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## **Deliberative Democratization: A Framework for Systemic Analysis**

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*In the transition literature, 'free and fair elections' is often treated as the most important indicator of democratic quality. In this article, however, we argue that 'free deliberation among equals' is in many respects a more telling measure. On the face of it, this argument might strike one as implausible. After all, the decisive moment in many transitions is the signing of a pact between elements in the government and opposition who are more concerned to protect their own interests than to explain themselves to others. Yet while pacts may not be particularly deliberative, they still occasion a great deal of deliberation across society as a whole. We argue that the different sites where deliberation occurs can be understood as forming a deliberative system. To give substance to this idea, we then outline a systemic framework that may be used to describe and evaluate the deliberative capacity of transitional regimes. Finally, we turn to the cases of Venezuela and Poland to illustrate the empirical application of this approach. Both transitions were founded on a pact. Yet differences in the nature of those pacts and the broader deliberative systems in which they were located tell us a lot about where those countries are today.*

The comparative study of democratic transitions is one of the most vibrant areas of academic study in politics. The reasons why are obvious enough. The huge social and political upheavals that lead to the collapse of authoritarian regimes need to be explained. We need to know more about the conditions under which transitions to democracy are likely to occur and about the conditions under which democratic deepening is likely to take hold. These questions are not merely academic but have crucial policy implications. The international community spends billions of dollars every year on democracy promotion across the globe. Yet while lives are put at risk in both wars and popular demonstrations waged in the name of democracy, the fact remains that many transition countries fail to make the democratic grade. Despite the best efforts of the democracy promotion community to devise more effective policies, many countries seem to be stuck in what Thomas Carothers terms a 'grey zone'. They display some of the attributes of democratic political life, including opposition parties, civil associations and periodic elections, but they are also marked by persistent abuses of the rule of law, widespread corruption, low levels of public participation between elections, poor

institutional performance by the state, and low levels of trust in government (Carothers 2002, 9-10; see also Rose and Chin 2001).

Granted, assessing a transition's democratic quality is notoriously difficult. In no small part, what makes it so difficult is the fact that 'transition' and 'democracy' can be defined in different ways. Consequently, scholars can have very different, and sometimes competing, ideas about which factors are important in assessing how far a country has or has not come (Diamond et al. 2014, 87-98). In this paper, we take the notion of a transition to entail not just the move from one form of government to another, but also the broader social processes and trajectories that such a move entails—in colloquial terms, we think that transitions need to be understood from both a 'top down' and a 'bottom up' perspective. We also think that transitions need to be understood in dynamic terms. Some transitions seem to begin relatively abruptly (the Arab spring countries), whereas others arguably take many years to gather pace (Poland). Some transitions countries seem to be heading in one direction, but then change tack or slide back in the direction from whence they came (Russia). Others still can be safely described as 'consolidated' (Spain).

More contentiously, we define 'democracy' in deliberative terms. In particular, we assess the 'democratic quality' of a country in transition in terms of its 'deliberative capacity', that is, its ability to host structures for reasoned, inclusive and consequential discussion (Dryzek 2009; see also Coppedge and Gerring 2011; Curato 2013). This is in marked contrast to the comparative literature's usual emphasis on elections. For example, Jørgen Elklit and Andrew Reynolds (2002) argue that competitive elections lie 'at the heart' of democratic transitions and in particular treat the administration of elections as essential to democratic quality. In fact, some comparative scholars seem to be of the view that successful elections are *all* that is required. In this vein, Adam Przeworski and his colleagues define democracy as 'a regime in which governmental offices are filled as a consequence of contested elections. Only if the opposition is allowed to compete, win and assume office is a regime democratic' (Przeworski et al. 1996, 50; cf. Diamond 1999, 8-10). It is no part of our aim to deny the importance of elections or the importance of the civil and political liberties on which they ultimately depend. Yet, as we argue, there are compelling reasons why deliberation warrants serious attention. Indeed, there are certain respects in which deliberation needs to be treated as fundamental in assessing democratic quality.

We develop our argument in three parts. In the first section of this paper, we theorise the signal importance of deliberation as a standard for assessing the democratic quality of a

country in transition. Our main argument hinges on treating ‘free and fair deliberation among equals’ as the basis of legitimacy for emerging democratic arrangements. ‘Free and fair elections’ are obviously important too. But ultimately our assessment of what it is that makes an election fair is not something that can be determined in the absence of deliberation.

