussed above, the background of the 2009 amendment was the controversial 2007 constitutional reform proposal (see Timeline 2). One of the proposed changes included the abolishment of presidential term limits. Nevertheless, as the reform was rejected in a referendum, the opposition's primary argument was that because article 345 indicates that "*a revised constitutional reform initiative may not be submitted during the same constitutional term of office of the National Assembly (Constitute Project 2012, 93)*," Chávez's proposal was unconstitutional (Brewer-Carías 2009a). Hence, the point of the opposition was that these changes should have been treated as a constitutional reform and not, as Chávez proposed them, as a constitutional amendment, since the changes constituted fundamental changes that cannot be affected as amendments under article 340. This time, the Constitutional Court was given the role of a partisan veto player.

13 Partido Socialista Unido de Venezuela.



Nevertheless, the Court's decision indicated that the change was within the scope of the definition of a constitutional amendment and, thus, could be issued by an amendment (Fact Sheet: Constitutional Amendment in Venezuela 2009). In relation to this decision, it should be noted that in 2004, Chávez and his legislative allies increased the number of justices from 20 to 32 and thereby filled the Supreme Court with government supporters and established new measures that allowed Chávez to take over the control of the Court, as argued by Human Rights Watch (Taraciuk Broner 2017). Thus, the Court became a fundamental politicized tool in the hands of Chávez (Urribarri 2011, 854), and lost all its partisan veto power due to the absorption rule. A referendum is equal to the introduction of a new veto player. Nevertheless, since in the case of the Venezuelan referendum in 2009, the control of the agenda process was exercised by President Chávez, thus the referendum only served to strengthen himself vis-à-vis other veto players (Tsebelis 2002, 196). Additionally, the constitutional amendment involved all directly elected positions, thus helping Chávez to avoid veto players in his own *Chavista* ranks.

As pointed out in the work by Penfold et al., the tendency towards limiting reelection in Latin America leads to two critical issues: equity in electoral competition and the function of the rule of law. Both are complementary mechanisms to limit presidents who contemplate extending their periods of government. Because many presidents in Latin America (and especially in Venezuela) possess extensive powers, it is vital that electoral systems establish very clear rules to ensure competition between the government and its opponents. Even if it can be argued that constitutional inference is in itself too strict, it is one of the few protections against presidential abuse. When presidents in Latin America try to change those limits, they usually are able to achieve it, thus the only antidote is the rule of law and, particularly, the judicial instances, which can be mechanisms of limitation (Penfold et al. 2014, 552).

As a result, the above-mentioned factors led to the further downgrading of Venezuela's democratic freedom by the FHI, from 4 to 4.5. The given reasons concern Chávez's control over the unicameral AN, allowing him to moderate the independence of institutions (including the judiciary, the intelligence services and the citizens power branch¹⁴). Even when voting can be viewed as relatively free, the opposition must operate under difficult conditions or the separation of powers is non-existent. Additionally, the index includes observations of more restrictions concerning the freedom of the press and the right to protest, as well as increased politicization of the military and judicial branches, increased homicide

14 The Citizens Power was originally established with the aim to fight corruption. However, as another index shows, the level of corruption in Venezuela further increased after Chávez came to power, see Corruption Perception Index (Transparency International, 2017).





rates, and corruption (Freedom House 2010). On the other hand, the Latinobarómetro score for satisfaction with democracy in 2010 indicates 49% residents are ‘rather’ or ‘very’ satisfied with the way democracy works in the country. At the same time, 49% were ‘not very’ or ‘not at all’ satisfied, which shows a clear reduction in support compared to the beginning of Chávez’s administration and a highly polarized society.

Chávez seems to have tried several avenues to stay in power, and this amendment fostered the further centralization of power. It can be further argued that term limits strengthen democracy by raising alternation in power within and between parties. This idea is based on the assumption that incumbents benefit from being in office and enjoy a hereditary advantage over practically every other citizen in the country. When examining the term limit changes in Latin American countries, Corrales and Penfold concluded that it is not the relaxation of the term limits by themselves that is noxious for democracy, but rather when a president intends to change the constitution without negotiation with the opposition and those that come about through presidential imposition end up harming institutions that were established to hold presidents accountable. This is what happened in the Venezuelan case, causing a negative effect on the democratic freedom of the country (Corrales and Penfold 2014, 158).

