

# Brokerage, Political Opportunity, and Protest in Venezuelan Higher Education Reform

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*This paper explores two episodes of contention in the ongoing conflict between the Venezuelan government and the country's autonomous universities. In August 2009, Venezuela's National Assembly approved and implemented the controversial Organic Education Law. Sixteen months later, the Assembly approved the similarly polarizing Law of University Education. Days after this bill was passed by the legislature, however, Hugo Chávez refused to sign it. This paper explains that the government was able to implement the Organic Law but not the University Education Law because of changes in the universities' organizational strength and the wider political opportunity structure. The connections brokered between oppositional groups were diffuse but weak in 2009 but more homogenous and robust in 2010. The stronger opposition, combined with a reduction in the government's political power after 2009, made the higher education law politically unviable and all but forced Chávez to rescind it.*

In August 2009, the National Assembly of Venezuela passed a new Organic Education Law that, in addition to changing other elements of the national education system, reformed the internal electoral structure of the country's five autonomous universities [1]. The law was viewed by many members of those universities as a violation of university autonomy, but was enacted by President Hugo Chávez despite their protestations. Shortly thereafter, in December 2010, the government introduced a new University Education Law that was intended to assist with the "construction of a socialist society" (Art. 2.2). Unlike the Organic Law, however, the University Education Law was not implemented. Although it was approved by the National Assembly, President Hugo Chávez declined to sign it and instead sent it back to the legislature, where it effectively died. This was an unexpected turn of events, for the government did not face any formal institutional constraints that prevented it from implementing the law. Why did the government decline to pass the University Education Law when it enacted the Organic Education Law just sixteen months earlier?

In what follows, I approach both reform initiatives as examples of contentious politics or episodic, collective interactions between government and the public based on competing claims (Tarrow, 1994; Tilly & Tarrow, 2007). I focus on two key dimensions of these contentious interactions. First, I examine how existing connective structures within the university system facilitated organizational brokerage, i.e. the establishment or enhancement of new connections between groups. When brokerage occurs, groups making claims against the state are expected to be more effective in their coordinated collective response (Gorski, 2003; Tarrow, 1998; Tilly & Tarrow, 2007). However, the efficacy of brokerage also depends on factors external to the organizational features of the opposition. Accordingly, I also examine the role of political opportunity structures, the specific characteristics of the political arena that condition how likely people are to participate in collective action, including changes in the ruling elite and shifts in the balance of national political power (Tarrow, 1994 p. 85).

Based on evidence collected during fieldwork in Caracas in 2012, I find that the different outcomes in 2009 and 2010 are due to variation in the organizational strength of both the universities and the state. In 2009 the autonomous universities engaged in extensive brokerage with each other and with non-university social sectors, leading to heterogeneous and diffusely

organized opposition that could not match the state's organizational cohesion and political power. The state was therefore able to enact the Organic Law despite opposition from the university community and other social sectors. Conversely, in 2010, limited brokerage with non-university actors meant that the opposition was more homogenous, more organizationally entwined, and therefore more capable of challenging the government. Crucially, during this contentious episode the universities were also able to capitalize upon the Chávez government's declining power in the national political arena. The interaction of these factors produced a victory for the government in 2009 but significantly raised the potential costs of enacting the University Education Law in 2010.

### **Political transformation and university reform in context**

Hugo Chávez was elected president of Venezuela in 1998 following two decades of social, political, and economic turmoil. A major currency devaluation in 1983 and steadily declining international oil prices led to a protracted economic crisis for this oil-dependent nation, while the stabilization measures intended to rectify the situation resulted in a massive urban uprising in 1989 (Bejarano, 2011; Kornblith, 2006). The political fallout was enormous, culminating in the collapse of the two-party system that had governed Venezuela since democratization in 1958 (Buxton, 2005; Ellner, 2008). When Hugo Chávez was elected president in December 1998, he and supporters of the Bolivarian [2] movement he led sought to "refound the state" by promulgating a new constitution and undertaking sweeping institutional reforms in the name of participatory democracy and redistributive economic justice (Wilpert, 2007). In 2006, after winning a second term in office, Chávez began to speak of "twenty-first century socialism" and accelerated the process of transformation by increasing state intervention in economic matters and reorganizing the institutional political landscape (López Maya, 2011). The dismantling of the capitalist, liberal democratic political and economic model led to deep polarization within and outside Venezuela, with some heralding the reforms as necessary and progressive (Gott, 2000; Harnecker, 2010; Raby, 2006; Wilpert, 2007) and others condemning them as autocratic and unsustainable (Brewer-Carías, 2010; Corrales & Penfold, 2007; Corrales & Penfold, 2011; Roberts, 2003).