In the second section, we draw on the emerging ‘deliberative systems’ literature (Habermas 1996, 204-308; Dryzek 2010, 2011; Mansbridge et al. 2012) to outline a novel framework for *describing* or characterising the spaces where deliberation occurs and how these spaces relate to each other, and for *evaluating* the extent to which inclusive and reasoned deliberation underpins the democratic trajectory of the transition process. We consider this framework to be an important contribution to the literature on democracy quality because it indicates how the idea of a deliberative system might be operationalised for actual evaluative purposes.

In the final section, we use this framework to compare the democratic quality of two transition countries, Poland and Venezuela. We selected these two cases because, in each, the signing of a pact between elements in the government and in the opposition, guaranteeing their mutual security and offering tangible rewards for cooperation in the process, was a decisive moment in the transition from authoritarianism to democracy (O’Donnell and Philippe Schmitter 1986, 38). However, what our framework allows us to see is how differences between pacts can have a crucial bearing on the deliberative capacity, and hence democratic quality, of a transition country, not just in the short run but over the course of time.

### **Why take a deliberative approach?**

On the face of it, one might be forgiven for thinking that transitions are all about power—the capacity to remove one government or constitutional order and establish another in its place without regard to the wishes of its officers or supporters (see Goodin 1996, 15-16). Yet transitions are never just about power; they are also about the right to rule (Zartman 2008). Perhaps rather curiously, this is true not just of transitions to democracy, but also of transitions to authoritarian rule (Beetham 1991, 221). For example, the leaders of a military coup will often move quickly to hold a referendum to give themselves popular endorsement or set up a civil regime to act in their place. Usually, the referendum is fixed and the civil regime is a mere puppet government. Yet the leaders realise that mere power—power that grows out of the barrel of a gun—is not enough. They also need legitimacy.

Like all political concepts, legitimacy can be understood in different and competing ways. Yet as far as democratic theory is concerned, there has been a marked shift towards conceptions of legitimacy that centre on deliberation. Deliberation is a form of discussion in which the participants carefully weigh the reasons for or against a proposed measure with a view to arriving at a considered judgement or decision. So defined, deliberation presupposes a willingness on the part of the participants to listen with an open mind rather than sticking doggedly to their own prior views and positions. Insofar as this presumption holds, the decisions that they reach will be based not on the force of numbers but on ‘the force of the better argument’ (Habermas 1984, 25).

Admittedly, if this were all that a deliberative conception of democratic legitimacy involved, it would hardly offer a very demanding test of democratic quality. After all, the members of the Central Committee of the Chinese Communist Party might regularly deliberate among themselves. Yet while their decisions may be carefully reasoned, ‘authoritarian deliberation’ bears little relation to democracy (cf. He and Warren 2011). The relevant desideratum is nicely encapsulated in Joshua Cohen’s claim that, in a deliberative democracy, ‘free deliberation among equals is the basis of legitimacy’ (Cohen 1989, 21). What marks deliberative democracy out as special is its emphasis on the idea that everyone is entitled to an equal say—deliberation is not the preserve of a chosen few but is, in principle, open to everyone. As such, it will not do for the stronger members of society simply to discount the views of the weaker members or to ignore them altogether, since to do so would be to deny their standing as political equals. But since we often cannot tell what the views of the weaker members are without directly hearing from them, the deliberative conception of legitimacy turns not just on the exchange of reasons but also on the importance of inclusion (Young 2000).

The idea that everyone is entitled to an equal say further presupposes that our claims will have at least some bearing on the decision that results. In other words, it presupposes that our contributions to the deliberations will be consequential. Of course, some claims may turn out to be misguided or misplaced. But understanding why they are misplaced can itself add to the legitimacy of a decision (Mill 1991 [1861], 282). It can help people to see more clearly why the decision went one way rather than another, and hence increase their confidence in the epistemic merits of the decision (Cohen 1986; Estlund 2007; Luskin et al. 2014).

This deliberative conception of legitimacy is quite unlike the conception that we find in much of the comparative literature on democratic transitions. Instead of ‘free deliberation

among equals', what we instead get is 'free and fair elections'. It is, however, hard to see how one could assess the fairness of an election in the absence of deliberation. Fairness is never merely about being fair to oneself (though it is about that, too). It is also about seeing things as others see them, understanding their reasons and weighing them in the balance equally with one's own. In saying this we do not mean to imply that, for example, administrative integrity (Elklit and Reynolds 2002), party competition (Lipset 2000) and voter turnout (IIDEA 2002) are not important indicators of electoral fairness. Yet ultimately the validity of a measure can only be assessed by reference to the value that it is meant to capture (Foweraker and Krznaric 2000, 768). Low voter turnout may indicate unfairness. But equally it may indicate nothing of the sort—it all depends on what we mean by 'fair' and why we think that that particular meaning is the best one to employ.