Case 2: PT Tests

Actors involved in the process:

- President Hugo Chávez
- Constitutional Court (also called the Supreme Tribunal of Justice (TSJ)¹⁵), whose 32 justices (*magistrados*) are appointed by the AN)
- Citizens of Venezuela
- The following hypotheses include further elements of my argument that democratic freedom rigorously changed after ten years of Chávez’s government.

H(i): Chávez’s personalist-authoritarian style of government increased over time.

H(ii): Chávez followed an unconstitutional amendment process.

Status quo:

15 Tribunal Supremo de Justicia.

In 2007, a total constitutional reform was rejected, including the abolishment of term limits for the president; in 2009, President Chávez called for a referendum to eliminate all term limits of presidents and others.¹⁶

Observation H(i)a: During his years in power, Chávez managed to involve a sizable part of his own family in the political world of Venezuela, favoring his own goals. This fact caused him critique from even former supporters: “*We are tired of the nepotism in the president’s family, Chávez has established a new monarchy.*” said Simon Jiménez (Glüsing 2008).

Observation H(i)b: In 2007, Chávez founded his own new party, PSUV, uniting parties that supported his vision of the Bolivarian Revolution, using his own eyes as the logo of the party.

Observation H(i)d: “*Venezuela’s approval of unlimited electoral terms opens the door to a new mandate for President Hugo Chávez from 2013 and will strengthen personalism in his style of rule,*” analysts said (News Analysis 2009).

Observation H(i)e: In a speech in 2008, addressing the criticism of his opponents, Chávez stated: “*(...) And if you go out in the streets, like on April 11, 2002 (...) we will sweep you in the streets, in the barracks, in the universities. I will close the opposition media (...) This Revolution came to stay, forever! I am going to intervene all communications and I will close all the enterprises I consider that are of public utility or of social interest! (...) I am the Law (...) I am the State (Brewer-Carías 2009b, 24)¹⁷!*”

Inference: Observations suggest Chávez’s style of government changed over time. However, it is hard to prove how and in what ways these changes occurred, as previous research does not address this matter. Nevertheless, it could have been a relevant factor in the process.

Hypothesis(i) passes Straw-in-the-Wind Tests: The hypothesis is relevant but is not confirmed.

Observation H(ii)a: Article 6 of the 1999 Constitution states: The government of the Bolivarian Republic of Venezuela and of the political organs comprising the same, is and shall always be democratic, participatory, elective, decentralized, alternative, responsible and pluralist, with revocable mandates (Constitute Project 2012, 6).

Observation H(ii)b: Brewer-Carías’ argument against the elimination of the term limits came from the Venezuelan constitutional law principle of ‘alternabilidad’, which means “*the successive exercise of public offices by different persons (Brewer-Carías 2009a, 2)¹⁸.*”

16 Consult articles 160, 162, 174, 192 and 193 of the constitution.

17 Quoting Chávez’s speech of October 15, 2008.

18 Quoted in the Dissenting Vote to the Constitutional Chamber of the Supreme Tribunal of Justice Decision No. 51 of March 18, 2002).





Observation H(ii)c: The Venezuelan Constitution differentiates between a constitutional amendment and a constitutional reform. Under article 340, an amendment is only for the purpose of modifying one or more provisions without altering its fundamental structure. A reform under article 342 is established for partial revisions without changing its structure and essential principles. Therefore, the opposition complained of procedural irregularities. Additionally, a reform could not have been issued again, since a similar proposal had already been rejected in 2007.

Inference: The debate about the unconstitutionality of the amendment is controversial because, under classical constitutional theory, interpretation is the most common used tool for reform.

Hypothesis(ii) passes Straw-in-the-Wind Tests: The evidence is consistent with the hypothesis but not decisive.

Case 3: Constitutional Crisis 2017

In accordance with the conceptualization of a personalist leader, Chávez was the permanent head of the party, as well as the head of the government and the country. Hence, when he died the organization faced a difficult challenge to replace him. In most cases, the conditions are rare in which a personalist party or movement outlives its leader while staying loyal with his visions (Kostadinova & Levitt 2014, 500). However, due to the 'last will' of Chávez, his vice-president and long-time loyal confidant, Nicolás Maduro Moros, was named as his successor¹⁹. Maduro managed to win the elections and became the new president of Venezuela in 2013. This can be explained due to the high loyalty *Chavistas* developed toward their leader Hugo Chávez. However, compared to Chávez and his fame for being highly charismatic, Maduro is often described as the opposite.

