have changed considerably. First, "With the parliamentarisation of those parties which had mental reservations against parliamentary government (such as rightist and leftist groups in the party spectrum)" the former differences in the distribution of power between bourgeois and socialist parties are diminishing[5]. Secondly, the general role of the party is strengthened on all levels against the individual autonomy of the deputies and the parliament as a whole", due above all to three factors: 1. the professionalisation of politicians; 2. the growing cumulation of functions within the parties; 3. the increase of the prime minister's power.

Against these overall trends, there may be, however, detected - in SE legislatures to a varying degree weaker or stronger - relicts of an effective "free mandate" of the single deputy: 1. the inscription in a party group may depend from the choice of the single deputy (I), or it may result simply from the election of the deputy within a list; 2. there may exist parliamentary groups which do not correspond to external political parties (like "Sinistra Indipendente" in Italy); 3. a single deputy may be free or impeded to change party groups during a legislature; 4. the constitution of a parliamentary group may be linked to a higher or lower threshold of a minimum number of deputies (in the

[5]Klaus von Beyme, op.cit., p. 590

case of Spain: originally only 5, later increased); 5. within a single parliamentary group various factions may coexist and have the freedom to express themselves.

These varying degrees of autonomy of the individual may proof dysfunctional for majority-rule and party-government, they appear however as essential for the "representation function" of a legislature, especially in countries, in which authoritarian rule traditionally has excluded the citizens from political participations, and where an alienation of the masses from the "political class" still exists.

In order to understand the "complicated network of influences" between parties and parliamentary groups which "defies generalisations in the European context" (as von Beyme asserts), we should, hence, look into institutional variables, and compare the various provisions of the parliamentary rules of procedure with regard to parliamentary groups[4].

Secondly we should also look at the types of parliamentary group systems which have emerged, and which shape - together with the institutional and historical variables - the relationship between parties and parliaments. The following are the major indicators,

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[4]Cf. G. Long: Parliamentary rules of procedure in SE: Italy, Spain, Greece and Portugal in Comparison; Paper presented at the Conference on "Parliament and Democratic Consolidation in Southern Europe"; Barcelona, October 1987

borrowed from coalition-theory[7], which should orientate our comparison between SE legislative party systems:

1. according to the number and size of parliamentary groups and factions, we can distinguish between multiparty (I, P), two-party (G, S), and one-party systems (T);

2. the homogeneity of their membership;

3. according to the stability of their membership, legislatures may be ranged along the spectrum "responsible two-party systems" to "perfectly factional legislatures";

4. according to the range of their legislative activities, they can be classified as "purely party votes", or "single-issue groups", or some mixture in between;

5. organizational attributes (task forces; centralization of power or hierarchy) and goals (personal versus collective goals).

Using Sartori's scheme[8], Brady and Bullock developped - according to the numerical concentration of parties in the legislatures and

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[7] Cf. D.W.Brady/C.S.Bullock: Party and Factional Organization in Legislatures, LSQ 1984/4; pp. 599-654; p. 602ff.

[8] G. Sartori: Parties and Party Systems: A Framework for Analysis. New York: Cambridge University Press; Brady/Bullock 1983, p. 606ff.

the dispersion of power between them[9] - a typology consisting of six different classes of legislative party systems[10]:

1. one-party monopolies, where "the legislature plays little or no role in setting goals or making policy";
2. the same is true for hegemonic party monopolies (T?);
3. one-party predominant systems, where "there is a legislative party which controls power, but there is legitimate and sufficient opposition, so that one could envision alternation of power"(example: Japan; even if electorally multiparty; the same for Spain);
4. two-party systems, where power alternates between only these two parties (classical example: GB; SE example: E);
5. multiparty systems with low fragmentation of power (BRD)
6. multiparty systems with high fragmentation of power (I, P).

This typology shows a series of advantages in the analysis of SE legislatures and their role for democratic consolidation.

1. It is more comprehensive and differentiated than the classical distinction between parliaments with a majority and

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[9]Brady and Bullock assume that parties count only of they have "governing potential"; that means the second variable asks how legislative parties share the governing function; ibd., p. 607 - "Dispersion of power" is measured with Sartori (1976) as "the extent to which political parties monopolize or share political power"; cf. Brady/Bullock III 1983, p. 607

[10]cf. D.W.Brady and C.S.Bullock, III: Party and Factional Organization in Legislatures; LSQ 4/1983, p. 599-654; p. 602f.

without a majority[11], which assumes as the unique criteria the capacity of parliaments to form stable majorities. "In fact, in any regime there exists always a majority; the real difference is to be found in the structure and solidity of it; therefore the notion "majoritarian" appears little illustrative and little distinctive"[12]. In order to catch the transition from the "parliamentarism of notables" to "party-parliamentarism, which is produced with the appearance of disciplined parliamentary groups, Colliard proposes to introduce the degree of "structuration" of parliamentary groups. As he admits himself, most parliaments at least since 1945 have highly structured parliamentary groups, with particularities in the cases of Italy and Japan, where party discipline is challenged by the game of the "correnti".[13]

2. The classification of parliamentary group systems according to their concentration and the dispersion of power among them catches not only the government formation capability of parliaments, but also the characteristics of the opposition prevailing in them. Such we may easily integrate classifications of types of oppositions as Otto Kirchheimer's *classical opposition* (developped in England during the 18th century, the *principled opposition* (typical for the socialist parties at the

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[11] This distinction goes back to Maurice Duverger and was originally designed to catch the spectacular differences between the Italian and the British type of parliamentarism; cf. Duverger, op.cit., 1983, p. 267f.

