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Parliaments and Democratic Consolidation in Southern Europe

Volkswagen Foundation

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Conference on
Parliaments and Democratic Consolidation in Southern Europe
Jaume Bofill Foundation - Volkswagen Foundation
(October 29th-31st 1987, Barcelona)

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Conference on
Parliaments and Democratic Consolidation in Southern Europe
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- P R O G R A M -

Thu, 29/10

- 11.00 - 13.00 Opening Session Chair:
J. Solé Tura
1. "Democratic Consolidation:
A Minimalist View" G. Di Palma
Comments J. Solé Tura
- 13.00 - 15.00 - L u n c h -
- 15.00 - 19.00 Parliamentary Theory and Praxis in
Southern Europe Chair:
K.V. Beyme
2. "Parliamentary Theory and
Democratic Consolidation in
Southern Europe" U. Liebert
3. "The Internal Organization:
Parliamentary House Rules"
- I, S, G and P G. Long
- T. E. Kalaycioglu
4. "The Italian 'Parlamento'" M. Cotta
Comments N. N.
Discussion
- 21.00 - D i n n e r - (place to be communicated)

Fri, 30/10

- 9.00 - 13.00 Continuation Chair:
U. Liebert
5. "The Greek Chamber of Deputies
in the Process of Democratic
Consolidation, 1974-1987" N. Alivizatos
Comments N. Wenturis
6. "The Portuguese 'Assembleia'" M. Braga / M. Lobo
Comments R. Eisfeld

FESTIVAL
INTERNACIONAL
DE MÚSICA
DE BARCELONA

CONCERT núm. 16
Divendres, 30 d'octubre - 21 h.
PALAU DE LA MÚSICA CATALANA

ORQUESTRA DE LA CIUTAT DE BARCELONA

COR PRO-MUSICA DE LONDRES (dir.: John McCarthy)

COR EL VIROLET (dir.: Mireia Barrera)

COR L'ESQUELLERINC DEL COR MADRIGAL (dir.: Maria Drets)

ENRIQUETA TARRÉS, soprano

JOHN VAN KESTEREN, tenor

NEIL HOWLETT, baríton

FRANZ-PAUL DECKER, director

BRITTEN (1913-1976) • War Requiem, op. 66
Text de la Missa pro defunctis i poemes de Wilfred Owen

I Requiem aeternam

II Dies Irae

III Offertorium

IV Sanctus

V Agnus Dei

VI Libera me

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Conference on
Parliaments and Democratic Consolidation in Southern Europe
Jaume Bofill Foundation - Volkswagen Foundation
(October 29th-31st 1987, Barcelona)

The Greek Chamber of Deputies
in the Process of Democratic Consolidation,
1974 - 1987

by
Nicos C. Alivizatos
Law Faculty, University of Athens

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Introduction : The Greek Parliament Between Past and Present

Due to the relatively short duration of the colonels' junta (1967-1974), the role of the Greek Chamber of Deputies in the process of democratic consolidation has to be assessed in the light of a number of factors related to the institution's past and legitimacy.

In 1974, the Greek Chamber of Deputies was carrying a tradition of more than 130 years of almost uninterrupted presence¹. During that long period, it had forged a set of written and unwritten rules and practices, which were rooted in the country's political habits very deeply. Therefore, radically changing those rules and practices, from one day to another, after the fall of the military dictatorship, would have appeared unrealistic, in the case even that a clear desire to operate such a change existed². Consequently, it is not surprising that while on other institutional issues - such as the crowned or republican form of democracy and, later on, the prerogatives of the head of the State³ - serious conflict aroused during the transition period and at the first phase of the democratic consolidation process, in the case of the Chamber of Deputies a wide consensus prevailed regarding its position and symbolic in the newly born Republic⁴. That consensus, although not openly admitted, was confirmed in 1986 and 1987 : it was then that, after the second electoral victory of the Panhellenic Socialist Movement (PASOK), the Chamber amended the Constitution of 1975 as well as the Standing Orders adopted during the same year, without however altering in a substantial way the rules referring to the Chamber of Deputies, which had been unilaterally imposed by the overwhelming majority of Mr Cara-

manlis' New Democracy in the first post-dictatorial Chamber⁵.

On the other hand, being the only directly elected by the people institution in the country's political system, the unique Chamber of the Greek Parliament⁶ benefited, in 1974, of a wide and practically uncontested legitimacy. According to the quasi-unanimous public feeling, the Chamber of Deputies was assimilated to democracy itself; and the difficulties which had often in the past hindered its image as the authentic representative of the people's will, were generally considered as external to its structure and rules. All wrongs were attributed to foreign interference - direct or through the palace - rather than the shortcomings of the Parliament itself. It is natural, therefore, that since the return to democracy, no political party has ever dared to propose forms of government which would directly or indirectly weaken the apparently decisive role of the Chamber of Deputies⁷.

Some important new factors, nevertheless did affect the Chamber's role and functioning. That was obvious after 1977, when PASOK emerged as the main force of the opposition, if not during the transition period, which in Greece, as opposed to Spain and Portugal, was very brief⁸. I would reduce those factors to two, one political and the other of a more institutional character :

The first factor is related to the role of the political parties in the new situation and to their internal structure. For the first time, since the beginning of this century, no legal restrictions existed to party activities and no persecutions whatsoever threatened party membership and affiliation⁹. As a consequence, the partisan phenomenon acquired unpre-

cedented dimensions in a society which was by tradition overpoliticized and affected all aspects of Greek public life. Simultaneously, it prevented the development of collective action outside the strictly political arena and thus, to use a Gramscian term, perpetuated the "filigranic" character of civil society¹⁰.

On the other hand, political parties themselves were not any longer the same. For the first time in periods of "normalcy"¹¹, they were organized as mass parties nationwide, although their internal rules and practices did not always adhere, to say the least, to the purest democratic procedures¹². Under those circumstances, with the exception perhaps of New Democracy¹³, party parliamentary groups lost much of their previous power and relative autonomy toward party leadership, while the status of individual deputies weakened¹⁴.

The second new factor refers to an institutional issue. Contrary to what was the case in the period prior to the colonels' dictatorship and although it contradicted prevailing attitudes on parliamentary supremacy, the need for executive quick and efficient action was now almost unanimously admitted. If one studies party attitudes behind the big words, one concludes that the real debate in the 1974 Constitutional Assembly did not refer to the issue of the reinforcement of the executive as such, but to whether such reinforcement should be carried through to the benefit of the President of the Republic, as projected by Mr Caramanlis, or to the benefit of the cabinet¹⁵. In any case, the executive should be strong. The practices followed

by PASOK, after its advent to power in 1981, and, in a more official way, the 1986 revision of the Constitution, did confirm this assessment. Closely related to the role of an omnipresent State, whose interventionism was favoured, for different reasons, by the entire political spectrum, this factor was to deeply influence the functioning of the Chamber of Deputies in the process of democratic consolidation.

The mutual influence of continuity and change on the Chamber of Deputies, since 1974, will be examined in three paragraphs. The first will be devoted to the law-making function of the Chamber (I). The second will deal with its controlling function (II). On the grounds of the evidence therein examined, I shall try, in a third paragraph, to reach some overall conclusions on the role and character of the Greek Chamber of Deputies in the process of democratic consolidation (III).

I. The Chamber's Law-Making Function

The main political as well as institutional characteristic of the four Chambers elected since 1974 is that all of them had one-party majorities. Greek parliamentarism has been majoritarian and, since 1981, "rotational" (TABLE 1).

TABLE 1 : VOTES AND SEATS, 1974-1987

Parties	17 November 1974 % of votes/Seats	20 November 1977 % of votes/Seats	18 October 1981 % of votes/Seats	2 June 1985 % of votes/Seats
New Democracy	54.4	41.8	35.8	40.8
Center Union	20.5	11.9	-	-
PASOK	13.6	25.3	48.1	45.8
Communist Party (Orthod.)	9.5 ¹	9.4	10.9	9.9
Communist Party (Inter.)	8	2.7 ³	1.3	1.8
Other	2.0 ²	8.9 ⁴	3.9 ⁵	1.7
TOTAL	100.0	100.0	100.0	100.0
	300	300	300	300
			172 (:57%)	161 (:54%)

1. United Left, including the orthodox Communist Party (KKE) (:5 seats), the eurocommunist Communist Party of the Interior (KKEsoterikou) and the Unified Democratic Left (EDA) (:2 seats and 1 seat respectively).

2. Included the National Democratic Union (EDE, extreme right) (:1.08%).

3. Alliance of Progressive and Leftist Forces, which included the Communist Party of the Interior (:1 seat), the Unified Democratic Left (EDA) (:1 seat) and three minor groups.

4. Included the National Front (E.P., extreme right) (:6.82% and 5 seats) and the New Liberals (N.F., center-right) (:1.08% and 2 seats).

5. Included the Progressive Party (K.P., extreme right) (:1.68%).

Source : Official Results, published by the Ministry of the Interior.

The difference between the percentage of votes and the percentage of seats of the first in votes political party in all of the four post-dictatorial general elections (: 17,6% in 1974, 15.2% in 1977, 9.0% in 1981 and 8.2% in 1985) is due to the electoral system in force, the so-called reinforced proportional representation, which, with minor modifications, has been the constant pattern of Greek electoral history since 1958¹⁶: while encouraging the two-party system, reinforced proportional representation favours the first party in votes since, in the normal course of electoral behaviour¹⁷, it ensures it with at least 50% of the seats, should it score a percentage as low as 40% of the votes.

This tripolar party system with bipolar competition¹⁸, constitutes an undeniable continuity with regard to the pre-1967 period, in spite of the internal changes within each one of its components¹⁹. It has had important consequences on the law-making function of the Chamber of Deputies.

At first hand, as far as the origin of the bills passed is concerned, it is important to note that out of the 1760 bills which have been voted since 1974, only a single one - which itself regulated a minor issue - originated from the Parliament, i.e. from a deputy not belonging to the ruling party. In other words, government bills exceeded 99.9% of the total number of laws, a percentage which is higher than the one observed in any other European country, for which there is available information, and to which are included majoritarian democracies similar to the Greek (TABLE 2).

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TABLE 2 : VOLUME AND ORIGIN OF THE BILLS PASSED, 1978-1982

<u>Countries</u>	<u>Total Number of Bills Passed</u>	<u>Non Government Bills Number/% of Total No</u>	
Austria	455	100	22
Belgium	965 ¹	112	11.6
Cyprus	421	20	4.7
Denmark	782	25	3.2
France ²	-	12	13.0
GREECE	491	0	0.0
Italy	1229	371	30.2
Netherland	1435	4	0.3
Norway	374	5	1.3
Portugal	216	130	60.2
Spain	361	38	10.5
United Kingdom	314	49	15.6

1. Including those referred to by the House to Senate and vice versa.
2. 1958-1972.

Source : Interparliamentary Union, Parliaments of the World. A Comparative Reference Compendium, 2nd ed., Prepared by the International Center for Parl. Documentation of the Interparl. Union, Gower, 1986, v.2, p.912-20.

The right of Parliament, i.e. of any individual deputy, to initiate legislation, which is in principle guaranteed by the Constitution²⁰, has consequently become a tool for controlling the Government²¹, instead of a means to reach non-partisan solutions to pending issues.

With regard to the time necessary for the adoption of bills, the Greek Chamber of Deputies has proved unusually fast. The Committee stage seldom necessitated more than 5 - 8 days, as the procedure before the 20-25 parliamentary Committees, provided by the 1975 Standing Orders²², was generally considered as a mere formality : composed by 30 deputies each, out of whom 16 at least belonged to the party in power²³, said Committees were all presided by deputies designed by the leadership of of the majoritarian political party and their unique competence.

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was limited in preparing a report on pending bills falling under their responsibility²⁴. It is significant, however, that Committee reports were not binding for the Chamber at the discussion stage, should the competent Minister express his disagreement with the amendments proposed, if any²⁵: in all cases, the Chamber in plenary session as well as the legislative sections²⁶, were bound to deliberate on the original government bill²⁷. The 1987 Standing Orders are supposed to reinforce parliamentary Committees, whose role, nevertheless, continues to be limited in the law-making area. Their number is limited to 6²⁸, according to the French Vth Republic model, and, for the first time in Greek history, they are empowered to decide, by majority vote, the holding of hearings, which, however, can never be public²⁹. Although the procedure will thus become more elaborate, it remains to be seen whether, under the new rules, the Committee stage will be more substantial.

As for the next stage - that of deliberating and voting at the Chamber's plenary section, as well as at the 150 members legislative sections and at the 100 members "vacation" section, during the 3 summer months³⁰ - it has been estimated that, in 1974-1977 the entire procedure lasted 1 day and, in 1977-1981 11,1 days³¹. After 1981, according to our own estimations, said average time slightly increased, in spite of the frequent use of the so-called urgent procedure, provided by article 76 of the Constitution³². The same applies to the deliberation and voting the budget, for which the 1975 Standing Orders provided a maximum of 4 sittings, while the 1987 Standing Orders

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barely 5³³. In any case, the changes observed from legislature to legislature after 1974 are noteworthy, as can be deduced from TABLE 3 :

TABLE 3 : VOLUME OF LEGISLATION, 1974-1987

<u>Legislatures</u>	<u>Bills passed by Plenum and Winter Legisl. Sections¹</u>		<u>Bills passed by Vacation Section (Summer months)</u>		<u>Total Number of Bills passed</u>	
	<u>Number</u>	<u>Yearly Average</u>	<u>Number</u>	<u>Yearly Average</u>	<u>Number</u>	<u>Yearly Average</u>
1st(1974-1977)	457	152	296	90	753	251
2nd(1977-1981)	373	93	118	30	491	123
3rd(1981-1985)	272	68	78	20	350	88
4th(1985-1987 ²)	146	73	26	13	172	86

1. Winter Legislative Sections functioned only from 1975 to 1980.
2. June 30th

Source : Published and unpublished Data from the Direction of Legislative Work of the Chamber of Deputies.

The most striking tendency in the above table is a decrease of the average number of laws adopted yearly. This interesting feature could be attributed to various reasons : there is, at first, the emergence, after 1977, as main opposition parties, of forces (namely PASOK and New Democracy, see TABLE 1) which, in appearance at least, differed fundamentally from the parties in power ; this situation led to the prevalence of a bipolar conflict on the right vs. left ideological model and prevented consensual policies within the Chamber. Secondly, obstructionism, although within the limits established by the 1975 Standing Orders³⁴, became the standard way of political behaviour, even in the absence of meaningful discordances on the concrete measures to be adopted. This mode became particularly obvious in the tactics of New Democracy, as the major force of the opposition, after

PASOK's advent to power. Third, fewer laws are voted, because an increasing number of bills contain disparate provisions, regulating issues which normally should have been the object of different laws³⁵. This practice is pursued through the adoption of last minute amendments, without previous deliberation before the appropriate parliamentary Committee, and results to an inevitable qualitative lowering of legislative work. Having become in the last ten years a current procedure, that practice, although in principle prohibited by the Constitution³⁶, is not invalidated by the Courts, which resort to the interna corporis theory and thus confirm it³⁷.

At the same time, one should note the increasing tendency to transfer legislative matter from Parliament to the executive, via legislative delegations and, to a lesser extent, through autonomous government legislation, which, however, the Constitution allows in emergencies only³⁸. Thus, the lawmakers' official intent is often altered and weakened, if not directly annulated, since the concrete regulation of more and more issues by the executive escapes any kind of overt accountability and publicity^{38a}.

In short, the post-dictatorial law-making experience demonstrates that in very few instances bills were the object of responsible deliberation on substantial matters. On the contrary, discussion-as a rule-exhausted itself in ideological conflicts, during which it was sought to create impressions rather than to deal with concrete issues.

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II. The Chamber's Controlling Function

In the area of parliamentary control of the executive, the weight of tradition is even heavier. In spite and perhaps due to the fact that the Constitution requires two at least weekly sittings in plenary session to deal with parliamentary control, the rules of the 1975 Standing Orders - which repeated to a great extent provisions dating from the beginning of this century³⁹ - did not correspond to the needs of publicity and timely accountability. As a result, entire sections of government activities, such as defence,⁴⁰ escape any kind of parliamentary control, while the cover-up of some of the most obvious deficiencies of the Chamber's controlling function was attempted through practices contra legem, inaugurated under the pressure of the opposition⁴¹.

According to the 1975 Standing Orders, the "reports", "questions", "interpellations" and "requests for document submission" were the current means of parliamentary control. All of them may be submitted by one or more deputies⁴² and only the Chamber's plenary session can discuss them⁴³. Specifically, reports, the milder form of parliamentary control, are expressions of a wish for legislative or administrative action⁴⁴; in practice, they are submitted by opposition as well as by majority deputies but they are seldom discussed⁴⁵. Questions are basically requests for information "on a public matter in general"⁴⁶; they are included in the agenda of the Chamber and eventually debated only if they are not answered, no matter how briefly and vaguely, by the competent Minister within 20 days after they have been submitted⁴⁷. Interpellations seek the motives and scopes of a government action

or omission and are debated in the order they are submitted⁴⁸. Finally, requests for document submission may be converted to interpellations and debated with priority, if they are not satisfied within 20 days from their submission⁴⁹.

TABLE IV shows the use of these means of parliamentary control since 1974.

TABLE IV : MEANS OF PARLIAMENTARY CONTROL, 1974-1977

	<u>1st Legislature</u>			<u>2nd Legislature</u>			<u>3rd Legislature</u>			<u>4th Legislat.</u>		
	1974 - 1977			1977 - 1981			1981 - 1985			1985 - 1987 ¹		
	<u>Submit.</u>	<u>Answer</u> ²	<u>Disc.</u>	<u>Subm.</u>	<u>Asw.</u> ²	<u>Disc.</u>	<u>Subm.</u>	<u>Ans.</u> ²	<u>Disc.</u>	<u>Subm.</u>	<u>Ans.</u> ²	<u>Dis</u>
<u>Reports</u>	27,280	21,393	860	40,199	40,706	402	16,991	22,971	589	9,861	12,200	142
<u>Questions</u>	7,900	8,234	683	20,927	25,589	1004	11,906	15,872	715	8,135	11,300	337
<u>Interpellations</u>	1,006	-	284	2,052	-	339	1,075	-	317	471	-	112
<u>Requests for document submission</u>	239	101	22	1,563	1,290	31	965	n.a.	32	1,142	-	15

1. June 30th.

2. Written answers to a particular means of parliamentary control may be given separately by more than one Ministry.

Source : Published and unpublished data from the Direction of Parliamentary Control of the Chamber of Deputies.

During the period 1981 - 1987, over which there exist more detailed statistical data, an average of 95 - 100 sittings per session (i.e. from October to June) of an average duration of 2.5 - 3.0 hours each, with an attendance which was usually small⁵⁰, were devoted to parliamentary control⁵¹. Half of these sittings dealt with the discussion of interpellations, 75 - 80% of which had been submitted by one or more deputies belonging to the main opposition party.

However, after 1974, wide publicity was given to a new means of parliamentary control, the so-called "debates among party leaders". Although the Constitution and the 1975 Standing Orders had no special provision about them, said deba-

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tes took place twice a year under the initiative of the government, namely the Prime Minister, lasted 4 - 5 hours each and concerned "national issues", such as foreign policy, the economy and education⁵². The Prime Minister participated in person and extensive excerpts were broadcasted nationwide, usually the same evening, by the State television. After 1981, said debates were cancelled, to be reinstated in 1985, by the PASOK government, under the pressure of the opposition as well as of public opinion. Recently, the 1987 Standing Orders institutionalized those debates; they are to take place twice a year, once under the initiative of the government and once under the initiative of two at least parties of the opposition⁵³.

On the contrary, discussions over motions of confidence and censure were infrequent. As far as the motions of confidence are concerned, with the exception of two instances in 1980 and 1987⁵⁴, discussions took place only after the holding of general elections, with the occasion of the presentation of the new government's platform. On the other hand, due to the certainty of their ultimate rejection by the majority, no motions of censure have ever been submitted since 1974, although only 60 deputies' signatures are requested⁵⁵. Thus, surprisingly enough and contrary to what seems to be the rule in most Western European Parliaments, motions of censure, which could lead to a 3 days discussion of the government's general policy, are not practiced.

The same applies as regards the establishment of investigation parliamentary committees in the post-dictatorial Chambers⁵⁶, since, in view of the vague wording of the relevant article of the Constitution⁵⁷, it was considered,

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both before and after PASOK's advent to power, that a majority vote is required for their creation⁵⁸.

During the past 13 years, the main criticism against rules and practices on parliamentary control referred to their inability to allow timely as well as well-documented discussion of crucial issues of actuality. This criticism is founded. By providing for the discussion, twice a week, of the newly introduced "questions" and "interpellations of actuality"⁵⁹, the 1987 Standing Orders aim at fulfilling an outcry of deficiency. Naturally, it remains to be seen whether the sole change of the relevant rules is sufficient to provide parliamentary control with substantial content.

III. Toward a General Assessment

In order to assess the role of the Greek Chamber of Deputies in the process of democratic consolidation, one should seek the answer to a series of issues, in view of the empirical data hitherto.

It is clear that the Greek Parliament constitutes a talk Parliament par excellence as opposed to a working Parliament. This is true from the point of view of both its regulations and practices. To this contributed the evolution of the political chart of the country, principally after 1977, when in the name of a primarily ideological conflict between the so-called "conservative" and "progressive" forces, it seems that the exchange of arguments and, in general, rational political discourse have been down-graded, to the benefit of over-simplified statements. Characteristically at this point, we note that the entire parliamentary con-

trol work and the greatest part of the law-making process take place before the Chamber in plenary session and not before the Parliamentary Committees, which, by being smaller in size and by having smoother rules, could by definition encourage consensual behaviour. The latter, although in theory upgraded by the 1987 Standing Orders, still assume a secondary role, solely in the law-making field.

The way in which opposition was practiced in the Chamber of Deputies after 1974 was the consequence and at the same time the reason of the above described symbol-oriented parliamentary process. With the impressive exception of a small number of major issues, such as Greece's position in the international community⁵⁹, on which the two main parties seem to increasingly agree, mainly after 1981⁶⁰, opposition has been basically destructive. After 1977, and within the strict limits tolerated by the Standing Orders in force⁶¹, obstructionism has become an everyday parliamentary practice at the expense of constructive opposition. This kind of opposition included endless lists of speakers, long speeches by the leaders or representatives of opposition parliamentary groups and, moreover, non-participation or withdrawal from some critical debates as a sign of "structural opposition"⁶²; it was practiced by PASOK and more systematically by New Democracy, after 1981⁶³. As for the communist left, its small representation did not permit it to perform any substantial role in Parliament⁶⁴. Thus, in spite of the fact that, with the time, the points of disagreement between the two major parties became less and less evident - whether they have to do with

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the handling of the economy or defence - the type of debate in Parliament remains conflicting.

With regard to the partyness of the Chamber of Deputies, since 1974, the tendency has been for the parties to monopolize parliamentary activity at the expense of individual deputies. Party discipline, which in any case has always been much stronger within the parties in power⁶⁴, includes among other restriction if not prohibition of the use of certain means of parliamentary control by individual deputies, restriction of the right to speak and, in general, full dependence of the deputy from party and parliamentary leadership⁶⁵. This phenomenon was substantially enhanced by the abolition of preferential vote, in 1982, and the provision of a "closed list" of party candidates for each constituency, the drafting of which is by law the responsibility of party leadership⁶⁶. Dependence from party leadership was recently confirmed in a more day-to-day manner with the introduction by the 1987 Standing Orders of "organized discussions" as a procedure for deliberation on the greatest portion of legislative work⁶⁷; this would mean, as an opposition deputy put it⁶⁸, that all members of Parliament will from now on be anxious over their registration not only on the candidates' list of their own party for the next general elections, but on the speakers' list of their group for the next parliamentary debate as well⁶⁹. Dependence of individual deputies from party leadership reached the limits of police measures in certain instances, such as the election by the Chamber of the president of the Republic, in March 1985, when, in order to secure the positive vote of all of its deputies

for the unique candidate, PASOK did not hesitate to make use of coloured ballots, in full violation of the Constitution, which at the time provided for a secret vote⁷⁰. At the same time, small parliamentary groups, which were and still are not recognized as parties both by the 1975 and the 1987 Standing Orders⁷⁰, have the same rights as independent deputies⁷¹. By this way, parliamentary activities are in fact monopolized by the larger parties and, in practice, by the first and second⁷².

What, then, could be said about the specific role of the Greek Chamber of Deputies in the process of democratic consolidation? The answer to this question seems to be bifold: institutional and political.

Institutionally, after 1974, the Chamber of Deputies has been under the supremacy of the executive, namely the government. The parliamentary groups of the parties in power never gained the slightest autonomy from the government, the choices of which they ratified. Opposition, on the other hand, as a general rule, did not nor tried to fight on specific issues. Its discourse has been slogan oriented and almost never constructive. This is in particular valid in relation with PASOK between 1977 and 1981, with New Democracy after PASOK's advent to power and, to a great extent, with the communist left, at least with regard to KKE, its principle component⁷³. With the exception of the first post-dictatorial Chamber (1974 - 1977), that is the transitory period of the overwhelming parliamentary predominance of New Democracy, during which some consensual practices were observed⁷⁴ the Chamber functioned as a forum of vague, repetitive and

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usually outdated monologues, which moreover, especially during the recent years, have been contradictory only on an ideological - symbolic level. From this point of view, the Greek Chamber of Deputies does not deserve the qualification of the protagonist of democratic consolidation. Has, however, the Chamber's legitimacy suffered from the above situation ?

In my view, the answer to this question is not self-evident. During most of the 20th century, Greek parliamentarism has been prone to tensions, which themselves reflected the acute polarizations of a society that went through two major schisms⁷⁵. The fall of the colonels' junta meant the end of the remnants of the two civil wars on the institutional as well as the political level⁷⁶. However, the politics of tension and ideological conflicts has so deeply permeated the political habits, that the transition to a model of milder confrontation appeared unrealistic, even though the object of discord did not justify any longer such an intense holding on symbols past and new. From this stance, by securing the wide publicity of party conflicts, the Chamber of Deputies did not lose its legitimacy, since a portion of the Greek people, which in the last elections exceeded 85% of the electorate, seemed to accept if not actively endorse bipolar confrontation and the two-party system, based on ideological fight instead of political argumentation.

Nowadays, nevertheless, as the appeal of ideological slogans seems to continuously diminish before the harsh realities, it is uncertain whether the Greek Parliament will conserve its legitimacy unless it adapts its rules and practices to the challenges of our times.

Athens, October 1987

POLITY, PARLIAMENT, AND ORGANIZED INTERESTS

ON THE REGIONAL LEVEL:

THE CASE OF ANDALUSIA

Michael Barzelay
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Harvard University

Antonio J. Porras Nadales
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Only five years after the first elections to the regional parliament, the character of the Andalusian polity can already be discerned. Among the many traits of this body politic is the centrality of the regional executive and its region-wide socioeconomic interlocutors in the network of institutions that shapes Andalusian political consciousness and public policy. In comparison to this locus of decision-making, the regional parliament is a weak institution. In this paper, we identify the character of the new Andalusian polity; explain why this evolution has taken place; and discuss the role the parliament has played to date.