Higher education reform figured prominently in the Bolivarian transformation process, partly because of the importance afforded to it by state elites and partly because of the resistance the reforms engendered. Tensions between the state and the country's five formally autonomous universities are longstanding. Throughout the twentieth century, including after democratization in 1958, university autonomy was repeatedly violated by the state, and many within the university sector therefore remain suspicious of state power as a matter of principle. It was very symbolically important then that when Chávez came to power he codified university autonomy as an integral element of governance in the new constitution. Initially, higher education reform efforts bypassed the autonomous universities and avoided the issue of university autonomy entirely, focusing instead on the creation of new experimental universities and higher education programs meant to increase access to post-secondary education. For example, between 1999 and 2012, the Venezuelan state created 22 new universities, doubling the size of the public university system. However, when the state turned to overhauling the existing (and significantly outdated) legislative framework governing higher education, it had no choice but to engage the autonomous institutions. The 2009 Organic Education Law was the first such attempt.

### **The 2009 Organic Education Law**

The 2009 Organic Education Law replaced an existing law from 1980, which set out the basic rules for the administration of the entire education system from basic through higher education. The autonomous universities' opposition to the bill generally focused on two interrelated substantive objections. First, the law changed the definition of "university community" (and therefore the composition of the university electorate) from one that consisted of professors,

students, and alumni to one that also included administrative personnel and workers. The enfranchisement of these non-academic groups gave them the right to participate in decision-making processes regarding academic affairs, which rankled many authorities and professors. Second, the Organic Law emphasized equal political representation for each of these constituencies, in effect requiring the universities to amend their organizational and administrative regulations to achieve voting parity in compliance with the national law. The right to vote in university elections, previously adjudicated by the autonomous universities as they saw fit, was therefore transformed from an academic right to a political right enforceable by the state. Many within those universities perceived both of these provisions as direct threats to the principle and exercise of university autonomy.

Initial resistance against the Organic Law began as soon as a draft was released to the public in July 2009. University authorities, professors and students from the autonomous universities immediately made use of existing connective structures to mobilize internally, demonstrating how “institutions are particularly economical ‘host’ settings” (Tarrow, 1998, p. 22) for collective action. University Councils were the most important organizational structures linking constituencies within each university. As the highest governing body in these institutions, each council provided a regular forum for interaction among rectors, vice-rectors, deans, and representatives from the professoriate, student body, alumni community, and Ministry of University Education. Immediately upon the publication of the draft Organic Law the councils at all five autonomous universities held urgent meetings to consider its implications. Rectors at the Central University and the University of the Andes called the bodies into permanent session, enabling them to call additional meetings at short notice, while the council at the University of Zulia condemned the bill in a public letter to various government officials and organizations (Universidad de Zulia, 2009). As the most authoritative, visible, and representative governing bodies of the universities, the councils' swift rejection of the law positioned the institutions as nearly uniformly against the initiative. This intra-organizational structure facilitated interaction between the various members (authorities, professors, students, and alumni) in each Venezuelan university and effectively turned each institution into a site of focused (if not unanimous) resistance to the Organic Law.