[12] Colliard op.cit., 1981, p. 337/8

[13] ibd., p. 338

end of the 19th century, and of the communist parties after the II. World war); finally the *sporadic opposition* (in cases in which government reaches various forms of agreement with opposition forces within the parliamentary institution)[14]; or Giovanni Sartori's *constitutionel opposition* and the *tout court opposition* (in systems where a minimum consensus on fundamental principles is lacking)[15].

3. Finally, we should not content ourselves with the analysis of the party-parliamentary group nexus as a function of "party-government" or "party-parliamentarism". These relations may have other important functions, such as in Great Britain, where the relationship between Government with backbench majority-party Members of Parliament is the most important mode of Executive-Legislative relation[16]. On the other hand, the operation of **standing committees** - site of legislative work - presents a "cross-party mode" which may have important implications for legislative-executive relations, the relations between parliamentary majority and opposition; etc.

Scholars and reformrs acknowledge the central strategic position

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[14]Otto Kirchheimer: The Waning of Opposition in Parliamentary Regimes; in: Social Research, XXIV, 1957, p. 127

[15]G. Sartori: Opposition and Control. Problems and Prospects; in "Government and Opposition", 1966/II, p. 151

[16]A. King: Modes of Executive-Legislative Relations: Great Britain, France, and West Germany; LSQ, 1976/1, p. 11-36

of legislative committees[17]. The foundation of committee power has been described as "consisting of gatekeeping, information advantage, and proposal power. Underlying these is a system of deference and reciprocity, according to which legislators defer to committee members by granting them extraordinary and differential powers in their respective policy jurisdiction."[18] This power is an empirical matter, because it is nowhere formalized. And it depends apparently from the degree of institutionalization committees as specialized cooperative systems.

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[17]H. Eulau/V.Mccluggage: Standing Committees in Legislatures: three Decades of Research; LSQ, 1984/9; p. 195-270; R.L.Hall: Participation and Purpose in Committee Decision Making; APSR 1987/1, p. 105-127

[18]K. A. Shepsle/B.R.Weingast: the Institutional Foundations of Committe Power; APSR, 1987/1, p. 86-104

Conclusion

Assessing the role of legislatures for the processes of democratic consolidation actually underway in SE, we would hesitate today to make statements as Gerhard Loewenberg did in 1961, when he evaluated the "functioning of the Bundestag" after 12 years of institutionalization and came to the conclusion "that at the moment the parliamentary forms which have been reestablished in Western Germany do not function as a parliamentary system of government." The German parliamentary system then showed features which are surprisingly similar to characteristics of some present SE legislatures: `little opportunities of deputies to serve as individual representatives of their constituencies; a high degree of party discipline (extended to the content of the debate, not only voting); the Bundestag was not a training ground for governmental leadership, but functioned "under the leadership of a Government which it does not effectively choose or control"; partisan divisions were "so conspicuous that it is handicapped in its function of education, persuasion, and integration of the community"[1].

However, not only the "erosion of functions" of other better established parliamentary systems, like the British or French, has advanced in the meantime. From the history of parliamentary

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[1] G. Loewenberg: Parliamentarism in Western Germany: The Functioning of the Bundestag; APSR, 1961/55, p. 102

regimes in Western Europe, we have also learnt that there is no "unilinear anatomy of parliamentarization" because of too important historical differences between countries like France, Spain, Belgium, Germany, Italy, Netherlands, Norway, Denmark or Sweden[2]. The evolution of political parties and of interest associations have changed the profile of democracy with important functional and dysfunctional consequences for the parliamentary institution. The formula of "centrality of parliament" by now appears an "unnecessary archaism"[3]; whereas the new requirements for a functioning parliamentary institution in part still have to be named.

If any of the concepts and suggestions which I have been presenting you, will allow us to describe and explain the realities in SE parliaments adequately, will depend finally on whether we succeed in gathering more systematically comparable data than is currently available.