Admittedly, there are those who argue that deliberative democracy is overly idealistic; in reality, critics claim, democratic politics is quintessentially about the pursuit of private interests (e.g., Shapiro 1999; Weale 2013, 39-40). Indeed, some critics go so far as to suggest that deliberative democracy is simply pointless. On this latter view, ordinary people are neither sufficiently informed nor sufficiently reflective to rule themselves; they are simply far too confused, inconsistent and ignorant to be worth consulting (Schumpeter 1942; Posner 2003; but see Fishkin and Luskin 2005, 289).

On the face of it, one might be tempted to say that if these criticisms hold for mature democracies, they must hold all the more so for transition societies. Often, the decisive moment in such a transition is the point at which moderates in the government and opposition realise that they are caught in a 'mutually hurting stalemate' (Zartman 2001) and decide to make a pact (assuming that they are strong enough to do so). In themselves, pacts do not look particularly promising from a deliberative perspective. As Guillermo O'Donnell and Philippe Schmitter define it, a pact is 'an explicit, but not always publicly explicated or justified, agreement among a select set of actors which seek to define (or better, to redefine) rules governing the exercise of power on the basis of mutual guarantees for the vital interests of those entering into it' (O'Donnell and Philippe Schmitter 1986, 38). So defined, pacts are neither reasoned nor inclusive nor consequential, at least not as those terms are understood within a deliberative framework. For each of the select set of actors involved, the aim is not to carefully weigh competing arguments, but to get the best possible deal for itself. Far from listening to one another with an open mind, each sees its own interests as the bottom line. The fact that each actor accepts that they are caught in a mutually hurting stalemate is usually

enough to ensure that the deal on power that results will be mutually advantageous. But ultimately the interests of others in society are of no account.

The objection here is not as forceful as it seems. No two pacts are the same, and there is reason to think that some pacts are more deliberative than others. Jon Elster (1998), for example, suggests that pacts which have been negotiated in public will come closer to the deliberative ideal (or to the deliberative end of the ‘arguing-bargaining continuum’) than those that have been negotiated in secret. The operative assumption here is that there are powerful social norms against naked appeals to private interests. Hence, when pacts are publicly negotiated, actors will feel obliged to couch their proposals in public interest terms and will be concerned to be seen to reflect seriously on what others have to say. On the face of it, one might think that such deliberative moves are mere strategic ploys: actors dress their private interests up in public interest terms, because they see that as the best way to increase their own payoff. Yet as Elster points out, actors have to avoid being too obvious—if their claims about the public interest map perfectly onto their own private interests, they may end up losing rather than gaining support for their proposals (Elster 1998, 102). As a result, their proposals will be modified as well as disguised, which is to say that the deliberative setting will shape the content of the pact independently of the intentions of the select set of actors involved in its negotiation (Elster 1998, 104).

The general point, then, is that broader social norms will have a bearing on how much deliberation actually occurs during the negotiation of a pact. Put another way, a pact will not be negotiated in isolation from the broader social world, since even the most strategically rational actors will bring social baggage with them (Schiemann 2000). At the same time, the signing of a pact may itself have an effect on the broader social world: in principle, one would expect a pact to occasion a tremendous amount of discussion and debate across society at large—not just between the select set of actors or their supporters, but across civil society generally, in neighbouring countries, and within the institutions of the international community. In practice, however, the fact remains much will depend on the nature of the pact in question.

Thus, in order to get a handle on a transition society’s overall deliberative capacity, what needs to be assessed is not just the deliberative character of the pact on which it rests, but the degree to which the pact encourages or stymies deliberation at other points or locations in the broader ‘deliberative system’ (Habermas 1996, 204-308; Dryzek 2010, 2011; Mansbridge et al. 2012). In what follows, we explain in more detail what we mean by the idea of a deliberative system. We then outline a framework that operationalises that idea for

the purposes of empirical research (cf. Elstub 2014; Cinalli and O’Flynn 2014) and in particular for measuring a transition society’s actual deliberative capacity.

