Who’s the Bad Guy?: Competing Human Rights Discourses in Venezuela

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**Research Question:** What explains human rights disagreements in Venezuela?

**Abstract:**

This study involves an analysis of competing human rights conceptions in Venezuela. Previous studies have analyzed conceptions of human rights in Venezuela through an internationalist lens, holding Venezuela to Western understandings of human rights. However, few have analyzed the underlying foundations of human rights understandings within Venezuela’s political sphere. Using a discourse analysis, this paper analyzes the foundations of human rights understandings in the two main political parties in Venezuela. I examine speeches and official documents from each party. The data reveals that the opposition party has a conception of human rights grounded in human rights law, whereas the pro-government party's conception is grounded in an emancipatory socialist understanding of human rights. These opposing discourses have their roots in very different places within the Venezuelan Constitution and the socialist ethic. Understanding the divide within the Venezuelan government on the understandings of human rights can aid facilitators internationally and within Venezuela in bridging the conflict to produce meaningful dialogue rather than continuing the cycle of intractable conflict over human rights in Venezuela.

In 2013, Nicolas Maduro became the President of Venezuela after the death of Hugo Chavez. Since then, there have been massive antigovernment protests to the continuation of Chavismo, Hugo Chavez’s socialist project. With mass shortages of basic goods, an 800% inflation rate, and massive debts, the Venezuelan populace has been vocal in its discontent with the government.[[1]](#footnote-1) In response, the government has armed civilians and security forces, resulting in deaths, arbitrary arrests, torture tactics, and forced disappearances of protestors. The main opposition party in the Venezuelan National Assembly, La Mesa de Unidad Democrática (MUD), has taken an active stance in condemning the government for human rights abuses and advocating for human rights improvements. International institutions and nongovernmental organizations including the United Nations, Organization of American States, Human Rights Watch, and Freedom House have also condemned the Venezuelan government for human rights abuses. Nonetheless, President Nicolas Maduro continues to defend Venezuela as a human rights-oriented state, while doggedly criticizing the MUD and the international community of being imperialistic and adverse to Venezuelan interests.

President Maduro and his party, El Partido Socialista Unificado de Venezuela (PSUV), have established that they have a different conception of human rights. The state provides a variety of social rights, including state guarantees of education, welfare assistance, food assistance, job assistance, and health care.[[2]](#footnote-2) When asked to address the United Nations Human Rights Council in 2015, Nicolas Maduro claimed that “We [Venezuela] have a new conception of human rights” with descriptions of social rights to be guaranteed to all citizens.[[3]](#footnote-3) He assures that Venezuela is one of the most progressive, human rights-oriented countries in the world. Meanwhile, the MUD is obstinately criticizing the government for its failure to uphold its Constitutional human rights obligations, as well as its international human rights obligations. It has called upon Maduro and the international community to ensure human rights are respected. The PSUV and the MUD continue in an intractable cycle of condemnation and criticism over human rights issues. What explains human rights disagreements in Venezuela?

To understand the disagreements over human rights, I use a discourse analysis of the PSUV and MUD’s conversations on human rights. I examine how each actor defines the concept of human rights, and how the discourse shapes the practice or goals of human rights. For both actors, I examine official government documents including proposed laws and plans, as well as speeches and party platforms addressing human rights. The MUD has a legal discourse on human rights, resting its human rights conceptions in laws and the Constitution. On the other hand, the PSUV harps an emancipatory socialist discourse on human rights, resting its conceptions in a socialist ethic with independence from international Western influence. The two parties have vastly different understandings of what human rights are and what their role is in Venezuelan society.

Understanding the different conceptions of human rights can provide insight into how and why the practice of human rights in Venezuela is different than the expectations of the mainstream international human rights community. Furthermore, understanding the foundations of the human rights disagreement can provide broader information about a leftist state’s issues with the human rights guidelines as set forth by the international community.[[4]](#footnote-4) Given that one of the main critiques of international human rights is that human rights are the creation of western liberal elites, it is valuable to understand the reasons for the disconnect, as well as the effects of the disconnect in an illiberal state, such as Venezuela. Ultimately, an understanding of the opposing human rights discourses will help to understand the disagreement, which can in turn aid in facilitating meaningful conversation between the actors to resolve their differences.