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[2]Klaus von Beyme: Die parlamentarischen Regierungssysteme in Europa; München, Piper 1970, p. 22; Dieter Nohlen: Spanischer Parlamentarismus im 19. Jahrhundert; Anton Hain, Meisenheim am Glan, 1970

[3]P. Ingrao: Crisi e riforma del parlamento; in: Democrazia e diritto, 1985/2, p. 35

PARLIAMENTS AND DEMOCRATIC CONSOLIDATION IN SOUTHERN EUROPE

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THE SPANISH CORTES AND THE DEMOCRATIC CONSOLIDATION IN SPAIN. RELATIONSHIP BETWEEN GOVERNMENT AND PARLIAMENT (1977 - 1987)

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Joan Subirats (U.A.B.)

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THE SPANISH 'CORTES' AND THE DEMOCRATIC CONSOLIDATION. THE RELATIONSHIP BETWEEN GOVERNMENT AND PARLIAMENT (1977-87).

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1.- In Spain the Cortes represents and exercises legislative power. It consists of two legislative chambers: the Congreso de los Diputados (congress, or lower chamber) and the Senado (senate or upper chamber). The relationship between the two houses amounts to what is termed an "imperfect" two chamber system, in that the upper house occupies a subsidiary position with respect to the lower house, both in terms of the formation and control of the government and with reference to the whole process whereby laws are discussed and receive final approval (Solé Tura, Aparicio, 1985).

The Composition of the Cortes in those ten years of democracy (1977-1987) was as shown in Table 1:

TABLE 2

ELECTORAL RESULTS AND PARTY COMPOSITION OF THE SPANISH PARLIAMENT (1977-1986)

	LEGISLATIVE ELECTION (year and month)											
	JUNE 77			MARCH 79			OCTOBER 82			JUNE 86		
PARTY	vots(*)	%	seats	vots	%	seats	vots	%	seats	vots	%	seats
Centre (UCD)	6309	34.7	165	6228	34.3	168	1494	7.1	12	—	—	—
Socialists (PSOE)	5240	29.2	118	5469	30	121	10127	48.4	202	8887	44	184
Communists (PCE)	1655	9.2	20	1911	10.5	23	865	4.1	4	930	4.6	7
Conservatives (AP)	1503	8.3	16	1067	5.8	9	5478	26.2	106	5245	26	105
Democ. Centre (CDS)	—	—	—	—	—	—	604	2.9	2	1862	9.2	19
Nation.Basques	304	1.6	8	275	1.5	7	395	1.8	8	308	1.5	6
Nation. Catalans	666	2.8	13	483	2.6	8	772	3.7	12	1012	5	18
Others	—	14.2	10	—	15.3	14	—	5.7	4	—	10.7	13
TOTAL		100	350		100	350		100	350		100	350

(*) number of vots in thousands

The lower house owes its greater political weight to the presence within it of the country's most outstanding political figures, on account of which its holds greater attraction for the media. The Senate, on the other hand, has been developing into a chamber frequented by former political leaders who have been thrust into positions which bestow honour but not power; leading figures of certain party oganizations, who take on representative positions which are neither particularly time-consuming nor demanding; and a few influential personalities from the provinces, who reach the upper house as a result of the electoral system. In the present legislature there is an unusual situation, because after the demission of Fraga Iribarne form the leading role of AP, his succesor, Hernandez Mancha, is a senator, and that create a lot of problems to the work of the principal opposition group.

2.- During the first two legislatures (1977 - 1982) the group which commanded a majority in both houses was the UCD, a medley of groups ranging from liberals to the odd social democrats via others with christian democrat leanings (Esteban, Lopez Guerra, 1982). While some of the clashes between these groups were on ideological grounds, the great majority were due to personal differences and the struggle for power among their respective leaders. It was such discrepancies that undermined the UCD's strength throughout the life of these two Parliaments

79;1979-82) and led to the party's disintegration (1). As is apparent from the table showing the composition of the two houses, in spite of being the leading party in both houses, the UCD lacked an absolute majority in the congress. It was thus obliged to enter into pacts with forces of variable affinity to itself, such Minoria Catalana or Coalición Democrática in order to form succesive government, to get its bills passed, and to defeat the motion of censure tabled by the PSOE in 1980.

The general elections of 1982 gave the absolute majority in both houses to the Socialist party, and again in the last general elections of June 1986, despite the fact that they lost some votes (see Table 1). PSOE has a long history in Spain. When it emerged again in the 1970's it was with a group of young leaders and up-to-date platform which resembled the doctrines preached by Europe's modern and powerful Social Democrats. Following a marked upsurge in growth during the transition years, there was a period when the party was torn by controversy over whether or not it was Marxist in nature. This lead a confrontation between the "critical" faction and the party leaders, headed by Felipe Gonzalez and Alfonso Guerra. Following Gonzalez' dramatic resignation at the 28th. Congress in May 1979 and his clamorous re-election in Sptember of the same year, the "critical" faction of the party was left weakened while the Gonzalez-Guerra team was

[1] The UCD won over 6 million votes and 168 seats in Congress in 1979, as against only 1.5 million votes and 12 seats in 1982. It has now been disolved.

firmly entrenched in terms of both organizational and politicaal strategies. PSOE's succes in the 1979 municipal elections, the impressive public image of Felipe Gonzalez and the Socialist alternative, the debate following the Socialist' motion to censure the Suarez Governement in 1980 all presaged the 10 million votescast in 1982 for PSOE and its much-touted cambio.