The background of the following constitutional crisis in 2017 was the above-mentioned presidential change and the difficulties Maduro faced to hold popular support, which made him unable to face electoral competition (Corrales and Hidalgo 2013, 66).

One of the often referred primary 'triggers' of the constitutional crisis was the threat that Maduro's government faced. In December 2015, the opposition gained a qualified majority of representatives in the parliamentary elections, obtaining control of the AN (Brewer-Carías 2017, 6). Research conducted on hybrid regimes has indicated that these regimes are unstable, entail important risks toward democracy, and are clearly unpredictable.

19 Once his health conditions worsened, Chávez made sure, in case he would die, that he would be succeeded by someone continuing his Bolivarian mission. For that reason, in December 2012, he stated his wish from the heart to elect Maduro as president (Shoichet, 2012).

able, especially when the possible threat of the loss of power comes closer to the leader (Rocha Menocal et al. 2008, 32). Through the analysis of Case 2, an increase in Chávez's authoritarian style in the last period of government (2009-2013) was already evident. Corrales and Hidalgo described the three possible paths after Chávez: the hybrid regime can be maintained over time, it can smoothen and even become more democratic, but it can also be radicalized (Corrales and Hidalgo 2013, 75). In the case of Venezuela, the path became clearly more radical. Maduro took advantage of the already established framework for an autocratic path built by Chávez, used and abused laws, and secured total control over veto players, such as the Supreme Court, CNE, the media, military, *collectivos* and others. Further, when the people took the streets to protest, he demonstrated how radical the regime had become through high repression, even arresting opposition leaders (Corrales 2015, 44).

10. Timeline 3



The starting point of the process of the Venezuelan 2017 constitutional crisis was the takeover of the AN's legislative powers by the TSJ (which was before packed by members of the governing party). Since the 2015 parliamentary elections, the AN (controlled by the opposition), appeared to be the most powerful potential partisan veto player. Considered as a big threat for the government, the TSJ declared that the AN was in contempt under decisions no. 155 and 156. This movement already caused criticism and high doubts about the constitutionality of these decisions, pushed by Maduro. A considerable indicator to that effect was the expressed criticism coming surprisingly from within the *Chavista's* own ranks, when the Prosecutor General of the Republic publicly declared that the TSJ's decisions evidenced "*several breaches against the constitutional order and the disavowing of the form of State sanctioned in our Constitution,*" stating that they constituted a "*breaking off with constitutional order* (Brewer-Carías 2017, 7)." Afterwards, the appearing potential partisan veto player was removed from office.

The next step taken by Maduro appeared to be even more radical, when he decided to call a new National Constituent Assembly (ANC), invoking article 347 to transform the state and issue a new constitution. However, according to the 1999 constitution, calling an ANC requires the approval by the people in a referendum (stated in article 344), which





unconstitutionally Maduro decided to bypass. Despite all criticism, the CNE, which as previously discussed was politicized and fully absorbed by the government, approved the ANC proposal. Elections were held shortly after being convened by a presidential decree, the easiest and fastest way to bypass other veto players and give the president the full control of the process. According to the CNE, approximately eight million people voted in the Venezuelan Constituent Assembly elections. Meanwhile, the report of the Venezuelan election technology service, Smartmatic (which is the system used since 2004 in elections in Venezuela), stated that “the turnout figures on Sunday, 30 July, for the Constituent Assembly in Venezuela were tampered with” and that the turnout of the election was manipulated (Smartmatic 2017).

As argued by Pollack, the influence of an agenda setter (in this case Maduro) will be highest where the voting rule is a form of majority vote and where the agenda setter’s proposal is hard to amend (Pollack 2003, 48); as further pointed out by Tsebelis, agenda setters have quasi-dictatorial power to select policy proposals that enhance their own gain (Tsebelis 2002, 21). Therefore, Maduro follows a similar path as his predecessor, absorbing all possible partisan veto players. However, different than Chávez, Maduro follows a much more radical path, having to deal with partisan veto players inside his own ranks and lacking one of the most important aspects of a participatory and direct democracy: the endorsement by the people.