1. The Formation of the Political System

The strength of regional political consciousness in Andalusia in 1980-82 was to a considerable extent a product of the transition to democracy. When the Madrid government offered political autonomy exclusively to the economically dominant Catalan and Basque regions, it set in motion predictably invidious social comparison processes that helped make the region an extremely potent intellectual and political construct. Since political leaders in Andalusia could not help but diagnose the problems of their constituents within this frame, they became especially receptive to already poignant critiques of centrally-controlled 1960s-style regional economic development plans,

generated from within the planning profession itself, as well as to radically-inspired theories of "underdevelopment", which purported to demonstrate that the heterogeneous economic difficulties of the region emanated from a common source: the processes of economic transformation controlled by the country's political and economic centers. Both of these regionally-framed diagnoses pointed to the need for collective action at the regional level -- indeed, to the need for political autonomy -- in order to solve the common problem of underdevelopment. The increasingly authoritative regional frame ~~for~~ also bolstered intellectuals' efforts to discern a distinctive Andalusian nationalism that would require the protection of autonomous political institutions.

Since the region provided such a persuasive frame for probing social problems in Andalusia during the transition, the leaders of the ideologically disparate political parties could relatively easily become a cohesive identity group, acting together to shape public opinion in accord with the regionalist diagnosis and program. The political leadership's consistent and unanimous messages arguing that political autonomy could provide a solution to underdevelopment (and, to a lesser extent, could protect Andalusian nationalism from domination), were reinforced by the extensive media attention given to Catalan and Basque demands for autonomy during the constituent period. These

factors help to explain the increasing public identification with both the region and autonomy registered by opinion polls over the course of the transition.[1]

Although both underdevelopment and nationalism were issues linking Andalusians together politically during the campaigns for passage of the referenda leading to autonomy, these issues had rather different implications for the dynamics of partisan competition once autonomy was achieved. If nationalism became the predominant issue linking members of the Andalusian polity, the regional nationalist party -- PSA-Partido Andaluz -- could win many votes by claiming that state-wide parties could not effectively pursue the region's interests. If, instead, underdevelopment became the predominant issue, any political party that could effectively challenge the existing system of domination might enjoy electoral success. Which of these issues took precedence would significantly influence how "members" and "agents" would be linked to each other through the party system; the party system, in turn, would profoundly shape the character of the new Andalusian polity.[2]

As is well-known, the state-wide socialist party (PSOE) was able to capture the absolute majority of seats in the first regional legislature, whereas the regional nationalist party received only five percent of the vote. The PSOE's strength was due in part to its capacity to attract votes from diverse social bases, including the urban middle classes and the working class in both urban and rural

areas.[3] In part, this electoral coalition reflects the credit given to Rafael Escuredo, the PSOE's candidate for the Junta presidency, for successfully prosecuting the autonomy drive. An important additional explanation is that the PSOE could benefit from the politicization of both class and center-periphery cleavages. For those voters who identified themselves foremost as workers, the PSOE and the communist PCA were the most likely parties to support. For those voters who identified themselves with the struggle against the political center, symbolized by the ruling UCD, the PSOE represented an especially attractive electoral option. Moreover, the core of the PSOE platform, which called for an aggressively reformist program of economic development, appealed to both the working and middle classes in Andalusia.

2. Strategic Linkages Between Members, Agents, and Issues

By 1982, then, the PSOE clearly had an impressive array of political resources that could be used to mold the character of the Andalusian polity. With an absolute majority in the regional parliament and few institutional precedents, the party had virtually a free hand in choosing which specific issues would be on the Junta's agenda and which agents would have an authoritative voice in public policy-making. The resulting system of linkages between members, agents, and issues would, in turn, profoundly influence which interests would be granted public standing,

which alternative solutions to issues would be considered, and, ultimately, what agreements would be reached.

One possible model of the polity would be to use the parliament as a locus of deliberation and decision-making about the issues the PSOE placed on the agenda. This model would represent a continuation of the pre-autonomy mode of governance, in which the sole agents of the polity were political parties and unanimity was the decision-making norm. A second model would be to similarly recognize political parties as the only legitimate agents, but instead to make decisions on the basis of majority rule -- hence, within the Government. A third model would recognize regional leaders of certain organized interests as agents of the polity and would value highly the achievement of consensus among the regional PSOE-led executive and these organized social forces. This democratic corporatist polity would share with the pre-autonomy period the image of regional unity but would radically change the conception of which agents should be proximate decision-makers in the regional government.

In choosing among these models, PSOE leaders had to consider the strategic context in which they operated. Although the party enjoyed a comfortable majority, its institutional links to social groups were extremely weak. Its closest institutional ally was the Unión General de Trabajadores (UGT), which, due to the limited industrial economy, was considerably less strong in Andalusia than in

Spain as a whole. Analysis of electoral trends suggested, moreover, that the critical "marginal" votes were in the hands of urban middle classes whose political volitions are typically shaped by mass media and personal interactions instead of by membership in secondary organizations. The heterogeneity of the PSOE's electoral coalition and the weakness of its direct and indirect linkages to significant social groups led party leaders to place a premium on generating an image of region-wide consensus.

It would obviously be easier to control the consensus-building process if the PSOE used its executive discretion to invite organized interests to participate in policy-making than if the party used the parliament -- composed of democratically legitimated partisan competitors -- as the locus of deliberation and decision-making. In claiming legitimacy for molding the Andalusian polity in the democratic corporatist image, the PSOE could draw on the precedents of pactismo which were characteristic of the transition period as well as on the common sense idea that economic development requires the commitment of the government, employers, workers, and others. Emerging theories of democratic corporatism or social democracy, if needed, could also be drawn upon to justify this strategic move in the eyes of intellectuals.

At least three vulnerabilities were entailed by this strategy. First of all, Andalusia's social structure is rather unlike that of the northern and central European

countries in which democratic corporatism has flourished. The preponderance of relatively small service and industrial firms, as well as the continuing importance of agriculture, makes peak organizations, such as the Confederation of Andalusian Employers (CEA) and the UGT, relatively weak representatives of social classes. The corporatist linkage strategy, therefore, may not be able to compensate effectively for the small number of organizational links between the dominant party and its voters. Second, the focus on economic planning, while consistent with the character of the Andalusian polity, would likely fail to sustain the degree of popular enthusiasm for the Junta that might be needed to carry forward the difficult task of building regional administrative capacities. Third, the economic development program would be extremely hard to implement if the Junta did not receive either financial resources or competences that would be necessary to make the Junta a government in more than name only.

3. The Political Functions of Economic Planning

To construct the social consensus, the PSOE government in 1983 set in motion the development of a three-year Economic Plan for Andalusia, under the leadership of Julio Rodriguez, the head of the department of economy, industry, and planning. As organized, subcommittees composed of relevant public and social agents were given the task of diagnosing regional problems and setting planning objectives

in each of several economic sectors and domains of prospective government operations. The analysis and goals submitted by the subcommittees were aggregated by the economy department, and a three-year plan for public investments was formulated, based on the regional government's priorities and the revenues expected to be provided by the central government. Once ratified by the planning commission at one of its few meetings, the document was submitted to parliament in the form of proposed legislation (see below).

Developing an economic plan in this fashion evidently served a variety of the PSOE's purposes.[4] The major task following the formal creation of the Junta and the PSOE's electoral success was to create a clearer institutional order -- a web of public agents, decisionmaking procedures, issues, and ideologies -- so as to fulfill expectations that autonomy would enable Andalusians to act collectively in pursuit of common interests and so as to consolidate the party's position at the center of the regional institutional order. The celebrated planning process reinforced the conception that the major purpose of the new polity was to overcome regional underdevelopment and that the PSOE, through its control of the government, was capable of leading an ongoing process of broad-scale social cooperation to bring Andalusian living standards up to Spanish norms. The planning process evidently helped perform the functions of polity-building, especially at the

elite level. In addition to reducing the social distance between the participants, the task of diagnosing regional problems and setting objectives tended to create a high degree of consensual knowledge about social conditions and possibilities among influential Andalusians. Despite their initial differences, they emerged more united than before by the vision of a modern, prosperous, European region, governed by democratic corporatist arrangements (which ensured organizations with monopolistic claims to represent interests a significant, ongoing, and predictable position in the policy-making process).

While the planning process may have created new institutional capacities within the regional polity, it also tended to serve the purpose of communicating a political vision in which all segments of the PSOE's diverse electorate -- indeed, virtually all Andalusians -- could see themselves as contributing to the region's uplift. The plan, though placing emphasis on the expansion of agroindustry as a means to add value to the region's primary sector output, called attention to the potential contributions of industry, of various kinds, and of services. Moreover, the plan emphatically placed responsibility for wealth-creation on business and property owners while arguing that the public sector in Andalusia should play a greater role in economic promotion than it would in Spain as a whole. Because hard choices were not made at this early stage of institutional development,

virtually everyone could construe the plan as sensible and perhaps attractive from their own point of view.

In sum, the PSOE strategy, from the outset, was to link Andalusians together politically in two ways: first, through a highly encompassing electoral coalition underpinning the PSOE's political dominance, and, second, through organizational linkages between "members" and their socioeconomic "agents", who, in turn, would interact in a variety of interorganizational networks. The second component of this strategy appears to be due, in part, to the organizational weakness of Spanish political parties, including the PSOE, and to a strong belief in the efficacy and legitimacy of democratic corporatist policy-making. Both the electoral and interorganizational linkages to the polity were to be solidified by constructing agreements outlining a broad set of responses to the major issue facing the regional collectivity and polity: development.

4. The Political Functions of the Agrarian Reform

In contrast to the technocratic, completely nonantagonistic politics of economic planning, the politics of the agrarian reform issue were fundamentally conflictual. The reopening of the "agrarian question" during the first year of the legislature enabled the PSOE government to tap rich reservoirs of sentiments that not only helped connect Andalusians with their forbears' struggles for land and social justice, but also served to link both urban and rural

voters to the PSOE. Opinion polls showed that among urban residents, agrarian reform was the third most important category of public problem-solving, just behind creating employment and reducing crime. To the extent that politics is theater, it was obviously useful to revive the idea of an antagonist in the struggle for social amelioration. Once autonomy was achieved and the UCD had been removed from power in Madrid, the continuation of the unifying, aggressive style of governance required some kind of conflictive focal issue in the political life of the new Autonomous Community; the political strategy of the agrarian question was evidently used by Escuredo to maximum effect.

This strategy, however, could create several important vulnerabilities for the Junta government. An agrarian reform whose objective was to redistribute land to rural workers could reduce the value of regional output, in so far as latifundia by this time were operated as modern enterprises with substantial investments in capital and technology. In drafting the legislation, the PSOE leadership along with the Junta's numerous experts in agrarian matters dealt with this vulnerability by threatening landowners with taxes and expropriation only if the value of their farms' output did not meet the norm for its surrounding ecological area (comarca) and by authorizing the agrarian reform administration to implement the law in as few comarcas as it wished. This policy design transformed the agrarian reform idea into a set of

instruments with which the regional government could directly challenge property owners to improve their productive capacities, even though, in the public mind, the reform's expropriation provisions were designed to achieve the long awaited redistribution of land. In choosing to exploit the powerful myth that social injustice in Andalusia stemmed from the region's concentrated pattern of landownership while, in fact, attempting to increase the value of agricultural output, the PSOE ran the risk of eventual popular disenchantment. The strategy also entailed another risk, recognized from the outset: Since the Autonomy Statute did not explicitly state that the regional government was competent to pass legislation involving expropriation, defenders of property rights would likely attempt to block implementation of the law by recourse to the Constitutional Court. Delays and/or an unfavorable decision would remind voters that the Junta provided less political autonomy than imagined during the referendum campaigns. Disillusionment with the idea of Andalusian autonomy could imperil the PSOE's overall strategy -- of which the agrarian reform was a key element -- to hold together its tentative electoral coalition composed of diverse and largely unorganized social groups. That the PSOE chose to bear these risks testifies to the difficulties of achieving political integration primarily through the pursuit of regional economic development in an extremely

diverse social-economic space such as Andalusia.

5. Institutional Development of the Regional Parliament

As we have seen, the PSOE's made use of two routes to political integration: the party's electoral strength and the development of a corporatist policy-making network. With its hegemonic position in parliament, the PSOE could easily manage to maintain the Junta executive at the center of political attention and decision-making if it so desired. Since the majoritarian position empowered the Government to choose which issues merited legislative action, which alternatives would be presented, and which decisions would be taken, the institutional development of the parliament during this phase would be a by-product of the PSOE's overall governance strategy.

Generally speaking, the PSOE used parliamentary debate and action to help legitimate its character-shaping public policy positions. The approval of legislation would give such policies the kind of democratic legitimation that neither executive action nor social concertation by themselves could provide.

The first major legislative proposal was the Economic Plan for Andalusia. Since specific lines of administrative action were not part of the plan and since the stated investment targets did not constitute a legally-binding budget, the executive was requesting approval of programmatic legislation par excellence. This legislation

did not ignite interest group activity. The regional peak associations had been included in the process of drafting the plans, and the broad, though partly contradictory, principles to which they subscribed were all incorporated into the plan (e.g., importance of promoting the private sector and creation of a moderately-sized regional public sector; investments in agriculture and promotion of industry). With the exception of the regional peak associations, interest groups in Andalusia were organized at the provincial level. As the plan framed social problems and objectives in exclusively regional terms, it was difficult for existing groups to infer how their interests would be affected by passage of this legislation. In the absence of interest group pressures, legislators principally debated the general features of the plan. In particular, the PSA-Partido Andaluz critiqued the model for perpetuating the dependent position of the regional economy in Spanish and international capitalism. Legislative action on the plan was not consequential for either party-interest group relations or, in the final analysis, for public policy.

The connection between interest groups and political parties was forged most clearly by the proposed agrarian reform legislation. In the case of this highly publicized issue, the intense contradictions between the principles at stake could not be mediated through the social concertation process. In the debate, the conservative Alianza Popular advanced the contrarian position taken by the sectoral interest group (Asociación Andaluza de Ganaderos e Agricultores) and its peak employers' association (CEA). On the other side, the communist party proposed what it called an "integral" agrarian reform, whose thrust would be more akin to the historical conception of agrarian reform in Andalusia. Though the text of the communist bill was vague on many important points, it was clear that an integral reform would involve expropriations of land for public use throughout the region. As we have seen, the PSOE position derived much more from an overall electoral strategy, targeting unorganized middle class urban sectors and supporters in rural areas, than an effort to represent specific organized interests.

We should not leave the impression that the Andalusian Parliament only dealt with highly symbolic legislation. The law of cooperatives, for example, created a body of Autonomous Community legislation regulating the many cooperative enterprises in the region. This is perhaps the clearest case of linkage between interest group pressure and the legislative action. The cooperatives in Andalusia are

closely linked to the communist party (PCA), which negotiated the terms of the legislation with the PSOE.

6. Regional Interests and Parliamentary Control

In the legislative process, we have not been able to extract a general conception of the connection between interest groups, parliament, and public policy. But an analysis of the way in which the parliamentary groups have made use of the instruments of control reveals significant non-legislative linkages between interests and the policy-making process.

All opposition parties, but especially Alianza Popular, frequently used the right to ask questions to critique publicly the general political program of the PSOE. As questions (as distinct from interpellations) are theoretically raised only about matters of secondary importance, this tactic must be seen as an attempt to use all the limited instruments available to exercise political control over the hegemonic governing party. More recently, questions have been increasingly asked about specific sectoral and local issues. Since these issues bear on the interests of organized groups, this tendency suggests that the connection between parties and interest groups is becoming somewhat tighter and is beginning to influence the process of parliamentary control of the Government. Because of the issues at stake, this mode of control tends

to reinforce, rather than challenge, the existing provincial and local organization of interests.

These methods of control are considerably weaker than the instrument of creating a parliamentary committee to investigate a specific issue. The greater visibility and depth of these parliamentary activities can draw significant attention from interest groups. For example, in the investigation of irregularities in the management of the Caja Rural de Jaén, members of this credit union were able to make use of the parliamentary process to protect their interests against fraudulent behavior by those who controlled the organization (large farmers). Another example is that of an investigation, begun by socialist members of parliament but completed by the executive, of the region's privately-owned electric utility, Compañia Sevillana de Electricidad. This investigation was triggered by accusations of incorrect billings by the company. In the end, the utility reached an accord with the Junta executive to refund money to many of its customers. Here the linkage was between parliament and unorganized consumers rather than between a party and specific organized interests.

A final, more recent case involving parliamentary control of the executive is that of the Edificio Presidente, an office building being constructed for the Junta by a private firm. The investigation concentrated on alleged irregularities in the procurement process and on the

apparently excessive costs involved. Although interest groups were connected to the issue, the investigation achieved an extremely high degree of political importance because of the appearance of mismanagement by the PSOE. The investigation continues despite the fact that the Junta executive has reached an agreement to sell the uncompleted building to the construction company.

7. Provisional Conclusions

At this early stage, it appears that organized interests are connected with the Andalusian parliament in an efficacious way principally when the opposition to the majoritarian PSOE utilizes the instruments of parliamentary control. It is more difficult for parties to intermediate interests through the legislative process. The parliament acts through legislation principally when the PSOE seeks the kind of democratic legitimation for public policies that cannot be fully obtained through executive action and social concertation. This legislation is typically either general or broadly programmatic in character; hence, peak organizations, which are often dedicated to improving their claims of monopoly representation and to defending certain principles of social organization (property rights; public enterprise, etc.), are more easily mobilized by proposed legislation than are provincially-based groups with clear sectoral interests. As the employers' peak association is frequently included in the pre-legislative policy-making

process through social concertation, it rarely needs to ask the Alianza Popular to represent its interests in legislative debates.

Hence, we see a polity operating on two rather different planes: a general regional plane in which the Junta executive and its socioeconomic interlocutors are decisive, even if legislation is later approved by parliament, and a micropolitical plane, involving the few interests (sometimes, but not always organized) which can mobilize ~~opposition~~ political parties to employ the instruments of parliamentary control to influence either powerful "private" organizations (Caja Rural de Jaén; Compañía Sevillana de Electricidad) or the Government itself (Edificio Presidente).

Whether this pattern, observed during the "constituent" legislature, becomes institutionalized remains to be seen. This initial period was heavily influenced by the strategies of the majoritarian PSOE to build the Junta's institutions and strengthen the tentative coalition among its diverse social bases. Both of these strategies tended to diminish the role of interest groups in the legislative process.

The second legislature appears to be characterized by a greater degree of sectoral legislation and of parliamentary control activities. In this somewhat more mature phase of the parliamentary life-cycle, the linkages between organized interests and parliamentary activities may become more pronounced and systematic.

NOTES

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[1] In a survey, the percentage of Andalusian respondents favoring centralism over autonomy declined by 39 points between 1976 and 1982. Importantly, in 1982, 80 percent of Andalusian respondents agreed with the statement that the region had been treated unjustly by the rest of Spain, as compared with only 40 percent of the Galicians responding to the same survey. See J.R. Montero Gibert and A. Porrás Nadales, "Primera Parte," El Parlamento de Andalucía, ed. Javier Pérez Royo and Antonio J. Porrás Nadales (Madrid: Tecnos, in press). On the transition period, see also Ulrike Liebert, Neue Autonomie-Bewegung und Regionalisierung in Spanien: Der Fall Andalusien, (Frankfurt: Campus, 1987).

[2] The concept of the polity developed here has been significantly influenced by: Ronald Jepperson and John Meyer, "Politics, Interests, Functions, and Organizing," paper presented at the Conference on Institutional Change, Center for Advanced Study in the Behavioral Sciences, Palo Alto, California, May 1987; Joseph Tussman, Obligation and the Body Politic (London: Oxford University Press, 1960); and by David Lax and James Sebenius, The Manager as Negotiator (New York: The Free Press, 1986).

[3] For a detailed examination of the 1982 elections, see Antonio J. Porrás Nadales, Geografía Electoral de Andalucía (Madrid: Siglo XXI, 1985), and Montero Gibert and Porrás Nadales, op. cit.

[4] This section, in part, draws on Michael Barzelay, "El Socialismo Andaluz: La Ideología Política y la Política Económica de una Comunidad Autónoma Española," Estudios Regionales, No. 17 (1987), pp. 109-17.

A ASSEMBLEIA DA REPÚBLICA
PARTIDOS POLÍTICOS, GOVERNO E OPOSIÇÃO

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I. INTRODUÇÃO

1. O sistema de governo

A Constituição portuguesa de 1976 consagrou um sistema de governo com dois órgãos eleitos por sufrágio directo e universal - o Presidente da República e a Assembleia da República - de quem depende o Governo (1).

O Presidente da República é eleito por um período de 5 anos (2), pelo sistema maioritário a duas voltas, à 2ª volta só concorrendo os dois candidatos mais votados. Não é permitida a reeleição para um terceiro mandato.

O Presidente da República nomeia o Primeiro-Ministro, "tendo em conta os resultados eleitorais" e demite o Governo "quando tal se torne necessário para assegurar o regular funcionamento das instituições democráticas". O Presidente dissolve, quando bem o entenda, a Assembleia da República e pode vetar as leis, quer venham do Parlamento, quer do Governo. Nomeia titulares de altos cargos, na sua maioria sob proposta do Governo. Só pode presidir ao Conselho de Ministros quando o Primeiro-Ministro o solicitar (3).

Até 1982, a dependência do Governo face ao Presidente da República era, no texto constitucional, mais nítida: a demissão do Governo não estava formalmente limitada, como agora está. Em contrapartida, o Presidente só podia dissolver o parlamento se obtivesse parecer favorável do Conselho da Revolução.

[De 1976 a 1982 a presidência da República foi ocupada por um militar, o general Ramalho Eanes, que se havia tornado conhecido por ter dirigido as manobras militares que, no período conturbado de 1975, puseram cobro à dominância da esquerda revolucionária e abriram caminho à institucionalização da democracia política. O general Eanes teve uma intervenção activa na vida política e institucional, demitindo Governos, nomeando governos sem apoio parlamentar previamente assegurado, dissolvendo por duas vezes a Assembleia, vetando importantes diplomas quer do Governo quer do parlamento, intervindo por vezes directamente na área governativa e parlamentar. Em Outubro de 1986 foi eleito Mário Soares, que tem mostrado privilegiar a estabilidade governativa, apoiando o governo minoritário do Primeiro-Ministro Cavaco Silva, seu adversário político, sem, no entanto, deixar de exercer algum controlo sobre a actividade parlamentar e governativa. Dissolveu a Assembleia após esta ter feito cair o Governo, o que permitiu que o partido de Cavaco Silva obtivesse a maioria absoluta nas eleições subsequentes.]

A Assembleia da República é o parlamento unicameral português. Com o Governo, partilha da competência legislativa. Mas há um vasto elenco de matérias em que só a Assembleia pode legislar. Em parte desse elenco o parlamento pode delegar a sua competência legislativa no Governo, mas noutra parte não é possível tal delegação.

A Assembleia da República aprecia o programa do Governo, que pode rejeitar, o que tem como consequência a demissão do executivo, e vota moções de confiança e de censura ao Governo.

A não aprovação de uma moção de confiança ou a aprovação de uma moção de censura implicam a queda do Governo. A Assembleia controla a actividade legislativa do executivo através do instituto de ratificação, a que adiante se aludirá, e compete-lhe em exclusivo a aprovação do Orçamento de Estado, que lhe é proposto pelo Governo.

O Governo é "o órgão de condução da política geral do país e o órgão superior da administração pública". Define a política e executa-a, sob controlo do Presidente da República e da Assembleia. O Governo pode legislar em todas as matérias que não sejam da exclusiva competência do parlamento.

A chefia do Governo tem sido exercida quase sempre pelo líder do partido com maior representação parlamentar, mas não há nenhuma regra constitucional que a tal obrigue.

O sistema constitucional favorece a formação de governos minoritários: o programa de Governo não precisa de ser aprovado, basta-lhe que não seja rejeitado. É necessária uma coligação "negativa" da oposição, quer para rejeitar o programa de Governo, quer para aprovar uma moção de censura, ou rejeitar uma moção de confiança.

Dos 11 Governos formados desde 1976, apenas três caíram por intervenção directa do parlamento. O 1º Governo, por rejeição de uma moção de confiança, o 3º, por rejeição do seu programa, e o 10º, por aprovação de uma moção de censura.

2. O sistema eleitoral

Os 250 (4) deputados do parlamento português são eleitos por listas, segundo o sistema proporcional e o método da média mais alta de Hondt. Os 18 círculos eleitorais correspondem a cada uma das circunscrições administrativas chamadas distritos. Não há uma "découpage" específica para efeitos eleitorais.

O número de deputados por círculo depende do número de eleitores. É um órgão independente, presidido por um juiz e com representantes dos 5 maiores partidos, a Comissão Nacional das Eleições, quem, para cada eleição, estipula o número de mandatos que corresponde a cada círculo, conforme as flutuações do número de eleitores.

A Constituição determina - decerto desnecessariamente -, que só os partidos políticos podem apresentar candidaturas a deputados. Em cada partido os candidatos são escolhidos segundo um processo de negociação entre órgãos locais e nacionais. Os órgãos nacionais, porém, podem decidir mesmo ^{dos primeiros} contra a vontade dos órgãos locais e reservam para si pelo menos a designação de cada lista.

São frequentes as tensões entre órgãos locais e nacionais a propósito da escolha dos deputados. Essas tensões, que muitas vezes vêm relatadas na imprensa, são mais notórias nos partidos com maior representação parlamentar - em que é mais provável a eleição de "backbenchers" de origem predominantemente local - e em tempos de direcção central mais enfraquecida, quando aumenta o poder reivindicativo dos órgãos locais.

Os primeiros em cada uma das listas são, predominantemente, os dirigentes nacionais dos partidos. Tradicionalmente o número um da lista pelo círculo de Lisboa é o dirigente máximo do partido, eventual candidato a Primeiro-Ministro.

Por vezes alguns candidatos são colocados nas listas não para serem deputados mas por razões quer internas ao partido - por exemplo, para marcar o peso relativo de várias personalidades - quer externas - por exemplo, para chamar mais votos à lista. É o caso, nomeadamente, de certos dirigentes nacionais que, embora eleitos, nunca chegam a sentar-se no parlamento, sendo substituídos por outros, ou de actuais ministros, com esperança de voltarem a sê-lo, que também não chegam a ocupar o lugar na Assembleia, ou de personalidades colocadas nas listas em lugares em princípio não elegíveis.

Na composição das listas os partidos têm progressivamente procurado garantir a eleição de especialistas nas várias áreas pertinentes ao trabalho parlamentar. O que obriga a conjugar critérios de restrito interesse partidário interno - tal como o da posição na hierarquia do partido - com critérios institucionais, preocupados com a eficácia do grupo parlamentar.

É possível verificar um, ainda que lento e incipiente, processo de profissionalização parlamentar, que abrange todos os partidos e de que são índice quer a crescente reeleição de deputados, quer um certo envelhecimento da população parlamentar.

Apesar da ocorrência de factores de instabilidade, como cisões dos grupos parlamentares (5), alterações das direcções partidárias, alterações no espectro partidário (com o aparecimento e desaparecimento de coligações e o surgimento de novos partidos), verifica-se uma ligeira evolução das percentagens de deputados reeleitos de legislatura para legislatura (6) e uma correspondente diminuição das percentagens de "novos deputados" (7).

Tal processo de profissionalização é mais acentuado nos partidos de menor representação, como se demonstra no quadro nº 1.

Consequência desta crescente renovação de mandatos é o ligeiro envelhecimento da população parlamentar que, de uma idade média de 40,3 anos em 1976 passou para 43,5 na IV legislatura (8) afectando também aqui sobretudo os partidos de mais fraca representação parlamentar.

Enquanto que as candidaturas ao parlamento podem ser apresentadas por partidos políticos, as para Presidente da República são subscritas por um mínimo de 7 500 eleitores.

Têm surgido várias candidaturas que, embora sem nenhum apoio partidário, têm obtido significativas votações. E todos os candidatos têm reclamado o apoio de diversas personalidades independentes. Em todo o caso, todos os candidatos eleitos tiveram o apoio expresso de mais de um partido (9). Rapidamente, porém, se têm distanciado das maiorias que os elegeram, fazendo questão de marcar o seu distanciamento face aos partidos políticos, como uma das condições se não da sua legitimidade, pelo menos do exercício das suas funções.

