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Making the Vote Count: Limiting Reserve Domains in Pacted Transitions

Introduction

Of the many cases of democratic transition, several share the unique quality of being formed through pacts. While much of the literature on pacted transitions describes their dynamics, an important question remains unanswered: why are some pacts more successful than others? In this essay I will argue that the most decisive factor for the success of pacted transitions has been the *timeliness of a popular vote*. This essential factor shifts the power dynamic of the transition game in favor of the democratic opposition earlier, lessening the likelihood that non-democratic reserve domains will be established, hence threatening the future of democracy. Pacts are most successful when they limit the strength of reserve domains left in place by the non-democratic regime. While variables such as economic performance, international factors, and civil society clearly affect a pacted transition's outcome, none have the decisive salience of timeliness of a popular vote.

Operationalizing Success in Pacted Transitions

While they vary greatly from case to case, all pacts share some important commonalities. Pacts are not always necessary for a country to make a transition to democracy, but they are favorable when possible (O'Donnell and Schmitter 37-39). Pacts involve a gradual process of compromise and reform, in which moderate actors of the non-democratic regime and the opposition negotiate new rules of the political game. In a

typical “4-player game,” hard-liners may exert pressure and help shape negotiations, but it will ultimately be the moderates that broker final agreements.

While all pacts have some similar dynamics, some pacts are more successful than others. While it is obvious that a successful pact must engender a transition to democracy, it is important to gauge the *quality* of the new democracy in order to measure the success of the pact. The quality of democracy is directly related to the *transfer price* that the non-democratic regime extracts from the pact, manifested in the form of *reserve domains* (Linz and Stepan 67) that persist after the transition to democracy has been made. By giving non-democratic powers to former regime elements, reserve domains threaten to undermine and even destroy democracy. While a transfer price is often necessary to create a pact, the success of a pact is directly correlated to its ability to limit reserve domains. Therefore, in order to answer the question of what makes a successful pact, one must locate the factors that limit the strength of reserve domains.

Reserve Domains Across Six Cases

As shown in Table 1, there is significant variation across cases in terms of reserve domains. Where reserve domains are *weak*, the pacted transition was successful: non-democratic forces (such as the military or disloyal remnants of the non-democratic regime) have little capacity to disrupt democracy. Pacted transitions were less successful, however, in cases where reserve domains remain *strong*. While “weak” and “strong” are useful adjectives for purposes of categorization, it is necessary to look at qualitative aspects of reserve domains in order to better understand why they happen.

In Chile, Brazil, and Poland, reserve domains remain strong, indicating less

successful transitions. In Chile, former authoritarian regime elements and the military retain non-democratic powers. The military still garnishes 10% of the national copper industry's revenue, and has yet to be completely brought under control by the civilian government (Linz and Stepan 207-209, 218). While the abolishment of senators-for-life is a step in the right direction, Chile has yet to fully remove hazardous reserve domains. Brazil, like Chile, paid a heavy transfer price to its authoritarian military regime in its transition pact. The first elections in Brazil were indirect, while the civilian government and the Constitution were under heavy influence by the military regime (Linz and Stepan 169-170). Out of all the cases discussed here, Poland had the most burdensome reserve domains retained by the non-democratic regime. The first elections were free and fair for only 35% of the seats in the lower chamber, the president (Jaruzelski, a remnant of the Communist regime) had extensive special powers, and the quasi-democratic legislature wrote the Constitution (ibid. 267). While there is significant variance in form and degree, all three countries can be categorized as having strong reserve domains in comparison to other cases of pacted transitions.