After the death of Chávez, the subsequent *Latinobarómetro* survey in 2015 showed a distinct decline in satisfaction with democracy, indicating 30% of residents were ‘very’ or ‘rather’ satisfied (from 43% in 2013), while 70% were either ‘not very’ or ‘not at all’ satisfied (from 55%). Furthermore, 2016 and 2017 showed an enormous decline in satisfaction with democracy in Venezuela under President Maduro, according to *Latinobarómetro*, only 24% (2016) and 22% (2017) appeared to be satisfied, while 27% (2016, 2017) were ‘not very’ and 49% (2016, 2017) were ‘not at all’ satisfied with the way democracy works. The occurring events during the 2017 Venezuelan constitutional crisis led to FH’s rating decline from 5 to 5.5, categorizing Venezuela from a ‘partly free’ country toward ‘not free’. Since the history of the FHI and their first established yearly rating report in 1973, this was the first time Venezuela was classified ‘not free’. According to FH, conditions worsened in the last years, as the concentration of the power in the executive expanded beyond any limit, the opposition-controlled legislature was absorbed by a politicized judiciary in the hands of the executive, government corruption became profound, and law assertion seemed to be unable to halt violence. Additionally, authorities restrained civil liberties and prosecuted opponents (Freedom House 2017).

In conclusion, all primary components necessary for complete democratic freedom are missing in the current Venezuelan context, having further declined since the 2017 constitu-

tional crisis and Maduro's authoritarian policy decisions. Hence, under President Chávez, Venezuela emerged into a so-called hybrid regime, while under Maduro, considering all the above-mentioned factors, Venezuela transformed into an authoritarian regime and is in danger of even formally transforming by way of implementation of a new constitution.

Case 3: PT Tests

Actors involved in the process:

- President Nicolás Maduro Moros
- Prosecutor General of the Republic (Luisa Ortega Díaz)
- Supreme Tribunal of Justice (TSJ)
- National Assembly (AN)
- National Constitutional Assembly (ANC)
- National Electoral Council (CNE; president Tibisay Lucena)

The following hypotheses include elements of my argument considering the high loss of democratic freedom in Venezuela, which further aggravated after new president Nicolás Maduro took office in 2013 and reached its peak in 2017.

H(i): The establishment of the National Constituent Assembly 2017 was undemocratic.

H(ii): The hybrid regime of Venezuela evolved into a dictatorship.

Status quo:

Chávez's successor is Nicolás Maduro, who in the 2013 elections narrowly defeated his opponent (Henrique Capriles). After the opposition gained control over the AN in 2015, Maduro radicalized his way of governing to remain in power, planned to rewrite the constitution and called an ANC. Thus, a constitutional crisis in 2017 was the consequence.

Observation H(i)a: Calling an ANC would have required the approval by the people in a referendum, according to article 344 of the 1999 Venezuelan constitution (Constitute Project 2012, 93). However, Maduro decided not to call for a referendum.

Observation H(i)b: As is stated in article 347, "*the original constituent power rests with the people of Venezuela (Constitute Project 2012, 94).*" Thus, when calling the ANC without involving the people, Maduro seized the exclusive power of the people as the holder of sovereignty (Brewer-Carías 2017, 6).

Observation H(i)c: A similar proposal was already rejected in a referendum in 2007 (then initiated by President Chávez).

Observation H(i)d: The opposition called an unofficial referendum to stress the disagreement of the people with the ANC.



Observation H(i): Smartmatic, the election system used in Venezuelan election since 2004, released a statement affirming that elections for the Constituent Assembly in Venezuela were tampered (Smartmatic 2017).

Inference: All observations in total strongly suggest that the establishment of the ANC was fully undemocratic.

Hypothesis(i) passes Smoking-Gun Tests: The observations highly support the hypothesis that the ANC was undemocratic. This evidence would be very surprising if the null hypothesis that the ANC was democratic was correct.

Observation H(ii)a: In 2017 the Economist Intelligence Unit's Democracy Index moved Venezuela's status from a 'hybrid regime' toward an 'authoritarian regime'.