Furthermore, the Socialists have an absolute majority in both houses of Parliament since 1982, govern in the majority of the country's 17 autonomous regions (12 before 1987, 9 right now), and in all leading cities of Spain.

3.- Altough the foregoing might lead one to believe that the Spanish party system is comparable to that of any other Western Europan country, the fact is that Spain's level of political socialization is considerably lower and Spanish civil society is not very clearly structured. During the Franco years the Spanish citizen learned to live with a State that was increasingly tangled in red tape, ever more authoritarian and interventionist, a State with which he had little in common and in which the politicians were far removed from the real concerns of the average citizen (Linz, 1973,1981).

With the transition to democracy there were moments of euphoria in which politics and the new political leaders were exalted and broad sectors of the population became politically active (Campo

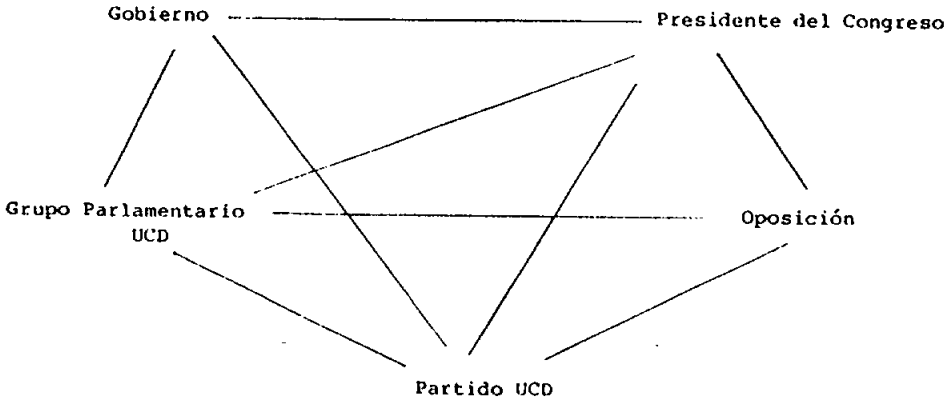
et al., 1981; Maravall, 1980). But once the novelty wore off Spain began to experience the same phenomenon that has occurred in the rest of the world, and particularly in Western Europe: the aura that has surrounded all kinds of political ideologies began to dim and Spain soon ended up with a few political parties that represented, more or less sceptically, these ideologies. After forty years of dictatorship and single party politics Spain had opted for the pluralist party system at a time when the rest of Western Europe was discarding its ideologies, at a time when supranational dependencies were become more and more marked and when political parties were having a harder and harder time connecting with those sectors of society that, in theory, should have comprised their rank and file. This situation was further aggravated in Spain because of the country's long history of absolutism and authoritarianism, interrupted only by brief periods of open conflict. After these first moments of intense political activity and participation, the Spaniards began taking refuge in scepticism in a last ditch defence of their own individualism against possible political socialization. Currently, Spain has an extremely low rate of union membership, a very limited percentage of political militants, a definite tendency towards abstentionism (normal voter participation in elections is about 60%) and a general lack of participation in public life (Tezanos, 1979 1981; Perez Diaz, 1984; Maravall, 1982, Subirats, 1987).

The Cortes has also suffered from this public disenchantment. Public interest has been sparked only on very special occasions. The new Constitution was drafted in such a way (via pacts and consensus reached in meetings behind closed doors) that although it may have served to improve the final draft of the text, it also served to disorient the public and eliminate any ideological passions the process might have aroused. Once again, politics had become an exercise for the selected few, whose often incomprehensible concessions and counterproposals were made after dinner parties or late night meetings of party leaders who, just days earlier, had seemed to hold utterly irreconciliable positions. The public began losing interest in a process it did not understand and gradually turned its back on a political scene to which it felt it had been denied admittance. The way the Constitution was drafted was later, in the UCD's period of government, carried over into the way bills were drafted in a Cortes in which, as mentioned earlier, there was no political party with an absolute majority to enable it to impose its particular solutions.

4.- The lack of unity in the UCD was reflected in the very relationship between the government and its own parliamentary group and in the general mechanisms of decision-making. Although many parliament members and ministers were linked by similar political views, this was of little use given

the lack of unity within the Cabinet itself or within the prliamentary group. In addition, political offices and responsabilities were handed out among the different "families" that made up UCD and this meant, for example , that the President of the government and the Secretary General of the party had nothing in common either personally or politically, and neither one of them shared the viewpoints of the parliamentary whip. This naturally caused problems within the party.