Additionally, this research will delve into an ongoing scholarly debate on the bases of human rights. Cultural relativist scholars contend that international human rights guidelines are irrelevant to state governments, as individual states and cultures have different values that are incompatible with the international human rights regime.[[5]](#footnote-5) Conversely, naturalistic scholars argue that human rights are derived from the mere fact of being human, and governments should work to protect human rights as propagated by the international community’s standards.[[6]](#footnote-6) While this scholarly debate is contingent upon human rights theories, the disagreement within Venezuela a direct example of this ongoing debate, making it all the more intriguing to analyze. These theories will be discussed further in the literature review section of this paper.

In the proceeding section, I review other scholars’ literature on human rights theories and bases of human rights understandings, with special focus on Western human rights understandings that oppose socialist human rights understandings. I then explain my methodology in depth before continuing to my analysis and findings.

Literature Review

This study involves an inquiry into the foundations of opposing human rights understandings. More specifically, I conduct a discourse analysis of the Venezuelan PSUV and MUD understandings of human rights. I examine how these actors understand the concept of human rights, and how each actor’s understanding differs. Other scholars have analyzed puzzles like this through lenses of universal, separationist, democratic, and non-democratic views of human rights. Universal and democratic scholars tend to coincide with MUD discourses, centering around the idea that human rights are universal civil, political, social, and economic guarantees to all peoples. These scholars make the base of the mainstream Western discourse on human rights. In contrast, separationists contend that human rights must be considered on a local basis. Non-democratic scholars find conditions through which various governmental structures can protect its citizens in different ways. Separationists and non-democratic scholars form two main oppositions to the Western discourse on human rights, both influencing the PSUV’s emancipatory socialist discourse. I will elaborate on these groups and further subcategories in the pages that follow.

Universal Human rights?

The notion of the universality of human rights is at the center of international institutions and treaties on human rights. A universal view of human rights considers them to be independent of political process and culture.[[7]](#footnote-7) This universalist view contends that all human rights, as defined by the Universal Declaration of Human Rights, are universal and inseparable.[[8]](#footnote-8) Human rights are “expressions of visceral embodied human needs and moral desires that are integral to human relationships”.[[9]](#footnote-9) Universalists argue that human rights are rooted in natural law, making them latent to all peoples of the world by virtue of being human, which is also considered to be a naturalistic understanding of human rights.[[10]](#footnote-10) Universalists contend that it is the role of the state to guarantee these rights to the people as a primary tenet of a civilized society,[[11]](#footnote-11) while international institutions and civil society organizations are vital to oversee and maintain human rights.[[12]](#footnote-12)

Universalists maintain that states are obligated to give up a small degree of sovereignty to guarantee universal human rights.[[13]](#footnote-13) Further, if a state is violating the natural rights of its citizenry, it is failing at its job as a state. .[[14]](#footnote-14) Through this view, human rights do not constrain the state, but they give the citizen new processes through which they can appeal against governmental or decisions.[[15]](#footnote-15) Furthermore, international laws and institutions codify a state’s human rights agreements, giving it a legal backbone through which to base human rights understandings domestically. The idea of international and domestic law to enforce universal human rights is a key component of deliberative scholars, who understand human rights as universal due to their legal codification.[[16]](#footnote-16) Together, universalist scholars lend insight into the justifications and bases of the MUD’s legal discourse on human rights.

Separationists:

Separationists argue human rights are a matter of local importance. A large component of the separationists’ argument is that universal human rights infringe on sovereignty.[[17]](#footnote-17) A state cannot be accountable to outside rules, or it is not sovereign.[[18]](#footnote-18) Natural law rights are aspirational only, because sovereign states are not liable to maintain external laws.[[19]](#footnote-19) This view coincides with the PSUV's emancipatory discourse, where they argue that human rights expectations are unique to Venezuela and independent of Western norms or expectations.

Another view within the separationists is that human rights should be divisible, because certain cultural practices and preferences are incompatible with the universal model of human rights.[[20]](#footnote-20) A major division can be seen in the West, where civil and political rights are emphasized, whereas the non-western world values social and economic rights.[[21]](#footnote-21) This argument contends that the universal model of human rights is an ideal, not a reality.[[22]](#footnote-22) This is also seen in the basis of the emancipatory component of the PSUV’s discourse, which seeks to break free of the universal conception of human rights, in pursuit of a uniquely Venezuelan conception of human rights.