Observation H(ii)b: Organizations, such as Human Rights Watch and the World Policy Institute refer to Venezuela as a dictatorship.

Observation H(ii)c: The 1999 Constitution of Venezuela is still in force, though acts have been taken out that clearly violated the constitution (call of the ANC, etc.).

Observation H(ii)d: When referring to Dahl's definition of democracy, the important feature—free and transparent elections that allow for a change of government—are not existing anymore (Dahl 1971).

Inference: According to the observations, Venezuela lacks all the most essential elements of a liberal democracy. Replacing the 1999 constitution appears to be one of the last missing tools for the full transformation into a dictatorship.

Hypothesis(ii) passes Smoking-Gun Tests: The hypothesis is confirmed. Venezuela evolved into an authoritarian regime.

11. Evaluation of Hypothesis

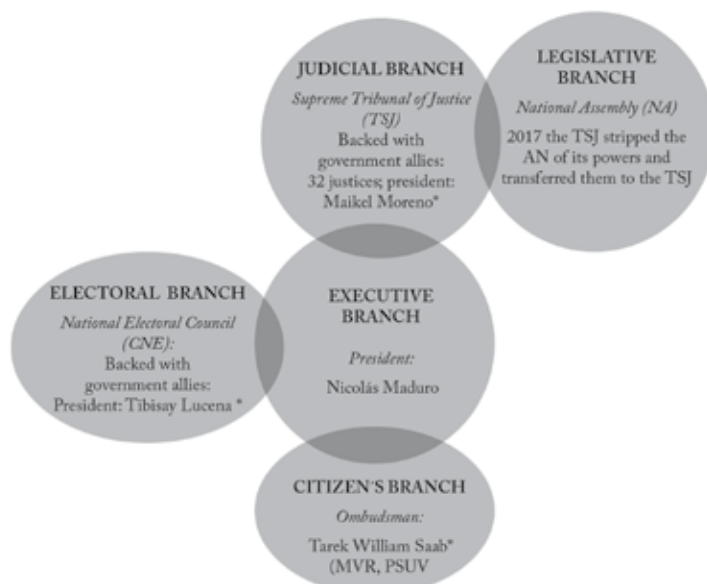
The three different cases of constitutional change in Venezuela show the great ability of personalist leaders to undermine democratic freedom by using the constitution. This article tested if personalist leaders intended to absorb veto players during constitutional changes, which would have a negative effect on democratic freedom. As Levitt and Kostadinova already stressed in their research, a personalist leader often appears to have a power consolidation strategy, especially in a Latin American presidential system, because of the lack of constraints (Levitt and Kostadinova 2014, 539). To implement aimed changes, a certain number of individual or collective veto players need to agree on the proposed change (Tsebelis 2002, 13). Thus, it is vital to absorb these veto players in the executive branch, otherwise they may inhibit the personalists from gaining their goals. Because the constitution defines the parameters for a polity it is crucial tool for these leaders to centralize power and legalize their actions. Afterwards, these changes visualize an impact on the



institutional design and quality of a democratic political system (Schilling-Vacaflor 2012, 391). At a first glance, the 1999 Venezuelan Constitution added two extra institutional veto players (the electoral branch and the citizen's branch). However, in practice, they all were absorbed by the executive branch (see Figure 4). Through constitutional changes, such as eliminating all term limits for important offices (2009), the executive branch and its allies (who occupy all four other branches) could secure their long-lasting power. As noted by previous research, and as was the case in Venezuela, power asymmetry and the total exclusion of the opposition causes a negative effect on democratic freedom (Corrales 2018; Cross and Sorens 2016).

The politicization and final absorption of the CNE led to the absence of free and fair elections, and the 2017 absorption of the AN by the government-backed TSJ contributed to the complete exclusion of the opposition and eliminated all its power. Additionally, a government-controlled judiciary impeded the existence of a fair legal system and the rule of law. Furthermore, by filling the office of the Ombudsman with a former MVR and PSUV member, the branch refused to fulfill its original purpose, namely, to defend the rights of the people and thus, ignored the repression, committed human rights violations and disregarded freedom of expression.

Figure 4. Absorption of veto players by the executive branch (actual state 2019)



* sanctioned by several Western democracies and the EU for considering him/her responsible for human rights violations and the deterioration of democracy and the rule of law in Venezuela.