Figure 1: Relationship between different UCD parliamentarian actors (1979-82)(Lopez Garrido,1985)



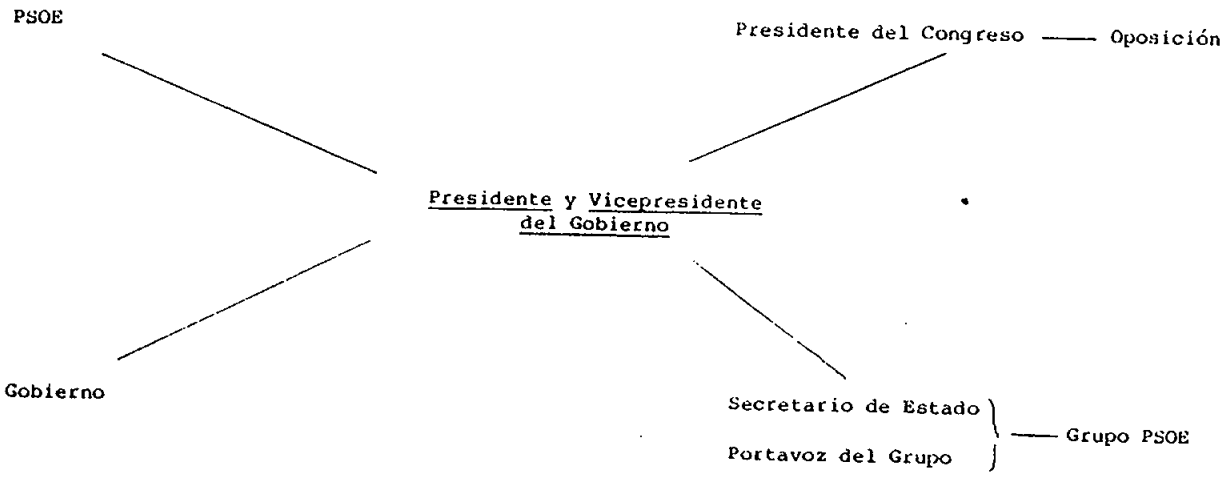
A look of the legislative process during this period reveals a consistent lack of cohesion (see figure 1). Every minister searched within "his" parliamentary group for "his" spokesman to defend a particular bill. General discussions between the government and UCD's parliamentary group were deliberately

avoided in order to keep latent differences of opinion from coming to the surface. Only when the differences were so great that the very viability of the bill was threatened would an ardous process of negotiation begin between the government and its own members of Parliament (this was the case with the University Reform Bill, the Divorce Bill, and even the 1981 budget). Furthermore, the fact that UCD did not have an absolute majority in either House meant that the government was continually obliged to negotiate and pact with other parliamentary groups. This put a further strain on the party as the different factions accused one another of being weak or making too many concessions to either the Right or the Left. The opposition pressured the government, criticizing its lack of consistency and its irresolute policy, and made it increasingly difficult for Suarez or Calvo Sotelo, harrased by inner-party poblems and under constant attack by the opposition, to continue leading the country.

5.- During the period of socialist government, the mechanisms of decision making are as different as the political situation. While UCD was split into many different factions, PSOE is a highly centralized party where the Secretary and Vice-Secretary General are the outstanding figures. These offices are held by Felipe Gonzalez and Alfonso Guerra who also happen to be President and VicePresident of the government. Since none of their cabinet ministers are simultaneously members of the party's

Executive Committee, this makes the position of Gonzalez and Guerra even stronger.

Figure 2: Relationship between different Socialist parliamentarian actors (1982-86) (Lopez Garrido, 1985)



A look at the government's relations with Parliament and the Socialist parliament members (see Figure 2) also reflects this centralization of decision-making. Every single bill drafted by the government is jointly discussed by the minister or ministers

responsible and the Socialist members of Parliament who are specialists in the particular subject of the bill. These meetings result in an agreement about which amendments are to be proposed. In the event of disagreement, the opinion of the President or Vice-President is decisive. The relationship between the PSOE government and its parliamentary group is echoed throughout the legislative procedure, disciplining the parliamentary group and asuring its loyalty but also disciplining the government as well because it can no longer arbitrarily designate spokesmen or present amendments as was the case during the UCD era.

All the foregoing serves to point out the government's leading role in political relations and the great extent to which decision-making is centralized in the President and Vice-President of the government (in June 1986 this centralization was further reinforced when it was decided that Alfonso Guerra would preside over the Comission of Sub-Secretaries -from each Ministry- which meets prior to any meeting of the Council of Ministers. This decision robs the Council of Ministers itself of some of its power and gives the Vice-President tighter control over the entire decision-making process). The party, the government and the Parliament all converge and intersect in this team of leaders who, incidentally, have a close personal relationship (Lopez Garrido, 1985).

6.- In Spain the process whereby laws are drafted always begins in the lower house. Bills may be introduced by the government, or by the different parliamentary groups in the lower hoyuse, the upper house, the legislative assemblies of the different autonomous regions and by so-called "popular legislative initiative" (2).