Further within the separationist argument is that social rights should be separated from other rights in order to guarantee respect.[[23]](#footnote-23) Social rights are less-respected when bundled with other rights.[[24]](#footnote-24) Social rights are issues that are basic to human life and dignity, such as food, water, health, shelter, work, and education.[[25]](#footnote-25) They aim to modify the patterns of social inequality to produce a more equal society that is then able to guarantee other categories of rights.[[26]](#footnote-26) These scholars argue that the state’s primary concern is to promote specifically social rights, as other rights cannot develop until a social base for human life is established.”[[27]](#footnote-27) Together, the separationists oppose the universal discourse on human rights, providing criticisms that form the basis of the PSUV discourse.

Democracy

Democratic human rights theorists argue that democracy is a necessary condition for human rights. In an authoritarian government there are not rights, but "privileges given in a leash of governmental control."[[28]](#footnote-28) Further, human rights are often conceived through international norms or standards, and norms are more likely to be adopted domestically by democracies, since democratic governments typically take a more elevated role in international organizations.[[29]](#footnote-29) Democracies are rich in civil society organizations that oversee government actions and work to ensure that international human rights norms are internalized and respected.[[30]](#footnote-30) Examination of regime type shows that in democracies, human rights and international human rights laws are respected more.[[31]](#footnote-31) These scholars show that regime type becomes important when analyzing how practices of human rights are shaped, especially regarding respect for international human rights laws. This helps to explain why the MUD, the party that urges for democracy over socialism, calls for respecting international laws and norms.

A non-democratic argument holds that authoritarian leaders have more power in the discourse and practice of human rights in their state.[[32]](#footnote-32) For example, authoritarian leaders tend to frequently pressure authors or websites to remove content that would be averse to the interests of the state, maintaining control over what information on human rights can reach the public.[[33]](#footnote-33) Authoritarian leaders neglect the universal conception of human rights because doing so helps to exercise, expand, or maintain power.[[34]](#footnote-34) Norms, treaties, and international courts are less effective to authoritarian states, as authoritarian leaders are not inclined to relinquish power to another entity.[[35]](#footnote-35) Additionally, international human rights prosecutions are less likely to have an impact on the authoritarian state, due to its local hegemony.[[36]](#footnote-36) These scholars find that non-democratic societies do not guarantee human rights through the same conventions as democratic societies.

Non-democratic theorists contend that human rights and democracy can and should be separated. Democracy and human rights have not converged in the past three decades.[[37]](#footnote-37)became increasingly more diverse across the world.[[38]](#footnote-38)

Under socialist societies, human rights are conceived in terms of groups, rather than individuals.[[39]](#footnote-39) Human rights can be understood beyond the traditional view of individual rights, to work for collective group rights in collectivist cultures.[[40]](#footnote-40) While western conceptions of human rights link them to individual rights granted through democracy, socialist societies compensate for the lack of individual rights by instead guaranteeing social rights (work, housing, education, participation, etc.) to its citizens as a whole..[[41]](#footnote-41) All of these non-democratic theorists find that non-democratic conceptions of human rights tend to veer from the universal model of human rights, forming a basis from which the PSUV forms its emancipatory socialist discourse.

Together, these scholars provide insight in how different discourses on human rights emerge. Universal theorists base their conceptions of human rights in international laws, whereas separationists base their conceptions of human rights on individual state and cultural conditions. The universalist literature helps to understand the MUD’s legal discourse on human rights. Furthermore, the scholars that explained human rights under different regime types have helped reveal different justifications of the discourse and practice of human rights under the PSUV’s authoritarian socialist system. Analysis of this scholarship provides knowledge the theoretical bases of human rights that contribute to opposing human rights discourses within the Venezuelan government.

In order to understand how these theories of human rights understandings apply to the human rights disagreements in Venezuela, I used a discourse analysis of both the MUDand PSUV’s conversations on human rights. This section will outline the methodology used to obtain the results in the analysis section of this paper. I begin by establishing my cultural competence and introducing the actors and discourses that I analyze. I then explain how the discourses and texts interact with each other, thereby establishing intertextuality. I then relay each of the texts that are analyzed in this project, and conclude this section by reflecting on my role as a researcher and establishing trustworthiness of my research design.

To answer my research question, I must first establish my cultural competence. I can speak, read, and write Spanish fluently, so I analyze texts in Spanish and understand the meanings represented. This allows me to “use tools of discourse analysis to demonstrate variations in meanings and representations” without a language translation barrier[[42]](#footnote-42) It is important for the researcher to have a basic understanding of shared meanings that create frames of reference and influence people’s actions in a given culture.[[43]](#footnote-43) I have done multiple projects on Venezuela, gaining insight on the shared meanings and frames of reference on human rights in Venezuela. These experiences establish cultural competence to research the human rights discourses in Venezuela. Cultural competence gives me the ability to understand the intersubjective meanings between these two human rights discourses.