### **Assessing democratic quality deliberatively**

Currently, studies that examine the role of deliberation in instigating major political change mostly focus on the role of ‘argumentation’ in formal political negotiations. Thomas Risse’s work, for example, has examined negotiations on the European Union’s single legal personality (Risse and Kleine 2010) and negotiations leading to the end of the Cold War in Europe (Risse 2000). While both studies take into account the broader political context that serves as a backdrop to the negotiations, the analysis is mostly focused on deliberative politics within a formal institutional setting. A deliberative systems approach is also concerned with deliberation in formal institutional settings. However, it broadens the analysis to include a consideration of the many other spaces where deliberation occurs and the mechanisms that have enhanced or obstructed its development.

Before discussing the precise ways in which a deliberative systems approach can be used to assess a transition’s democratic quality, the following point should be stressed. Conceptually, the notion of a ‘system’ tends to evoke an image of a coherent structure composed of interrelated parts performing particular functions to attain the system’s goals. The democratic system, for example, is often conceived as comprising the formal-legal institutions that constitute the democratic state, with each of these institutions performing specific tasks to maintain popular rule. By contrast, a deliberative systems approach is not exclusively tied to the institutional configurations of the democratic state. As John Dryzek puts it, ‘we can imagine deliberative systems without, say, a legislature, or internally deliberative parties, or designed forums, or elections’ (Dryzek 2009, 15). Accordingly, the aim is to map all of the different sites or locations where deliberation occurs as well as the mechanisms that facilitate their interaction. The basic question to be answered is to what degree these sites and mechanisms contribute to a transition’s deliberative capacity—or to its overall ability to host inclusive, reasoned and consequential deliberation.

Dryzek has already suggested that a deliberative systems approach is suitable for analysing democratic transitions (Dryzek 2009). In what follows, we give shape and substance to this suggestion by outlining a framework for *describing* both the spaces where deliberation occurs and how those spaces relate to each other, as well as for *evaluating* the



extent to which inclusive and reasoned deliberation determines the outcomes of the transition process.

### *Descriptive task*

As just indicated, the descriptive task is composed of two sub-tasks. The first sub-task is to map the spaces where deliberation actually occurs. These spaces can be categorised as *public space* or *empowered space*. The former refers to deliberative forums where ordinary people meet to discuss the issues that concern them and where public opinion is generated; the latter refers to deliberative forums where authoritative decisions are made. In stable democracies, civil society organisations are the usual interlocutors in the public space, while, for example, elected politicians and the judiciary are the usual interlocutors in the empowered space. In transitional democracies, the empowered space will often be occupied by members of the government and the opposition who seek to agree a pact, whereas the public space will be occupied not just by their respective supporters, but also by those who think of themselves as belonging to neither camp and who may have radically different views on democracy and democratization.

The second sub-task is to identify the connectors of the deliberative system. Ideally, the public and empowered spaces are meaningfully linked to each other through mechanisms of *transmission* and *accountability*. Transmission refers to a system's capacity to communicate views generated in the public space to the empowered space—this may be via campaigns, lobbying, protests, petitions or the direct persuasion of decision-makers through face-to-face discussions. By contrast, accountability mechanisms enable or require actors in the empowered space to justify their decisions to actors in the public space. In transitions, formal accountability mechanisms such as parliamentary oversight committees or the judiciary may be weak or non-existent. However, this absence need not necessarily curtail a transition's deliberative capacity if informal accountability mechanisms such as the press and social media are both free and strong enough to hold actors in the empowered space to account.

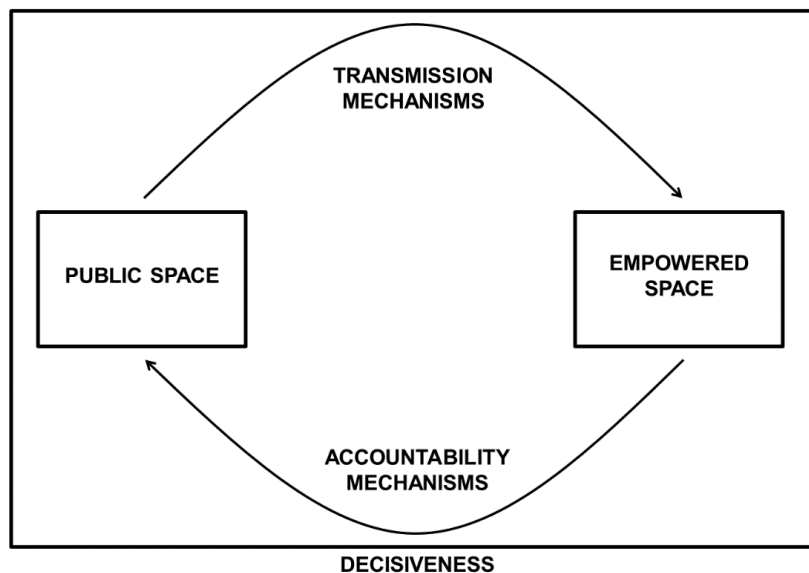
### *Evaluative task*

The evaluative task assesses descriptive characterisations in relation to the standards of democratic deliberation—reason-giving, inclusion and consequentiality, as we defined