Table 2. Origin of proposed legislation

	1979-82		1982-86	
	introduced	passed	introduced	passed
government bills	287	207	200	183
Bills from Congress	200	33	109	13
Bills from Senate	7	6	1	1
Bills from Aut.Com.	1	-	17	6
Pop. Legisl. Initia.	-	-	3	-

2 In the 1978 Spanish Constitution, provision is made for the creation of 'autonomous communities' exercising legislative power within the areas under their jurisdiction. The Parliament of each autonomous region, in addition to passing laws of its own, can send bills to the central Parliament. In the other hand the Constitution established too the possibility of bills being introduced with the suoport of 500.000 signatures, but previously to the collect of signatures the sponsors of the bill will require the agreement of the board of Congress.

Table 2 shows that the government is clearly predominant in terms of the number of bills actually passed. In the first Parliament, the Cortes Constituyentes (1977-79), the 9% of the laws originated from parliamentary initiatives. In the first ordinary Parliament elected after the approval of the new Spanish Constitution (1979-1982), the percentage climbed to a 16%. This may be explained by several factors including the greater weakness of the UCD, the end of the "transitional" phase, and the decline in law-making initiatives on the part of UCD during the last stage of the Parliament. In the last Parliament (1982-86) the number of laws originated from parliamentary initiatives decreased to less more than 6%. Again the absolute parliamentarian majority of the Socialist government and its strong centralization explained the change.

It can also be observed that bills introduced by the government are much more "successful" than those submitted by parliament. There is no restriction in Spain on the bills tabled by the government on discussion in the lower house: nor is there any period for public information, for consultation with sectors of society which may be presumed to be concerned by the bill, and for prior examination by the upper house which, in theory, is supposed to represent the interests of the autonomous regions. If

we consider the bills introduced by the government, is important to underline that in the UCD period (79-82) only the 72% of this bills passed, whereas in the socialist period (82-86) the number of bills passed reached the 91.5%.

7.- On the other hand, bills submitted by either of the chambers are subject to a phase known as "toma en consideracion" (prior consideration) during which the congress, in plenary session, debates whether it is appropiate to commence formal discussion of the bill. It will be obvious from this that the majority group possesses a powerful weapon for curtailing parliamentary legislative initiative. It is frequently stated that the government is planning, or preparing, to introduce a bill in the same subject, while in other cases the proposal is opposed simply on the ground of disagreement with its basic philosophy. This phase also provides a good opportunity for pacts between the government and the group supporting it and others groups akin to it. In the 79-82 Parliament, the 32% of the bills introduced by the different parliamentary groups were accepted in the "toma en consideracion" phase, whereas in the 82-86 Parliament only the 15% were accepted. That again shows the decrease of the role of opposition in the last Spanish Parliament, with less room to manoeuvre in a parliament highly controlled by the absolute majority of socialist party.

8.- Table 3 shows the bills proposed by the Congress in relation with the parliamentary groups. The bigger difference between the two Parliaments considered is the sharp fall in the number of bills. The main reason is the reduction of bills presented by the principal opposition groups in the two parliaments. Meanwhile the socialist group introduced 84 bills between 1979 and 1982, Alianza Popular group only introduced 48 in the last fours years parliament. Is important to remark the sharp reduction on the bills presented by various groups toghether: 44 bills in 1979-82, only 4 in 1982-86.

Table 3. Bills proposed by congress: their rate of succes

	1979-82			1982-86		
	int.	t. c.(*)	pas.	int.	t.c.(*)	pas.
PSOE	83	23	10	5	5	4(#)
PCE	32	7	3	22	3	3(#)
Min.Cat.	15	7	4	23	3	2
Gr.Pop.	11	7	2	48	2	2
Various Groups	44	12	9	4	2	2
UCD	15	8	5	-	-	-
Min.Vas.	-	-	-	6	1	1
	200	64	33	108	16	13(#)

* Toma en consideración (prior consideration stage)
# one of the bills passed was the addition of two similar propositions introduced the first one by the communist group and the last one by the socialist group.

One point which cannot be omitted when examining parliamentary legislative initiative is that Minoría Vasca (Basque Minority), the group that represents the members of the Partido Nacionalista Vasco, did not introduce a single bill during either the first two Parliaments (1977-79;1979-82). This amounts to five years' presence in Parliament without a single legislative initiative, a record which might be the expression of a policy situated outside the legislative organs of the State and exclusively concentrated on the negotiation between the Basque regional autonomous community, where this group controlled the government, and the central administration. In the last Parliament, Minoría Vasca introduced six bills, showing a major integration in the Spanish political arena.