Examining one issue and multiple discourses reveals how different actors construct meanings on the issue.[[44]](#footnote-44) Analyzing these opposing discourses aids in the goal of exposure.[[45]](#footnote-45) Actors producing the conflicting human rights discourses are the Venezuelan government, through its powerful Partido Socialista Unido de Venezuela or *the United Socialist Party of Venezuela* (PSUV), and the oft-silenced opposition party, Mesa de Unidad or *Democratic Unity Roundtable (MUD*. President Nicolas Maduro is a member of the PSUV. President Nicolas Maduro is a member of the PSUV. Maduro and the PSUV produce a uniquely social construction of human rights, as shown through the state-guaranteed social programs defined as human rights in the Venezuelan constitution.5 It establishes social programs including provisioning food, housing, healthcare, and education as fundamental human rights to all Venezuelan citizens.6 However, it allows for government censorship and legislative action to limit civil and political rights such as freedoms of expression, protest, etc.7 On the other hand, the MUD crafts a legal discourse on human rights, viewing rights as legal guarantees in the Venezuelan constitution and international human rights law. The anti-governmental discourse rests its foundations in the United Nations, which defines human rights as a set of interdependent civil, political, economic, and social rights that cannot exist separately.8 These actors establish discourses on human rights that are fundamentally in conflict with each other.

Through being in conflict with one another, these discourses are also fundamentally in conversation with one another. I will analyze these discourses from 2013 onwards, as this is when the current discourses were established with the election of Nicolas Maduro and the heightened conflict between the PSUV and opposition forces. The PSUV’s pro-government discourse on human rights impacts the Venezuelan people, as the PSUV holds power, and the government is the legal guarantor of human rights in the country.9 The pro-government discourse is heard and imposed upon many citizens through laws and other governmental actions.10 This imposition attracts attention from anti-governmental forces, invoking a response. For example, many civil society groups organized protests immediately after Maduro’s election, in attempt to exercise their right to expression against Maduro’s supposedly unfair election and to campaign for human rights and democratic rule.11 Maduro ordered police and military forces to silence the protestors, with torture, arrest, and even deaths as a result.12 Leaders of the opposing political party were also arrested.13 Opposition leaders decried the actions to the Inter-American Court of Human Rights(IACHR), and Maduro publicly withdrew Venezuela from the IACHR.14 These examples show the discourses to be  in direct conversation with one another. Conversation between texts directly establishes intertextuality, as texts are invoking one another.15

In my analysis, I analyze laws, speeches, and reports from both major parties of the Venezuelan government, The PSUV and the MUD. The PSUV is the party of President Nicolás Maduro, meaning that it contributes to the pro-government stance. The MUD content opposes the PSUV, putting it with the opposition stance. All texts used in this project are listed below.

Table 1: Sources for Analysis

|  |  |  |
| --- | --- | --- |
| Text | Government or Anti-government | Purpose |
| Proyecto de Ley de Amnistía y Reconciliación Nacional (Amnesty and National Reconciliation Bill) | Opposition: MUD-drafted | This is bill proposed by the MUD to free political prisoners and to define and punish the human rights violations by the government. |
| “Nicolás Maduro: Ley de Amnistía es un acto político inmoral” (Nicolas Maduro: the Amnesty Law is an inmoral political act) | Pro-Government: speech by Nicolas Maduro | This source contains excerpts from Nicolas Maduro’s speech undermining the Amnesty bill. |
| ACUERDO EN RECHAZO A LAS REITERADAS VIOLACIONES DE LOS DERECHOS HUMANOS DE LOS PRESOS POLÍTICOS, EN ESPECIAL, LA SETENCIA DICTADA CONTRA EL PRESO DE CONCIENCIA LEOPOLDO LÓPEZ (Agreement in Rejection of the Reiterated Violations of Human Rights of Political Prisoners, Especially the Sentence Against the Prisoner of Conscience Leopoldo Lopez) | opposition: MUD drafted | This is another attempt by the MUD to pass legislation to reiterate the relevance of civil and political rights, and to end the incarceration of political prisoners. |
|  |  |  |
| Plan Nacional de Derechos Humanos 2015-2019 (The National Plan for Human Rights) | Pro-Government: PSUV plan | This is the official plan of the PSUV for human rights guarantees and legislative guidelines for the years 2015-2019. |
| Nicolas Maduro Speech to the UN Human Rights Council- 2015 | Pro-Government: Nicolas Maduro | This is Nicolas Maduro’s speech to the UNHRC addressing and denying that there are human rights violations in Venezuela. |
| Mesa de la Unidad Democratica: Quienes Somos? | Opposition: MUD party playform | The party platform discusses the party’s goals and obligations to enforce the Constitution and international laws to guarantee the rights of Venezuelans. |