3. O sistema partidário

Até Outubro de 1985 o sistema partidário português era dominado por quatro partidos, dois à direita e dois à esquerda. Em cada um destes dois blocos, um partido sobressaía: o PSD à direita, o PS à esquerda (ver quadro nº 2).

Outros pequenos partidos tiveram representação parlamentar, mas apenas enquanto se coligaram com os grandes partidos. Quando concorreram sozinhos, deixaram de conseguir eleger deputados. De resto, o seu grau de autonomia na actividade parlamentar foi reduzido. Houve, porém, uma excepção: entre 1976 e 1983 um pequeno partido da extrema-esquerda, a UDP, conseguiu, mercê de uma concentração de votos no círculo de Lisboa, eleger um deputado.

Em Outubro de 1985 surgiu a primeira grande alteração no leque partidário. De quatro grandes partidos, passou-se a cinco, com o surgimento de mais um partido à esquerda, o PRD, que conseguiu mais de um milhão de votos.

Menos de dois anos depois, outra grande modificação. Pela primeira vez um partido conseguiu, sozinho, a maioria absoluta de votos e mandatos. Maioria maior do que a obtida, em 1979 e 1980, pelo mesmo partido, mas em coligação. Por outro lado, e com a excepção do PSD, todos os outros partidos tiveram uma forte descida na sua votação. As eleições para o Parlamento Europeu, que se realizaram na mesma data, confirmam, embora de modo muito mais atenuado, as tendências reveladas nas eleições parlamentares.

4. O sistema político

O sistema político português tem revelado uma dispersão no exercício do poder, a ausência de uma força central que prevaleça duradouramente sobre os vários centros de poder. Presidente da República, Assembleia e Governo têm partilhado, em dissonância e competição frequentes, o poder político. Nunca os três órgãos se puderam reclamar do mesmo eleitorado ou agiram concertadamente sob a domínio de um deles. Houve vários períodos de aberta competição entre esses três centros de poder, com alianças temporárias de dois deles contra um terceiro.

Por outro lado, tem sido grande a instabilidade do sistema. Em 11 anos sucederam-se 11 governos. Foram experimentadas quase todas as coligações verosímeis, antes e depois de eleições. Houve governos com apoio maioritário no Parlamento, como os houve com apoio minoritário ou sem apoio organizado.

A legislatura nunca durou os previstos quatro anos, sem interrupção. Pelo caminho o Parlamento tem sido dissolvido, na procura de novas soluções governativas.

As direcções partidárias têm sofrido profundas alterações. Com a excepção do PCP, nenhum dos grandes partidos tem à frente os seus chefes históricos e fundadores. Cisões importantes ocorreram aos maiores.

O eleitorado tem mostrado acentuada instabilidade, com significativas transferências de votos entre partidos, e recusando eleger um Presidente da República consoante com o partido ou coligação no governo.

As recentes eleições de Julho de 1987 permitem um governo de legislatura, agora com melhores condições políticas do que em 1980, quando também era ^{possível} ~~perpetuo~~ um Governo de 4 anos, apoiado por uma maioria parlamentar, que acabou por se desagregar.

O período que aqui se estuda, porém, vai precisamente até Julho de 1987. Não abrange o que poderá vir a ser uma fase de certa estabilidade e centralização do poder.

II. A ASSEMBLEIA DA REPÚBLICA, OS PARTIDOS E O PARLAMENTO

1. O Presidente da Assembleia da República e a Conferência de Líderes

O Presidente da Assembleia da República é a segunda figura do Estado português. Ele substitui interinamente o Presidente da República. E detém poderes decisivos relativos ao funcionamento do parlamento. Apesar disto, o lugar não tem sido ocupado por figuras de primeiro plano dos partidos políticos. Antes tem sido deliberado frequentemente atribuí-lo a políticos em fim de carreira ou, pelo menos, de idade avançada, ou a figuras, sem dúvida respeitáveis, mas sem grande peso político.

O Presidente é eleito, em escrutínio secreto, para um mandato de um ano (mais precisamente, de uma sessão legislativa).

Na ausência de uma coligação maioritária, o Presidente tem sido eleito de entre o grupo parlamentar mais numeroso, necessariamente com a colaboração de outros grupos parlamentares. Quando existem coligações que agrupam a maioria dos deputados, o cargo foi exercido, alternadamente, por deputados dos dois partidos da coligação.

Em consequência deste sistema, para 11 sessões houve 6 presidentes diferentes. Dois deles ocuparam o cargo em três sessões, e só um deles o fez por três sessões seguidas. Reconhecidamente, porém, o exercício do cargo carece de experiência e rotina.

Para além dos poderes de representação do Parlamento, o Presidente dirige os trabalhos do plenário, marca o ritmo do trabalho das comissões, dirige os serviços da Assembleia.

De entre os poderes de direcção dos trabalhos do plenário, salienta-se o de marcar a ordem do dia. Certo que se trata de um poder muito controlado: o Regimento estabelece uma lista de prioridades que é preciso respeitar, o Presidente é assistido nessa marcação pela "conferência de líderes parlamentares", onde o Governo está presente, e da sua decisão cabe sempre recurso para o plenário.

Até 1985 a "conferência de líderes" deliberava por consenso, sem votações. A partir de 1985, com a profunda revisão que se fez do Regimento, está previsto que se delibere por votação, cabendo a cada líder os votos correspondentes à dimensão do seu grupo parlamentar.

Embora a "conferência" tenha apenas uma função consultiva, certo é que a prática tem demonstrado que os sucessivos Presidentes, mesmo quando se apoiam numa maioria

parlamentar, decidem conforme o consenso estabelecido na "conferência". Dado o modo como as deliberações eram tomadas na conferência, não se tem notado, no funcionamento dos trabalhos parlamentares, uma predominância absoluta dos partidos que apoiam o Governo e, por essa via, do próprio Governo. Em todo o caso, se não há uma preponderância absoluta, deverá sublinhar-se que o Governo tem um importante papel na marcação dos assuntos a tratar, importância mais decisiva quando detém uma maioria parlamentar que o apoia.

A "conferência de líderes" - que, de resto, só ocasionalmente é composta por todos os chefes dos grupos parlamentares, pois que, frequentemente, os partidos enviam a essas reuniões segundas figuras, dependendo das circunstâncias em que decorrem essas reuniões - não tem só um papel decisivo na marcação das ordens do dia. Alguns Presidentes, mesmo gozando de um apoio parlamentar maioritário, socorriam-se constantemente da "conferência" para resolver quaisquer problemas que surgissem no decurso dos trabalhos parlamentares.

2. Os grupos parlamentares

O parlamento português, tal como na generalidade das modernas democracias ocidentais, não é um conjunto inorgânico de deputados, mas um conjunto estruturado de grupos parlamentares.

Por força de disposições regimentais os grupos parlamentares têm competências iguais aos deputados, individualmente considerados, tal como a de iniciativa legislativa. Mas têm outras, determinantes, que lhes são exclusivas. Estão neste último caso, para além da presença na conferência de líderes com o papel que se viu, o direito a fixar a ordem do dia de um certo número de reuniões (número que actualmente varia em função de o partido estar ou não no Governo e da sua representação parlamentar), o direito a apresentar moções de rejeição ao programa do Governo (que, se aprovadas, implicam a sua demissão), o direito a requerer a constituição de comissões de inquérito ou interrupções da reunião plenária (10).

Só os grupos parlamentares têm direito a dispor de locais de trabalho na sede da Assembleia e de um pequeno "staff" de pessoal técnico e administrativo.

Os grupos parlamentares coordenam e controlam a actividade dos deputados.

Essas coordenação e controlo manifestam-se, desde logo, na disciplina de voto, prevista em todos os regulamentos dos grupos e estatutos dos partidos, e uma prática

generalizadamente acatada. O sentido do voto é decidido quer pela direcção, quer pelo plenário do grupo e, em questões políticas essenciais, pela direcção do partido. São ainda as direcções dos grupos que determinam que deputados intervêm em cada debate podendo, nalguns casos, controlar o próprio conteúdo dos discursos dos deputados. Como é o grupo que determina que iniciativas legislativas ou políticas devem ser tomadas, ou qual a posição a adoptar relativamente às iniciativas dos outros grupos.

A subordinação dos deputados aos grupos parlamentares revela, afinal, a subordinação dos deputados aos partidos a que pertencem e por que foram eleitos.

De facto, os grupos parlamentares são mais o instrumento do partido no parlamento do que o "órgão" autónomo definido pelos estatutos ou regulamentos internos de alguns partidos. São mais a expressão parlamentar do partido do que a expressão partidária do parlamento, representam mais o partido no parlamento do que o inverso.

Segundo a generalidade dos regulamentos internos dos grupos parlamentares, as direcções partidárias ou têm direito a participar nas reuniões dos grupos, embora sem direito de voto, ou fazem parte integrante de iure do grupo parlamentar. E os grupos devem seguir as orientações políticas ditadas pelas direcções partidárias, nomeadamente em questões julgadas essenciais por essas direcções. Nalguns casos, os discursos no plenário feitos em nome ou por incumbência da direcção do partido, não carecem de autorização do grupo parlamentar e gozam de prioridade sobre outras intervenções do grupo.

As pressões dos mais poderosos grupos de interesses, assim como as principais negociações para-legislativas fazem-se em grande parte nas sedes partidárias. É aí que se tomam as mais importantes decisões. As grandes leis do parlamento, obtidas por amplos consensos interpartidários, foram reconhecidamente negociadas fora dele, como foi o caso, entre outras, das Leis da Reforma Agrária, da Defesa Nacional, do Tribunal Constitucional, da revisão constitucional (11).

A iniciativa legislativa dos grupos parlamentares tem a sua origem, mais frequentemente, nas sedes partidárias, designadamente nos seus Gabinetes de Estudos, do que no interior do grupo; se outras razões não houvesse, porque nem os deputados individualmente considerados, nem os próprios grupos, dispõem dos meios técnicos que lhes permitam a elaboração dos projectos. O partido e o grupo parlamentar funcionam, pois, também, como uma estrutura de apoio indispensável à actividade do deputado.

Esta proeminência da direcção partidária no grupo parlamentar ou sobre ele, tende a ser maior nos grupos de menor representação, em que prevalecem os deputados que são dirigentes partidários, e menor nos grupos de maior representação, em que cresce o número de deputados não dirigentes.

Foi, em parte, por não se aceitar tal proeminência que ocorreram cisões nos grupos parlamentares (12).

3. As Comissões

A predominância dos partidos sobre os deputados atenua-se um tanto na actividade desenvolvida nas Comissões.

Como a generalidade dos parlamentos, a Assembleia da República funciona em comissões. Aí se apreciam todas as iniciativas legislativas antes de serem discutidas em plenário; aí se analisam e votam, na maioria dos casos, os diplomas na especialidade; aí se dão seguimento às petições que os cidadãos, instituições ou grupos dirigem ao parlamento; aí se apreciam os actos de administração e do Governo; aí se procedem a inquéritos quer à actividade da administração e do governo, quer das empresas públicas.

Além da Comissão Permanente - que, como um mini-parlamento sem funções deliberativas, reúne fora dos períodos de funcionamento efectivo do plenário, ou quando a Administração está dissolvida - e da Comissão de Regimento e Mandatos - que procede à verificação de poderes dos Deputados e tem outras competências relativas ao estatuto dos Deputados e ao Regimento da Assembleia - há várias Comissões especializadas permanentes.

Em 1977 eram 11. Em 1980 passaram a 19. Desde 1983 que estabilizaram em 13 (ver Quadro nº 3).

Pode dizer-se que cada Comissão corresponde a uma área da actividade governativa. Com duas excepções. A 1ª Comissão, de Assuntos Constitucionais, responde a uma necessidade específica do trabalho legislativo parlamentar (e é das que mais reúne), enquanto que a 12ª Comissão responde a uma necessidade política, sem correspondência com a específica actividade do parlamento (e é a que menos reúne).

Além destas comissões permanentes, tem-se formado, dentro delas, sub-comissões, e, para além delas, numerosas comissões eventuais, seja para apreciação de certas leis, seja para proceder a inquéritos à actividade do Governo, da administração ou

das empresas públicas.

As presidências das várias comissões são atribuídas aos diversos grupos parlamentares em proporção do número dos seus deputados. O que nem sempre permite que a escolha se faça obedecendo a critérios institucionais, ao passo que obriga a que haja alteração na composição das presidências sempre que haja alterações na composição dos grupos parlamentares decorrentes de novas eleições.

Mas os grupos parlamentares não indicam apenas as presidências. São eles ainda que nomeiam os seus representantes nas diversas comissões.

Progressivamente, porém, tem aumentado o número de deputados que vão sendo constantemente nomeados pelos seus grupos parlamentares. Em 1980, apenas 32 dos deputados que pertenciam a comissões, já pertenciam anteriormente. Em 1983 esse número subia para 57 e em 1985 para 72. O que é um índice de uma, ainda que moderada, profissionalização da actividade parlamentar.

As Comissões funcionam graças ao respeito de uma regra não escrita de garantia da palavra empenhada nas suas reuniões. Se um deputado aí defende certa posição, afirmando que tal é a opinião do seu partido, há a garantia de que a votação final, no plenário, corresponderá à posição enunciada. As violações a esta regra são raríssimas e colectivamente censuradas.

A atenuação da predominância dos grupos parlamentares sobre a actividade dos deputados nas comissões, decorre da natureza do trabalho desenvolvido pelas comissões: os partidos não dão indicações pormenorizadas sobre todos os diversos assuntos que se debatem nas comissões. O deputado tem, então, uma certa margem de manobra quer na negociação com os seus pares, quer na defesa das várias soluções que para os vários problemas encontra. Em todo o caso, existe sempre um controlo latente (para além de um auto-controlo: o deputado sabe que mais do que a sua opinião ~~partidária~~, deve defender aquilo que pensa ser a opinião do seu partido). O grupo parlamentar pode obrigar o deputado a rectificar a opinião que este tenha defendido, ainda em fase de comissão; e é frequente o deputado reservar a sua posição sobre certa questão para depois de se reunir com a direcção do seu grupo parlamentar. .

Até 1985 as comissões reuniam apenas uma vez por semana, não podendo, em princípio, reunir quando o plenário estivesse a trabalhar. Nesta fase, era sobretudo o trabalho do plenário que se privilegiava.

Depois da grande revisão do regimento operada em 1985, e em consequência da necessidade sentida de privilegiar o trabalho das comissões, as regras alteraram-se. As comissões passaram a poder reunir durante o funcionamento do plenário. As votações no plenário são marcadas para uma hora pré-determinada e os deputados que se encontram a trabalhar nas comissões são chamados para virem votar.

Este sistema veio aumentar o número de reuniões das comissões. De facto, e segundo os dados disponíveis, em 1983/84, as diversas comissões (13) reuniram 452 vezes, ao passo que em 1984/85 (é no decorrer desta sessão que entra em vigor o novo regime) reúnem 584 vezes e em 1985/86, 745 vezes. Como elemento de confronto, acrescenta-se que o plenário realizou, nestes mesmos períodos, 141, 107 e 103 reuniões, respectivamente.

Os números - e a alteração das regras - apontam para um progressivo incremento da actividade das comissões no trabalho parlamentar e, por causa disso, a uma ligeira diminuição da preponderância dos partidos, através dos grupos parlamentares, nesse trabalho.

III. GOVERNO E OPOSIÇÃO NA ASSEMBLEIA DA REPÚBLICA

A. Considerações prévias

De Junho de 1976 a Agosto de 1987 Portugal conheceu 10 Governos.

Se considerarmos as relações entre esses governos e as oposições parlamentares, encontramos três tipos de executivo.

Para governos sem base partidária (14), chefiados por um Primeiro-Ministro sem filiação em partido e sem que nenhum partido se responsabilize pela sua formação ou actividade, qualquer partido representado no Parlamento pode ser oposição.

Para os governos com base partidária, se são minoritários a oposição será, ou poderá ser, a maioria do parlamento; se são majoritários, a oposição será claro, a minoria.

O facto de os governos disporem ou não de um apoio parlamentar, e a dimensão desse apoio parece dever influenciar claramente as relações entre governo e assembleia. É essa hipótese que pretendemos confirmar ou infirmar.

A análise a que de seguida se procederá tenderá em conta cada um dos três tipos de governo e a actividade legislativa e de controlo directo da assembleia sobre o governo.

B. A actividade legislativa

1. Os governos sem base partidária

Foram três os governos sem base partidária: o 3º, o 4º e o 5º.

O 3º Governo, chefiado por Nobre da Costa viu o seu programa rejeitado pela Assembleia. Esteve no poder apenas três meses e sempre numa situação provisória. As suas relações com o Parlamento quase só se limitaram à apresentação e rejeição do programa.

O 5º Governo, chefiado por Maria de Lourdes Pintassilgo, teve um relacionamento muito particular com a Assembleia. A Assembleia reuniu, em férias, apenas para apreciar o programa do Governo e para apreciar 15 propostas de lei (15). Logo de seguida foi dissolvida. O Governo tinha como principal missão preparar as eleições. Foi demitido

assim que se formou o novo governo saído dessas eleições. As propostas de lei aprovadas relacionaram-se com empréstimos internacionais, benefícios fiscais e outras matérias politicamente insignificantes, mas necessárias à gestão corrente da Assembleia.

O 4º Governo, chefiado por Mota Pinto, durou 9 meses e coexistiu com a Assembleia durante toda a sua vigência. Mas não foram relações harmoniosas. Os dois instrumentos legislativos fundamentais para o governo, o Orçamento e o Plano, por ele propostos, foram rejeitados uma vez. A segunda versão do Orçamento passou, mas a segunda versão do Plano foi também rejeitada. O Governo acabou por se demitir quando a Assembleia se preparava para votar uma moção de censura, que de certo seria aprovada. Só por essa antecipação o governo não caiu por acção directa do parlamento.

O Governo não obteve de nenhum partido um apoio declarado e consequente. Tinha, por isso, inúmeras dificuldades em controlar a actividade parlamentar.

As suas iniciativas legislativas foram poucas e quase só se cingiram ao domínio da gestão corrente. E aí obteve a compreensão da Assembleia, que aprovou todas as propostas de lei (com as importantíssimas excepções referidas do Orçamento e do Plano). Apenas o PCP votou sistematicamente contra ou abstando-se.

Muito mais abundantes foram as iniciativas legislativas dos deputados. E aqui já não se nota a existência de uma oposição.

Nesta altura o PS ocupava um lugar chave no parlamento: podia formar maioria com qualquer partido e só era derrotado pelos votos conjuntos de todos os outros partidos. De modo que neste domínio se repetiu o que se passara no tempo do 1º Governo: o PS fez maiorias com qualquer dos 3 outros partidos. Isto mesmo resulta dos índices de distância entre partidos (v. quadro nº 4): o PS aparece equidistante dos outros parceiros. Note-se ainda a aproximação entre os dois partidos da direita e o forte distanciamento do PCP.

A maior iniciativa legislativa dos deputados correspondeu, neste período, um maior "out-put" legislativo com origem em projectos de lei (v. quadro nº 5), em situação singular quer no contexto português, quer no internacional (v. quadro nº 6) (16).

O controlo da actividade do Governo a nível legislativo exerce-se sobretudo através das ratificações (17). Na vigência do 4º Governo foram sujeitos a ratificação 30 diplomas, 26 dos quais oriundos desse governo. É um record (Cf. quadro nº 6). Em

8 casos as ratificações foram recusadas.

Neste domínio nota-se a maior aproximação entre o PS e o PCP (v. quadro nº 4). A oposição ao governo era aqui formada pelo PS e pelo PCP e não já apenas pelo PCP.

O 4º Governo sofreu, pois, globalmente, um apertado controlo do parlamento. Governou apenas enquanto e como a Assembleia quis, apesar do apoio que lhe era dado pelo Presidente da República. Ficou demonstrado que, se não era fácil governar contra o Presidente, era impossível governar contra a Assembleia.

2. Os governos minoritários

O 1º e o 10º Governos foram governos minoritários monopartidários. O 1º era do PS, o 10º, do PSD. Mas enquanto o 1º adoptou uma actividade de sistemática negociação com os restantes partidos, o 10º optou antes por uma postura de confronto.

Por isso o 1º Governo pôde usar frequentemente do seu poder de iniciativa legislativa (83 propostas de lei foram votadas na generalidade). E com sucesso: o governo só viu rejeitadas 4,8% das suas propostas, e conseguiu a unanimidade para 44,5% delas.

Em contraste, o 10º Governo apenas viu votadas 41 propostas, das quais foram rejeitadas 9,7% (entre elas a do Plano) e obteve a unanimidade para 31,7%.

Não foi só na quantidade da legislação aprovada pelo parlamento e de iniciativa governamental que se distinguiram os 2 governos, mas também na importância política das leis aprovadas. Enquanto o 10º Governo não conseguiu aprovar nenhuma lei politicamente relevante, o 1º Governo faz passar algumas leis fundamentais para a definição do regime económico (18), questão especialmente controversa na altura.

O 1º Governo ia governando, pois, com o Parlamento. E ia-o conseguindo mercê de uma constante negociação com os outros partidos, com uma ligeira frequência, no domínio das propostas de lei, para com o PSD (Cf. quadro nº 4). Sinal de um ambiente de consenso é a relativa equidistância de todos os partidos: os índices de distância, neste domínio, variam entre 13 e 31, numa escala possível de 0 a 100.

É certo que enquanto no 1º Governo o PS podia fazer maioria com qualquer partido, no 10º o PSD precisava do apoio do CDS e pelo menos da abstenção ou do PS ou do PRD (uma vez que a do PCP não era verosímil), isto é, teria que negociar sempre com dois

partidos. Os índices de distância revelam isso mesmo: a aproximação com o CDS é quase absoluta e é grande com o PRD e o PS. No conjunto de todos os partidos o afastamento dos índices, que aqui variam de 1 a 55, mostram a ausência de consensos quanto às iniciativas legislativas do governo.

Passando para o domínio dos projectos de lei verificamos que durante o 1º Governo foram votados, na generalidade, 49 diplomas (de que apenas 19 se converteram em lei). Na vigência do 10º Governo, 131. É manifesto, pois, que o 1º Governo domina melhor a actividade da Assembleia do que o 10º, sendo certo que tanto num caso como noutro a iniciativa legislativa dos deputados é, predominantemente da oposição.

Enquanto que os índices de distância no período relativo ao 1º Governo reforçam a indicação da actuação consensual do PS, ao passo que se acentua a distância entre o PCP e a direita (o que é compreensível dada a origem dos projectos de lei, que não vêm sobretudo do PS), os relativos ao 10º Governo mostram-se, por um lado, com valores mais aproximados entre si, indicando que houve mais consensos, e, por outro, que o PRD se afasta aqui mais do PSD.

Considerando uma comparação global dos índices relativos às propostas e aos projectos de lei parece poder concluir-se que o PS teve uma oposição dispersa, não sistemática, balanceada pelos vários partidos do parlamento: não era uma oposição estável, eram várias oposições possíveis, mas também vários apoios possíveis, já o PSD teve um apoio quase sempre certo, o CDS, a oposição sistemática do PCP e um apoio flutuante do PRD e do PS o que significa que também aqui a oposição e o suporte do governo têm alguma, embora menor, flutuação.

Não dispomos ainda de dados definitivos sobre a percentagem do "out-put" legislativo atribuível à iniciativa governamental do 10º Governo. Mas sabemos que há um predomínio das leis oriundas dos projectos de lei sobre os de origem governamental. O contrário se passou com o 1º Governo. O que também reforça a conclusão da maior facilidade do 1º Governo no trato com o parlamento.

No 1º Governo foram sujeitos a ratificação 22 diplomas, dos quais 2 foram recusados. No 10º, foram apreciados 24 decretos-lei, 4 dos quais recusados. Quantitativamente estes números equiparam-se. Mas os diplomas do 1º Governo que foram sujeitos à apreciação parlamentar referiam-se, na maior parte, a questões sem grande importância para a política governamental, e os decretos-lei levaram alterações insignificativas de um ponto de vista da política geral. Não assim quanto ao 10º Governo: os diplomas apreciados diziam respeito a áreas fundamentais, como as da política económica, da saúde e da informação, e algumas alterações introduzidas foram muito importantes e

no sentido de retirar competências ao Governo, submetendo a sua acção futura a um mais apertado controlo parlamentar.

Aliás, noutros diplomas aprovados pela Assembleia é visível uma certa invasão pelo parlamento das competências do executivo.

Neste jogo de forças entre a Assembleia e o 10º Governo, pareceria que a Assembleia teria ganho: o governo acabou por cair por a Assembleia ter aprovado uma moção de censura. Mas foi o Governo quem afinal ganhou: o PSD obteve, nas eleições subsequentes, aquilo que nenhum partido tinha conseguido, a maioria absoluta.

O 1º Governo não afrontou a Assembleia, como vimos. Antes procurou sempre uma colaboração com ela. Mas acabou por cair também por acção do parlamento, quando fez votar, e perdeu, uma moção de confiança. De certo que o governo pensava ganhar essa votação. E até ao fim era incerto o resultado. Mas acabou por perder. A estratégia de colaboração acabou por não dar melhores resultados do que a do confronto. Mas não são confortáveis, só por si as duas estratégias. A realidade política, económica e social em 1976-78 era bem diferente da de 1985-87.

3. Os governos maioritários

Até Agosto de 1987 todos os governos que beneficiavam de apoio maioritário na Assembleia foram governos de coligação. Coligação pós-eleitoral: o 2º, formado pelo PS e o CDS e o 9º, formado pelo PS e PSD; coligação pré-eleitoral, os 6º, 7º, e 8º, todos apoiados pela Aliança Democrática, que reunia o PSD, o CDS e um pequeno partido, o PPM.

Todas estas coligações se apresentaram coesas, votando sempre no mesmo sentido. Com muito poucas excepções e apenas quando se tratava de votar iniciativas legislativas dos deputados respeitantes a questões não abrangidas nos acordos de coligação. As iniciativas governamentais receberam sempre o apoio de todos os partidos da coligação. O que não impediu que o 2º e o 6º governos tivessem perdido votações - duas o 2º; e uma o 6º - por ausência momentânea dos deputados no momento da votação.

Se as maiorias de apoio ao governo se mantiveram unidas, o mesmo se não passou com a oposição.

A oposição ao 2º Governo foi protagonizada sobretudo pelo PSD, como mostram os índices de distância (Cf. quadro nº 4). O afastamento constante deste partido, nas votações, do PS e do CDS não tem a ver com a natureza ou o conteúdo dos diplomas votados,

mas com a estratégia seguida de oposição clara à coligação PS/PSD. Já o PCP, por seu lado, teve uma atitude mais reservada, também por razões que tinham que ver com a conjuntura política do tempo.

Aos 6º, 7º e 8º governos se opuseram o PS e o PCP, este sempre mais do que aquele. A oposição mostrou-se mais unida quando se tratava de votar iniciativas legislativas de deputados, do que quando estavam em causa iniciativas governamentais, em que o PS apoiou várias. Ao ler os números referentes ao 8º Governo, em que se repara, ao nível das propostas de lei, uma aproximação do PS à coligação do Governo deverá ter-se em conta que nesta fase o PS acordou com a AD na revisão da Constituição e na elaboração das leis fundamentais sobre a Defesa Nacional e o Tribunal Constitucional.