In Hungary, Uruguay, and Spain, transition pacts were more successful, leading to relatively weak reserve domains. While perhaps the least successful of these three cases, Hungary enjoyed reasonably low levels of reserve domains. It had free and fair parliamentary elections in 1990, the loyalty of the military, and a Constitution that was heavily influenced by the major democratic opposition parties (Linz and Stepan 310-312). In contrast to the other cases discussed here, Uruguay had strong reserve domains at first, but quickly got rid of them. The Naval Club Pact banned a popular presidential candidate from running for office, and put in place unpopular protections for the military

(ibid. 154). However, the Naval Club Pact was eliminated one year after it was implemented, an amnesty law was passed by popular referendum, and relatively normal civil-military relations were established (ibid. 158-159). Spain stands out as the most successful pacted transition of the 6 cases discussed here, having practically nonexistent reserve domains after the transition. Not only did Spain establish free and fair elections, it prosecuted and disciplined former military hard-liners, setting an admirable pattern of civil-military relations (ibid. 110).

Even with variance between cases, it is clear that some pacts led to stronger reserve domains than others, indicating distinct levels of success. While it is certain that many factors interact to produce reserve domains, one factor stands out as particularly salient: the timeliness of holding a popular vote. Those cases in which a popular vote was held early in the transition game enjoyed the greatest amount of success in limiting reserve domains.

Timeliness of the Vote and Limiting Reserve Domains

To gauge the timeliness of a popular vote, one must look at when a transition game starts, and then measure the time it takes for a fair referendum or election to be held. A certain amount of discretion is involved in this calculation, as there is not necessarily an exact time in which transition games begin. Moreover, given that negotiations are not always publicly conducted (O'Donnell and Schmitter 37), it may be impossible to set a precise date. However, it is possible to approximate the general tempo in which pact games proceed to a popular vote. As shown in Table 1, I use the generalizations *fast*, *slow*, and *very slow* to describe this pace.

The faster that a pact incorporates a popular vote, the more likely reserve domains will be kept low, hence resulting in a more successful transition. There are two main reasons for why this holds such importance. First, and most significantly, a popular vote in favor of the democratic opposition shifts the power balance, weakening and delegitimizing the authoritarian regime. By giving the democratic opposition new leverage sooner on in the game, they are able to broker a better deal, lowering the transfer price that the authoritarian regime will be able to extract. The later that this power shift occurs, the greater chance the regime will have of imposing reserve domains. Second, the announcement of a popular vote brings political parties to the fore and demobilizes hardliners (O'Donnell and Schmitter 57-59), bringing a greater unity to political society and empowering moderates. The sooner that a unified opposition is willing and able to negotiate, the better they will be able to establish rules in favor of democracy.

The correlation between timeliness of a popular vote and low reserve domains is supported with strong empirical evidence. As shown in table 1, regimes with a *slow* or *very slow* rating for timeliness of elections have strong reserve domains. These countries include Hungary, Uruguay and Spain. In contrast, regimes with a *fast* rating have weak reserve domains.

As in the case of reserve domains, this classification of “timeliness of a popular vote” involves complexities that merit discussion. Chile, Brazil, Uruguay and Spain are all cases that lend themselves easily to categorization. In Chile, Pinochet had ample time to impose heavy reserve domains, enjoying a space of 9 years between the writing of the Constitution (which declared a plebiscite) and the first popular vote. Brazil's transition was even more drawn-out, allowing the military to impose burdensome reserve domains

(Linz and Stepan 168). In contrast to Chile and Brazil, Uruguay and Spain had relatively timely popular votes. In Uruguay, the transition started around the late 70s and the first popular vote was held in a 1980 plebiscite, drastically shifting the transition game in the democratic opposition's favor and empowering political society (ibid. 152, 154). In Spain, Adolfo Suarez not only advocated for free and open elections, he set a nearby date, and the regime honored his request (ibid. 94-95). Again, this speedy recourse to a popular vote disempowered the non-democratic regime, ensuring a low level of reserve domains.