This variety of sources aids in the goal of exposure through engaging a variety of actors that contribute to the discourses.[[46]](#footnote-46)

Despite the array of opposition, Nicolas Maduro and the PSUV’s socialist discourse on human rights holds hegemony over the MUD and civil society’s universal, anti-governmental discourse on human rights. Maduro has power as president to enact laws that reflect the discourse that he and the PSUV tout, while silencing opposing discourses. MUD legislation gets disregarded if it opposes Maduro in any way, and censorship laws have been passed to limit the public’s ability to hear the opposing discourses. This is important to consider in analyzing the interaction between discourses.

In answering my research question, I must reflect upon my role as a researcher in order to understand how my own characteristics impact the ideas confronted in the research project.[[47]](#footnote-47) As previously mentioned, I have conducted previous research on Venezuela and human rights, gaining exposure to different meanings and practices that are useful to understand in this project. However, I must also consider that I am an outsider to the Venezuelan society. I have been raised in a Western society, giving me inclination to align with the opposition discourse. International human rights are largely based in western principles,[[48]](#footnote-48) so this impacts my own conceptions of human rights. However, I include a variety of pro-governmental sources that contribute to the pro-governmental discourse and analyze each text objectively. Furthermore, I analyze how these discourses interact with one another, not an analysis which is superior, meaning that my experience does not conflict with the question at hand. Acknowledging my relationship with my research is necessary to establish the trustworthiness to this research design.[[49]](#footnote-49)

This research design has many additional features that establish trustworthiness. It is based on bottom-up concept development, meaning that intertextual meanings are not preconceived, but revealed as the research progresses.[[50]](#footnote-50) This bottom-up approach is a key aspect of sense-making in interpretivist work, which establishes trustworthiness.[[51]](#footnote-51) Additionally, the wide array of texts used for data generation help to establish exposure, through providing me with many different actors’ input in the discourse. This variety of sources helps to identify intertextual meanings and relationships within and across discourses. Exposure and intertextuality are two primary tenets of interpretive research methodology, therefore establishing them are important to the trustworthiness of this project.[[52]](#footnote-52) This methodology was carefully refined and established as trustworthy before being used to obtain the results and analysis in the following pages.

Analysis

This research reveals that in Venezuela, there are two distinctly opposing discourses on human rights. The first, championed by the government’s opposition party, La Mesa de Unidad Democratica (MUD)[[53]](#footnote-53), is a legal understanding of human rights. It sees human rights as emanating from Constitutional guarantees and from international instruments signed and ratified by Venezuela. It takes a strict interpretation of its Constitution’s human rights articles, and understands the articles as rights because they are legally codified. President Nicolas Maduro and his party, El Partido Socialista Unificado de Venezuela (PSUV) criticize the MUD and understand human rights as a set of social guarantees independent of international influence. Maduro and the PSUV understand the Constitution’s main purpose to be in advancing a socialist agenda. To them, a broad understanding of the Constitution is taken to emphasize the triumph of Bolivarian socialist measures as the primary goal of the Republic, and as the primary tenet of human rights in Venezuela.

As these two discourses naturally oppose one another, each side is in constant criticism of the other. The MUD’s legal understanding of human rights causes it to call the government corrupt and criminal, while the PSUV’s emancipatory social understanding of human rights causes it to call the MUD proponents of Western imperialism. The international community sides with the MUD, criticizing the government as a grave violator of human rights. However, these criticisms assume human rights are conceptualized in the same manner by all. Meaningful dialogue cannot occur without a deeper understanding of the different conceptualizations of human rights. The analysis that follows explores the differing conceptions of human rights by the MUD and the PSUV.