them above. The theoretical literature on deliberative democracy recognises that each part of the system cannot plausibly be expected to uphold all three standards at the same time (Goodin 2005). But once again the basic idea is ‘to look at the deliberative system in its entirety, rather than assess component parts in isolation’ (Dryzek 2010, 13-14). Hence, the challenge is to examine how weak deliberative capacity in one part of the political system may be compensated for by strong deliberative capacity in another and vice versa.

For example, the public space can be the space for inclusive deliberation—in principle, the public space is open to everyone. However, its dispersed and mediated nature precludes a substantive exchange of reasons among interlocutors (cf. Bohman 1996, 34). By contrast, the empowered space might compensate for this weakness if the relevant actors are both representative and prepared to weigh competing arguments in the balance. Public and empowered spaces can therefore be assessed in terms of *inclusion* and *reason-giving*, while the system’s transmission and accountability mechanisms can be evaluated in terms of the extent to which deliberative contributions are *consequential* with respect to determining collective outcomes. Figure 1 below summarises this evaluative framework in schematic form.

Figure 1: The deliberative system in action



## Case studies

We now illustrate how this evaluative framework can be used to assess a transition's democratic quality. We compare two countries, Venezuela and Poland, whose post-authoritarian political trajectories has been strongly influenced by the character of the pacts on which they rests. We conclude by underscoring the added value of a deliberative systems approach.

### *Venezuela's Pact of Punto Fijo*

Scholars of contemporary Venezuelan history often identify the Pact of Punto Fijo as the critical historical juncture that has shaped the country's democratic trajectory after the fall of the Marcos Pérez Jiménez military regime in 1958. The main aim of the pact was to resolve the instability brought about by military coups—like many other Latin American countries, Venezuela had a history of 'strongmen' seizing power. After the Pérez regime was forcibly removed from office, two major political parties, Accion Democratica (AD) and Comité de Organización Política Electoral Independiente (COPEI), sought to find ways to manage inter-elite competition without resorting to force. The main outcomes of the pact were respect for the outcome of elections, the rejection of military intervention in times of crisis, 'reconciliation of old antagonisms' and the postponing of decisions on contentious issues (such as wealth redistribution) that might compromise democratic stability (Levine 1989). But what might one say about the democratic quality of the pact when viewed a deliberative systems perspective?

The empowered space was the primary locus of deliberations aimed at reaching an agreement on Venezuela's post-authoritarian political arrangements. Aside from COPEI and AD, participants included representatives from the business sector, the 'ecclesiastical elites' and segments of the military that opposed the Pérez regime (Myers 2004). Both supporters and critics of Punto Fijismo describe the pact as an 'inter-elite consensus'. Agreements were forged behind closed doors without input from popular movements in the public space. The pact intentionally excluded parties, such as AD's left-wing factions and the Venezuelan Communist Party, whose views might have made military officers and businessmen 'uncomfortable' during the process of consensus building. In other words, pact-making occurred in an enclave of party and non-party elites who shared common interests in building a 'stable democracy' through regular inter-elite electoral competition. Hence, deliberations in the empowered space were largely exclusionary.

The precise quality of reason-giving in this pact is difficult to assess but one might plausibly argue that pact-making created a space for deliberation between previously antagonistic parties and instituted means of working out political differences. Because the participants were familiar with each other's interests, they were able to generate 'meta-consensus' (Niemeyer and Dryzek 2007) on the legitimacy of different views, albeit without reaching final agreement on all contentious issues. This necessarily required the sort of reflective distance that deliberation entails. As Daniel Levine puts it:

The parties did not agree on all substantive policy issues. Indeed, one might well characterise the situation as an agreement to disagree—setting difficult and potentially explosive issues aside to concentrate on incremental reform and technical solutions (Levine 1989, 51).