O número de diplomas sujeitos a ratificação sofreu sensível decréscimo, o que é compreensível: o governo dispunha de maioria, pelo que era pouco credível que deixasse cair ou alterar sensivelmente os seus próprios diplomas. Assim, no 2º Governo apenas 5 decretos-leis foram sujeitos a ratificação, no 6º, 22 (mas apenas 3 eram oriundos do 6º Governo, os outros eram diplomas do governo anterior), no 7º, 9, no 8º, 15 e no 9º 6. É mais nítida, nestas votações, a coesão quer da maioria, quer da oposição.

É na vigência dos governos maioritários que, como seria de esperar, se nota um certo predomínio do governo sobre o Parlamento.

Esse predomínio foi sobretudo notado na vigência do 6º Governo, quando a maioria mostrou várias vezes alguma intransigência e pouca vontade em negociar. Mas a AD perdeu o seu chefe carismático e entrou em decomposição, acabando, apesar de ainda dispor de maioria no parlamento, por ver recusado pelo Presidente da República a indicação de um militante seu para formar governo (que seria o 9º).

E não há dúvida que o desgaste permanente provocado pela oposição no parlamento contribuiu significativamente para acelerar a desintegração da maioria.

A leitura dos números relativos ao "out-put" legislativo (quadro nº 5) revela, porém, que no parlamento com a maior maioria de sempre, predominam largamente as leis oriundas de projectos de lei sobre as vindas de propostas de lei. Provavelmente tal se explicará por os partidos da coligação preferirem negociar certas leis no parlamento a negociá-las no governo. Sem dúvida que se tratava de uma coligação muito conflitual: reunia as dois maiores partidos, concorrentes entre si, com uma base social que em grande parte coincide, com grandes clientelas próprias que é necessário satisfazer. Era, pois, uma coligação que obrigava a constantes negociações e nem todas podiam ser feitas no governo. É uma hipótese para cuja eventual confirmação ainda nos falta obter elementos.

C. A actividade de controlo parlamentar

Na vigência de governos maioritários a oposição, sem grandes esperanças de ver aprovadas as suas iniciativas legislativas ou as emendas que queria fazer às de outros, vira-se para outras formas de controlo da actividade governamental.

Nota-se, por exemplo, nesses períodos que aumentam os pedidos de ratificação de diplomas, que são quase exclusivamente apresentados pela oposição (Cf. quadro nº 7)(18).

É certo que esses pedidos de ratificação nunca chegavam a ser apreciados (e nisso certamente que com a concordância de maioria e oposição, embora por razões diversas). De qualquer modo, ficava marcada a discordância da orientação do governo e sempre disso se podia dar conhecimento aos seus eleitores.

A constituição de comissões eventuais de inquérito aumentam na 2ª e 3ª legislaturas-19 e 27, respectivamente, quando na 1ª legislatura, onde predominam governos minoritários, foram apenas 3. Embora nem todas as comissões inquiram actos do governo, mas analisem também actos da administração central e local e ocorrências da vida pública em geral, o certo é que o governo é o mais visado por essas comissões.

Mais visível e eficaz forma de exercício da crítica política e do controlo parlamentar são as "interpelações ao governo" - debate suscitado por um partido sobre uma área de actuação do governo, a que a comunicação social, incluindo a televisão, habitualmente dá grande relevo - que têm também vindo a aumentar progressivamente de legislatura para legislatura (v. quadro nº 8).

O mesmo não acontece com as chamadas sessões de perguntas ao Governo. Previstas, no Regimento, primeiro para uma periodicidade semanal, e agora para uma periodicidade quinzenal, a verdade é que são muito raras, e cada vez mais raras, tais sessões de perguntas. Provavelmente contribui para essa pouca utilização o facto de as perguntas serem formuladas com antecedência e o governo poder escolher aquelas a que responde.

Momento maior das relações entre o Governo e a sua maioria e a oposição são os de discussão e votação de moções de confiança ou de censura. Mas a sua apresentação tem, obviamente, sentidos diferentes consoante se saiba antecipadamente o sentido da votação.

O 1º Governo, minoritário, caiu, como já vimos, pela rejeição de uma moção de confiança. Que esperava ver aprovada.

O 10º Governo, também minoritário, viu primeiro ser aprovada uma moção de confiança, porque o PRD se absteve. Meses depois era o PRD que propunha uma moção de censura que, aprovada, faria cair o governo.

A partir do 6º Governo iniciou-se a prática, depois sempre seguida, de os governos com apoio maioritário suscitarem a votação de uma moção de confiança logo após a apresentação e não rejeição do programa. Como se disse, os governos não precisavam de uma votação positiva sobre o seu programa. A apresentação de uma moção de confiança logo a seguir à não rejeição do programa significava uma votação positiva sobre a actividade futura do governo, assim evidenciando o apoio maioritário de que gozava.

Mas alguns governos maioritários têm também apresentado, e visto aprovadas, moções de confiança. Essas têm tido a função de amestramento de crescentes insatisfações internas no seio dos apoios ao governo, tornando-se por isso muito mais num instrumento de controlo governamental dos seus apoios parlamentares do que de controlo parlamentar do governo.

IV. CONCLUSÃO

Num sistema político instável e descentralizado não há um único centro dominante de poder. Em Portugal o poder político tem-se encontrado disperso por pessoas, órgãos, grupos, instituições, sem que se note uma clara e prolongada hegemonia.

Actualmente há um partido com maioria na Assembleia e que suporta um Governo. Mas o Presidente da República foi eleito contra o chefe dessa maioria. Ainda não é possível saber se a coabitação será pacífica - como uns defendem - se conflituosa e concorrencial - como outros desejam.

Se o parlamento não tem sido o lugar hegemónico do poder, nunca foi um personagem secundário, e frequentemente foi o protagonista das cenas mais importantes do drama político.

Mesmo quando os governos tiveram apoio maioritário, o parlamento foi muitas vezes um espaço privilegiado de negociação (20) ou de oposição e desgaste do executivo.

Em termos comparativos a Assembleia da República apresenta índices de governamentalização inferiores à generalidade dos parlamentos. O "out-put" legislativo é um desses índices, e vimos como ele é significativo.

Raramente os governos encontraram uma oposição coesa, sistemática e fechada ao diálogo. Houve sempre graduações na oposição, e foram frequentes os consensos. Um governo minoritário conseguiu fazer aprovar leis fundamentais em domínios particularmente sensíveis e controversos. E quando foi necessário - para a revisão da Constituição, para a Lei de Defesa Nacional ou para a do Tribunal Constitucional - encontrou-se o acordo de 2/3 dos deputados.

Os partidos políticos dominam a actividade parlamentar através dos grupos parlamentares. A disciplina partidária é acatada. Mas, por vezes, a fragilidade das estruturas partidárias, sobretudo dos maiores partidos, tem permitido, ocasionalmente, alguma autonomia a certos deputados. O incremento do trabalho nas comissões também contribui para conferir, em questões técnicas (que, em todo o caso, sempre são políticas) mais autonomia aos deputados.

Houve tempo em que vários políticos, sobretudo dissidentes, se insurgiram contra a obrigatoriedade da disciplina partidária e a falta de autonomia dos deputados. Hoje parece ser mais pacífica a aceitação dessa disciplina, como uma regra necessária - ainda que dolorosa, por vezes - ao jogo parlamentar.

O trabalho da Assembleia tem sido objecto de sucessivos aperfeiçoamentos.

É, nesse sentido, particularmente significativa a grande alteração ao regimento levada a cabo em 1985, racionalizando e disciplinando o trabalho do plenário e incrementando o das comissões.

As comissões têm reunido mais e trabalhado melhor. Os dados disponíveis não nos permitem concluir se, em quantidade, o "out-put" legislativo aumentou significativamente. Mas sem dúvida que a qualidade do trabalho das comissões aumentou imenso. Os testemunhos de deputados que pudemos entrevistar são concordantes nesse sentido. A Assembleia da República é, hoje, menos "talking-parliament" e mais "working-parliament" do que era em 1976.

Os índices de, todavia ainda incipiente, profissionalização dos parlamentares também concordam no apontado aperfeiçoamento da actividade da Assembleia. A progressiva intensidade da actuação dos vários mecanismos parlamentares - comissões de inquérito, requerimentos ao Governo, interpelações, moções - dão experiência aos deputados e à Assembleia. As regras não escritas de comportamento parlamentar vão surgindo e sendo respeitadas.

E as condições de trabalho dos deputados e grupos, ainda muito precárias, anunciam-se, para o futuro próximo, serem grandemente melhoradas: mais espaço, recurso à informática, circuitos internos de televisão são alguns melhoramentos em curso.

O parlamento português é um parlamento recente. Tem a duração da democracia, após um longo regime autoritário e uma agitada fase de transição. Num ambiente de instabilidade, não seria de esperar que se assistisse a uma rápida institucionalização. A consolidação da democracia, o crescente acatamento das regras democráticas, tem sido acompanhada pelo enraizamento, pelo menos na classe política, da instituição parlamentar.

NOTAS

(1) Na versão originária, que vigorou até 1982, havia ainda um órgão político-militar, o Conselho da Revolução, reminiscência do período revolucionário (1974-1976) que havia sido marcado por uma grande intervenção dos militares na vida política. O Conselho da Revolução tinha alguns poderes de controlo sobre os outros órgãos e só ele podia legislar em matérias militares; presidido pelo Presidente da República, nele estavam presentes todos os chefes militares

(2) O primeiro mandato só durou quatro anos, para coincidir com o que se planeava ser o período transitório, no fim do qual a Constituição seria revista. A revisão da Constituição só se concluiu, porém, em 1982

(3) Desde 1976, apenas uma vez o Presidente presidiu a um Conselho de Ministros

(4) Por força de uma disposição transitória da Constituição de 1976, a Assembleia eleita em 1976 teve 263 deputados

(5) Nota sobre as cisões, igual à feita no outro estudo

(6) De 1976 para 1979, apesar da cisão ocorrida no grupo parlamentar PPD/PSD, que excluiu da reeleição mais de metade dos seus deputados, a percentagem global das reeleições foi de 48%.

De 1979 para 1980, sem ignorar que o espaço que medeia as duas eleições é curto, esse número subiu para 70%, precisamente por não haver nenhum facto excepcional de perturbação do mecanismo de reeleição.

De 1980 para 1983, devido à recusa de minoria socialista (maioritária no grupo parlamentar eleito em 1980) em aceitar recandidatar-se, a percentagem global de reeleitos baixou para 47,2%. Atente-se que o PS passou a ter, com essas eleições, o maior grupo parlamentar.

Finalmente, de 1983 para 1985, apesar da remodelação da chefia do PSD e do aparecimento do PRD, o número global de deputados reeleitos foi de 52,8%

(7) Os "novos deputados" diminuíram de 52% em 1979 para 46% em 1983 e 40% em 1985

(8) Em 1987, após as eleições de 19 de Julho, a idade média subiu para 47,9. E agora também o envelhecimento atinge sobretudo os grupos parlamentares mais pequenos (PRD e CDS)

(9) O General Eanes foi reeleito contra os partidos maioritários no parlamento e o chefe histórico e fundador do PS

(10) Estas interrupções constituíam um instrumento fundamental de tática parlamentar, nomeadamente para fazer atrasar votações ou para acertar o sentido de voto do grupo. A partir de 1985, quando as votações passaram a ser feitas em dias e horas marcados com antecedência, estas interrupções perderam alguma da sua importância

(11) Cf. A feitura das Leis, Lisboa, Instituto Nacional de Administração, 1986, vol. I, sobretudo os artigos de António Barreto, Freitas do Amaral, Cardoso da Costa e Jorge Miranda

(12) Cf. supra, nota (5)

(13) Nestes dados não contabilizamos as reuniões quer da Comissão Permanente, quer da Comissão de Regimento e Mandatos, a primeira pela sua natureza, a segunda pelas suas funções

(14) Em Portugal designa-se comumente estes governos como de iniciativa presidencial. A denominação não é precisa, pois todos os Primeiros-Ministros são nomeados por iniciativa do Presidente da República

(15) Chamam-se propostas de lei às iniciativas legislativas do Governo (ou das regiões dos Açores e Madeira) e projectos de lei às iniciativas legislativas dos deputados ou grupos parlamentares

(16) Se se contarem as leis com origem em ratificações como leis provenientes de iniciativas legislativas de deputados - o que é, em si, correcto - as percentagens a favor da iniciativa parlamentar são muito mais elevadas, e ainda mais excepcionais em política comparada

(17) Nas ratificações o parlamento, por iniciativa dos deputados, chama a si a apreciação de um diploma legislativo do governo (decreto-lei) já publicado. Em consequência dessa apreciação o parlamento pode recusar a ratificação, eliminando o diploma, e pode suspendê-lo e alterá-lo

(18) Foram o caso da lei que define os sectores económicos vedados à iniciativa privada, da que estabeleceu o pagamento das indemnizações aos proprietários de bens nacionalizados, das relativas à reforma agrária e ao arrendamento rural, estas duas últimas também o objecto de iniciativas dos deputados

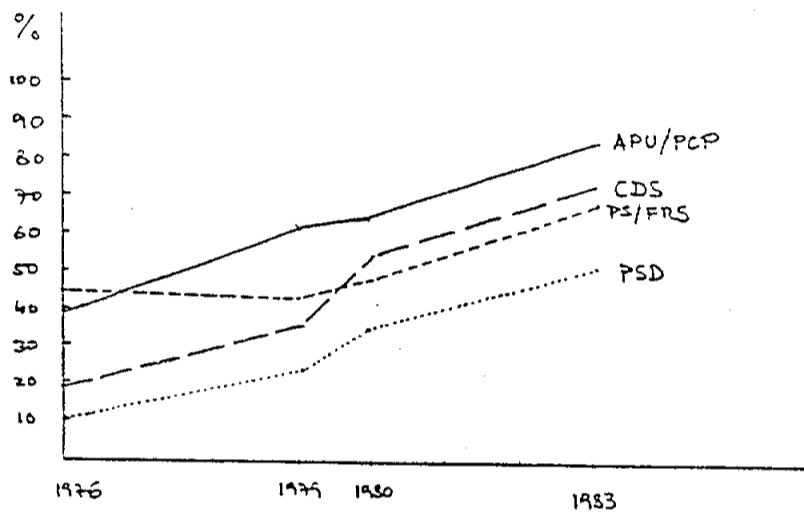
(19) Na vigência do 6º Governo, porém, os partidos da coligação requereram a ratificação de um enorme número de diplomas do governo anterior: mais de 80% dos pedidos feitos nessa sessão legislativa. Tal atitude, de facto excepcional, demonstra sobretudo que, pelo menos nessa altura, ainda não estavam consensualizadas certas normas de comportamento parlamentar. A utilização que assim se faz do instituto da ratificação afastava-se sem dúvida dos seus objectivos e razão de ser. De resto, os partidos da maioria acabaram por retirar quase todos os pedidos que haviam feito, subsistindo apenas alguns, escolhidos em função da tática política adoptada

(20) O facto dessa negociação não caber apenas dentro das paredes da Assembleia, mas fazer-se também nas sedes partidárias, não contraria esta afirmação: a negociação tinha como objectivo o trabalho parlamentar, e não o governativo, o parlamento era ainda o pretexto e o espaço da negociação

QUADRO Nº 1

Deputados reeleitos em 1985, por partidos, já eleitos em

1976, 1979, 1980 e 1983



QUADRO N. 2
ASSEMBLEIA DA REPÚBLICA
RESULTADOS ELEITORAIS

1976 - 1979

Partido	Votação	%	Mandatos	%
CDS	877 494	16	42	15,9
PPD/PSD	1 336 897	24,38	73	27,7
PS	1 911 769	34,87	107	40,6
PCP	786 701	14,35	40	15,2
UDP	91 691	1,67	1	0,3

1979 - 1980

Partido ou Coligação	Votação	%	Mandato	%
AD (PPD+CDS+PPM)	2 554 458	42,52	128	51,2
PS	1 642 136	27,33	74	29,6
APU (PCP+MDP)	1 129 322	18,8	47	18,8
UDP	130 842	2,18	1	0,4

1980 - 1983

Partido ou Coligação	Votação	%	Mandatos	%
AD	2 708 667	44,91	134	53,6
FRS (PS+UEDS)	1 606 198	26,65	74	29,6
APU	1 009 505	16,75	41	16,4
UDP	83 204	1,38	1	0,4

1983 - 1985

Partido ou Coligação	Votação	%	Mandatos	%
CDS	716 705	12,56	30	12
PPD/PSD	1 534 804	27	75	30
PS	2 061 309	38,12	101	40,0
APU	1 031 609	19,67	44	17,0

1985 - 1987

Partido ou Coligação	Votação	%	Mandatos	%
CDS	577 580	9,96	22	8,8
PPD/PSD	1 792 288	29,87	88	35,2
PRD	1 038 893	17,92	45	18
PS	1 204 311	20,77	57	22,8
APU	898 281	15,49	38	15,2

1987 -

Partido ou Coligação	Votação	%	Mandatos	%
CDS	251 987	4,44	4	1,6
PPD/PSD	2 850 784	50,22	148	59,2
PRD	278 561	4,91	7	2,8
PS	1 262 506	22,24	60	24
CDU (POP + "Os Verdes")	689 137	12,14	31	12,4

PERMANENT SPECIALIZED COMMITTEES

1976

1. CONSTITUTIONAL AFFAIRS
2. CIVIL RIGHTS AND LIBERTIES
3. LABOUR
4. SOCIAL SECURITY AND HEALTH
5. EDUCATION, SCIENCE AND CULTURE
6. ECONOMY, FINANCE AND PLANNING
7. AGRICULTURE AND FISHERIES
8. NATIONAL DEFENSE
9. FOREIGN AFFAIRS AND EMIGRATION
10. EQUIPMENT AND ENVIRONMENT
11. INTERNAL ADMINISTRATION AND LOCAL POWER

1980

1. CONSTITUTIONAL AFFAIRS
2. CIVIL RIGHTS AND LIBERTIES
3. SOCIAL COMMUNICATION
4. SOCIAL SECURITY, HEALTH, FAMILY
5. LABOUR
6. EDUCATION
7. SCIENCE RESEARCH
8. ECONOMY, FINANCE AND PLANNING
9. TRADE AND TOURISM
10. INDUSTRY, ENERGY AND TRANSPORTS
11. AGRICULTURE, FORESTS AND FISHERIES
12. NATIONAL DEFENSE
13. FOREIGN AFFAIRS AND IMMIGRATION
14. PUBLIC WORKS AND HABITATION
15. CULTURE AND ENVIRONMENT
16. INTERNAL ADMINISTRATION AND LOCAL POWER
17. EUROPEAN INTEGRATION
18. WOMEN'S CONDITION
19. YOUTH

1983

1. CONSTITUTIONAL AFFAIRS, CIVIL RIGHTS AND LIBERTIES
2. HEALTH, SOCIAL SECURITY AND FAMILY
3. LABOUR
4. EDUCATION, SCIENCE AND CULTURE
5. ECONOMY, FINANCE AND PLANNING
6. AGRICULTURE AND SEA
7. NATIONAL DEFENSE
8. FOREIGN AFFAIRS AND EMIGRATION
9. SOCIAL EQUIPMENT AND ENVIRONMENT
10. INTERNAL ADMINISTRATION AND LOCAL POWER
11. EUROPEAN INTEGRATION
12. WOMEN'S CONDITION
13. YOUTH

Na vigência do 6º Governo

Na vigência do 7º Governo

Na vigência do 8º Governo

Na vigência do 6º Governo		Na vigência do 7º Governo		Na vigência do 8º Governo		
PPL	PJL	PPL	PJL	PPL	PJL	RAT
PS/PCP - 51	PS/PCP - 8	PS/PCP - 22	PS/PCP - 15	AD/PS - 28	PS/PCP - 5	PS/PCP - 21
AD/PS - 48	AD/PCP - 43	AD/PS - 63	AD/PS - 41	PS/PCP - 35	AD/PS - 68	AD/PS - 74
AD/PCP - 74	AD/PS - 50	AD/PCP - 81	AD/PCP - 48	AD/PCP - 63	PCP/AD - 73	AD/PCP - 94

PLUFAS

(3) Tem em conta apenas 5 votações

(4) O 3º Governo viu o seu programa rejeitado pela Assembleia. Não teve, nem antes nem depois, quaisquer relações com o parlamento

Na vigência do 9º Governo

PPL	PJL	RAT (6)
PS/PSD - 0	(5)	PS/PSD - 0
PS-PSD/CDS - 41		PS-PSD/CDS - 29
CDS/PCP - 41		PCP/CDS - 57
PS-PSD/PCP - 77		PS-PSD/PCP - 71

Na vigência do 10º Governo

PPL	PJL	RAT
PSD/CDS - 1	PSD/CDS - 11	(7)
PS/PRD - 6	PS/PRD - 13	
PSD/PRD - 19	PRD/PCP - 18	
CDS/PRD - 20	PS/PCP - 19	
PSD/PS - 24	PSD/PS - 20	
CDS/PS - 25	CDS/PRD - 20	
PS/PCP - 30	CDS/PS - 21	
PRD/PCP - 34	PSD/PRD - 24	
PSD/PCP - 54	CDS/PCP - 31	
CDS/PCP - 55	PSD/PCP - 38	

(5) Votaram-se mais de duas centenas de projectos. Mas a esmagadora maioria refere-se à criação de vilas, freguesias e outras autarquias. A lógica das aproximações e distanciamentos de votações é, nessas votações, completamente distinta das outras. Por isso optámos por não indicar aqui os valores obtidos

(6) Tem-se em conta apenas 7 votações

(7) Em consequência de alteração das normas do regimento, deixou de haver uma votação na generalidade sobre a concessão ou rejeição da ratificação

QUADRO Nº 5

PRODUTIVIDADE LEGISLATIVA DA ASSEMBLEIA DA REPÚBLICA
SEGUNDO A ORIGEM DAS LEIS, POR GOVERNOS

GOVERNOS ORIGEM DAS LEIS	1º Gov.	2º Gov.	3º Gov.	4º Gov.	5º Gov.	6º Gov.	7º Gov.	8º Gov.	9º Gov.
PROPOSTAS LEI	69,4 %	69,8 %	28,6 %	41,3 %	26,7 %	71,4 %	56,2 %	76,1 %	27,4 %
PROJECTOS LEI	17,5 %	12,6 %	57,2 %	48,2 %	14,2 %	6,1 %	22,9 %	11,9 %	69,8 %
NOTIFICAÇÕES	11,1 %	15,8 %	14,3 %	17,2 %	58,9 %	22,4 %	20,8 %	7,1 %	2,2 %
OUTRA	1,8 %	1,5 %						4,7 %	0,3 %

TABLE N. 6

Percentage of Government Bills Passed by Parliament

Percentage of Bills Passed	Number of Countries	Percentage of Countries
90 - 100 %	42	70 %
80 - 89 %	9	15 %
70 - 79 %	4	6 %
60 - 69 %	1	1,6%
50 - 59 %	3	5 %
49 % or less	1	1,6%

Source: Inter-parliamentary Union, Parliaments of the World, Aldershot, Gower, 1986, vol. II, p. 911

PEDIDOS DE RATIFICAÇÃO DE DECRETOS
DO GOVERNO POR PARTIDOS
(em percentagem)

	I LEGISLATURA				II LEGISLATURA			III LEGISLAT.	IV LEG.	
	1ª Sessão	2ª Sessão	3ª Sessão	4ª Sessão	1ª Sessão	2ª Sessão	3ª Sessão	1ª Sessão	2ª Sessão	1ª Sessão
PS	---	---	24,6	5,3	25,0	32,3	18,8	---	---	6,8
PSD	42,1	58,2	19,3	47,9	---	---	---	---	---	---
CDS	21,0	18,8	8,8	6,6	---	0,8	---	15,3	9,4	3,4
PCP	31,6	25	45,6	11,1	57,0	56,5	68,8	83,9	86,8	70,8
AD				28,7						
PRD										13,5
TOTAL (n.ºs absolutos)	19	13	57	244	100	124	16	118	53	89

3.6.78 16.10.77 17.10.78 3.1.80 13.11.80 15.10.81 19.10.82 31.5.83 15.10.84 4.1.85
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 14.10.77 11.10.78 31.8.79 15.7.80 13.10.81 13.10.82 30.5.83 29.6.84 17.10.85 10.10.85

QUADRO Nº 8

Interpelações ao Governo

ANO	NÚMERO	MÉDIA ANUAL
1976 - 1979	2	0,66
1979 - 1980	4	4
1980 - 1983	10	3,3
1983 - 1985	7	3,5,

THE REPUBLICAN ASSEMBLY, POLITICAL PARTIES,
GOVERNMENT AND OPPOSITION

Manuel Braga da Cruz
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I. INTRODUCTION

1. The System of Government

The Portuguese Constitution of 1976 firmly established a government system with two organs elected by direct, universal suffrage -the President of the Republic and the Republican Assembly- in which the Government depends¹.

The President of the Republic is elected for a period of 5 years², by the two-round majority system, only the two candidates with the most votes appearing in the second round. No one can be elected for a third term of office.

The President of the Republic appoints the Prime Minister, "bearing in mind the election results", and the Government resigns "when this become necessary in order to ensure the regular function of the democratic institutions". The President, when he thinks fit, can dissolve the Republican Assembly and veto laws, whether they come from Parliament or from the Government. He appoints high offices, mostly proposed by the Government. He can preside the Council of Ministers only when the Prime Minister requests him to do so³.

¹In the original version, which lasted until 1982, there was still a politico-military organ, the Revolutionary Council, reminiscent of the revolutionary period (1974-1976) which had been characterised by the high level of intervention in politics by military men. The Revolutionary Council had certain powers of control over the other organs and only this council could legislate in military matters; presided over by the President of the Republic, all the military chiefs were present.

²The first term lasted only four years, to coincide with what was planned to be the period of transition, after which the Constitution was to be revised. The revision of the Constitution, however, was not concluded until 1982.

³Since 1976 the President has presided only once over the Council of Ministers.

Until 1982 the dependence of the Government on the President of the Republic was, in the text of the Constitution, clearer: the resignation of the Government was not formally limited, as it is now. On the other hand, the President could only dissolve Parliament with approval from the Revolutionary council.

(From 1976 to 1982 the President of the republic was occupied by a military man, General Ramalho Eanes, who became well-known for having led the military manoeuvres which, at the height of the tensions in 1975, consolidated the predominance of the revolutionary left and opened the road towards the institutionalisation of political democracy. General Eanes actively intervened in political and institutional life, dissolving Governments, appointing Governments without Parliament's prior approval, dissolving the Assembly twice, vetoing important decisions both by the Government and by Parliament, and occasionally intervening directly in both. October 1986 saw the election of Mario Soares, who has shown his determination to maintain Government stability by supporting the minority government of Prime Minister Cavaco Silva, his political adversary, without, in the meantime, ceasing to exercise certain control over government and parliamentary activities. He dissolved the Assembly when the latter had caused the Government to fall, which allowed Cavaco Silva to obtain an absolute majority in the following elections).

The Republican Assembly is the single-house Portuguese parliament. It shares legislative competence with the Government, but there is a vast number of areas where only the Assembly can legislate. In some of these areas the Parliament can delegate its legislative powers to the Government, while in others it cannot.

The Republican Assembly evaluates the government's programme, which it can reject -this leading to the resignation of the

executive- and votes on motions of confidence in, or motions of censure against, the Government.

The rejection of a motion of confidence or the approval of a motion of censure imply the fall of the Government. The Assembly controls the legislative activity of the executive through the institute of ratification, to which we shall refer later, and it is exclusively Parliament that can approve the (State Budget), which is proposed by the Government.

The Government is the "organ that guides the general politics of the country and the superior organ of public administration". It defines policies and carries them out, under the control of the President of the Republic and the Assembly. The Government can legislate in matters that are not the exclusive competence of Parliament.