**The MUD: A Legal Conception of Human Rights**

The Venezuelan Constitution was created in 1999 with the birth of the Bolivarian Socialist state.[[54]](#footnote-54) It is hailed as one of the most progressive constitutions in the world, through its creation in citizen-driven forums and its extensive, 117-article segment on human rights.[[55]](#footnote-55) Throughout Title III, human rights are defined in terms of civil, political, economic, social, and cultural guarantees that the state is to provide or refrain from infringing on.[[56]](#footnote-56) With such an all-encompassing delineation of human rights guarantees, processes, and detailed respect for international human rights treaties, the MUD uses the constitution as the backbone of its human rights discourse. The quotes below are taken from various MUD sources.

Table 2: MUD Quotes

|  |  |  |
| --- | --- | --- |
| Source | Quote | Quote Number |
| Amnesty Bill | “Amnesty is ultimately an end to the service of peace, as a fundamental constitutional value which must be preserved for the future generations ( as in preamble of the Constitution of the Bolivarian Republic of Venezuela) and defining the type of society advocated by the Constitution (in article 3). Peace is also a human right of the peoples that supports solutions such as amnesty before situations of political conflict.”[[57]](#footnote-57) | 1 |
| Amnesty Bill | “With a view to achieving full reconciliation based on the respect for and guarantee of human rights, the courts and other organs of the public authorities will strictly enforce judgments, measures, or other decisions issued by the international bodies responsible for protection of human rights since the entry into force of the Constitution, relating to the actions or omissions of the Venezuelan State have resulted in the violation of such rights, in accordance with the provisions of the respective treaties, pacts, or conventions ratified by the Venezuelan state and ot the other obligations of the Republic.”[[58]](#footnote-58) | 2 |
| Political Prisoner Bill | “Which promotes the highest values of the legal system and its performance, including the prevalence of human rights in domestic law, as provided by Articles 2, 19, 22, 23 and 25 of the Constitution.”[[59]](#footnote-59) | 3 |
| Political Prisoner Bill | “The present government, in the inordinate task of seeking to silence the dissenting voices of its policies, has systematically violated basic postulates contemplated in various international treaties and conventions, such as the United Nations Universal Declaration of Human Rights , And documents emanating from the Inter-American System on Human Rights, such as the American Declaration of the Rights and Duties of Man and the American Convention on Human Rights”[[60]](#footnote-60) | 4 |
| MUD Party Platform | “To defend and enforce the Constitution as a program for the effective enforcement of our duties and rights as Venezuelans: the right of everyone to life; The right of everyone to freedom; The right of everyone to the equality of truth, to have opportunities, to undertake and to own; The right of everyone to health and education, to decent and well-paid employment, to housing, social security, culture and a healthy environment. "[[61]](#footnote-61) | 5 |

The MUD frequently proposes legislation aimed at holding the government accountable for human rights violations as they are defined in the Constitution. The use of a law to guarantee human rights suggests a legal conception of human rights from the start, but references to legal justifications are present throughout their proposed human rights legislation.

For example, quote 1 is from of the preamble of the Amnesty Bill, which explicitly correlates amnesty to peace, which is a human right. It defends this as a human right because it is stated in the Constitution, and because it serves as a means of achieving the Constitution’s main vision. Quotes 2 and 5 also echo the idea of human rights as the overall vision of the Constitution. These quotes rely on more general interpretations of the Constitution’s overarching purpose, which the MUD sees as guaranteeing a state of solidarity and human rights, as per their definitions that come through the Constitution.

The MUD also uses the Constitution in a more specific manner, relying on it for concrete definitions of human rights. Quote 3 lists articles of the Constitution where specific rights are defined, along with instructions for domestic laws to support the rights given in the Constitution. By citing specific articles of the Constitution, the MUD is using a legal framework to demand enforcement of codified laws. Quote 5 is the main goal stated by the MUD’s party platform. It uses the Constitution as a reference point for enforcing enumerated rights. Additionally, the Constitution is referenced in quote 2 to demand enforcement of enumerated human rights by official judicial processes explained in the Constitution. The legal manner through which the MUD conceives human rights aligns with democratic scholars’ understandings of human rights, wherein human rights are guaranteed by the state and enforced through judicial processes.[[62]](#footnote-62)

The use of the Constitution in these varied ways allows the MUD to back its human rights claims in an evidence-based manner, criminalizing the government for breaking its own laws. Furthermore, it gives validity to the idea that wrongdoing is observable. Naturalistic conceptions of human rights run into criticisms that human rights claims are aspirational or moral in nature.[[63]](#footnote-63) Meanwhile, deliberative scholars base human rights in agreements, or laws, which then gives them explicit agreements to reference for support.[[64]](#footnote-64) The MUD falls into this category, backing human rights claims not in a sense of moral wrongdoing, but in legal dissidence by the government to its own Constitution.