Reaching agreements through deliberation between party and non-party elites is no small feat. For four decades, the pact has proven to be durable as it has successfully withstood the threats of armed guerrillas, disgruntled military officers, urban rioters and the wave of authoritarianism in Latin America (Myers 2004, 11). Power has been peacefully transferred from one elected regime to another, leading observers of third wave democracies to coin the phrase 'Venezuelan exceptionalism' (Neuhouser 1992). The source of elite legitimacy was based on norms of civility and mutual guarantees that the interests of all parties to the pact would be considered when crafting political decisions. Power sharing in cabinet positions also facilitated deliberation among opposing parties as they engaged in co-governance (Myers 2004, 20; see O'Flynn 2010, 586).

However, while elite pact-making was able to create spaces for inter-elite deliberation, it also institutionalised the disconnection of consequential deliberations from the public space. While Punto Fijismo accommodated industrial unions, professional organisations and peasant leagues in their power-sharing agreements (Myers 2004, 20), political engagement and transmission of views from the public space was limited to the terms of party politics. Contestations from movements outside of this formal arrangement were marginalised by invoking the virtue of 'democratic stability.'

An example of this latter practice was the drafting of the 1961 Constitution. Instead of convening a constituent assembly of popularly elected representatives, a special commission composed of handpicked delegates was convened to bar the access of 'disruptive personalities' to the process. As a consequence, the special commission 'and its deliberations

did not attain the resonance and popular attention which characterised the previous process' because 'it was far less participatory than the one that led to the enactment of the 1947 Constitution' (Kornblith 1991, 74). Unlike in 1947, the constitutional process was not broadcast live on radio or television, precluding the public from reacting and shaping the terms of constitutional deliberations.

Crisp observes that the practice of isolating policy making from popular participation and using party politics as a vehicle for elite interests has been the defining characteristic of Venezuela's Punto Fijo democracy (Crisp 1994, 1505). As a consequence, public-opinion polls in Venezuela rank political parties as the least credible institution, particularly as they fail to engage with social movements, church-based groups, neighbourhood associations and indigenous movements that contest the terms of Punto Fijismo, particularly its failure to redistribute oil wealth. One consequence of the pact of Punto Fijo, therefore, is that accountability mechanisms, which in theory should render the empowered space answerable to the public space, have remained weak. As Jennifer McCoy notes, the party system and legislature answer to party elites rather than citizen constituents, which suggests that Punto Fijismo has been deficient in deepening deliberative capacity and, consequently, democratic quality (McCoy 2004, 285).

Overall Venezuela's post-authoritarian deliberative system is characterised by an empowered space that was able to forge commitments between previously antagonistic parties to institutionalise deliberation and maintain 'democratic stability.' The casualties of this agreement, however, are political actors that contest the terms of Punto Fijismo and the delimitation of transmission and accountability mechanisms to elections and co-governance mechanisms within the scope of party politics. Because Venezuela's deliberative system is unable to play host to the circulation of contesting views in the public space, it is left vulnerable to 'political outbursts' as expressions of popular discontent. In 1989, for example, Caracas witnessed a week of bloody rioting sparked by a sharp increase in transport fares. At the time of writing, it is witnessing more of the same (see, e.g., Neuman 2014).

Granted, the emergence of Hugo Chavez changed the terms of exclusionary politics by challenging the concentration of power to party elites. However, we suggest that the patterns of a system with weak deliberative capacity remain. Actors in the public space are still precluded from transmitting their concerns to the empowered space if they diverge from the 'Bolivarian consensus' concerning, for example, the redistribution of oil wealth through state-sponsored social programs. Like Punto Fijismo, Chavez institutionalised enclave deliberation—while there have been numerous accounts of deliberations within his party, the

United Socialist Party of Venezuela, as well as within community councils, these deliberations remain closed to those with different views. Lacking mechanisms of transmission and accountability, and hence deliberative capacity more generally, it is our contention that Venezuela's democracy will remain vulnerable to 'political outbursts' in the future. In particular, we contend that the attempted military coup of 2002 and the massive wave of protests in 2014 are manifestations of a democracy that lacks the capacity for inter-class, inter-ethnic and inter-party deliberation. Without mechanisms for competing groups to generate meta-consensus on the legitimacy of each other's claims, opposing political actors will continue to treat each other as enemies to be eradicated instead of interlocutors worthy of engagement.