In the case of initiatives emanating from the Senate, advance approval by the whole of that chamber for the proposal or poposals is required. Once this agreement is obtained, the proceedings commence in the Senate aand the bills is discussed, first in commision and then by the chamber as a whole. Then the proposal is sent to the lower house where it is referred directly to the relevant committee. It will be clear that these proceedings in the upper house merely served to avoid the prior consideration phase (toma en consideracion) in the Congress, but that afterwards the lower house regains its predominant role. In

the life of the 1979-82 Parliament seven bills were introduced by the upper house, and in the last Parliament (1982-86) the figures fall to just one bill. The scarcity of proposals originating in the upper house is unsatisfactory, and underlines the situation of near-marginality towards which the Senate was evolving.

There is a law-making initiative that belongs to the autonomous regions. In the 79-82 Parliament only one proposal from this sector was introduced (originated in the Catalan Parliament). In the last Parliament 17 bills were introduced by different regions, with a big rate of succes, if we consider the figures from parlamentarian initiatives. Finally, the 3 bills introduced by the popular legislative initiative did not passed the first step of the proceedings, and were not accepted by the board of the lower house.

9.- During the first two Parliaments, the ponencia or subcomission phase, was the most important and decisive step in the legislative proceedings. The ponencia is a sub-group formed within the relevant committee, in which the various parliamentary groups are represented. The number of members ranged from four to ten, according to the importance of the text. Its essential function is no merely to establish the order of amendments submitted; it can also modify the text of the bill on the basis of one of the amendment, and even modify any aspect of the original text according to the "spirit" of various amendments.

The document drawn up by the ponencia -its report or informe- could be substantilly different from the text originally presented and had the backing of the reoresentatives of most of the groups. One of the decisive factors that explained the importance of this phase on the proceedings was that the ponencia works behind closed doors. Being the only parliamentary body to do so, it is the ideal place for groups to agree to modify their positions or to trade off concessions without running the risk of their attitudes bcoming known to the public at large or to their electorate. In this way the ponencia stage could be the key moment for agreement and consensus. The make-up of this sub-committtee and the way it operates are very similar to the Ponencia Constitucional, i.e. the seven deputies from different political parties who were responsible for drafting the text of the Spanish Constitution.

Hence examination of the legislative practice during the 1979-82 Cortes reveals that the ponencia was far and away the longest and more decisive phase in the whole legislative process. In some controversial and complex bills, the ponencia stage took more time than the whole of the rest of the process, including the debate in the Senate (i.e. the case of the divorce law, or the reform of the code of military justice during the 79-82 Cortes) (Subirats, 1986). The UCD lacked of absolute majority in these Parliament was probably one of the most important reasons for this overdone role of the ponencia stage.

But since 1982 the ponencia is no longer the place where political negotiation takes place and bills or propositions revised or altered. As we said, in the two previous legislatures some conflictive bills took longer in this preliminary proceedings than in the rest of the entire legislative process put together. With an absolute majority in both houses of Parliament, Socialist parliamentarians do not need to make any great effort to negotiate nor work hard to reach a consensus. In fact, bills are now generally introduced in their "finished" state by te Ministries involved.

10.- During the period covered by our analysis, the committe did not play a particularly remarkable role in the general legislative process. Indeed one might say that it was 'jammed in' between the important ponencia phase and the more political and public phase of the plenary debate. The key debate had already taken place and the work in committee had little impact on public opinion. But, incertain cases the committee enjoyed full legislative competence, and the text that emerged from its dicussions was sent directly to the Senate (*). During the life of the first Parliament (79-82) 46 bills were passed in committee, whereas in the last one (82-86) were 74 bills that

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* The Constitution provides for a device called reserva de pleno (reservation for plenary debate) which applies to matters of constitutional reform, rights and liberties, general electoral law, statutes of autonomy, and budgetary laws.

finished their discussion in the lower house in the committee stage. Generally speaking all these bills were of very limited scope.

11.- There is no doubt that the plenary debate is the phase most directly related to public opinion. The presence of the most powerful of the mass media, television, is of prime importance in that makes it possible to broaden the parliamentary debate to a very considerable extent. The most controversial topics are those most widely discussed, and ministers and other leading political figures are most frequent participants. During the first Parliament (79-82) the process of negotiation, agreement , and political trade-offs, in whih political leaders play the main roles, might bring endless days of debate in the ponencia and the committee to a final conclusion. In this respect the role of "transactional amendments" were fundamental. During the last Parliament, the power of the absolute majority of the socialist group, and the lack of a strong opposition reduced the importance of these phase.

12.- The Senate has a very limited role in the Spanish parliamentary system. Although the Constitution singles it out as a chamber of trritorial reprsentation, its function basically duplicates that of the Congress. Its scope for legislative initiative is very small; the mechanisms at its disposal for controlling the government are few and little used;

it does not count leading Spanish politicians among its members (with the exception of Hernandez Mancha in the present Parliament); government ministers only attend its sessions in response to a direct summons; and the senators themselves have to go to the Congress if they wish to lobby ministers or party leaders. In short, the Senate is located outside the country's twofold centre of institutional and political attention: Congress and the government (Aja, Arbos, 1980).