In addition to the Constitution, quote 4 recognizes international laws as legal guarantors of human rights. This is in accordance with Articles 19 and 23 of the Constitution, which liken any signed and ratified international treaty as equal to the Constitution on matters of human rights.[[65]](#footnote-65) Establishing international law as equal to the Constitution gives the MUD a broad toolkit from which to comprehend human rights matters, and therefore a broad set of explicit agreements the state must uphold. Although guaranteed in the Constitution, likening international human rights laws to the same level of primacy as the domestic Constitution is where the PSUV forms its opposing discourse.

**The PSUV: An Emancipatory Socialist Discourse on Human Rights**

The PSUV was formed to advance Hugo Chavez’s socialist agenda. By clinging to Bolivarian socialism, the PSUV conceptualizes human rights differently than its MUD counterparts. Maduro acts as the spokesperson for the PSUV’s agenda, promoting and enacting socialist legislation, and appointing PSUV party affiliates to bureaucratic positions to ensure the triumph of Bolivarian socialism. The West, and specifically the United States are staunchly opposed to the Venezuelan socialist agenda. This disapproval influences the PSUV’s conceptualization of human rights as fervently socialist and unrelenting to Western influence. The quotes in the table below are pulled from Nicolas Maduro’s speeches, and the government’s official plan for human rights.

Table 3: PSUV Quotes

|  |  |  |
| --- | --- | --- |
| Source | Quote | Number |
| Nicolas Maduro Speech on the Amnesty Bill | “They (the National Assembly’s initiatives) are from law firms made up in Washington” [[66]](#footnote-66) | 1 |
| Nicolas Maduro Speech on the Amnesty Bill | “The National Assembly is taking away from the economic emergency…we are not going to abandon our progressive agenda” [[67]](#footnote-67) | 2 |
| National Plan For Human Rights 2016-2019 | “To promote a culture of respect and protection of human rights in the state and in all sectors of society, from an emancipatory, critical, and alternative vision”[[68]](#footnote-68) | 3 |
| National Plan for Human Rights | “Strengthen the capabilities of the servers and the public servants of the Venezuelan state in promotion, protection, and guarantee of human rights, within the framework of the new socialist ethic”[[69]](#footnote-69) | 4 |
| Nicolas Maduro Speech to the UN Human Rights Council 2015 | “No one can hoist a model of a political or economic system upon us… In Venezuela we are dissidents of those who seek to impose just one vision of the world”[[70]](#footnote-70) | 5 |
| Nicolas Maduro Speech to the UN Human Rights Council 2015 | “We make clear our appreciation and commitment for building a true, a new human rights system for humanity”[[71]](#footnote-71) | 6 |

Quotes 1 and 5 by Nicolas Maduro are explicitly in opposition to the “status quo” of international human rights, and even blame the United States of facilitating imposition of human rights. While this may be a harsh accusation, a major critique of the mainstream international human rights discourse is that it is western-centric and is forced upon the world in pursuit of a western cultural hegemony.[[72]](#footnote-72) The PSUV’s emancipatory socialist discourse on human rights acts as a backlash to the mainstream, western conceptualization on human rights.

Quote number 3, the goal of the National Plan for Human Rights, embodies the idea of a human rights conception that is unique to Venezuela. The plan goes on to elaborate on a series of socialist guarantees, as evidenced in Quote 4. Nicolas Maduro echoes the socialist plan for human rights in his speeches, referencing topics such as labor guarantees, wage requirements, nationalized healthcare, a nationalized housing department, educational guidelines, etc.[[73]](#footnote-73) While these issues are defined as human rights through the Venezuelan Constitution and in international documents, they are uniquely social rights. Quote number 6 is Nicolas Maduro’s remark in reference to the Constitution, stating that it shows appreciation and commitment to building a new human rights system. However, this comes after he references a long list of social rights in the Constitution, therefore revealing a uniquely socialist conception of human rights. As mentioned in the literature review section of this paper, social conceptions of human rights view social rights as the primary tenets of a decent life, thereby making it necessary to elevate and separate them from other forms of rights.[[74]](#footnote-74)

When the MUD attempts to promote all human rights codified through the Constitution, they fall victim to PSUV criticisms as evidenced in quotes 1 and 2. For Maduro and the PSUV, the socialist vision is the basis of human rights. Although many rights are explicitly stated in the Venezuelan Constitution, the primary goal of the Constitution is the achievement of the Bolivarian socialist vision. With socialism and the “progressive agenda” being the main goal of the Republic, human rights therefore emanate from the “socialist ethic.” Social theorists of human rights argue that social rights are less-respected when bundled with other rights.[[75]](#footnote-75) They further argue that social rights should take precedence because they are issues that are basic to human life and dignity, such as food, water, health, shelter, work, and education.[[76]](#footnote-76) With the socialist ethic as a foundation, human rights are state guarantees to improve the welfare of humanity, while supporting a state socialist system.