Conclusion

This article inductively explored constitutional changes in Venezuela from 1999 to 2017 under the personalist leadership of Chávez and Maduro. Even though both leaders share similarities, observations point out their different style of government. For example, the charismatic Chávez enjoyed high support from the people, while Maduro was not able to achieve a similar support. This study drew inferences from three case studies to answer the research question: *Can constitutional changes implemented by a personalist leader undermine the status of democratic freedom? If so, in which ways?* Through PT tests, all cases showed a process leading to the emergence of an authoritarian regime.

The constitutional replacement examined in Case 1 already indicated a personalist component, when providing more power to the executive and extending the presidential term limits. Furthermore, the whole process of Case 1, the replacement in 1999, indicated the absorption of veto players and the clear agenda-setter role of the president: the opposition was excluded from the process that established a new direct and participatory democracy. The exclusion of the opposition, which was connected to the old liberal system and so seen as a 'dark past,' led to polarization in the country and affected the political and social worlds.

In the process of change investigated in Case 2, Chávez's style of government clearly became more authoritarian. With the arguably unconstitutional reform of 2009, democratic alteration was reduced, and centralization of power was enhanced. Finally, the constitutional crisis in 2017, as discussed in Case 3, was the most radical example.

Conclusively, all three separately analyzed cases indicated different outcomes on the dependent variable (democratic freedom) under dissimilar approaches of the president (Chávez and Maduro) toward the process of change with different degrees of support coming from the Venezuelan people. Together, the cases can be seen as a step-by-step radicalization of authoritarianism favoring the 'one-man rule'.

Although PT is valuable because of its fruitful interpretations, it is necessary to take into consideration the idea that these interpretations are sensitive to subjectivity. Therefore, to demonstrate higher applicability, an extra sub-section after each case allows the reader to be guided through the PT tests that have been made throughout this research. In the future, other aspects could complement those highlighted in this article, such as the move from a bicameral legislature to a unicameral legislature (occurring during the 1999 replacement), the impact of the state of the economy (especially oil-prices in the Venezuelan context), the social and humanitarian situation of the country, the degree of corruption, and others.

An important final point is to underline the acute endangerment of Venezuela's situation, since the government under Maduro continues to follow a radical agenda, as dis-



cussed in Case 3. Therefore, the implementation of a new constitution would possibly mean the full and formal completion of a transformation into a dictatorship. Thus, further research should try to find an answer to the essential question: Are there any constitutional safeguards that can prevent constitutions from such a takeover? This study contributed to a better understanding of the case(s) of Venezuela, by highlighting the power of the constitution in the hands of personalist leaders who by absorbing veto players, implemented a one-man rule and systematically undermined democratic freedom. Future research may include more Latin American countries for the conduction of comparative studies; interesting countries to consider could be other 'hybrid suspects' such as Bolivia and Ecuador.

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		SUFFICIENT FOR AFFIRMING CAUSAL INFERENCE	
		No	Yes
Necessary for Affirming Causal Inference	No	1. Straw-in-the-Wind	3. Smoking-Gun
		a. Passing: Affirms relevance of hypothesis, but does not confirm it.	a. Passing: Confirms hypothesis.
		b. Failing: Hypothesis is not eliminated, but is slightly weakened.	b. Failing: Hypothesis is not eliminated, but is somewhat weakened.
		c. Implications for rival hypotheses: Passing <i>slightly</i> weakens them. Failing <i>slightly</i> strengthens them.	c. Implications for rival hypotheses: Passing <i>substantially</i> weakens them. Failing <i>somewhat</i> strengthens them.
	Yes	2. Hoop	4. Doubly Decisive
		a. Passing: Affirms relevance of hypothesis, but does not confirm it.	a. Passing: Confirms hypothesis and eliminates others.
b. Failing: Eliminates hypothesis.		b. Failing: Eliminates hypothesis.	
	c. Implications for rival hypotheses: Passing <i>somewhat</i> weakens them. Failing <i>somewhat</i> strengthens them.	c. Implications for rival hypotheses: Passing <i>eliminates</i> them. Failing <i>substantially</i> strengthens them.	

Source: Collier 2011, 825.