The position of head of Government is almost always occupied by the leader of the party with greatest parliamentary representation, although there is no constitutional rule that stipulates this.

The constitutional system favours the formation of minority governments: The Government's programme does not have to be approved; it is enough if it is not rejected. A "negative" opposition alliance is needed either to reject the Government's programme, approve a motion of censure, or reject a motion of confidence.

Of the 11 governments formed since 1976, only three fell as a result of direct intervention on the part of Parliament: the 1st Government, through rejection of a motion of confidence; the 3rd through rejection of its programme; and the 10th through approval of a motion of censure.

2. The Electoral System

The 250⁴ deputies in the Portuguese Parliament are elected from lists, according to the proportional system and the Hondt method of the highest average. The 18 electoral circles correspond to each administrative constituency, called districts. There is no especific découpage for electoral purposes.

The number of deputies per circle depends on the number of voters. It is an independent organ, presided over by a judge and with representatives from the five main parties, The National Electoral Comissions which, for each election, stipulates the number of mandates that correponds to each circle, according to fluctuations in the number of voters.

The Constitution determines -unnecessarily, in fact- that only political parties can put forward candidates for Parliament. In each party the candidates are chosen according to a process of negotiation between local and national organs. The national organs, however, can decide against the wishes of the local organs and reserve the right at least to designate the nombre-one candidate for each list.

Tensions between local and national organs regarding the choice of deputies are frequent. These tensions, very often reported in the press, are more evident among those parties with greater parliamentary representation -in wich the election of "backbenchers mostly of local origin is more probable- and at times when the central government is weak, when the vindicative power of the local organs is greater.

⁴By virtue of a transitory disposition of the 1976 Constitution, the Assembly elected in 1976 had 263 deputies

The first candidates on each list are mostly the national leaders of the parties. Traditionally, the first on the list for the Lisbon circle is the top man in the party and eventual candidate for Prime Minister.

Occasionally certain candidates are included in the lists not as aspiring deputies but either for internal party reasons -for example, to compare the relative weight of several personalities-, or for external reasons -for example, to attract more votes to a list. It is not uncommon for certain national leaders, though elected, never to sit in Parliament, they being replaced by others, or for current ministers, with the desire to remain so, not to occupy a seat in the Assembly, or for celebrities to be placed on the lists for places where they cannot be elected.

In the drawing up of the lists, parties are becoming progressively more concerned with guaranteeing the choice of specialists in the several areas of parliamentary work. This means bringing together criteria which are strictly or internal party interest -such as the position within the party hierarchy- and institutional criteria, concerned with the efficiency of the parliamentary group.

It is possible to observe an incipient, though rather slow, process of parliamentary professionalisation which extends to all parties and symptoms of which are, on the one hand, the growing re-election of deputies and, on the other, a certain increase in the average age of the parliamentary population.

Despite the occurrence of instability factors, such as schisms in parliamentary groups²⁵, changes in the leadership of parties, alternations in the party spectrum (such as the appearance or

²⁵Note on schisms: the same as in the other study.

disappearance of alliances and the emergence of new parties) there has been a slight increase in the percentage of deputies re-elected from one term to another⁶ and a corresponding decrease in the percentage of "new deputies"⁷.

This process of professionalisation is more marked in the parties of least representation, as can be seen in Table 1.

One result of this phenomenon is the slight aging of the parliamentary population which, from an average age of 40,3 in 1976, increased to 43,5 in the IVth legislature⁸, here also affecting mostly those parties with weakest representation in Parliament.

While candidacies for parliament can be presented by political parties, those for President of the Republic have to be backed by a minimum of 7,500 voters.

⁶From 1976 to 1979, despite the schism in the PPD/PSD parliamentary group, which excluded from re-election more than half its deputies, the overall percentage of re-elections was of 48%.

From 1979 to 1980, while bearing in mind that the time separating the two elections was short, this figure rose to 70%, precisely because there was no exceptional disrupting factor in the re-election mechanism.

From 1980 to 1983, due to the refusal on the part of the socialist minority (the majority in the parliamentary group elected in 1980) to run again as candidates, the overall percentage of re-elected deputies dropped to 47,2%. With these elections, the PS gained the biggest parliamentary group.

Finally, from 1983 to 1985, despite the remodelling in the leadership of the PSD and the appearance of the PRD, the overall number of deputies re-elected was 52,8%.

⁷The "new deputies" dropped from 52% in 1979 to 46% in 1983 and 40% in 1985.

⁸In 1987, with the elections of July 19, the average age rose to 47,9. Now also the rise in the average age affects above all the smallest parliamentary groups (PRD and CDS).

Several candidacies have emerged which, though without any party support, have obtained a significant number of votes. And all candidates claim the support of different independent individuals. In any case, all candidates elected have the express support of more than one party⁹. Very soon, however, they place themselves at a distance from the majorities that elected them, making it a point to establish such a distance from political parties as one of the conditions, if not of their legitimacy, at least of the exercise of their functions.

3. The Party System

Until October 1985 the Portuguese party system was dominated by four parties, two on the right and two on the left. In both sides one party stood out: the PSD on the right and PS on the left (see Table 2).

Other, smaller, parties were represented in Parliament, but only when they formed alliances with the large parties. When they ran for election alone they never managed to have their candidates elected. Besides, their degree of autonomy in parliamentary activity was reduced. There was, however, an exception: between 1976 and 1983 a small party on the extreme left, the UDP, managed, thanks to a concentration of votes in the Lisbon circle, to elect one deputy.

In October 1985 the first great alteration on the party scene took place. The large parties went up from four to five with the emergence of another left-wing party, the PRD, which achieved over one million votes.

⁹General Eanes was re-elected against the minority parties in the parliament and the historical leader and founder of the PS

Less than two years later another great change took place. For the first time one party alone managed to achieve absolute majority of votes and mandates: a majority greater than that obtained in 1979 and 1980 by the same party, then in coalition. On the other hand, and with the exception of the PSD, all the other parties suffered a considerable slump in their number of votes. The elections for the European Parliament, held at the same time, confirmed, although to a far lesser extent, the trends revealed in the parliamentary elections.

4. The Political System

The Portuguese political system suffers from a dispersion in the exercise of power: the absence of a central force that prevails lastingly over the several centres of power. The President of the Republic, the Assembly and the Government share political power, but in frequent competitions and disagreement. The three organs have never been able to rely on the support of the same electorate, nor have they ever acted in harmony under the rule of one of the three. There have been periods of open competition between these three centres of power, such as temporary alliances between two against the third.

Moreover, the instability of the system has always been considerable. In eleven years there have been eleven changes of government. All kinds of practicable alliances have been attempted before and after elections; there have been governments with majority support in Parliament, with minority support, or with no organised support at all.

No legislature has lasted four years without interruption; along the way. Parliament has been dissolved in order to seek new solutions for government.

Party leaderships have suffered profound changes. With the exception of the PCP, none of the big parties still has its historical head or founder as leader. Deep schisms have occurred in the largest.

The electorate has been seen to fluctuate considerably, with significant changes of support from one party to another, and has refused to elect a President of the Republic of the same party or coalition in government.

The recent July 1987 elections resulted in a legislative government under more favourable conditions than those of 1980 when a government of four years was possible, supported by a parliamentary majority, which finally disintegrated.

The period under examination here, however, takes us up to July 1987 and does not embrace what could possibly become a period of certain stability and centralisation of power.

II. THE REPUBLICAN ASSEMBLY, PARTIES AND PARLIAMENT

1. The President of the Republican Assembly and the Conference of Leaders.

The President of the Republican Assembly is the second figure in the Portuguese State and temporarily stands in for the President of the Republic. He also has a decisive role to play regarding the functioning of Parliament. Despite this, however, the position has never been held by prominent members of political parties. On the contrary, it is normally deliberately given to politicians either at the end of their career or somewhat advanced in years, or to figures who, though worthy of utmost respect, have relatively little political weight.

The President is elected by secret vote for a term of one year (or more precisely, for one legislative session).

In the absence of a majority alliance, the President is elected from among the most numerous parliamentary group, of necessity with the collaboration of other parliamentary groups. When alliances exist that group together the majority of deputies, the position is held alternately by deputies from both of the two parties forming the alliance.

As a result of this system, in 11 sessions there have been 6 different presidents. Two of these held the post in three different sessions, and only one of the held it for three successive sessions. It is therefore a post for which hitherto there has not been sufficient experience or routine.

Beyond his powers of representing Parliament, the President presides over the work of the plenary assemblies, sets the pace for the work of the commissions and directs the services of the Assembly.

Outstanding among the President's powers over the work of the plenary assembly is his ability to establish the order of the day. This power, however, is highly limited: the Regulations stipulate an order of priorities that must be respected, and the President relies in this task on the "conference of parliamentary leaders", where the Government is always present. Meanwhile, the plenary assembly can always appeal against his decisions.

Until 1985 the "conference of leaders" deliberated by consensus, without a vote being taken. As from 1985, however, the Regulations were deeply revised and now the conference deliberates through vote, each leader being allowed the number of votes corresponding to the size of his parliamentary group.

Although in theory the "conference" has a purely consultative function, practice has shown that successive Presidents, even those with a parliamentary majority, decide according to the consensus established by the "conference". Given the manner in which deliberations are taken in the conference there has never been any sign, in the day to day work of Parliament, of absolute predominance of the parties supporting the Government and, by extension, of the Government itself. Be this as it may, if there is not an absolute preponderance, it must be emphasised that the Government has an important role to play in deciding which issues are to be discussed, the importance of which is that much greater when supported by a parliamentary majority.

The "conference of leaders" -which, in fact, is only occasionally composed of all the heads of the parliamentary groups, since very often parties send secondary figures to these meetings depending on the issues at stake- does not only have a decisive role in the establishing of the order of the day. A few Presidents, even enjoying majority support in the parliament, have turned constantly to the "conference" in order to solve problems arising in parliamentary work.

2. The Parliamentary Groups

The Portuguese Parliament, like most modern western democracies, is not an amorphous mass of deputies, but rather a structured group of parliamentary groups.

Under regulation provisions, parliamentary groups have the same competencies as the deputies, individually considered, such as legislative initiative. They have other, determining, competencies, however, which are exclusive to them. Among these latter, besides their presence in the conference of leaders,

they have this right to fix the order of the day of a certain number of meetings (a number which at present varies according to whether the party is or is not in Government and depending on its parliamentary representation), the right to present motions rejecting the Government's programme (which, if approved, force the Government to resign), and the right to demand the formation of inquiry commissions and interruptions of the plenary assembly¹⁰.

Only parliamentary groups have the right to have at their disposal premises for work in the Assembly headquarters, and a small technical and administrative staff.

The parliamentary groups coordinate and control the activity of the deputies.

Such coordination and control are manifested, of course, by the discipline of vote, foreseen in all the regulations of the groups and the statutes of the parties, and a generally observed practice. The direction the voting will take is decided either by the leaders, or by the plenary assembly of the group and, in essential political questions, by the party leaders. It is still the group leaders that determine which deputies participate in each debate, to the extent that, in some cases, they can even control the content of the speeches by the deputies, since it is the group that determines what legislative or political initiatives should be taken, or what position should be adopted regarding the initiatives of the other groups.

¹⁰These interruptions constituted a fundamental instrument of parliamentary tactics, above all in order to delay votes or to secure the direction in which the group will vote. As from 1985, when voting took place on predetermined days and at a predetermined time, these interruptions lost some of their importance.

The subordination of the deputies to the parliamentary groups reveals, finally, the subordination of the deputies to the parties to which they belong and by whom they were elected.

In fact, the parliamentary groups are more the instrument of the party in parliament than the autonomous "organ" defined by the internal statutes or regulations of some parties. They are rather the parliamentary expression of the party than the party expression of the parliament; they represent the party in parliament rather than the reverse.

According to most internal regulations of the parliamentary groups, party leaders have the right either to participate in group meetings, although without the right to vote, or to form an integral de iure part of the parliamentary group. The groups must also follow the political directions dictated by the party leaders, above all in questions considered to be essential by these same leaders. In some cases, discourses in the plenary assembly given in the name of, or under orders from, the party leaders, do not need authorisation from the parliamentary group and enjoy priority over any other interventions of the group.

It is mainly in the party headquarters that pressure from the most powerful groups is exercised and the main para-legislative negotiations take place; it is there that the most important decisions are taken. The great parliamentary laws, approved by wide interparty consensus, were negotiated outside parliament. Such was the case, for example, of the Laws of Agrarian Reform, National Defense, of the Constitutional Tribunal and of the Constitutional Review¹¹.

¹¹See A Feitura das Leis, Instituto Nacional de Administracao, Lisbon, 1986, Vol. 1, above all the articles by António Barreto, Freitas do Amaral, Cardoso da Costa and Jorge Miranda.

The legislative initiative of the parliamentary groups has its origin normally in the party headquarters, particularly in the Study Cabinets, rather than in the group itself, for no other reason than the fact that neither individual deputies nor the groups themselves have at their disposal the technical means to draw up projects. The party and the parliamentary group thus function also as an essential support structure to the activities of deputies.

This predominance of party control over the parliamentary group tends to be greater in the groups of least representation, in which deputies who are party leaders prevail, and less in groups of greater representation, in which the number of deputies who are not leaders is greater.

Unwillingness to accept such predominance has been, in part, the cause of schisms in parliamentary groups¹².

3. The Commissions

The predominance of parties over the deputies is lessened somewhat by the activity carried out by the Commissions.

As in the case of most parliaments, the Republican Assembly functions on the basis of commissions, and it is here that all legislative initiatives are evaluated before discussion in the plenary assembly. Here special bills are analysed and voted on, in the majority of cases; here requests and petitions that citizens, institutions or groups present to parliament are studied; here administrative or government action is evaluated; here investigations are carried out into the activities both of the administration and of public companies.

¹²See above, note 5.

Besides the Permanent Commission which, like a mini parliament without deliberative function, meets outside the periods of effective function of the plenary assembly or when the Government is dissolved, and the Government and Mandate Commission, which verifies the power of deputies and has other competencies relating to the statute of deputies and to the Assembly Regulations, there are several permanent specialised Commissions.

In 1977 there were 11. In 1980 these became 19. As from 1983 the figure stabilised at 13 (see Table 3).

It could be said that each Commission corresponds to an area of government activity. There are, however, two exceptions: the 1st Commission, of Constitutional Affairs, responds to a specific need in parliamentary legislative work (and it is one of the commissions that meets most often). The 12th Commission responds to a political need and does not correspond to the specific activity of Parliament (and it is the commission that meets least often).

These permanent commissions have internal sub-commissions and, beyond these, numerous occasional commissions either to evaluate certain laws or to inquire into the actions of the Government, the administration or public companies.

The presidencies of the different commissions are allocated to the different parliamentary groups according to the number of their deputies. This does not always permit the choice to be made according to institutional criteria, but it does mean that there must be a change in the composition of the presidency whenever there is an alteration in the composition of parliamentary groups as the result of new elections.

Though the parliamentary groups are scarcely able to nominate presidents, they do still nominate their representatives in the different commissions.

Progressively, therefore, the number of deputies constantly being nominated by their parliamentary groups increases. In 1980 hardly 32 of the deputies belonging to commissions had previously belonged also. In 1983 this number went up to 57 and in 1985 to 72. This indicates a definite, though moderate, professionalisation in parliamentary activity.

The Commissions function thanks to respect for an unwritten law that guarantees the word pledged at the meetings. If a deputy defends a certain position, stating that this is the opinion of his party, he knows for certain that the final vote, in the plenary assembly, will correspond to the position announced. This law is very rarely violated and, when it is, the violator is collectively censured.

The lessening of the predominance of the parliamentary groups over the deputies in the commissions derives from the nature of the work carried out by the commissions: parties do not give detailed instructions concerning all the different affairs to be discussed by the commissions. The deputy thus has a certain margin of manoeuvre either in negotiating with his peers or in the defense of the various solutions for different problems. However, there is always a latent control (beyond self-control: the deputy knows that rather than his own opinion, he must defend what he believes to be that of his party). The parliamentary group can oblige a deputy to rectify the opinion he is defending, even at the commission stage, and it is frequent to find a deputy reserving his position on a certain question until he has spoken to the leaders of his parliamentary group.

Until 1985 the commissions met scarcely once a week, since in principle they could not do so while the plenary assembly was in session. During this phase the work of the plenary assembly had priority over all else.

After the great revision of the regulations carried out in 1985, and as a result of the need to give greater priority to the work of the commissions, the rules were changed. Commissions were now allowed to meet when the plenary assembly was in session. Voting in the plenary assemblies was allocated a predetermined time and the deputies working in the commissions were called to vote.

This system increased the number of commission meetings. Indeed, and according to available information, in 1983/84 the different commissions¹³ met 452 times, while in 1984/85 (it was during this session that the new regulation came into force) they met 584 times and in 1985/86 745 times. By contrast, the plenary assembly met 141, 107 and 103 times respectively in the same periods.

These figures and the changes in the regulations indicate a progressive increase in the activity of the commissions in parliamentary work and, as a result, a slight decrease in the preponderance of the parties, through the parliamentary groups, in this work.

¹³In these data we have omitted the meetings both by the Comissao Permanente and by the Comissao de Regimento e Mandatos, the former because of its nature, the second because of its functions.

III. GOVERNMENT AND OPPOSITION IN THE REPUBLICAN ASSEMBLY

A. Initial Considerations

Between June 1976 and August 1987 Portugal had 10 different Governments.

If we consider the relations between these governments and their parliamentary oppositions, we find three kinds of executive.

For governments without a party base¹⁴, led by a Prime Minister without party affiliation and without any party accepting responsibility for their formation or activities, any party represented in Parliament can be the opposition.

For governments with a parliamentary base, if they are the minority the opposition will be, or may be, the parliamentary majority; if it is a majority government, the opposition will obviously be the minority.

The fact that governments have or do not have parliamentary support, and the strength of this support, should, it seems, clearly influence relations between government and assembly. It is this hypothesis that we wish to confirm or refute.

The following analysis will take into consideration each of the three types of government, and the legislative activity and direct control of the assembly over the government.

¹⁴In Portugal these governments are often named presidential initiatives. This is hardly precise, however, since all Prime Ministers are appointed by the initiative of the Presidente of the Republic.

B. Legislative Activity

1. Governments without party base

Three of the Portuguese governments had no party basis: the 3rd, 4th and 5th.

The 3rd Government, headed by Nobre da Costa, had its programme rejected by the Assembly. It was in power for scarcely three months and always in a provisional situation. Its relations with Parliament were practically limited to the presentation and rejection of the programme.

The 5th Government, headed by Maria de Lourdes Pintasilgo, had a very peculiar relationship with the Assembly. The Assembly met, on holidays, merely to evaluate the government programme and 15 bills^{1°}. Immediately afterwards it was dissolved. The Government's main mission was to prepare for elections, and resigned as soon as a new government was formed as a result of these. The bills approved were connected with international loans, fiscal benefits and other politically insignificant matters, though necessary for the day-to-day work of the Assembly.

The 4th Government, headed by Mota Pinto, lasted 9 months and coexisted with the Assembly during the whole period. Relations, however, were not harmonious. The two fundamental legislative instruments for the government, the Budget and the Plan proposed by the government, were rejected at first. The second draft of the Budget was approved, but the second draft of the Plan was again rejected. The Government finally resigned

^{1°}Propostas de lei are legislative initiatives on the part of the Government (or of the regions of the Azores and Madeira), while projectes de lei are legislative initiatives on the part of deputies or parliamentary groups

when the Assembly was preparing to vote on a motion of censure which surely would have been approved. If it had not been for this anticipatory move, the government would have fallen as a result of direct parliamentary action.

The Government did not receive clear, consistent support from any party. For this reason it had to face innumerable difficulties when it came to controlling the activities of Parliament.

Its legislative initiatives were few and were limited to controlling the then current situation. Here it had the understanding of the Assembly, which approved all its bills (with the crucial exceptions of the Budget and the Plan). Only the PCP voted systematically against, or abstained.

The legislative initiatives by the deputies were much greater, and here the existence of an opposition was no longer evident.

At this time the PS occupied a key position in the Parliament: it could form a majority with any party and could only be defeated by the votes of all the other parties together. As a result, during this term the same thing happened as during the 1st Government: the PS formed a majority with any of the other three parties. The same thing results from the indices of distance between parties (see Table 4): the PS is at an equal distance from the other rivals. Note also the closeness of the two right-wing parties and the isolation of the PCP.

The major legislative initiative on the part of the deputies corresponded, in this period, to a greater output in bills (see

Table 5), an unusual situation both in the Portuguese and international contexts (see Table 6)¹⁶.

Control over government activity on a legislative level is exercised above all through ratifications¹⁷. During the term of the 4th Government 30 bills were submitted for ratification, 26 of which were proposed by the government itself. This is a record (see Table 6). In 8 cases the ratifications were rejected.

During this term there was a marked joining of forces between the PS and the PCP (see Table 4). Opposition to the government was here formed by the PS and the PCP, not just by the PCP.

The 4th Government, then, was the victim overall of a tight parliamentary control. It was able to govern only when and how the Assembly so wished, despite the support given it by the President of the Republic. It was thus proved that if it is not easy to govern against the President, it is impossible to govern against the Assembly.

2. Minority Governments

The 1st and 10th governments were single-party minority governments. The 1st was of the PS; the 10th of the PSD. However, while the 1st adopted an attitude of systematic

¹⁶If one considers laws originating from ratifications as laws originating from legislative initiatives on the part of deputies -which is, in itself, correct- the percentages in favour of parliamentary initiative are much higher, and even more exceptional in comparative politics.

¹⁷In parliamentary ratifications, on the initiative of deputies legislative bills by the government, already published, are examined and evaluated. As a result of this appreciation parliament can refuse the ratification, eliminating the bill, and can suspend or alter it.

negotiation with the other parties, the 10th opted for a position of confrontation.

For this reason, the 1st government was able frequently to use its power of legislative initiative (83 bills were voted). The result of this was that the government saw only 4.8% of its bills rejected and achieved unanimous support for 44.5% of them.

In contrast, the 10th government only saw 41 bills voted on, of which 9.7% were rejected (including the Plan), and achieved unanimous support for 31.7%.

It was not only in the amount of legislation approved by Parliament and in governmental initiatives that the two administrations differed, but also in the importance of the laws approved. While the 10th government was unable to have any significant political law approved, the 1st government managed to secure approval for a number of fundamental laws for the definition of economic policy¹⁰, which was a particularly controversial issue at the time.

The first government, then, governed with Parliament, and managed to achieve this through constant negotiation with the other parties and more sporadically, as far as bills were concerned, with the PSD (see Table 4). Indicative of the atmosphere of consensus is the relative equidistance between the parties: the indices of distance, during this term, varied between 13 and 31, on a possible scale of between 0 and 100.

¹⁰This was the case of the law that defines the economic sectors where private initiative is forbidden, the law that determined the payment of indemnities to owners of nationalised property, and to the laws relating to agrarian reform and rural leasing, these latter two also the object of initiatives on the part of deputies.

While it is true that during the 1st government the PS could form a majority with any other party, during the 10th the PSD needed the support of the CDS or at least the abstention of the PS or the PRD (once that of the PCP became impossible), in other words, the government had to negotiate with two parties. The indices of distance reveal this very fact: the rapprochement with the CDS is almost total and is considerable with the PRD and the PS. Among parties as a whole the distance between the indices, which here vary between 1 and 55, reveal the absence of consensus as regards legislative initiatives on the part of the government.

Examining now the question of bills, we see that during the 1st government generally speaking 49 bills were voted on (of which only 19 became law). During the term of the 10th government, 131 were voted on. It is clear, then, that the 1st government was in better control of the activities of the Assembly than the 10th, although it is also true that in both cases the legislative initiative by deputies came mostly from the opposition.

While the indices of distance during the period corresponding to the 1st government reinforce the indication of the consensual action of the PS, as the distance between the PCP and the right became greater (with is understandable given the origin of the bills, of which very few came from the PS), those referring to the 10th government can be seen, on the one hand, to be much closer together, indicating that there was more consensus and, on the other, that the PRD placed itself at a greater distance from the PSD.

In an overall comparison of the indices relative to the proposals and bills it seems possible to conclude that the PS had a scattered, unsystematic opposition, balanced by the various parties in Parliament: it was not a stable opposition,

and while there were several possible oppositions, there were also several possible supports. The PSD could almost always rely on the CDS for support, on the FCP for opposition and a fluctuating support from the PRD or the PS, which means that here too the opposition to and support for the government fluctuated, although to a lesser extent.

As yet we do not have at our disposal definitive information concerning the percentage of legislative output attributable to the 10th government. We do know, however, that there was a preponderance of laws coming from bills over those coming from the government. The opposite was true in the case of the 1st government, which also reinforces the conclusion that the 1st government had much greater facility in dealing with Parliament.

During the term of the 1st government 22 bills were submitted for approval, of which 2 were rejected. In the 10th, 24 bills were evaluated, of which 4 were rejected. Quantitatively, these figures are similar. However, the bills by the 1st government submitted for parliamentary study referred for the most part to matters of little importance for government policy and were relatively insignificant from the point of view of general politics. This was not true of the 10th government: the bills referred to fundamental areas, such as economic policies, health and information and a few modifications introduced were very important in the sense that they submitted future government action to much stricter parliamentary control.

Besides, in other bills approved by the Assembly one can see a certain invasion by the parliament of the competencies of the executive.

In this trial of strength between the Assembly and the 10th government, it would seem that the Assembly won: the government

finally fell after the Assembly approved a motion of censure. However, it was the government that finally won; the PSD obtained, in the following elections, something that no other party had achieved: an absolute majority.

As we have seen, the 1st government did not confront the Assembly, preferring to collaborate with it. However, it also fell as a result of parliamentary action when it presented a motion of confidence which was defeated. The government was sure it was going to win the motion, and the result was uncertain until the very end, but finally it lost. The strategy of collaboration produced no better results than that of confrontation. However, the two strategies in themselves are not enough; also, the political, economic and social situation in 1976-78 was very different from that of 1985-87.

3. Majority Governments

Until August 1987 all the governments that had enjoyed majority support in the Assembly were coalitions, either post-electoral -the 2nd formed by the PS and the CDS and the 9th, formed by the PS and the PSD-, or pre-electoral -the 6th, 7th and 8th, all supported by the Democratic Alliance, formed by the PSD, the CDS and a small party, the PPM.

All these coalitions were cohesive and always voted in the same way, with very few exceptions, and these only when it was a matter of voting on legislative initiatives on the part of deputies relating to matters not contained within the agreements of the coalition. Government initiatives always received the support of all the parties in the coalition, which did not prevent the 2nd and 6th governments from losing motions -the 2nd two and the 6th one- due to momentary absence of the deputies at the time of voting.

If the majority support of the government remained united, the same was not true of the opposition.

The opposition to the 2nd government was led above all by the PSD, as the distance indices show (see Table 4). The permanent distance between this party and the PS and the CDS at the time of voting had nothing to do with the nature or the content of the bills submitted, but rather with the clear opposition strategy to the PS/CDS coalition. For their part the PCP had a more reserved attitude, also for reasons connected with the political climate of the time.

The 6th, 7th and 8th governments were opposed by the PS and, principally, by the PCP. The opposition was more united when it came to voting on deputies' legislative initiatives, than when it came to voting on government initiatives, of which the PS supported several. On reading the figures relating to the 8th government, according to which as regards bills the PS came closer to the coalition, it should be born in mind that during this phase the PD and the AD were in accord over the revision of the Constitution and over the preparation of fundamental laws regarding National Defense and the Constitutional Tribunal.