If the University Councils were the most significant connective structures within specific institutions, the National Universities Council (CNU), the formally autonomous coordinating body upon which every Venezuelan rector sits, could have reasonably been expected to have an analogous role in linking different universities to each other. However, the CNU, was essentially dormant. This was unsurprising given that the Minister of University Education presided over the organization. Instead, the oppositional rectors organized through the Venezuelan Association of University Rectors (AVERU), a voluntary association composed of largely anti-government rectors from autonomous, experimental, and private universities. Although this brokerage was important because it marked the first time the organization was used for explicitly political purposes, AVERU was somewhat slow to mobilize and the majority of its activities happened after the president signed the bill into law rather than in the crucial period before he did so (Universidad de Los Andes, 2009).

The participation of rectors from the experimental and private universities was an example of brokerage that had parallels with other segments of the university system. The University Teachers' Federation of Venezuela (FAPUV), representing 40,000 of the country's professors, were already wrestling with the government over the establishment of national salary standards, and the Organic Law was but another grievance held by an already mobilized sector. The student response, however, was comparatively weak. Branches of the Federation of Student Centres (FCU) organized protests at campuses across the country leading up to the law's implementation but internal organizational deficits prevented the student movement from gaining much traction. Many of the prominent student leaders that led the first anti-government

student protests in 2007, a number of whom came from private universities without FCU branches [3], had since graduated, leaving a leadership and organizational vacuum (Brading, 2013, p. 131). An additional mitigating factor was that many students at the autonomous universities stood to directly and immediately benefit from the law's provision regarding voting parity, which would give them far greater power relative to professors. Students at the private and experimental universities, on the other hand, were not particularly concerned with the issue of parity either way, for the majority of them attended institutions where authorities were still chosen by the Ministry of University Education (experimental universities) or by parochial governing boards (private universities). This cleavage within the student movement detracted from its ability to mobilize forcefully and effectively.

The politicization of existing organizations that linked various segments of the university community sent a clear sign to the government that a large segment of the higher education sector did not support the Organic Education Law. This signal was made all the more clear when further connections were established with other, non-university actors. In addition to the participation of a variety of groups that challenged the legislation's impact on primary, secondary, and private education, the private media and opposition parties also inserted themselves into the protests. Media organizations expressed reservations about how parts of the law would affect freedom of speech and expression, and formed a formal alliance between a media group and the professors' association at the Central University (Contreras, 2009). Representatives from federal opposition parties, as well as state and municipal politicians, also joined universities in protest. Even though the opposition parties had very little leverage in the National Assembly during this episode of contention [4], individual candidates spoke out against the bill in general terms. Members of Podemos, a party identified with Chávez until 2007, repeatedly criticized the government, and the president of Un Nuevo Tiempo, Omar Marboza, explicitly offered the support of the opposition to the protestors. The presence of parties was not to politicize the protests in a partisan fashion, stated Marboza, but to "give the encouragement and support that is in our power to express our rejection for everything that is happening in Venezuela" (Informe21, 2009).

Despite the broad university opposition to the bill, and the fact that the participation of the private media and federal parties made it a national issue, the Organic Education Law was officially implemented on August 15, 2009. While brokerage helped organize resistance to the initiative, the resulting coordinated action was evidently not enough for the government to reconsider the legislation in whole or in part. As the new academic year began public protest slowly petered out and university authorities retreated in search of institutional solutions such as constitutional court challenges that ultimately went unanswered by the state. After ten years in power, the Chávez administration had finally changed the basic legal structure of the educational system.

### **The 2010 University Education Law**

After its victory, the Venezuelan government was emboldened to pursue further educational reform. This time it sought to replace the outdated 1970 Universities Law. The new bill, proposed in late December 2010, restated the primacy of university autonomy (as defined in the 2009 Organic Law) but made extensive systemic changes that undermined the principle, at least as previously legally demarcated. For example, various articles recast professors as "academic workers," eliminated deans from university administrative structures, replaced University Councils with Councils of University Transformation, and eliminated the National University Council in favor of a National Council of University Transformation. The goal, as stated clearly in the law, was to transform universities into "socialist models of production" in service of "constructing a socialist society" (Articles 4.12 and 3.2).