### *Poland's roundtable negotiations*

Like Venezuela's, Poland's democratic transition was built on a negotiated pact. By 1988, the Communist regime and the dissident labour movement Solidarity had reached an impasse. On the one side, the regime's economic reforms were not taking off, resulting in alarming rates of inflation and deteriorating economic conditions. On the other, Solidarity, together with student movements, launched a wave of strikes demanding wage increases and the restoration of civil and political rights but could not mobilise sufficient public support to break the political deadlock (Glenn 2003, 106). As the economy further deteriorated, both sides agreed to convene roundtable talks to avert further crises. These talks resulted in key agreements which set in motion a series of gradual, yet non-violent, democratic transformations. These included holding partially free elections (seats for the opposition were capped to 35% in the *Sejm*, or lower house of the bicameral national assembly, while seats in the Senate, or upper house, had no cap), giving airtime to opposition groups on radio and television, and restoring the right to organise by movements banned under martial law. These concessions could be viewed as modest victories for oppositional civil society but, we suggest, can also be viewed as products of deliberation, albeit with imperfections.

Prior to the roundtable talks, the relationship between the public space and the empowered space was antagonistic rather than deliberative. The public space's main transmission mechanisms were strikes and protests that paralysed Poland's economic productivity. The empowered space responded through force by jailing dissidents and maintaining tight control over the media (Osiatynski 1996, 23). The roundtable talks changed the character of contestation. While strategic bargaining may have been very much

to the fore, there was also deliberation—in part at least, the transmission of views between both sides was structured in such a way as to resolve shared problems by generating mutually acceptable (as opposed to mutually advantageous) agreements. In this spirit, Elzbieta Matynia (2009) uses the metaphor of the *'kapia'*—the square on a bridge where people who otherwise would not meet could talk and get to know each other—to describe this deliberative aspect of the talks.

Unlike the Venezuelan case in which deliberations aimed at reaching an agreement on post-authoritarian political arrangements were limited to economic and party elites, the roundtable talks created a shared space between oppositional civil society and the ruling regime. There were 58 delegates: 29 from the ruling party and 26 from the opposition, and three observers from the Catholic Church. Initially, Solidarity attempted to frame the roundtable talks as a bilateral discussion between itself and the ruling party, but they were later convinced to broaden the scope of representation to include another labour union, the All-Poland Alliance of Trade Unions (OPZZ), as well as professional and artists' associations (Osiatynski 1996, 33). To this extent, the democracy that emerged from the Namiestnikowski Palace was a product of a more inclusive process than the one that emerged from Punto Fijo.

To keep roundtable discussions focused, the talks were organised into subgroups on political reform, union pluralism and economic and social issues. Official representatives had access to issue-area experts with 'less immediately identifiable associations' (Osiatynski 1996, 31). The talks were described as having a 'rather striking absence of animosity' (Korbonski 1999, 152; Matynia 2009). There were moments of reasoning in other-regarding terms, such as when representatives of Solidarity occasionally asked their counterparts, 'Would the Soviets accept far-reaching change?', especially when their own demands appeared 'too radical' and risked compromising the talks' stability (Osiatynski 1996, 25). Some may view this as Solidarity's giving in to the regime's decision-making framework, but one could also view it as an expression of a willingness to take the position of one's interlocutor into account for the sake of sustaining the deliberations. As the private secretary of the Minister of Internal Affairs, Czesław Kiszczak, puts it, 'The authorities eventually saw that the people facing them were not enemies or foreign agents but normal people who were thinking in terms of the national interest' (in European Network Remembrance and Solidarity 2014). Thus, while the talks were influenced by self-interested calculations, it is equally important to acknowledge that these roundtables had 'deliberative drifts' (McLaverty and

Halpin 2008) or moments of reason-giving with the aim of persuading the other to generate workable agreements.

Built into these roundtable discussions were mechanisms to link deliberation between the regime and the opposition to the public space. Unlike the Pact of Punto Fijo, which was forged behind closed doors and without public participation, the Polish roundtables were broadcast live on radio and television. Aside from gaining a platform to present their views to the public for the first time, this opening also communicated what Elster describes as a ‘symbolic statement’:

the time of secret decisions and deals was over ... having the talks take place in public favoured ‘the civilizing force of hypocrisy’: the role of threat and force became secondary to that of argument and reason (Elster 1996, 10).