The number of bills subjected to ratification decreased considerably, which is understandable: the government has the majority, so that they would be unlikely to let their bills be outvoted or substantially altered. Thus in the 2nd government only 5 bills were subjected to ratification; in the 6th, 22 (although only 3 were presented by the 6th government, the others had been presented by the previous executive); in the 7th, 9; in the 8th, 15; and in the 9th, 6. In these cases there was clear unity both on the government and opposition side when it came to voting.

It is during the term of majority governments that, as is to be expected, there is a certain preponderance of the government over Parliament.

This preponderance was most notable in the 6th government, when the majority several times showed a certain intransigence and little willingness to negotiate. However, the AD lost its charismatic leader and became disunited and finally, though it still held the parliamentary majority, a motion presented by one of its militants to form a government (which was to be the 9th) was rejected by the President of the Republic.

There is no doubt that the permanent wear and tear caused by the opposition in parliament contributed greatly to the disintegration of the majority.

The figures relating to the legislative output (Table 5), on the other hand reveal that in the parliament with the usual majority, there is a predominance of laws arising from projects of law over those arising from proposals of law. Probably this can be explained by the fact that the parties in the coalition prefer to negotiate certain laws in parliament rather than in the government. This coalition was undoubtedly very conflictive: it was composed of the two major political parties, which were rivals, with a social base which to a large extent was the same, but each one with its own clientele which had to be satisfied. It was, therefore, a coalition which meant constant negotiations not all of which could be carried out in government. This is a hypothesis that needs further elements in order to be confirmed.

C. The Activity of Parliamentary Control

When majority governments are in power the opposition, without great hope of seeing its own legislative initiatives of

amendments to those of others approved, turns to other forms of control over government activity.

Notice, for example, that during these periods there was an increase in requests for ratification of bills, put forward almost exclusively by the opposition (see Table 7)¹⁹.

It is a fact that these requests for ratification were never finally considered (certainly with the agreement of both the majority and the opposition, although for different reasons). In any case, there was disagreement with the orientation of the government of which the voters were constantly aware.

Occasional inquiry committees increased between the 2nd and 3rd legislatures from 19 to 27. During the 1st legislature, in which minority governments predominated, there were only three. Although not every commission investigated acts by the government, but also analysed acts by central and local administration and occurrences in public life in general, it was the government that was most controlled by these commissions.

A more visible and effective form of political criticism and of parliamentary control is the system of "appeals to the government" - a debate called by a party on a particular area of government action, to which the communication media, including

¹⁹During the term of the 6th government, however, the coalition parties demanded the ratification of an enormous number of bills, over 80%, presented by the previous government. This attitude, which was in fact highly exceptional, shows above all that at that time at least, there was still no consensus concerning parliamentary conduct. Such a use of the institution of ratification was undoubtedly at a far remove from its objectives. For the rest, the parties in the majority eventually withdrew almost all their requests, keeping only those which obeyed the political tactics adopted.

television, give great importance- which have progressively increased from legislature to legislature (see Table 8).

The same is not true concerning the so-called sessions of parliamentary questions. Foreseen in the Regulations as being, at first, weekly, and later every two weeks, the fact is that these question sessions are not only infrequent but becoming increasingly so. A possible cause for this is the fact that the questions are formulated previously and the government can choose those it wants to answer.

The moment when government, majority and the opposition come into greatest contact is when motions of censure and confidence are discussed and voted. This moment, however, can vary greatly depending upon the extent to which how the voting will go is known beforehand.

The first government, which was in a minority, fell, as we have seen, because of the rejection of a motion of confidence, which it expected to see approved.

The 10th government, which was also a minority government, first saw a motion of confidence approved, because the PRD abstained. Months later it was the PRD that proposed a motion of censure that, once approved, caused the downfall of the government.

As from the 6th government, the practice was introduced, and thereafter followed, of every government with majority support presenting a motion of confidence to be voted immediately after its programme has been presented and not rejected. As was previously said, governments do not need their programmes to be explicitly approved. The presentation of a motion of confidence immediately following the non-rejection of the programme means

a positive vote on the future action of the government and manifestation of the majority support it enjoys.

Certain majority governments, however, have also presented, and seen approved, motions of confidence. These have been a means of tackling growing dissatisfaction in the seat of government support and have become a form of government control over its own parliamentary support rather than parliamentary control over the government.

IV. CONCLUSION

In an unstable, decentralised political system there is no single predominant centre of power. In Portugal, political power is spread out among individuals, organs, groups and institutions, without there being one clear, lasting hegemony.

At present there is a party with a majority in the Assembly and which supports a government. However, the President of the Republic was voted into office against the wishes of the head of this majority. Therefore, it is not yet possible to say whether relations will be peaceful -as some claim it will- or conflictive -as others wish.

If Parliament has not been the hegemonical seat of power, it has always been a prominent figure and very often the protagonist of the most important scenes in the political drama.

Even when governments have had majority support, Parliament has

been very often a privileged place of negotiation²⁰ or of opposition to and wearing down of the executive.

In comparative terms, the Republican Assembly presents indices of governmentalisation which are inferior to most parliaments. The legislative output is one of these indices, and we have already seen how significant this is.

Governments rarely find a coherent, systematic opposition prepared to discuss issues. There have always been degrees in opposition and consensus is frequent. One minority government managed to have fundamental laws approved in areas which were particularly sensitive and controversial. And when it was necessary -for the revision of the Constitution, for the Law of National Defense and for the Constitutional Tribunal- it managed to secure the support of two thirds of the deputies.

Political parties dominate parliamentary activity through the parliamentary groups. Party discipline is respected although, at times, the fragility of the party structures, above all those of the largest parties, has occasionally allowed certain deputies a degree of autonomy. The build-up of work in the commissions also contributed in giving, in technical questions (which, in any case, are always political), more autonomy to deputies.

There was a time when several politicians, above all dissidents, reacted against the obligation to respect party discipline and the lack of deputies' autonomy. Today it seems

²⁰The fact that these negotiations do not take place only inside the walls of the Assembly, but also in the party headquarters, does not contradict this statement: the objective of negotiation was parliamentary, and not government, work; parliament was still the pretext and provided the space for negotiations.

that this discipline is accepted more readily as a necessary -though sometimes obnoxious- rule in the parliamentary game.

The work of the Assembly has been the subject of successive improvements.

Highly significant among these was the great alteration to the regime carried out in 1985, in which the work of the Plenary Assembly was rationalised and disciplined, and that of the commissions increased.

The commissions meet more often and work better. Information at our disposal does not allow us to conclude whether the legislative output has increased significantly, but there is no doubt that the quality of the work of the commissions has increased immensely. Deputies we have been able to interview all agree on this point. The Republican Assembly today is much less a talking parliament and much more a working parliament than it was in 1976.

The indices of the as yet still incipient professionalisation of the parliamentarians also show the aforementioned perfecting of the activity of the Assembly. The progressive intensification of the action of the several parliamentary mechanisms -inquiry commissions, demands to the Government, interpolations and motions- give the deputies and the Assembly experience. Unwritten rules about parliamentary conduct are emerging and being respected.

The work conditions of deputies and groups, still very precarious, are showing signs of greatly improving in the near future: more space, access to informatics, and closed-circuit television are some of the improvements being made.

The Portuguese parliament is a recent parliament. It has the same age as the Portuguese democracy, after a long authoritarian regime and a rough transition period. In an atmosphere of instability, it would be too much to expect a rapid institutionalisation. The consolidation of democracy, and increasing respect for democratic rules, are being accompanied by the gradual taking root, at least among the political class, of the parliamentary institution.

TABLE 1

Deputies re-elected in 1985, by parties, previously elected in 1976, 1979, 1980 and 1983

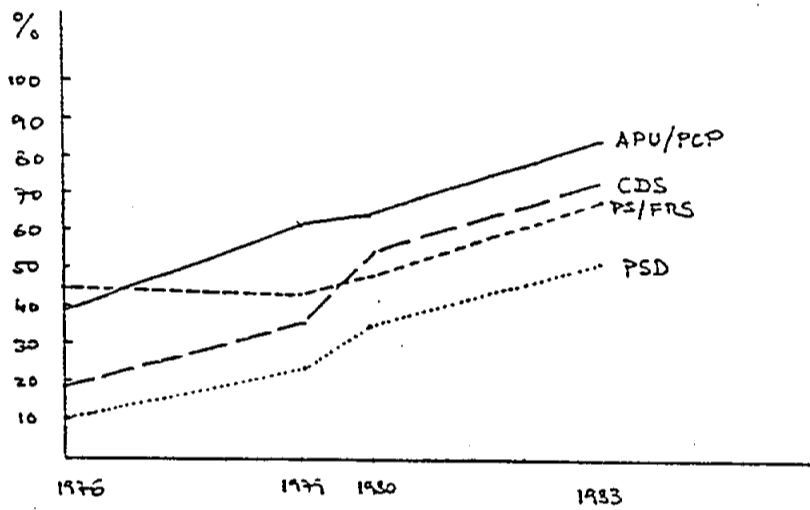


TABLE 2

REPUBLICAN ASSEMBLY

ELECTION RESULTS

1976-1979

Partido	Votação	%	Mandatos	%
CDS	877 494	16	42	15,9
PPD/PSD	1 336 897	24,36	73	27,7
PS	1 911 769	34,87	107	40,6
PCP	786 701	14,35	40	15,2
UDP	91 691	1,67	1	0,3

1979 - 1980

Partido ou Coligação	Votação	%	Mandato	%
AD (PPD+CDS+PPM)	2 554 458	42,52	128	51,2
PS	1 642 136	27,33	74	29,6
APU (PCP+MDP)	1 129 322	18,8	47	18,8
UDP	130 842	2,18	1	0,4

1980 - 1983

Partido ou Coligação	Votação	%	Mandatos	%
AD	2 706 667	44,91	134	53,6
FRS (PS+UEDS)	1 606 198	26,65	74	29,6
APU	1 009 505	16,75	41	16,4
UDP	83 204	1,38	1	0,4

1983 - 1985

Partido ou Coligação	Votação	%	Mandatos	%
CDS	716 705	12,56	30	10
PPD/PSD	1 534 804	27	75	30
PS	2 061 309	38,12	101	40,2
APU	1 031 608	18,07	44	17,0

1985 - 1987

Partido ou Coligação	Votação	%	Mandatos	%
CDS	577 580	9,96	22	8,6
PPD/PSD	1 792 288	29,87	86	35,2
PRD	1 038 893	17,92	45	18
PS	1 204 311	20,77	57	22,8
APU	896 281	15,49	38	15,2

1987 -

Partido ou Coligação	Votação	%	Mandatos	%
CDS	251 987	4,44	4	1,6
PPD/PSD	2 850 784	50,22	148	59,2
PRD	278 561	4,91	7	2,8
PS	1 262 506	22,24	60	24
CDU (PCP + "Os Verdes")	689 137	12,14	31	12,4

TABLE 3
PERMANENT SPECIALIZED COMMITTEES

1976	1980	1983
1. CONSTITUTIONAL AFFAIRS	1. CONSTITUTIONAL AFFAIRS	1. CONSTITUTIONAL AFFAIRS, CIVIL RIGHTS AND LIBERTIES
2. CIVIL RIGHTS AND LIBERTIES	2. CIVIL RIGHTS AND LIBERTIES	2. HEALTH, SOCIAL SECURITY AND FAMILY
3. LABOUR	3. SOCIAL COMMUNICATION	3. LABOUR
4. SOCIAL SECURITY AND HEALTH	4. SOCIAL SECURITY, HEALTH, FAMILY	4. EDUCATION, SCIENCE AND CULTURE
5. EDUCATION, SCIENCE AND CULTURE	5. LABOUR	5. ECONOMY, FINANCE AND PLANNING
6. ECONOMY, FINANCE AND PLANNING	6. EDUCATION	6. AGRICULTURE AND SEA
7. AGRICULTURE AND FISHERIES	7. SCIENCE RESEARCH	7. NATIONAL DEFENSE
8. NATIONAL DEFENSE	8. ECONOMY, FINANCE AND PLANNING	8. FOREIGN AFFAIRS AND EMIGRATION
9. FOREIGN AFFAIRS AND EMIGRATION	9. TRADE AND TOURISM	9. SOCIAL EQUIPMENT AND ENVIRONMENT
10. EQUIPMENT AND ENVIRONMENT	10. INDUSTRY, ENERGY AND TRANSPORTS	10. INTERNAL ADMINISTRATION AND LOCAL POWER
11. INTERNAL ADMINISTRATION AND LOCAL POWER	11. AGRICULTURE, FORESTS AND FISHERIES	11. EUROPEAN INTEGRATION
	12. NATIONAL DEFENSE	12. WOMEN'S CONDITION
	13. FOREIGN AFFAIRS AND EMIGRATION	13. YOUTH
	14. PUBLIC WORKS AND HABITATION	
	15. CULTURE AND ENVIRONMENT	
	16. INTERNAL ADMINISTRATION AND LOCAL POWER	
	17. EUROPEAN INTEGRATION	
	18. WOMEN'S CONDITION	
	19. YOUTH	

TABLE 4

DISTANCE INDICES (overall votes) ¹

Na vigência do 1º Governo		Na vigência do 2º Governo		Na vigência do 4º Governo (4)		
PPL (2)	PJL	PPL	PJL	PPL	PJL	RAT
PSD/CDS - 13	PSD/CDS - 3	PS/CDS - 0	PS/CDS - 7	PS/PSD - 10	PSD/CDS - 13	PS/PCP - 13
PS/PSD - 19	PS/PSD - 28	PS/PCP - 39	PS/PCP - 40	PSD/CDS - 10	PS/PCP - 29	PSD/CDS - 27
CDS/PCP - 23	PS/PCP - 28	CDS/PCP - 39	CDS/PCP - 43	PS/CDS - 14	PS/PSD - 38	PS/CDS - 33
PSD/PCP - 26	PS/CDS - 29	PSD/PCP - 42	PSD/PCP - 54	PS/PCP - 52	PS/CDS - 38	PS/PSD - 40
PS/CDS - 28	PSD/PCP - 42	PS/PSD - 65	CDS/PSD - 59	PSD/PCP - 57	PSD/PCP - 58	CDS/PCP - 47
PS/PCP - 31	PCP/CDS - 43	CDS/PSD - 65	PS/PSD - 63	CDS/PCP - 67	PCP/CDS - 59	PSD/PCP - 53

NOTES

(1) Compare the 2/2 behaviour of parties. When both parties vote in the same way, the score is 0; when one abstains and the other adopts a position, the score is 0,5; when one votes in favour and the other against, the score is 1. The number of points obtained is added up and divided by the number of votes. The quotient is multiplied by 100. The index can go from 0 (perfect identity) to 100 (total opposition). Only those votes are chosen from the overall figures when divergencies in principle are most evident (Cf Pedersen, Consensus and Conflict in the Danish Folketing, 1945-1965, Scandinavian Political Studies, 1967, No.4, pp. 143-166).

(2) PPL = proposta de lei; PJL = projecto de lei; RAT = ratification

Na vigência do 8º Governo

Na vigência do 7º Governo

Na vigência do 6º Governo

	PPL	PJL	RAT
PS/PCP	AD/PS - 28	PS/PCP - 5	PS/PCP - 21
AD/PS	PS/PCP - 35	AD/PS - 45	AD/PS - 74
AD/PCP	AD/PCP - 63	AD/PCP - 45	AD/PCP - 94

	PPL	PJL	RAT
PS/PCP	PS/PCP - 22	PS/PCP - 15	PS/PCP - 5
AD/PS	AD/PS - 63	AD/PS - 41	PS/AD - 68
AD/PCP	AD/PCP - 81	AD/PCP - 48	PCP/AD - 73

	PJL	RAT
PS/PCP	PS/PCP - 8	PS/PCP - 8
AD/PS	AD/PCP - 43	AD/PS - 13
AD/PCP	AD/PS - 50	AD/PCP - 17

(3) Considers only 5 votes.

(4) The 3rd government saw its programme rejected by the Assembly. It did not have, either before or afterwards, any relations with parliament.

Na vigência do 9º Governo

PPL	PJL	RAT (6)
PS/PSD - 0	(5)	PS/PSD - 0
PS-PSD/CDS - 41		PS-PSD/CDS - 29
CDS/PCP - 41		PCP/CDS - 57
PS-PSD/PCP - 77		PS-PSD/PCP - 71

Na vigência do 10º Governo

PPL	PJL	RAT
PSD/CDS - 1	PSD/CDS - 11	(7)
PS/PRD - 6	PS/PRD - 13	
PSD/PRD - 19	PRD/PCP - 18	
CDS/PRD - 20	PS/PCP - 19	
PSD/PS - 24	PSD/PS - 20	
CDS/PS - 25	CDS/PRD - 20	
PS/PCP - 30	CDS/PS - 21	
PRD/PCP - 34	PSD/PRD - 24	
PSD/PCP - 54	CDS/PCP - 31	
CDS/PCP - 55	PSD/PCP - 38	

(5) Over two-hundred projects were voted on. The vast majority of these, however, referred to the creation of towns, and other aut archies. The logic of the closeness or distance of votes here is completely different from other cases. For this reason we decided not to include here the values obtained.

(6) Only 7 votes were considered.

(7) Because of the alteration of the rules, there was no longer a general vote on the concession or rejection of a ratification.

TABLE 5

LEGISLATIVE PRODUCTIVITY OF THE REPUBLICAN ASSEMBLY
TO THE ORIGIN OF LAWS; BY GOVERNMENTS

GOVERNOS ORIGEM DAS LEIS	1º Gov.	2º Gov.	3º Gov.	4º Gov.	5º Gov.	6º Gov.	7º Gov.	8º Gov.	9º Gov.
PROPOSTAS LEI	69,4 %	69,8 %	28,6 %	41,3 %	26,7 %	71,4 %	56,2 %	76,1 %	27,4 %
PROJECTOS LEI	17,5 %	12,6 %	57,2 %	48,2 %	14,2 %	6,1 %	22,9 %	11,9 %	69,8 %
RATIFICAÇÕES	11,1 %	15,8 %	14,3 %	17,2 %	58,9 %	22,4 %	20,8 %	7,1 %	2,2 %
OUTRA	1,8 %	1,5 %						4,7 %	0,3 %

TABLE 6

Percentage of Government Bills Passed by Parliament

Percentage of Bills Passed	Number of Countries	Percentage of Countries
90 - 100 %	42	70 %
80 - 89 %	9	15 %
70 - 79 %	4	6 %
60 - 69 %	1	1,6%
50 - 59 %	3	5 %
49 % or less	1	1,6%

Source: Inter-parliamentary Union, Parliaments of the World, Aldershot, Gower, 1986, vol. II, p. 911

TABLE 7

DEMANDS FOR RATIFICATION OF GOVERNMENT DECREES BY PARTIES

(in percentage)

	I LEGISLATURA				II LEGISLATURA			III LEGISLAT.	IV LEG.	
	1ª Sessão	2ª Sessão	3ª Sessão	4ª Sessão	1ª Sessão	2ª Sessão	3ª Sessão	1ª Sessão	2ª Sessão	1ª Sessão
PS	---	---	24,6	5,3	25,0	32,3	18,8	---	---	6,8
PSD	42,1	56,2	19,3	47,9	---	---	---	---	---	---
CDS	21,0	18,8	9,8	6,6	---	0,8	---	15,3	9,4	3,4
PCP	31,6	25	45,6	11,1	57,0	56,5	68,8	85,9	86,8	70,8
AD				29,7						
PRD										13,5
TOTAL (n.ºs absolutos)	19	19	57	244	100	124	16	118	53	69

3.5.76 16.10.77 17.10.78 3.1.80 13.11.80 15.10.81 19.10.82 31.5.83 15.10.84 4.1.85
e a a e a a a a a a
14.10.77 11.10.78 31.8.79 15.7.80 13.10.81 13.10.82 30.5.83 29.5.84 17.10.85 10.10.86

TABLE 8

Interpolations to the Government

ANO	NÚMERO	MÉDIA ANUAL
1976 - 1979	2	0,66
1979 - 1980	4	4
1980 - 1983	10	3,3
1983 - 1985	7	3,5,

THE ROLE OF PARLIAMENT IN A WEAK CONSOLIDATION
OF THE DEMOCRATIC REGIME : THE ITALIAN CASE

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Paper presented at the conference on Parliaments and Demo-
cratic Consolidation in Southern Europe - Fundació Jaume
Bofill - Volkswagen Foundation (Barcelona, October 29-31, 1987)

Introductory RemarksWhen

Analyzing the parliaments of countries that have recently experienced a transition from an authoritarian regime to democracy ^{it} seems pretty natural to try to establish the connections between this institution (that is typically considered central to the democratic regime itself) and the process of transition and consolidation of democracy. Is this perspective still relevant, other than from an historical point of view, also in the Italian case today, some forty years after the transition to democracy took place? My answer will be a qualified yes. Even today we cannot discuss the Italian parliament without some reference to that perspective. But on this I will come back later.

A closer look at the theme Parliament- Transition/Consolidation of a new democracy shows that two perspectives can be followed. The two perspectives ARE determined by the choice of the independent variable. Whether ^{this} ^{the} ~~is~~ is parliament or the process of transition and consolidation of the democratic regime. If we choose parliament as ^{the} independent variable we have a first perspective: what is the impact that parliament (a specific type of parliament) has had upon the transition and consolidation process? If on the contrary parliament is seen as the dependent variable we have a second perspective: how the parliament has ~~changed in the~~ ~~process of~~ been shaped in the process of transition and instauration of democracy and ~~is~~ how it has changed in ~~the process of~~ (as effect of) the process of consolidation of democracy. It must be immediately said that the distinction of the two lines of causation is made for analytic purposes, in order to sharpen our perception of the interactions taking place, but that reality is much nearer to a spiral of causation or to a sequence of feedbacks between the two directions of causation.

The Italian case. First steps.

In the analysis of the Italian case I will try to follow and develop the ^{two} perspectives (if not in a fully detailed way ^{way} at least in a sketchy way) together moving from one to the other so as to catch if possible the real interactions that took ~~place~~ place.

If we look first at the transitional period the first question to be answered is at what step of this crucial process for the instauration of democracy a parliamentary institution was introduced and how it was shaped by the specific conditions of that moment. The second question is how the presence of such an institution and its specific traits affected that process.

In Italy the first parliamentary-like institution is the Constituent Assembly of 1946. It is true that this institution has certain ^{rather} specific traits. A positive one: it is devoted to the making of the constitution; a negative one: it has only limited powers in the field of law-making (which is left on the whole to the government except for international treaties and electoral laws). But it is politically for at least two important reasons: 1) a parliamentary body it is not only composed by technicians Constitutional but by the political elites of the parties (its large size - 535 members: is a clear indicator of this); 2) the government must have the political confidence of that assembly (i.e. a majority).

The creation and the nature of this first (quasi-)parliamentary body was at the centre of important political skirmishes in the transition period. It must be remembered that the first monarchical government after the fall of fascism ^{had} tried with some acts to preserve a maximum of continuity with the prefascist constitution and institutions (among them in particular the old parliament). The difficulty of this, ^{attempt, given the old} fact, that ^{that} constitution and ^{"its"} institutions had not been abolished by the fascism but formally kept in life while substantially transformed according to the authoritarian model, was ^{soon} clear. Against this

self-protecting attempt of the monarchy the opposition of the parties of the anti-fascist coalition (CLN) was almost unanimous. Their own role in the transition was at stake. The fight of the parties against the monarchy and the state bureaucracy for determining who would lead the transition (and that meant among other things who would convocate the first parliamentary body and choose the electoral procedure for electing it), was won by the parties when they secured their control over the government, which was the crucial actor between '43 and '48.

The nature of the first party governments composed of six parties, the uncertainties over the electoral perspectives of each of these parties, and at least for the largest ones (DC, PSI, PCI) their political tradition, all these conditions worked in favor of deciding to elect the ^{new} constituent assembly with a PR electoral system. The fact that the electoral law was to be only for the election of the Constituent Assembly and not for the following parliaments and the special nature of that assembly for which a high level of representativeness was particularly desirable ~~was~~ contributed to overcoming the opposition of those favoring a more majoritarian solution. The anti-party orientations of the right (the area of the political spectrum that had been more strongly in favor of a plurality system à l'anglaise) ^{and of sections of the centre} were in some way compensated by introducing ~~the~~ preference vote. (Bettinelli 1982). The desire of the mass parties to have a stronger control on the elected was taken into account by creating the so called Collegio Unico Nazionale with rigid lists (for all the votes not counted at the ~~local level~~ constituency level) which at the same time increased the degree of proportionality of the electoral system. Finally the left was able to win the battle against the compulsory character of the vote: the principle was kept but the strong sanctions asked by the parties of the centre and the right (which feared the greater ability of the left to mobilize the electors) were abandoned.

The electoral law for the constituent assembly which was ^{supposed} to last only for

that "special assembly" , was in fact followed almost exactly by the constituent assembly when the time came to prepare the law for the normal parliament. An attempt of the government to decrease somewhat the degree of proportionality of the electoral system, thus favoring the largest parties was promptly rejected. There is some reason to say that the first choice of the electoral system, although made through an ordinary law, became one of the first (chronologically but also from the point of view of its importance) stones of the substantial Italian constitution. ~~ONE XXXXX ONLY XXXXXX WARY XXXXXXXX~~ After the failed attempt of 1953 to introduce a major change in this field one has to wait until very recently to find significant sections of the political elite ready to ~~discuss~~ discuss again and as accept ~~the~~ legitimate the possibility of ~~exchange~~ modifying seriously this first choice.

We have thus seen a first string of events causally tied in the middle of which ^{the} parliamentary body plays the role of a factor reinforcing a certain trend of developments. A plurality of parties chooses an electoral system establishing a low threshold of representation ; then the parliamentary body thus elected and which sees within its ranks a further increase of the fragmentation of parties cannot but reproduce the same electoral system.

The second issue at stake between the parties ^{was} the question of the powers to be assigned to the constituent assembly. Should it have full legislative powers or be confined to the elaboration of the constitution while the legislative power ~~is~~ remains in the hand of the government ? Many elements ~~exist~~ (among them some of cultural and symbolic nature; for instance the revolutionary halo that both from the right and from the left is attached, even if with opposed value judgements, to the constituent assembly) enter in this querelle. But there are also some more substantial motives. ~~&~~ Leaving greater powers to the executive means also putting in a position of greater political prestige the parties that compose the government and particularly the party of the prime minister. And in a situation where the

popular following of the political forces is still far from established such things can have a great importance.

It is true that the ~~governor~~ first governments were built according to a principle of paritarian representation of all the parties of the antifascist coalition (the cabinet works thus as a crucial representative body), but in spite of this a "real" parliament is always a different instrument of representation. For a number of reasons : 1) A parliamentary body will in any case allow a ~~more~~ wider spectrum of political positions both in terms of the number of parties represented and in terms of the various intraparty tendances; 2) the cabinet could move from a grand coalitional scheme to a majoritarian solution, while in a parliament the opposition cannot be deprived of its say; 3) the government will work in a much closer interaction on one side with the state apparatus on the other side with the international actors. Both elements are of crucial importance (in terms of constraints but also ~~of~~ resources for certain political forces) at this point in time. In fact all three elements play a role in the Italian situation. The difference between the political spectrum represented in the first parliamentary body (the Constituent Assembly) and ^{im} the governments of the same period is ~~of~~ some relevance since the beginning, but ^{gains a} much greater political importance when the antifascist grand coalition breaks down and a center-right majority government is inaugurated (may 1947). And finally the relations established from the government with the state bureaucracy and with the western powers (particularly the USA) will provide important political resources in the power game of these years for the leading governmental party (the DC).