As was the case with the Organic Law, protests began as soon as a draft of the bill began to circulate in civil society. Unlike the previous episode, however, where at least a full month passed between when a draft became available to the public and when it was actually approved, an unauthorized draft of the University Education Law leaked to civil society two weeks before the final version was read in the legislature. Amid protests, the official version was introduced in the National Assembly on December 21, 2010, and approved upon its second reading at 2:50 a.m. on December 23. Despite the legislature's approval of the bill, explosive protests continued, carrying on throughout Christmas Eve, Christmas Day, New Year's Eve, and New Year's Day, gaining rather than losing momentum. This time the president took heed: on January 4, 2011, the first day of the new legislative term, Chávez announced on television that he would not sign the law. The university-based opposition, it seemed, had triumphed.

Two factors endogenous to the oppositional mobilizations help explain why the outcome in 2010-11 was different than in 2009. First, the linkages between university actors had already been brokered in the 2009 episode. The reactivation of connections that were previously established or mobilized for political ends in response to the Organic Education Law allowed the university opposition to sustain highly visible protests over the holiday break. Inside the universities, University Councils again formally connected students, professors, and authorities. In contrast to the Organic Law, however, there was considerably more interaction between various groups outside of the formal confines of the councils. At the Central University, this was due in part to a filial tie: the president of the student union, Diego Scharifker, was the son of Benjamin Scharifker, the rector at Simón Bolívar Experimental University, one of the experimental universities active in both episodes of contention. The senior Scharifker had been an outspoken critic of the government for some time, and while he and his son did not work closely together during this period in 2010-11, the kinship link increased his son's ability to connect with the Central University's top authorities. For example, Diego Scharifker recalled very frequent meetings between the president of the faculty association, student organizers, and the four university authorities (Scharifker, 2012). These were not University Council meetings, but informal encounters to coordinate further protest actions outside the normal boundaries of university governance.

The ties established between the autonomous, experimental and private universities in 2009 also contributed to more extensive interuniversity brokerage in 2010. The National Universities Council remained on the sidelines once more, but AVERU was far more active. The outspoken rector of the Central University, Cecilia García Arocha, became the new president of AVERU and used the platform to promise immediate direct action against the law (Universidad de Los Andes, 2010). Students, too, participated more. Whereas student councils organized protests within their respective universities in 2009, in 2010-11 the FCU functioned like a viable, integrated federation rather than a loosely organized group of discrete campus-based student groups. FCU presidents at the autonomous universities in Zulia, Mérida (Los Andes), and Carabobo were the same as in 2009, while prominent student activists in more informal leadership positions also reappeared to challenge the state. No longer were students active only within their own institutions; they coalesced into a full-fledged, cross-university student movement with skilled leadership and common purpose.

Two events that occurred shortly after the legislature passed the University Education Law illustrate just how successful intra- and inter-university brokerage was. On December 24, 2010, José Virtuoso, the Jesuit rector of the Andrés Bello Catholic University, led a Christmas Eve mass "in defense of university autonomy" in the chapel of the Central University wherein he promised that Venezuelans would "defend the university with our lives" (*El Universal*, 2010a). A week later, several hundred people from various Venezuelan universities gathered at the Rector's Plaza at the Central University to restate their commitment to university autonomy by ringing in the New Year with a "hug of peace" (*El Universal*, 2010b). Both of these events

illustrate how the boundaries between constituencies within and across universities blurred, leading to the comprehensive unification of opponents within the university sector. Authorities, professors and students stood shoulder-to-shoulder defending the traditional principle of university autonomy against what they viewed as an encroaching state.

The second change in the organization of the opposition was that the protests against the University Education Law were almost entirely contained within the university sector. Whereas political parties and the private media were very active in 2009, these forces largely remained on the sidelines in 2010-11. This meant that the challenges to the law were unencumbered by the interests of other groups, and protest remained highly focused. Although some non-governmental organizations concerned with education spoke out against the law, media organizations and political parties were bystanders rather than participants. The private media provided extensive coverage of the protests before and after the National Assembly approved the law but it did not revive or form new connections with organizations in the university sector. The same held true for political parties. Diego Scharifker, an active member of *Un Nuevo Tiempo* since 2008, noted that "at this protest there were just members of the university. There was very little contact with parties, with the [opposition coalition]. It was just us getting organized and protesting every day." He continued:

In 2009 there was more of a relationship with political parties, and even though that's not bad, [it meant] there were different interests. [...] There were universities, middle schools, high schools etc., but there was a lot more political discussion inside. So that's why you see some politicians involved much more with it than members of the university of the student movement, while 2010 was purely of the universities. Really there was no involvement, apart from two or three members of the National Assembly like Ismael García. Apart from them there was very little involvement [from politicians]. (Scharifker, 2012)

There are several plausible reasons for the reduced participation of non-university groups. First, unlike the Organic Education Law, the University Education Law did not contain provisions that directly affected the media, and therefore it did not have an immediate interest in actively protesting. Second, the Organic Law affected the entire system of public education, which garnered the attention from organizations representing and affiliated with elementary, middle and secondary school education. In contrast, the University Education Law impacted only the university sector, a narrower but more historically powerful and politicized constituency. The third factor was timing. Although critics of the Organic Law condemned it on the grounds that it was introduced and approved without sufficient discussion, the University Education Law was introduced and approved in an even shorter time frame. As noted above, most interested parties only heard about the higher education law approximately a week before it was introduced to the legislature, whereas a draft of the Organic Law had been circulating in civil society for at least six weeks prior to being approved in the Assembly. The element of surprise sparked a sense of urgency with the universities, but it did not leave enough time for other organizations to mobilize to nearly the same extent as they had previously. When Chávez vetoed the law on January 4, 2011, he was responding to intense, undiluted opposition from a university sector that showed no intention of backing down.

### **The role of political opportunity**

Chávez's decision not to sign the University Education Law was largely a result of the fact that the social networks and institutional connections between and among oppositional universities matured between August 2009 and January 2011. The increasing strength of connections within and between universities, coupled with the lack of participation by the private media and parties in the latter episode, helps to explain why the opposition was more effective. However, the brokerage that these connective structures enabled may have been of little consequence in the absence of an expansion in the political opportunity structure available to opponents.

Changes in the domestic political environment, namely a reduction in the government's balance of power in the legislature and reduced bureaucratic cohesion in the Ministry of University Education, gave the opposition more leverage and pressured the government to discard the law or else risk the escalation and diffusion of protest.

The Chávez administration was in a fairly secure position when the Organic Law was brought to the legislature in 2009. The president was reelected in 2006 with almost 63% of the popular vote, and the government party, the Fifth Republic Movement, held a supermajority following the opposition's boycott of the 2005 poll (Ellner, 2008, p. 121). The opposition - university and otherwise - therefore had very little institutional recourse to challenge the education law. Additionally, two men with significant experience in the education system commanded the educational ministries. Minister of Higher Education Luis Acuña and Minister of Education Hector Navarro had previous experience in governance positions within the autonomous universities and the state's educational bureaucracy before becoming ministers. Navarro, who one interview subject described as "very loved" by Chávez, was particularly close to the president and committed to the greater project of higher education reform. When the Organic Law was drafted, introduced, and enacted, the Bolivarian government therefore had considerable political latitude and a reservoir of bureaucratic expertise and ideological commitment.

By the time the University Education Law was introduced, in December 2010, the political opportunity structure had changed in favour of the opposition. Elections for the National Assembly in September 2010 cost the United Socialist Party of Venezuela the supermajority it was handed by the abstaining opposition in 2005, although it retained a simple majority. Not only did the opposition coalition, the Democratic Unity Roundtable, gain 59 seats, but several people who held leadership positions in the first anti-government student mobilizations in 2007 were also elected as legislators. The participation of new deputies with backgrounds in the student movement raised the likelihood that the University Education Law would be vocally challenged in the new legislative term and that the conflict could snowball into a bigger protest movement. A moderate expansion of political opportunity in the national polity thus translated into significant expansion for the specific constituencies related to student and university politics.