In part because of their unique legacies, both Hungary and Poland are more difficult to categorize; however, Hungary's timeliness of a popular vote does appear to be significantly faster than that of Poland. The strength of civil society, led by Solidarity, forced an unprecedented power-sharing arrangement between the Communist regime and the opposition in 1981 (Linz and Stepan 264). However, citizens of Poland did not have a chance to vote on a referendum until 1987, in which they rejected the set of economic proposals that the Communist regime had put forth (ibid. 265). While their timeliness of a popular vote was slow, the Polish opposition blazed a path of resistance against their Communist regime, providing a lesson for other Eastern European nations like Hungary. Therefore, when the Hungarian transition began in the late 1980's, they avoided the Polish opposition's mistakes: the Hungarian opposition kept a unified front in political society and focused primarily on demanding free elections, avoiding internal divisions and leaving policy disputes for later (ibid. 307-308). Hence, while Hungary had a timelier popular vote than Poland, such an accomplishment would probably not have been possible without the Polish precedent.

Counterarguments and Contingencies:

Economic Performance, International Factors, and Civil Society

Beyond timeliness of a popular vote, there are numerous interacting contingencies that affect the success of a pact. The economy, international factors and civil society all have the potential to cause significant variation in a pacted transition's results. However, none of these independent variables hold the decisive salience of timeliness of a popular vote.

In some cases, weak economic performance helped erode a non-democratic regime's support, and strong economic performance helped consolidate democracy. This pattern holds true in Chile, Poland and Hungary (Linz and Stepan 212, 291, 302). However, this model is inconsistent. In Spain, the most successful case of a pacted transition, the economy was relatively strong during authoritarian rule but worsened after the transition (ibid. 111). Therefore, while economic performance can influence the success of a pact, it is not decisive.

International factors can have a significant influence on the success of a pacted transition. Poland and Hungary would have had great difficulty initiating a pact without the acquiescence of Gorbachev, while a change in United States foreign policy opened a similar window for Chile. Nevertheless, international factors were only a prerequisite for *initiation* of a pact; it had limited effects on the formation of reserve domains. While international support (or simply lack of resistance) may give the democratic opposition extra leverage, it cannot provide enough to prevent significant reserve domains — one need only look to the examples of Poland and Chile for evidence.

The power of civil society to influence pacted transitions is formidable. As Linz

and Stepan note in the case of Spain, popular pressure and civil society helps to initiate a pacted transition and keeps it moving forward, providing essential leverage for the democratic opposition (111). Indeed, the ability of the elite opposition to “tame” an insurgent civil society can be reason enough for the non-democratic regime to make significant compromises, hence limiting reserve domains. However, civil society alone cannot guarantee a successful transition. Poland’s muscular civil society could not prevent the establishment of heavy reserve domains; conversely, Uruguay has low reserve domains, yet it had the weakest civil society in the entire set of countries discussed here.

Conclusion

By empowering the democratic opposition and shifting the dynamics of the transition game, the timeliness of a popular vote has the greatest impact in limiting reserve domains. Limiting reserve domains is key in consolidating a healthy democracy; therefore, timeliness of a popular vote is the most crucial factor in making a pacted transition. While varying inputs of economic performance, international factors, and civil society interact to produce different results, no variable is so decisive as timeliness of a popular vote. Therefore, further research should be done on how to facilitate the timeliness of a popular vote for future pacted transitions.

Table 1

Country	Civil Society	Timeliness of a Popular Vote	Reserve Domains
Chile	Weak	Slow	Strong
Poland	Strong	Slow	Strong
Uruguay	Very Weak	Fast	Weak
Brazil	Weak	Very Slow	Strong
Hungary	Medium	Fast	Weak
Spain	Medium	Fast	Very Weak

References

- Linz, Juan, and Stepan, Alfred. 1996. *Problems of Democratic Transition and Consolidation*. Baltimore: Johns Hopkins University Press.
- O'Donnell, Guillermo, and Schmitter, Philippe. 1986. *Transitions from Authoritarian Rule: Tentative Conclusions about Uncertain Democracies*. Baltimore: Johns Hopkins University Press.