The limitations that ~~after~~ after a long and heated political debate were imposed to the Constituent Assembly were an important political victory of the Christian Democratic party. Leaving the divisive choice between monarchy and republic to a referendum rather than to the Constituent Assembly meant, for a centre party as the DC, avoiding to have to campaign at the elections for the Constituent Assembly taking a clear

and visible

position on this issue and therefore losing important sections of the electorate on one side or ^{on} the other. But it meant also avoiding the risk to face a split in the ranks of its members ⁱⁿ the constituent assembly at the moment of voting on that issue.

Depriving the constituent assembly of the legislative function and assigning this function to the government meant, particularly after the breakdown at the governmental level of the antifascist coalition, that while in the making of the constitution the practice of compromise ^{was} between all major political parties by far prevalent, in the field of ordinary lawmaking, a field far from unimportant ^{crucial} in ^{the} phase of post-war reconstruction, the governmental parties and in particular the DC could follow a more "majoritarian" course.

Having seen the limitations to the powers of the Constituent Assembly we can move to the field that was its specific domain: the making of the new constitution. We will not analyze in detail that process. But a few points deserve to be mentioned.

~~First there was a governmental project for the constitution which was fully discussed with the constituent assembly. Second~~

The central question to be discussed is the following: to what extent and in what direction the making of the constitutional text was affected by the fact that this duty was accomplished by a specific type of constituent body? The fact that the making of the constitution was assigned to a large, parliamentary-like assembly elected through an electoral system with a low threshold of representation rather than to a smaller, more technical ^{body} ^{and} perhaps under a stricter control of the government (as it might hypothetically have happened) has had an impact ~~on~~ upon the substantial contents of the constitutional text? There is not only however the question of the quality of a constitution. Another crucial aspect is that of the acceptance of the new constitution by the relevant political

forces. The way a constitution is made can be important for producing ^(or not) a generalized support for it.

A satisfactory answer to these questions would require a comparative analysis of a number of constitution-making processes, which cannot be done here. But even without stronger analytical instruments it is perhaps possible to find some evidence supporting the hypothesis of an influence of the nature of the constitution making body upon the two ~~xx~~ above mentioned aspects.

On the basis of our general knowledge about the structure and working of parliamentary bodies I will formulate a number of propositions and then see how they fit with the Italian case.

The greater the role of a parliamentary-like body in constitution-making and the lesser the role of a technical body and/or of the government then

1. The greater the chance of a constitutional text with less coherence, and with compromises between different outlooks;
2. The greater the chances of a more parliament-oriented than government-oriented constitution;
3. The greater the chances of a more favorable treatment of individual parliamentarians;
4. The greater the role of "principled" democratic ^(proclamations) ~~rules~~ against more technical and more "cynical" (from the point of view of democratic ideals) ~~rules~~ rules.

Moreover we might expect that all these propositions will be strengthened the larger and the more fragmented will be the constitution making body.

~~To what extent does the Italian case fit into this~~

To these propositions we should then add another one concerning the problem of the acceptance of the constitution.

5. The greater the chances that the constitution be accepted by all the relevant political forces.

An ^a analysis of the Italian constitution making process can produce some evidence in support of these propositions.

A first point to be mentioned is that the government did not play any active role in the process. There was no governmental project for the constitution. What is more the separation between government and constituent assembly increased with the passing of time. While at the beginning the ^(of limited weight) coalition supporting the cabinet included with few exceptions the parties represented in the C. Assembly; since may 1947 and until the end of the making of the constitution the government could count only upon an uncertain majority.

A second point concerns the role of (legal) technicians in the making of the constitution. In fact in the making of the Italian constitution it is possible to see both the contribution of technicians and of politicians. The Constituent Assembly although more a political, parliamentary body than a purely technical ~~institution~~ institution counted among its members an important group of the best legal technicians of the Italian universities. Although outnumbered by pure politicians in the ~~plenum~~ plenum, they played an important role in the committee stage that produced the first draft of constitution and also in most of the discussions. The constitution was thus made by a "parliament", but a parliament that had something also of a technical body. Although the distinction is far from neat we might distinguish a first stage in the process (the committee stage) which saw the technicians play a leading role and a second stage (that of the discussion in the plenum of the assembly) that saw the dominance of a parliamentary climate. The distinction is not so neat because the so-called Committee of 75 which (divided in three subcommittees) prepared the draft of the constitution was not composed entirely of technicians (who in any case were selected on the basis of their party links) but also of politicians. On the other side ~~the~~ some of the technicians were very active also in the assembly stage.

An attempt to check the validity of the propositions that we have formulated could be made by comparing the constitutional draft as it came out of the committee (technical) stage and the changes that were introduced in the plenary (politico-parliamentary) stage.

It must be said that to a great extent already the committee stage had seen the search for compromises between the ~~the~~ ^(politically and technically) heterogeneous constitutional conceptions that had ~~immediately~~ been put forward. In particular that happened between the point of view of the left that wanted a unicameral and all-powerful parliament and the positions of the centre and the right that wanted a bicameral parliament and a strengthening of the government vis a vis the parliament.

But the search for compromises was pushed further in the assembly stage. ~~of the second chamber. This~~ Moreover this search for compromises followed coalitional alignments extremely varied and shifting as one would expect in a situation where the government ^(and) the preoccupation of building an homogeneous majority are absent. We see alliances of center and right against left, but also the center siding with the left against the right and, what is more, also coalitions of the right and the left against the center. A ^{subject} ~~subject~~ ^{for} ~~for~~ which such ~~complex~~ maneuvering took place and reached a particularly high level of complexity was the problem of the second chamber and of its model. The type of second chamber that resulted from this process, where negative and occasional alliances were more frequent than positive and homogeneous ones, is in fact an institution the political meaning of which is difficult to interpret and does not correspond to the intentions of any of the political forces that took part in ~~its~~ its elaboration.

There is some evidence also for the second proposition (a constitution more parliament- than government-oriented). As we move from the first works of the sub-committees to the draft of the Committee of 75 ^(and finally) to the plenary discussion we see a progressive watering ^{down} (of all the measures devised for strengthening the govern-

ment. For instance the number of members of parliament required to sign a motion of ~~no confidence~~ no confidence is constantly reduced.

Another parliament-oriented innovation of the plenary, an innovation that will have important consequences in the future working of the ~~parliamentary~~ lawmaking process, is the attribution to the standing committees of the chambers of the power to approve definitively a bill without the need of a vote in the plenary. (as the constitutional draft required).

Another question that shows well the influence of a parliamentary setting upon the discussion of certain constitutional issues, is that of the numerical size of the parliament. The relevance of this point for the small parties and also for individual politicians is clear. The larger the number of seats the lower the threshold of access. On this point there had been different positions already in the committee stage and the final result had been a large size (for the first chamber): a deputy for 80.000 inhabitants. In the plenary stage proposals are advanced to reduce again the number of deputies (to a minimum of 1/150.000 inhabitants), but a coalition of left plus small parties of the centre and the right with the favour of the secret vote is able to check these proposals. As it could be expected the size of the first regular Parliament resulted much larger than that of the Constituent Assembly (the first chamber alone had more or less the same number of members ^{of the C.A.}) and then one must add the second chamber) offering thus ~~good~~ the best chances of reelection to the members of the constituent body.

With regard to the election of the second chamber, while the constitutional draft required that the senators be chosen only among members of very selective categories (high members of the judiciary, university professors, entrepreneurs, high ranking politicians, high state bureaucrats, etc.) according to a scheme that tried to introduce some elements of a corporative representation, the plenary brought back the Senate to the ordinary type of political representation.

We do not want to discuss here the validity of the ~~xxxxxx~~ original scheme devised for the second chamber; it is sufficient here to bring the attention to the fact that a parliamentary-like body as the constituent assembly prefers a model less dissimilar ^{from} its own nature.

Although a verification of the propositions formulated would require ~~as~~ more detailed examination of the constitution making process and a comparative perspective, there are as we have seen a number of elements that ~~point in that direction.~~ ^{support their validity -} Assigning the making of the constitution to a political body of the type of the Italian constituent Assembly has had an impact upon the contents and the quality of the constitutional text produced. Of course the value judgement upon them may be very different.

But as we have anticipated the way the constitution was made had probably important effects upon a crucial question in the instauration of democracy: the question of the legitimacy of the new regime.

Surely the question of the legitimation of the new regime ~~xxxxxx~~ cannot be equated ~~simply with~~ simplistically with a large acceptance of ^{its} constitutional text. We should probably say that this is a necessary condition but not a sufficient one. That all major political forces accept the constitution may not be enough to establish a full legitimation of the new regime; but surely ~~xxxxxxxxxx~~ the existence of a strong opposition against the fundamental law would ~~xxxxxxxxxxxx~~ mean a dubious legitimacy.

The Italian constitution was indeed largely accepted by the political forces represented in the Constituent Assembly. The final vote ^(December 1947) saw 453 Yes against only 63 NO (or 12%). A result that might surprise if one thinks of the growing political polarization that the Italian political system had undergone in the previous months and that would reach its maximum four months after the voting of the constitution at the elections of April 1948.

The near unanimous vote for the constitution can be interpreted as the consequence of a constitution-making process where the accommodation of the conflicting demands stemming from the various parties has prevailed over the attempt to maintain the purity of a coherent scheme. It cannot be said that one (political) side prevailed systematically over the other, but rather that thank to the frequent shifting of alliances each party could feel to have been ^(sometimes) on the winning side.

The near unanimity in the acceptance of the constitution was not enough as we have already said to prevent or stop the growing polarization. It left however a link (thin but not irrelevant) between parties that since then ^{were to be /} stably divided by the government/opposition dialectic.

Out of this ~~situation~~ developed in the following years a somewhat paradoxical situation ~~developed~~: the parties of the leftist opposition that were excluded from the government because of their dubious acceptance of the substantial tenets of pluralistic (constitutional) democracy became the strongest defenders of the constitution, while the parties in government became soon very cold towards a number of ~~democratic guarantees~~ constitutional guarantees they had contributed to introduce (as the introduction of a constitutional court, of regional devolution, etc.).

A digression on the consolidation of democracy in Italy. Successful persistence and defective consolidation ?

As we have said the constitution-making phase in spite of its conclusion with a very large agreement on the constitutional text, does not solve the question of the consolidation of the democratic regime. In fact already during the constitution-making phase, but particularly in the years immediately following, the tensions between ~~the~~ government and opposition parties will reach levels that will induce large sections of the electorate and of the political elites~~to~~ to consider the question of the survival of the democratic regime a central issue of the current political life. And while the persistence over time of the democratic regime cannot be denied obviously, its full consolidation cannot be certified until the issue of the survival of the regime plays a relevant role in shaping the results of the political game.

Persistence and consolidation are two concepts and phenomena that require to be analyzed with more attention to their differences and interrelations, rather than being simplistically assimilated.

To explain ^{the} persistence of the Italian political system is probably easier of reaching a full than understanding why~~xx~~ a process of consolidation has been a much more complex problem. In explaining the regime persistence the crucial variable in the Italian case seems the reaching of a higher level of partyness in the political life as compared to the past democratic experiences.

We must remember that Italy in the pre-fascist democracy

shows very clearly the syndrome of a weak party government, both at the electoral and at the parliamentary level. At the electoral level the following aspects must be underlined. 1. For about a half of the political spectrum a national party labeling of candidates does not even exist. Only the PPI (catholic) and the PSI (socialist party) are able to enforce a nationally homogeneous labeling. In the elections of 1921 the center and right promote the National Bloc lists almost everywhere; but this remains the label of a purely electoral cartel which will not have in the parliament a corresponding parliamentary group. 2. Local politicians enjoy a high level of autonomy and can exert a strong control on the making of electoral lists. At the parliamentary level the weak partyness shows itself in the following features: 1. weak correspondence of parliamentary groups with electoral lists; 2. Frequent splitting and regrouping of parliamentary groups; 3. Personalistic character of many groups which are fundamentally made by the followers of a parliamentary leader (giolittiani, nittiani, ecc.). 4. A large share of the parliamentary members are notabili, Honoratioren the political career of which is still largely a non party career.

It must be added that while these features characterize particularly the "old parties", that is the right, part of the center and the center-left of the political spectrum, the new parties (PSI and PPI) are far from entirely immune from some of

them, particularly at the parliamentary level. Some of the leading figures of both mass parties play often personal games rather than abiding to a team behavior.

These elements affect heavily the government formation process. The building of parliamentary coalitions is made more difficult by personal animosities between parliamentary leaders (typical is the Giolitti-Nitti dispute) and by the lack of cohesion and discipline of their following. These conditions of weak party government make the parliament unable to fulfill its primary function in a parliamentary form of government, that of producing and sustaining a stable government (or at least a stable governing elite). Weak parties do not produce a strong parliament unless we take as a proof of strength the negative ability to prevent stable governments.

After the fall of the fascist regime the growth in the strength of party government is clear. If this is the general picture some of the elements are apparent since the very beginning of the democratic instauration, but others will be produced only with the second ^egeneral election (1948) or even later.

At least the three biggest parties (DC, PSI and PCI) are able to mobilize very soon a mass membership that is many times larger than that they could count upon in the prefascist period. The party with the largest membership in the 20s, the PSI, had a membership of about 200.000, while in 1946 the PCI had already more than 1.600.000 members and the DC 600.000. ^{To}the strengthening of the extraparliamentary organizations of parties should be added the fact that partyness becomes a dominant feature of elections. Although local electoral labels persist, especially in the South, their success is limited and national party labels become completely dominant.

At the parliamentary level personalistic groupings disappear and the control of parties over members of parliament produces a stabilization of alignments. Here the

turning point is 1948 more than 1946. While in the Constituent Assembly (1946) party splits, ^{the} creation or disappearance of a few small parties produce still a substantial number of changes of party labels by members of parliament ^{touching} (about 47% of the members), in the first regular parliament only a dozen of changes take place. The explanation is that the great polarization of 1948 strengthens greatly the two parties that in their areas of the political spectrum are ^{comparatively} higher in the degree of partyness: the PCI in the left and the DC in the center-right.

The effects of the increased partyness of political life after world war two are particularly clear in the government building process. If in the formal sense the governmental stability is not attained, two major correctives counterbalance the short duration of cabinets: the greater stability of government formulae (by this I mean mainly the combinations of parties supporting a cabinet), and the even more pronounced stability of the governing elite. This is clearly due to the fact that now a very large party (the DC) with a level of partyness surely higher than that of the liberal-democratic parliamentary groups of the prefascist period has gained the control of the government building process.

It is probably not unwarranted to relate the long term persistence of the Italian postfascist regime (against the very short lifespan of the first Italian experiment in mass democracy) to the fact that the center and center-right areas of the political spectrum have undergone, under the aegis of the Christian Democratic party and thanks to the great polarization of the elections of 1948, a process of more marked structuring along party lines.

In more general terms we might formulate the following statement. A first threshold ~~of party control (both at the electoral and at the parliamentary level)~~ of party control (both at the electoral and at the parliamentary level) can be judged a condition (necessary but not

sufficient) for a successful inauguration of a new democratic regime and for making its persistence not too dubious. ^{However} Identifying exactly where that threshold is, may be difficult. In fact we must not conceive this threshold as an absolute but as a relative one. Relative to the configuration of political actors operating in this stage. We might say that the threshold is reached when there is the minimum level of party control that makes the parliament able to produce and sustain a government confident enough to withstand antidemocratic oppositions (in the parliament and outside) and a parliamentary majority cohesive enough to resist erosion from the oppositions. The threshold will be higher the stronger and more cohesive are the antisystem oppositions.

The reaching of this first threshold becomes very clear with the elections of 1948. Starting from that moment there will be very clearly a party able to ensure (through coalitions with other smaller parties) a governmental majority free from the need to negotiate the support of parties with a dubious democratic loyalty. (This does not mean that legislative majorities never rely upon this support. Far from that! Different is the question of the majority needed to support the government as the leading state and political authority).

If we equate ^{d/the} persistence of the democratic regime to its consolidation we could stop here. But if we adopt the view, as I will do here, that the consolidation of a democratic regime is something more than just its lasting through a prolonged timespan (and that there can be persisting regimes that are not yet consolidated) there are other aspects of the parliament/party relationship that must be explored. And the same must be said if we want to enter into the much larger field of the performances of the democratic regime.

Concerning the consolidation of the democratic regime I will first remark the fact that reaching a (full) consolidation of the democratic regime has proven in the Italian case a much lengthier process than attaining the first conditions of survival (and to some extent the question ^{is} still lingering today). Then I will suggest that an explanation of this protracted solution of the question can be related at least partly to the peculiar model of party-parliamentary relations embodied in the largest opposition party.

As for the performances of the political system and particularly of the legislative process I will suggest that the model of party-parliamentary relations embodied in the largest opposition party added to the very different model embodied in the largest government party are largely responsible for some of the typical characters of the policy outputs.

I will start by defining briefly the concept of democratic consolidation. If we agree to identify the democratic regime with a regulated and accountable system of political pluralism the conditions required for its full consolidation are 1. the acceptance of democratic rules by all major actors ; 2. the mutual acceptance between major actors stemming from the confidence of every major actor that the others will comply with those rules. Stressing the importance of mutual confidence and acceptance is not superfluous. A political actor might be perfectly willing to play according to the rules but a negative perception by other ^{relevant} actors might be enough to induce the latter to adopt preemptive action to protect themselves from a presumed antidemocratic behavior of the former. This preemptive action may take the perfectly legitimate (from a democratic point of view) form of denying one's vote at the electoral level to the "dubious party" or of refusing to enter a coalition with it at the parliamentary level, but in more critical situation democratic actors might be tempted to leave the ground of democratic ^h authenticity in order to "defend democracy". Whether such course of action might be legitimate from a democratic point of view is a question I will ^{not} discuss here. The divarication between reality and perception that we have mentioned has greater chances to exist when with regards to a political actor which has never played a governing role and has been permanently in the opposition. Its behavior in government cannot be anticipated from past behavior.

To take these considerations into account the formulation of the concept of democratic consolidation I will adopt could be the following: "a democratic regime has reached a full consolidation when all major actors accept the fundamental rules of the democratic game and are confident that each other will comply with them". The reaching of an acceptable level of mutual confidence is particularly critical in order to make the interchangeability of governmental and oppositional roles an acceptable risk. In this perspective a fundamental test of a full consolidation of the democratic regime must be a peaceful transfer of power between the governing parties and the major opposition parties. This need not necessarily mean that the democratic regime had not become accepted before that event; but that we ~~could not have a default of proof~~ ^(the decisive) lack a proof both of the acceptance of the democratic rules by all actors and of the reaching of a satisfactory level of mutual confidence between them.

How is the Italian case faring on this dimension? Sure enough the democratic regime has now reached a good level of persistence. Forty years have elapsed since its restoration. Whilst the persistence is not irrelevant for the consolidation of a regime, ^{as we said before} we cannot equate persistence and consolidation. A regime might persist simply because it can manage to avoid the most serious tests of the functioning of democratic rules. And among the "serious tests" as we have said the transfer of governing roles to the opposition seems a particularly relevant one. In the Italian case we have very clearly a situation where the (long) persistence of the democratic regime has been associated to the avoidance of that test. Except for the transitional stage between the authoritarian and the democratic regime ('43-'47) a major political party with a share of the electoral vote ranging between 19% (1946) and 34 % (1976) has not been able to move from opposition to governing roles. A case almost unique in democratic regimes in terms of the length of the exclusion from power of ^{such} a large

party. This exclusion (the end of which seems even today not so near) is the product of two combined conditions :1. the fact that the PCI has not reached alone a parliamentary majority; 2. the fact that this party has not been able to enter a parliamentary coalition commanding a parliamentary majority. Both conditions can be interpreted as reflecting at least in part the lack of confidence of important political actors toward that party. Large sections of the electorate have for a long time been unconvinced of the democratic character of the PCI. This has been shown by survey results but perhaps more convincingly by the fact that in spite of a diffuse dissatisfaction against the (permanent) governing parties the largest opposition party has not been able to acquire the votes of unsatisfied electors beyond a certain point. Italy, one of the countries more heavily struck by the economic crisis in the seventies, has seen the (escape "punishment" and / governing parties able to maintain an electoral following giving them the control of a parliamentary majority. ^{If} the Communist party has not been able to make an electoral breakthrough, it has not been able either to attain a larger coalition potential at the parliamentary level. While in local politics the PCI after 1975 managed to win the confidence of the other parties of the left and even of the centre (from the PSI, to the PSDI, the PRI and even in a number of cases the PLI) thus finding the way to many local governments outside the "red regions", it was not able to replicate such a strategy at the national level. Even if a parliamentary majority left of the DC has existed since the 1976 in the lower chamber (PCI+PSI+PSDI+PRI+ other small leftist parties) and since 1979 in the Senate such a possibility has not been explored seriously neither by the PCI nor by the other leftist or center-left parties. The latter have thought more convenient to continue their traditional although far from peaceful alliance with the DC.

The only instance when the PCI came close to executive power was in the years 1976-78 and that took place at very special conditions: a grand coalition (stretching from the PCI to the Liberal party and ^{thus} making the PCI not numerically necessary to reach the parliamentary majority) and the exclusion of communists from the cabinet. The inclusion of the PCI in the governmental coalition took place therefore in a very cautious setting. As it is well known the Communist leadership itself had explicitly accepted these very special conditions as an instrument for "legitimizing" the party in front of the other political actors. In this way it was acknowledged that the mutual confidence among major political actors was not yet reached. After the failure of that strategy the PCI has moved back to the proposal of building an alternative majority but this has been more a formula for propaganda reasons than a systematic behavior. In fact since then the relations with the Socialist party have been particularly strained. And of course it would be difficult to build an alternative majority without an alliance with the PSI.

Summing up we can say that the so called "communist question", that is to say the question whether the PCI is a suitable coalition partner, has not been solved fully until now. The PCI is still judged by important sections of the political system as an actor somewhat different from the others. In spite of the fact, very widely acknowledged, that deep changes have taken place within the PCI.

This "special status" of the major opposition party surfaces very clearly in the recurring question raised after each party congress of the PCI by political ^{(politicians} commentators and) whether the party "has changed enough in order to become a government party". And even the positive answer to such a question suggests that at least for the past there were doubts about its democratic role.

Such a situation, or more exactly the prolongation of this situation over an increasingly long time span, raises a number of questions. The major one is the following: why in spite of its remarkable success in establishing itself as a large and very influential opposition party the PCI has not been able to cross the executive threshold ?

The answer often given is that the other parties have adopted an exclusionary posture toward the PCI (the so called conventio ad excludendum). This answer does not bring us very far. We still need to know why they have adopted such a position and how they have been able to bring it into effect. If it may be reasonable to expect the Christian Democratic party to adopt this exclusionary posture, why have also the other parties to the left of the DC accepted more or less explicitly this position ? Wouldnt have been more rational for them to play more clearly a pivotal role by shifting alliances between the DC and the PCI (as they have been doing at local levels) ?

The only possible answers are that either they have feared that given the polarization of the national electorate associating itself with an extreme party would make them loose part of the centre electorate which normally follows them, or else that in spite of all their resentment against the dominant role of the DC they consider more favourable an alliance with this party than with the PCI. Both answers point to features of the Communist party that in some way make it a political force at the margins of the normal democratic play. A party judged to extreme by the electorate or/and not to be fully trusted as a coalition partner.

All that stimulates a further question: why the PCI has not been able to dispel such less than favourable image ? The hypothesis I will advance here very simply is that this has not been the first priority of the party leadership. Or to put it in another way

(and particularly to the challenge of overcoming political emargination) that adaptation to the environment has been subordinated to preoccupations about the maintenance of identity. It is true that the party has changed but always within margins that allowed to stress the fundamental continuity with its past. The party seems to be more concerned with the risk of losing its followers than with that of being kept out of power for longer. It is typical of such a position that the party has always refused to take such steps that would symbolically stress a break in the continuity of its history (in its international linkages, ideological outlook or ~~and thus affect more effectively the perceptions of other actors' organizational model~~) but has chosen a less visible strategy of small steps.

We may say that to a great extent the Communist party has rather accepted to be confined to an oppositional role than to face the risks of a bolder and more visible process of change such as required to open its path to a governing role. Such a strategic choice in order to be understood requires a discussion of incentives and motivations of the behavior of the party elites.

This brings us back to our main theme: the nature of the parliamentary setting, how it has evolved after the constitution-making period and its effects upon the political actors and particularly the opposition.

Parliament in a situation of weak consolidation.

The questions we have to discuss now are the following ones:

1. What type of parliament came out of the instauration phase of the democratic regime and what changes it underwent in the time elapsed since then ?
2. What consequences this parliament has had (or has not had) upon the problematic consolidation of the Italian democracy?

I will anticipate in a synthetic and cumulative form my answer to the two questions and then I will try to explain and prove them more in details.

Under the cumulative influence of legal regulations and of political conditions the Italian parliament is a highly polycentric institution not easily amenable to majoritarian decision and to governance by the cabinet. This organizational and working model has proven very apt to favor a partial integration of the anti-regime opposition thus compensating its exclusion from government (and probably inducing a renunciation by it of more radical behavior), at the same time has provided little incentive to a full integration and ~~perhaps~~ perhaps even some disincentives to it.

The nature of the real structure of a parliamentary body is determined by the cumulation of legal and political factors. Defining it only in terms of the legal instruments of regulation would provide a too formalistic image, and forget that a parliament is made of political actors that react not only to legal rules but also to political incentives, constraints etc.

With regard to the legal side we must look both at the constitutional text and at the standing orders of the chambers. The constitution introduces two major elements of polycentrism in the parliamentary model: 1) a perfect bicameralism (the two chambers have exactly the same powers and the consent of both is required for supporting a government and for passing bills); 2) the possibility of a full

delegation of [redacted] the law-making powers to the permanent committees (a bill can be approved as we have seen by a committee without [redacted] a vote in the plenary). For what concerns the standing orders of the two chambers a diachronic analysis would be needed since they have undergone important changes in the time span considered. Until 1971 the parliament [redacted] kept the old Standing Orders of the prefascist parliament introducing a number of modifications; in 1971 new Standing Orders have been adopted and since then a number of modifications have been introduced. A number of these changes are relevant for our discussion and we will come back later to them. There are however other elements that do not change with time. Perhaps the most important one is the role of secret voting in the law-making process. While, after some discussion it was decided to leave out of the constitution the prescription of a secret vote for the final approval of a bill the Standing orders of the chamber have made such type of vote mandatory (in the Senate it must be asked by a certain number of senators). Moreover the secret vote can be asked at any other stage of the law-making process (for instance for the vote of amendments) and can be stopped only by the request of the government of a vote of confidence. This peculiarity of the Italian parliament offers to dissenters within the governmental majority a [redacted] protection against political sanctions [redacted] and thus becomes an instrument of leverage in the policy-making process for what we might call the 'minority of the majority', that is to the sections of the majority that feel less at ease with the [redacted] political orientations of the government and nearer to positions shared by the opposition. The motivations of the recourse to this covered dissent may obviously vary. The chances that they pertain more to questions of interest or of parliamentary tactic rather than to questions of principle are high. The dissent on questions of principle requires generally a publicity that the secret vote obviously does not allow.

Finally one must mention the fact that the standing orders do not reserve a specially favoured ^(a) treatment to the government in the law-making process and offer weak instruments to the majority for curbing obstructionist practices.

If the Standing orders of the two chambers were since the beginning not particularly oriented in a "majoritarian" direction, their reform in 1971 has undoubtedly seen an increase of polycentric and "consensual" (in the Lijphart sense) elements. The main innovations have been the role assigned in the definition of the program of the parliamentary works to the conference of the leaders of the parliamentary groups (for which the rule of unanimity is prescribed); and the increased powers of inquiry, legislative oversight given to the standing committees of the parliament.