Beyond changes in the electoral realm, divisions within the state bureaucracy further enhanced the opportunity for the university opposition to challenge the government. In February 2010, Minister Acuña left his post, followed by Minister Navarro three months later. Both men were replaced by far less experienced ministers. Acuña was replaced by Edgardo Ramírez, a professor of International Studies at the Central University and director of the Office of International Cooperation at the Ministry of Higher Education, while a journalist, Jennifer Gil Laya, assumed Navarro's position. The reasons for the cabinet changes are unclear, as Acuña and Navarro continued to hold important positions in the Bolivarian government. However, it is reasonable to infer that their transitions to new roles may have been related to their misgivings about the University Education Law. According to several sources either directly involved in protesting the bill or who had close connections to the Chávez government, Acuña and Navarro (among others, including rectors of several experimental universities) were rumored to have informed Chávez in a private letter that they had significant reservations about the bill and cautioned him not to proceed with it. These sources allege that the ex-ministers expressed concern about difficulties likely to occur when implementing a number of key changes, claims that were corroborated by the televised references Chávez made to members of the government who warned him that the law was "inapplicable" and needed to be redrafted by the National Assembly.

These divisions within the educational bureaucracy and the new balance of power within the National Assembly were, of course, not the doing of the autonomous universities. However, both changes altered the dimensions of the political opportunity structure available to these aggrieved institutions. The weaker state bureaucracy and the stronger political opposition provided significant incentive for the autonomous universities to press forward with their claims against the state, even over the holiday period. With this new window of opportunity, the strength of the university sector posed that much more of a threat to the long-term viability of the University Education Law.

### **Conclusion: Venezuelan higher education legislation reconsidered**

The Organic Education Law of 2009 and the University Education Law of 2010 were but two manifestations of an ambitious attempt to change Venezuela's university system into an engine of socialist transformation. Comparison of the two episodes of contention illustrates how subtle shifts in organizational alliances can produce significantly different outcomes. Initial efforts at brokerage in 2009 had limited impact that year but contributed to the rapid activation of social networks when the higher education law was introduced in 2010. In the latter case, however, grievances were expressed almost exclusively by the university sector. Whereas in 2009 the university sector was accompanied by a wide range of groups seeking to prevent the implementation of a bill that would restructure the basic principles of Venezuelan education, including political parties and media organizations, in 2010 collaborative resistance was highly focused and limited only to the university sector. The strength of intra- and inter-university linkages resulted in a form of "organizational entwining" (Gorski, 2003, pp. 167-168) that allowed the opposition forces to sustain a united front against the state during the critical period after the law was approved by the legislature but before it was signed by the president. However, contrary to expectation, the relative absence of extra-university forces in 2010 assisted the oppositional forces by allowing them to maintain a razor-sharp focus on university autonomy, not broader issues like free speech or partisan politics. These factors, combined with the expansion of political opportunity during the contestation around the University Education Law, enhanced the ability of the oppositional universities to do what they could not in 2009. When President Chávez died in March 2013, this legislative phase of higher education reform remained decidedly incomplete.

### **Notes**

[1] Venezuela has two types of public universities, autonomous and experimental. In this context, the primary distinguishing characteristic is that in autonomous universities professors and students elect the governing authorities, while the Ministry of University Education chooses the authorities at experimental universities.

[2] The Bolivarian Revolution, the political movement led by Hugo Chávez, takes its name from Simón Bolívar, one of the military leaders responsible for leading Venezuela and other Spanish colonies to independence in the 19th century.

[3] The Venezuelan student movement, a major political force in the 20th century that has traditionally opposed state power, did not mobilize during the Chávez presidency until the government decided not to renew the terrestrial broadcast licence of Radio Caracas Televisión Internacional, a major private media organization, in May 2007. Students further mobilized en masse in advance of the December 2007 constitutional referendum, helping to hand the government its first electoral defeat since Chávez was elected in 1999.

[4] Five major opposition parties withdrew from the 2005 legislative campaign only days before Venezuelans went to the polls, effectively handing Chávez's party, the Fifth Republic Movement (later transformed into the United Socialist Party of Venezuela) a two-thirds majority in the National Assembly.

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