Accountability mechanisms were also in place. Solidarity organised weekly public meetings in a movie theatre in Warsaw to provide feedback and justify their positions to actors in the public space. Osiatynski suggests that Solidarity had the capacity to institute this practice because of its ‘tradition of openness’ since the 1980s, when it demanded that the Gdansk shipyard strike negotiations be broadcast live to all striking workers (Osiatynski 1996, 49). These accountability mechanisms are particularly important because Solidarity did not have Polish society’s unconditional support. Public opinion polls from 1988 indicate that the number of those who considered the strikers’ demands to be ‘not just’ was twice as high as the number who consider them to be ‘just’ (Glenn 2003, 107). Moreover, the sheer scale of Solidarity as a movement, with over ten million members, made it ‘extraordinarily heterogeneous’, composed of peasants, workers, intellectuals, liberals and conservatives harbouring a range of views (Grotsky 2012, 40). Such accountability mechanisms within the public space allowed the movement to bridge various divisions and consider a range of views which could be put forward forward in negotiations while at the same time foregrounding the movement’s consensus—its ethical voice—about the importance of making the regime accountable to the Polish people and achieving their goals through non-violent means (Grotsky 2012, 41). Put another way, the ‘parallel polity’ Solidarity built in the 1980s was maintained during the negotiations, this time transforming its language of contestatory demand-making into that of finding a deliberative common ground.

A decade after the Polish roundtable, scholars and commentators have declared Poland to be a ‘stable democracy’ (e.g., Kramer 2002). Unlike Venezuela, Poland has not



experienced ‘political outbursts’ that put into question the legitimacy of agreements formed in the roundtable negotiations. The conduct of the talks set the tone for politics after the Solidarity-led government was formed (Osiatynski 1996, 32). Prolonged engagements among members of Solidarity, the opposition and the communist regime allowed feelings of ‘fear, anger and hatred’ to subside and helped develop shared understandings necessary to govern as Poland transitioned to a democratic regime (Osiatynski 1996, 31).

The immediate challenge of the Solidarity-led empowered space, however, was to respond to the demands of those who remained in the public space, especially as the public space reverted to strikes and protest as transmission mechanisms. ‘Institutionalised contentiousness’ was the term Grzegorz Ekriert and Jan Kubik (1999) used to describe this relationship. Initially, this form of contention demonstrated the capacity of the public space to mobilise and hold their representatives accountable. However, the empowered space’s capacity to make decisions that were responsive to what was going on in the public space was severely limited by the demands of a market economy. As Poland received ‘economic shock therapy’ from international financial institutions, ‘the possibility of careful deliberation on Poland’s economic strategies among a wide range of economists was trumped by [Jeffrey] Sach’s [the architect of Poland’s transition to capitalism] insistence on the need to act quickly and decisively’ (Zeniewski 2011, 985). Over time, this resulted in a decline in Solidarity’s membership and a weakening of the public space’s deliberative capacity. Today, one of the major ‘democratic deficits’ in Poland relates to low voter turnout, poor government trust rating and low membership in volunteer and civil society organisations (Markowski 2012). Ironically, whereas exclusionary pact-making in Venezuela invigorated a contentious public space, the deliberative capacity of Poland’s once influential public space has been tempered by market-driven imperatives and corresponding mistrust of the empowered space.

## **Conclusion**

In this article, we have sought to demonstrate the importance of deliberative theory to democratic transitions. Central to deliberative theory is a notion of democratic legitimacy in which free deliberation among equals is what matters most. Of course, the idea that deliberative theory might have something important to say about democratic transitions may come as a surprise to some. After all, deliberative democracy can seem utopian at the best of times. However, as we have argued, scepticism of this sort can be allayed by thinking about

deliberation, and the conception of democratic legitimacy with which it is bound up, in systemic terms. The ‘systemic turn’ in deliberative theory is relatively recent and many questions have yet to be answered. However, we have sought to demonstrate its interpretive potential by outlining a framework for analysing and comparing democratic transitions and for assessing their democratic quality in deliberative terms.

Admittedly, the framework is suggestive rather than definitive. For example, while in theory the idea of a transmission mechanism is clear enough, empirically it is an open question as to how exactly we might measure the extent to which deliberation in one arena influences deliberation in another. By the same token, we currently have little sense of just how far public and empowered space overlap or whether it is really possible to draw strong lines between the two. Yet even as it stands, we think that the framework we have outlined is powerful enough to influence thinking about policy. In particular, we have shown how our framework might enable policy makers and others in the democracy promotion community not just to assess the democratic quality of a transition country in terms of its deliberative capacity, but to get a handle on their very different democratic trajectories—as our comparison of Venezuela and Poland sought to show. In saying this, we do not mean to discount the importance of more traditional indicators. It may be that a more developed framework would be able to show where those more traditional indicators connect up with a deliberative systems approach. Ultimately, however, we have argued that deliberation should be fundamental to our thinking about democratic deepening in transition societies. After all, the fairness of an election must itself be premised upon deliberation.

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