With the ideal of a socialist ethic to guarantee human rights, the discourse seeks independence from the West, where socialism is staunchly rejected. The socialist ethic seeks human rights through maximizing welfare for humanity, not through an imposition of rules.[[77]](#footnote-77) The welfare of humanity comes foremost through social guarantees.[[78]](#footnote-78) Therefore, civil and political rights are not explicitly rejected in the socialist discourse, but are a secondary goal that can only come after society has the social guarantees for the well-being of its citizens’ lives. For example, there are vast criticisms of the Venezuelan government for inflicting punishment on political dissidents. While the MUD sees this as state repression, and the West agrees, Maduro and the PSUV see this as a consequence of sabotaging the Constitution’s socialist vision for the Republic. Even though freedom of expression and freedom of opinion are guaranteed in the Constitution, the Constitution’s main goal throughout the document is achievement of a socialist ethic. Therefore, the array of civil and political rights given through the Constitution are not rights that can be realized until the socialist vision is achieved.

After analyzing these opposing discourses, it becomes clear that each party bases its conception of human rights in very different places within the Constitution, the socialist ethic, and even in the context of the international community. The MUD and the PSUV have different understandings of the fundamental question of “What are human rights?” The MUD would respond that human rights are a set of legal guarantees based in the Venezuelan Constitution and international law, whereby any violation is a criminal act. On the other hand, the PSUV would respond to that question by saying that human rights are rights given by the government to citizens to advance the Constitution’s ultimate goal of socialism, and the international community should not try to influence or interfere with Venezuela’s independent conception of human rights. While both parties are criticizing each other as a violator of human rights, neither has stopped to consider that they understand human rights in different contexts. This allows for constant cycles of criticism from each party and from various outside states and NGOs, which ultimately fuel the large-scale, violent protests that have been consumed Venezuela since Nicolas Maduro’s election.

With these two opposing discourses on human rights, conflict is bound to continue. While the international community attempts to bridge the conflict, these differing foundations of human rights must be considered. Various NGO’s criticize the Venezuelan government for violating human rights. Organizations such as Human Rights Watch, Amnesty International, and Freedom House express abhorrence at Venezuela’s violations of human rights. Meanwhile, these organizations rest their conceptions of human rights in the International Bill of Human Rights (IBHR), which was created largely by Western, naturalistic influence.[[79]](#footnote-79) While the MUD supports the legal instruments that compose the IBHR, the PSUV cannot comprehend any document as a rights-enshrining document unless it aids in the triumph of socialism. The MUD and PSUV cannot create coherent legislation to advance human rights, nor can Venezuela contribute meaningfully to international forums on human rights, because each party holds drastically different conceptions of human rights. Attempts at producing meaningful dialogue fail, because the actors do not understand human rights in the same way, nor do they understand each other’s conception of human rights. Further research is needed to understand more about these opposing discourses, which will in turn help in understanding how to facilitate meaningful dialogue.

These results could be understood to be excusing Venezuela for violating human rights. Natural scholars argue that human rights arise from the nature of being human, therefore the PSUV’s emancipatory social discourse would be in blatant opposition to human rights. In this case, the PSUV’s discourse would be a farce to cover its human rights violations. Furthermore, one could interpret the PSUV’s discourse to be an authoritarian discourse, criticizing the MUD and the international community to secure its own power. While both are valid interpretations, the analysis presented rests upon carefully-analyzed documents that reveal strong evidence to the argument put forth in this paper. As an individual raised in a Western society, my own understandings of human rights align with a Western naturalistic view. Nonetheless, each actor was given equal weight and an objective analysis in this project. Therefore, this research should be expanded to include more texts, analyzed at a deeper level. This can help to gain deeper understandings of the conflicting understandings of human rights, and thereby search for common ground between each party from which to bridge the conflict. Without finding some common ground from which the parties can forge productive dialogue, verbal assaults within the parties and physical assaults to protestors are bound to continue.

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