~~_____~~
 But the impact of these elements of a legal nature cannot be fully appreciated unless one takes into consideration the political factors that have been at work with them.

Particularly important for the structure of parliament have been the characters of the governmental majorities. A number of factors have contributed to making the (governmental) majority a parliamentary actor with a low degree of coherence.

- 1) The parliamentary majority has always been a coalition of parties;
- 2) the number of the parties involved has progressively grown;
- 3) the relative weight within these coalitions of the largest party has declined (to a point that in the last years its claim to the premiership has been successfully contested);
- 4) except for perhaps the first years after '47 the governmental majority has never been faced by a realistic alternative coalition that could menace its control of the executive power and thus incentivate its cohesion;
- 5) the leading party of the majority has always been highly factionalized;

6) since the governmental coalitions have been heavily determined by reasons of democratic safeguard (the intent to exclude ~~●~~ parties of dubious democratic loyalty) they have generally been ~~■~~ rather heterogeneous in terms of policy-orientations.

There is no need to discuss here in details these factors and their explanations. It is enough to point the attention to the fact that the weakness of the governmental majority as a cohesive actor in the parliamentary life has translated into reality the opportunities offered by the legal setting that we have mentioned before.

~~le institutional polycentrism authorized or required by the legal regulations of parliamentary life has increased made particularly difficult to the keep the majority united and weakened the ability of the cabinet to exercise a leadership over it. On the contrary the plural components of the majority have found a favourable environment for safeguarding their relative autonomy.~~

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What have been the effects of the type of parliament produced by this combination of legal and political factors upon the policy-making process and the legislative outputs is too well known after the researches of Predieri and Di palma to require ^{here} further discussion. More interesting in our perspective is to discuss at least conjecturably the ^{an} impact of this parliamentary setting upon the consolidation of the regime.

As I have said [redacted] a (the) major problem for the full consolidation of the democratic regime in the Italian case has been that of the integration of a large antisystem opposition (the PCI). Surely this problem has heavily conditioned the developments of the Italian political system since the second world war. Sometimes in a somewhat paradoxical way. In fact it seems not ungrounded to assert that a partial consolidation of the democratic regime was possible only through the exclusion of the opposition from the executive power and even that the harsh confrontation of the first republican years between the PCI and the largest government party (the DC) ^{by helping the ascent of} [redacted] (a large centrist party and preventing a greater fragmentation of the centre-right area of the political spectrum (that in a less tense situation could have been possible), helped making that partial consolidation able to last for a long time. [redacted]

[redacted] At the same time one could well say that one could say that the [redacted] forms the political conflict took in the early years of the new regime gave to the political system a moment of inertia that has been extremely difficult to overcome even when the original conditions had disappeared.

As it is well known the effect of the conflict that develops in the antifascist coalition after 1947 is the exclusion of the PCI from government, but what is more important a consensus develops in large sections of the electorate and of the political elite that the PCI is not a suitable partner for a governmental coalition because of its dubious democratic loyalty. Until today, in spite of all that has

happened in the last forty years the threshold of ~~national~~ national (this qualification must be underlined for the same cannot be said for local level) executive power has not been crossed by the PCI. It seems therefore justified to say that the integration of ~~this party~~ this party (and of some other minor ones to the left and to the right) in the mechanisms of competitive democracy has not been fully accomplished.

At the same time one cannot obviously ~~ignore~~ ignore that at other levels the integration of that party in the Italian political system has gone along way. As we talked of a limited consolidation of the democratic regime, we may talk ~~of~~ of a partial integration and the two phenomena are but the two faces of the same medal.

As it could be expected the integration has been easier and earlier where the political stake was lower and also where the integration was less visible for the electorate. The problem of visibility as underlined by Sartori is particularly crucial in a situation where the electorate has been ~~for~~ for a long time strongly imbued by messages from the governmental parties about the risks for democracy coming from the Communist Party. This type of indoctrination would ob-
 |against the parties that have used that issue to strengthen their electoral following
 viously backfire/in case of too visible compromises with ~~the~~ the antiregime party.

In fact the political arenas where the integration of the PCI has ~~gone~~ gone further have been local government and the parliamentary milieu. The second is of interest here.

Up to a certain ^{point} a parliament is always an instrument of integration for oppositions. It offers per se a participation to the national politico-institutional scene for the actors that are excluded from the central position of that scene, the executive. The nature of this participation (integration) ~~may~~ ^{however} may vary from symbolic

to substantial according to ^{the} structure of the parliamentary milieu and the opportunities it offers. The more this structure is of a majoritarian, dualistic type (which ~~is~~ in a parliamentary democracy ^{means also that it is} government-centered) the more this ^{mainly} integration will have a symbolic nature. It will be the chance of acting as the prospective government. The ^{less} the structure of parliament is government centered and the more is polycentric, the greater will be the ^(substantial) opportunities for a participation of the opposition in the decisional processes.

~~Consequently~~ The fact that there are many decisional loci where the leadership of the government is not at stake encourages all the heterogeneities existing in the governmental majority to emerge and the search for contacts and alliances with the oppositions. We may expect that such opportunities are increased. 1) whenever the stake is important for particularistic interests ~~within~~ the majority that have been compressed in the ~~making~~ making of the coalition, 2) whenever the game is played without publicity (with a secret vote or in less visible milieus as the committees), and ³⁾ when the safeguard of the regime is not at issue.

^{In Italy} A typical situation where most of this conditions exist ^{has been} is the election of the president of the republic done by the two chambers in a common meeting. Since the ~~election~~ election of the first president the communist opposition has played an important role. Sometimes negative (contributing to the failure of a candidate proposed from within the governmental majority), sometimes positively adding its determinant support to a new candidate proposed by dissenters inside the majority. The highest level of this participation has been reached in the election of the president now in charge when the communist opposition has ~~been~~ been ^(for the selection of a candidate) publicly included in the consultations since their beginning.

An increasing integration can be seen also for what concerns a number of positions of institutional leadership within the parliament.

For the highest institutional position in the chamber of deputies [redacted] -the presidency- a position of great importance in the working of parliament and a stepping stone for reaching the office of president of the republic [redacted] (all the presidents but one have been recruited among ex presidents of one of the chambers), the degree of integration of the PCI has steadily ⁿ increased. From proposing an alternative candidate (1948 -1955 and again in 1963), to abstaining (1958); to ^{the} positive support of a common candidate with the majority (1963 -onwards); to the election of a communist deputy to this office with the support of the governmental majority (1976 onwards). With the last stage the Communist party has for the first time [redacted] (after the breakdown of the antifascist coalition in 1947) been admitted to the highest [redacted] constitutional offices of the state. At lower levels this had happened before: among the vice-presidents of both chambers one has always been a communist. With regard to the legislative committees a similar pattern has been followed, until [redacted] 1976 the PCI could [redacted] participate only in the distribution of vice-presidential positions; with 1976 was admitted also to presidential positions. ((with the end of the governments of national unity)) But after 1979/it has lost again these positions and has been able to keep only the presidencies of a number of non-legislative committees of the two chambers.

Another important chapter of the parliamentary integration of the largest opposition party could be the chapter of its integration in the [redacted] law-making process. Since this has been amply documented by the studies of Predieri, Cazzola and Di Plama there is no need to [redacted] discuss it again.

Putting all these elements together we can detect a trend of increasing (in the parliamentary milieu) institutional and functional integration of the [redacted] opposition excluded from government. This trend culminates in the legislature between 1976 and 1979 when all the threshold of integration in the parliamentary institution are

overcome, even the threshold of greatest political relevance, that of the integration in the parliamentary majority supporting the government. ~~XXXXXXXXXX~~

~~XXXXXX~~ The principle of proportional distribution of offices and the disappearance of the majority/opposition dialectic (except for small parties of the right and of the left) become the organizational principles of parliament.

As it is known however the final threshold of institutional integration ^(that goes beyond the parliamentary milieu) is not reached by the PCI. The integration in the governmental offices will prove impossible. The failure to reach that level and to have that sanctioned by the electorate ^(partially) backfires against the other forms of integration. The exclusion again of the PCI from the governmental majority ^{(as we have seen /} will entail also the loss of the presidencies of the legislative committees (but not of the ~~the~~ presidency of the chamber of deputies). And what is perhaps even more relevant ^{(an/} for the opposition party the years after 1979 have seen a strengthening of anti-proportionalistic mood and of a favour for majoritarian solutions both with regard to the electoral system and to the organization of parliament. This mood has not yet produced substantial reforms but indicates an important revirement ~~XXXXXX~~ from the spirit of the seventies.

The events that we have synthetically resumed seem to indicate that the problem of the integration of a previously excluded anti regime opposition cannot be solved entirely through an incremental process of step by step ~~the~~ institutional integration as the one that has taken place in Italy and for which the parliamentary setting has offered an extremely favourable milieu for all the reasons that we have seen. The last step - full assumption of governmental roles - seems to ~~XXXXXX~~ be less amenable to be reached through a continuous process. The reasons ^{probably} are the ~~the~~ power implications of this step and ~~the~~ ^{its} maximum visibility ~~the~~ for the electorate.

Democratic Consolidation: A Minimalist View

(With References to Parliaments)

by

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What does it take to consolidate a new democracy -- one that replaces a dictatorship of sorts? It depends on what we mean by consolidation. And there seems to lie the problem. Recent work on consolidation shows general agreement on the fact that there are different paths to consolidation. Though some paths may be better in principle, diversity is generally recognized. Beyond this agreement, however, there is still uncertainty about what constitutes consolidation as a minimum common process and a recognizable if ideal end-state. Notice how the concern is understood and overtly formulated not as a concern with explaining something but, at its core, as a concern about the nature of that something to be explained. Despite the formulation, however, uncertainty or disagreement are not really semantic-definitional, but theoretical. Indeed, positing uncertainty as uncertainty on the explanandum is an error most common when we confront concepts that contain implicit, poorly articulated, conventionally held theories. Good examples are classical political concepts like modernization and development. Thus, the opening statement ("it depends on what we mean by consolidation") should be flipped over. It should not at all be taken as an invitation to focus on the definition -- which is often driven (poorly) by the implicit theories. The invitation, on the contrary, is to focus on the theories, their problems, the disagreements they hide, in order to get to the definition. In a way, if what it takes to consolidate democracy depends on what we mean by consolidation, the meaning of consolidation depends on what it takes to...consolidate.

This seems, of course, a rather embarrassingly vicious circle; exactly the circle which the discussion on the nature of consolidation is largely and unwittingly caught in. We can break out of the circle if we reflect on some of the motives for the recent scholarly attention to democratic consolidation. In the process, I intend to advance a minimalist or "easy" view of consolidation: a view (dare I say a definition?) drawn from the theoretical argument that it takes less to "consolidate" a democracy than we conventionally used to think. I will corroborate my argument by reference to the role of parliaments in consolidation, in view of recent transitions to democracy.

ON CONSOLIDATION

One first useful aspect to notice about the resurgence of interest in consolidation is that it follows or anticipates the advent of democratic governments in a number of countries ranging over three continents: Southern Europe, Latin America, and more recently South East and East Asia.¹ What these countries have in common is that, by their previous political record, and by the standards of classical literature on democratization, they were or are expected to be difficult democracies. Plainly speaking, then, to study democratic consolidation with reference to these countries is another way of addressing the old problem of success, failure, endurance, stability -- or you name it -- in these and, by extension, other ostensibly difficult democracies of the past. After all, though the exercise would have methodological merits, we do not raise retrospective questions

about the consolidation of success stories like West Germany or Japan. Whatever we may mean by consolidation, we "know" it was not at issue in those countries. But we raise the question when we run into Spain, or Brazil, or the Philippines, or retrospectively the Weimar Republic.

Is the new focus on consolidation also a better way of addressing those old problems? It is, at least potentially. In the first place, it involves an explicit choice to concentrate systematically on the phenomenology of democratic formation *per se*, in a wide range of occurrences. The purpose is to identify a common core to democratic formation, from which to derive minimal prescriptions for difficult democracies. In the second place, this requires an equally explicit effort to distinguish consolidation from other analytically or empirically related concepts. Thirdly, and most important, this new systematic focus on consolidation is accompanied by a critical reading of most past contributions to democratic formation, and the development of new theoretical orientations that look upon the process with a more positive eye. I have said before that uncertainty about the meaning of a concept reflects the fact that the concept encapsulates poorly articulated theories. In the recent debate on democratic consolidation, the residual flaw is that the new and more positive theoretical orientations are not brought to bear fully on the explication of the concept. Hence the lingering uncertainty.

Let me show this by starting with the previous literature on

democratic experiments.² The problem with most of this literature (I will mention the very few notable exceptions later on) is not a dearth of hypotheses or hunches, but rather a kind of presently obsolescent superabundance. Its catalogue of everything that was or could go wrong with a new democracy, and why, was quite large. Indeed, it is not always clear what aspect of the democratic record that literature meant to explain: the impression is often of a plethora of factors bearing interchangeably on multiple targets. The reason is that the literature was mainly triggered, and therefore caught, by instances of resounding and uncontroversial failures: the failures of the interwar period in Europe. The lesson of those failures has then been extended to the study of new European democracies after World War Two, and to the endemically most difficult context of that cultural fragment of Europe which is Latin America. This has resulted in a theoretical orientation that looks at new democracies in the Twentieth century as saddled with original problems that are inherently difficult to remove. The problem is one of legitimacy, no less, compounded by one of performance. Since, typically, these new democracies replace rather abruptly, and under crisis conditions, dictatorial or traditional oligarchical regimes, they are born without the support and consent of the losers. And since, being by definition systems of compromise, they cannot satisfy those who expect more radical and unilateral political and socioeconomic results from the change, they are ultimately beleaguered on both sides. The effects on performance, even overlooking objective structural and

socioeconomic obstacles, can be quite staggering. Therefore, within this theoretical orientation the successful redemocratization of West Germany is seen as fully exceptional and largely linked to the exogenous factor of foreign occupation and reconstruction under Allied supervision. The case is still outweighed by the examples -- to remain within Europe -- of Weimar, interwar Austria, the Spanish Republic, Italy after both wars, the Fourth French Republic.³

Generalizing from the very difficult and very few cases of the interwar period to contexts other than the interwar is, however, rather problematic. One is reminded, among other things, of Juan Linz's cautionary analysis of the significant role of time in regime changes.⁴ Also, it should be stressed that the object of immediate interest and investigation of much of the literature on the interwar period was not really the onset of democracy, but its demise. The preeminent interest in explaining the demise -- an event that had already occurred -- accounts in turn for the understandable tendency to see the event retrospectively as rooted in the origins of the new democracies. Yet, it is clear that demise may have neither necessary nor sufficient connection with birth defects (even assuming their presence). Even a well consolidated democracy, whatever we may wish to mean by it, is not guaranteed eternity. Birth, consolidation, demise may belong to different phases, deserving analysis in their own terms.

A greater attention to these issues and to the open-ended

nature of the process of democratic construction is what makes the more recent literature on democratic transitions so valuable. The literature reveals a very telling shift of problematic attention. To be sure, it remains mindful of the early cases of difficult democracy: its attention to consolidation, as I said, is instinctively, and before sinking into questions of definition, just a way of raising again the old issue of success or failure. But it is also a prospectively oriented literature, engaged not so much in explaining past democratic records, as in assessing/predicting/prescribing ongoing processes of democratization. It is a literature stimulated, as I said, by a wave of democratic inaugurations, over the last decade, in three continents. And it is a literature that takes guarded comfort from the fact that these new democracies, though difficult by the objective criteria given salience in the old literature, seem to be doing, at least in some cases (Spain being the most revealing), better than that literature would have led us to believe. This promising record, but perhaps more so the novel attention to what are still prospective processes, help explain why the study of contemporary democratic transitions has given rise to a new theoretical orientation -- labeled by David Collier, who borrows the term from Albert Hirschman, as possibilism.⁵

Possibilism, explains Collier, stems from two simple methodological considerations. The first (what he calls the objective premise of possibilism) is the fact that in political matters, and in matters of regime change in particular, causal

relations are only probable, and outcomes uncertain. This is so even without reference to choice and discretion. The second consideration (the subjective premise of possibilism) is that choice and discretion, while constrained, must therefore play a crucial role in bending uncertain outcomes and promoting goals -- a role that more deterministic orientations to regime change are slow to recognize.

This sort of strategic choice view of change is, naturally, quite appropriate when dealing with prospective events. To say the least, it is more pliable (and less risky!) when it comes to attempting predictions, than a structural-deterministic view. Moreover, it can also be extended to reassess just as effectively the difficult record of new democracies from the past. It can look at it as possibly a matter of strategies gone wrong at some point or another in the life of those democracies. I mentioned that this line of analysis is not entirely new. It owes much to a few selected pioneers, who set themselves apart from the received wisdom by their early attention to it. I am thinking in particular of Juan Linz, whose extensive work on past and present regimes looks at political survival and breakdown as questions of "political crafting"; of Albert Hirschman, whose unconventional possibilist view of Latin American development I have just mentioned; of Dankwart Rustow, whose long overlooked seminal article on democratic transitions takes issue with the view that democracy is the rare product of very special objective conditions and cultural traditions, which only selected countries are blessed with.⁶

In fact, the work of these pioneers suggests that a strategic choice approach to democratization is not simply possibilistic; more precisely, by stressing choice and discretion it also leads to a minimalist view of democratization. It rediscovers, following Rustow, that democracy functions ideally as an open and open ended game (hence the aptness of the strategic approach to democratization). And exactly because it is a game designed to seek a fair balance of winning and losing over time and in multiple arenas, without requesting from the players anything more than readiness to play, the democratic bargain (as others have called it) shows itself as potentially attractive to many players, and capable of converting the reluctant ones. This means that "...the rules of the democratic game are more a matter of instrumental agreement worked out among competitive leaderships and institutions, which accept to remain competitive within the new agreement, than one of pre-existing popular or elite consensus on fundamentals." It means that "'genuine' democrats need not pre-exist democracy, and in point of fact they rarely do so in any substantial numbers."⁷

All of this has consequences for the analysis of consolidation. First of all, a theoretical orientation that stresses possibilism suggests and justifies a systematic focus on the process of democratization. Secondly, spelling out the theoretical orientation adopted in the study of recent democratizations begins to take us toward the correct meaning that, within democratization, should be given to consolidation. The advantage of freeing theories of democratization from any

assumptions about the need for consensus on fundamentals or for any other cultural or structural requisites -- better, the advantage of transforming these requisites into challenges to those who build democracy -- is to unclutter consolidation from any excessive conceptual baggage, or any contamination between what consolidation is and what it may take. We are called to look at consolidation as simply crafting -- in Linz's word. And crafting, or consolidation, must be given, in my opinion, a rather essential and minimalist meaning; one dictated by the essence of the prospective democratic game as it relates to its candidate players. Since the democratic is an open and open-ended game that imposes no expectations on its players, except that they play, setting up and consolidating democracy (the two processes, we will see, are not much different) refers to crafting the rules of competition so as to attract players (many of whom may be unconvinced or opposed) to the game. More precisely, it refers to crafting those rules so as to remove or render inoperative for the foreseeable future the temptation of essential players, most obviously but not exclusively those who had reservations to begin with, to boycott the game.

I realize that most of what I will say in the remainder of the paper rests on the persuasiveness of this statement. Be as it may, it should be clear that emphasizing the potentials and virtues of crafting as a device to recruit players and hold onto them is not at all to belittle the difficulties attending the process -- on the contrary. The rules we are talking about (what we may call the procedural core of the democratic game) are the

rules regulating competitive access to government. To guarantee access, they must protect the rights of the opposition, and its prospects of winning, at the same time as they protect the rights of those who govern. Thus, they may be considered as excessively restrictive by some prospective players, and excessively permissive by others. Or they may persuade the same type of players to comply, or alternatively inspire them to turn competition into license, till the game breaks down. That is why fixing the rules and bringing players and rules together must be events closely connected logically, and optimally in time.⁸ That is why setting the rules up to everybody's satisfaction or sufferance is no mean feat. And that is why we need close comparative attention to how the rules are crafted -- in the deputized places, such as constitutional assemblies, and anywhere else rules are hammered out or negotiated.

However, having recognized that defining and fixing the core rules for competition goes to the essence of consolidation, no further assumptions should be made about what it takes to consolidate -- especially, as I said, if the assumptions are of the requisite type, which would contaminate and inflate its meaning. The point is not that we do not know enough empirically to discover universal regularities with general operative implications. The point is that, once we agree that the meaning of consolidation should be extracted from a possibilist and minimalist theoretical orientation toward democratization, nothing further we can show and say about what it may take in turn to consolidate can add significantly to that meaning. And

the point is that there is in fact no universally prescribed way of pursuing consolidation, for the simple and largely uncontested fact that there is no optimal set of rules for competition; i.e., no set capable of capturing essential players under most circumstances.

My claims seem to have unfortunate consequences when it comes to recognize and point out "when" a specific democracy is consolidated. They imply no easy way of pinning down the event, despite my general suggestion -- in the last footnote -- that, lest it fail, consolidation should come swiftly (as it can). But most of the conventional ways of recognizing consolidation that come usually to mind fare no better. Depending on which is chosen, they tend to beg more questions than they answer, or they reify the event, or they push it into too remote a future. Problems arise because those ways either borrow another concept -- often, if possibly unwittingly, from more demanding theoretical orientations toward democratization -- or they adopt ad hoc criteria and indicators of convenience. Such shortcomings are found even in the recent literature on democratization which is most sympathetic to a possibilist and minimalist approach, and they reveal a residual hesitation on the part of the literature to draw the full implications of its approach for the concept of consolidation. Good illustrations of the shortcomings are offered by Guillermo O'Donnell, whose reflections on consolidation have inspired my analysis.⁹

For example, equating consolidation with the achievement of

regime legitimacy -- in the sense of principled allegiance -- raises a myriad of objections. The most important one, as O'Donnell and a few other scholars have lately argued, is unquestionably one of validity.¹⁰ I have already made the point in previous pages, but let me restate it. Even assuming (a daring assumption) that public opinion surveys or other measuring instruments could capture the relevant opinion publics, the relevant objects of allegiance (regimes, not governments, nor single institutions), and the needed dosage of allegiance, there is little doubt that legitimacy is not required. Therefore, using legitimacy in connection with consolidation -- as a necessary and sufficient criterion or indicator, or as part and parcel of the definition -- is one typical instance of inflating the concept of consolidation.

Obviously, legitimacy, though not necessary, may be sufficient. But here we shade into another type of shortcoming: the use of what O'Donnell calls procedural criteria for consolidation, which have the advantage of being unfailingly recognizable, but the disadvantage of being too demanding (or else ad hoc and make-do). Typical is the criterion-event of peaceful rotation of parties in government. Several authors, including myself, have used the event -- especially after the victory of the opposition in Spain, Portugal, Greece -- as nearly fail-safe evidence of regime legitimation. We could therefore use it with even greater assurance to recognize consolidation. Similarly, if reliability is what concerns us in establishing the presence of consolidation, we could certainly protect ourselves

by prudently checking against more than just one criterion. But this way of proceeding, especially likely in the absence of a clear theoretical underpinning to the concept of consolidation, amounts to letting the concept be driven by the measuring problem.¹¹ Thus, the adoption of criteria that are easy to recognize and sufficient, yet difficult to achieve and not necessary, ends up by giving an equally difficult meaning to consolidation -- to the point where the overburdened concept loses discriminant power. An excellent case in point is contemporary Italy -- a country with a unique democratic history, whose significant events would fail to pass most conventional hard tests of consolidation. Yet, we largely agree that labeling Italian democracy unconsolidated is unenlightening and extravagant. It would throw us back to conventional theories of democratization which the example of Italy has helped revise.¹² Naturally, absence of rotation in the Italian governments is no accident -- but does it speak to consolidation?

Not all procedural tests for consolidation are inherently difficult to meet. There are criteria that we can make as easy (or difficult) as we wish -- but the cost is arbitrariness. Usually, these criteria are linked not to a single event, but to repetition and cumulation: a number of free elections, a number of parliaments, a stabilization in electoral results, the development of seniority in parliament, government, or party cadres. The idea is intuitive: the passing of time (hence the habituation, routinization, and stabilization of events, personnel, and institutions) speak to consolidation. But how

much time? Without a theoretical guide, the arbitrariness is easy to see. There are cases, as already stated in a footnote and as I shall argue later, in which time (more precisely a number of elections and parliaments or other institutional occurrences) do not help consolidation -- on the contrary. Elections and parliaments may themselves be at issue. And there are cases in which time, a repetition of events, are past consolidation and add nothing decisive to it. Let me pursue the latter point at length.

What I am suggesting in this regard is that criteria of repetition and cumulation come uncomfortably close to criteria (O'Donnell's substantive criteria) emphasizing the development and establishment of specific democratic institutions. To be sure, as O'Donnell notes, one problem with these criteria is that they push the definition one step backward: how do we recognize that these institutions have acquired those qualities of institutionalization, cohesiveness, autonomy, authenticity, durability - or what have you -- that we assume to indicate regime consolidation? To begin with, what does each of these concepts refer to? But the problem is not really one of tautology and circularity -- one definition sending us back to the other. I wish to argue that the problem is again one of validity, of overburdening and contaminating the concept with concerns about phases, events, and processes of democratic life that, though likely connected with consolidation, may go beyond its requirements and stretch its time parameters.

Because the notion that democratic consolidation is no more and no less than consolidation of democratic institutions in their internal structuring and external relations -- i.e., of the sites within which the democratic game is confined and conducted -- seems an intuitive and almost unassailable notion, because in turn consolidating institutions seems to imply their own and the regime's legitimation, the notion deserves close critical attention. Is consolidation, in effect, consolidation of specific institutions and their networks -- no more and no less? Philippe Schmitter speaks of these networks as partial regimes and sees democratic consolidation as "...a process that involves the structuration of several partial regimes, each linking different institutions and their respective publics, clients, members or voters."¹³ He sees structuration as transforming what is at the beginning accidental and contingent into relationships that are reliably known, regularly practiced, and habitually accepted. My own impression is that the study of how democratic institutions settle down (to use a neutral term) is a very important aspect of the study of democratization. It is worth pursuing per se, especially in those aspects that concern relations between institutions. Undoubtedly, understanding the genesis and functioning of institutional networks will tell us a lot about the performance of a new democracy, its political style...The catalogue of what we can learn is infinite. Among other things, institutional networks reflect the special ways in which democratic consolidation has been engineered, including the residual problems and costs possibly inherited from the process.

I will pursue the matter and some intriguing possibilities shortly.

Yet, when everything is said and done, the consolidation of a democratic regime remains something logically different from the structuration of its institutions and their networks (hence, structuration and even more institutionalization, in Samuel Huntington's sense, are better words than consolidation when referring to institutions and networks).¹⁴ The logical disjuncture should be particularly clear, and its theoretical implications quite far-reaching, if we remain fully aware that we are moving from a possibilist/minimalist approach to democratization -- one that looks at consolidation as crafting the competitive rules so as to prevent essential players from boycotting the game. Crafting is a notion quite different from institutionalization, especially when it involves the straight, urgent, and demanding task of keeping players in the game. Crafting is a time-bound process -- designed to secure that even difficult players enter the game and that, once this happens, the issue is removed from the democratization agenda. The essence of its success is timing and speed, as much as inventiveness. Institutionalization is, almost by definition, a process that takes its time and cannot be cut short -- irrespective of how other aspects of the democratization process are going. Institutionalization, says Huntington, gives institutions value and stability, and is assessed by a number of criteria, of which coherence and autonomy are the most revealing, all pointing to the role of time, habituation, testing. Thus, while the rules of