The subordinate role of the Senate is obvious in terms of its legislative function. It is only allowed two months during which to study, modify and approve texts transmitted by Congress. If the Senate intervenes, the bill always ends up being sent back to Congress, which then has the last word. This period may be further drastically curtailed to 20 days if Congress decides that the matter is urgent. Such timing makes it impossible for the Senate to give serious reflection to texts approved by Congress. It cannot negotiate at its own pace and cannot leave the more controversial aspects to one side for later discussion. In short, its task cannot amount to much more than that of making technical corrections, rectifying oversights, or reformulating aspects that fail to satisfy the majority group in either house. In the 1979-82 Parliament, only 30% of the texts transmitted by Congress were modified by the Senate. As a rule, the modifications were minimal and, as the figures show, usually not even a comma was changed. In the last Parliament the number of legislatives texts modified

by the Senate overpassed the 50%, but that figure don't show a more important role of the Senate, but a easy way to modify certain bills "tested" in the Congress process. The Senate stage provides a chance to accept amendments that the Socialist group didn't want to accept before, and also allows more time for reflection.

The only way the Spanish Senate can define a role for itself is by reinforcing its theoretical position as the camber of the autonomous regions. To do this it must use the means as its disposal to accentuate the function exercised by senators from the autonomous regions as intermediaries vis-à-vis the central administration (4), or to make it necessary for government bills that may affect regional interests to undergo prior examination in the Senate. Otherwise the very existence of the upper house will be increasingly open to question (Solé Tura, 1982).

13.- The diputado llave (bankbencher) now predominates. The role and the prerogatives of the Parliamentary member as such have not been given their full importance. Every Parliamentary group and its leaders keep a tight rein on Parliamentary initiatives. This is not only due to the internal logic of the Parliamentary system, which consists of well-defined and disciplined parties, but also to the very origins of Spain's constituent period. Aware

4 Each autonomous region can appoint onesenator for every million inhabitants. The appointment is usually made by the regional parliament.

of the weakness of the country's social organization, the authors of the Constitution tried to strengthen Spain's fledgling political parties by enacting special measures which include an electoral system based on closed and blocked lists, obstacles to grass-roots legislative initiatives, the use of the referendum and the very rules of Parliament itself. The aim was to strengthen political parties and institutions. The result is the weakness of the individual parliamentarian, with little room for autonomous initiative.

14.- Some remarks on general implications

The value of any conclusion is qualified by being drawn from an analysis of was the first ten years of democracy in Spain. Thus, they are not conclusions drawn from a continous series of studies in which one might be able to detect certain recurring patterns. The remarks presented in this last part of our paper should be taken as preliminary notes to be contrasted with future developments. If we stick to analyzing the first constitutional legislature (79-82), we can deduce that the Spanish Parliament is relatively powerful and influential in the legislative and political process. A goodly percentage of the most significant laws originated in the Cortes and, furthermore, all bills presented underwent major changes in the ponencia phase which

plays such an important part in this process. But in this period the weakness of the government and the frailness of both the ideology and the leaders of its party, the democratic process's lack of stability, and the maintenance of the constitutional consensus all gave parliamentary activity an important role in this first democratic period in Spain.

The Socialist victory in the october 1982 and in June 1986 general elections brought about an important change in the way the Spanish legislative process works and in the Spanish Parliament's role as the political go-between for the majority and the opposition. This change is largely due to the Socialist Party's absolute majority in both houses of Parliament, to the particular relationship between the government, and the Socialist members of Parliament and to the obvious crisis in the leading opposition party.

Since 1982 the Government has played a prominent role in Parliament. The strength and internal cohesion of the Socialist party and the Parliament itself, and the fact that the Socialists have an absolute majority in the Parliament all combine to relegate the Socialist parliamentary group to a subordinate position from which it serves as a privileged witness to the direct an intense relationship between the Government and the Opposition, and limits itself to dutifully supporting whatever

the Government does or proposes to do. A clear reflection of this is the very limited part of the Socialist Parliamentarians play in the process of drafting laws, in their lack of maneuverability as regards accepting amendments or altering bills, and in the extraordinary increase in the number of Ministers and other high-ranking officials appearing before specific committees. In all these situations the role of the majority group is vague and it is the Government itself that maintains a direct dialogue with the Opposition (Jover, Marcet, 1985). This gives the Government more space in the media while helping formally maintain the Parliament as a forum for political discussion.

The opposition has lost a good deal of clout and the crisis in the leading opposition group has only aggravated the situation (Coalicion Democratica has splintered in their different components, there have been major changes in the opposition's Parliamentary leaders, and the new head of the main opposition party, Alianza Popular, is not even a member of Congress). During the 1982-86 legislature the Socialists played up the importance of the main opposition group and its leader in order to promote a two party image and the idea that a theoretical alternativee existed (the British model). But now the leading opposition party has lost a good deal of power and has no real leader in Parliament. As a result, the rest of the Opposition groups have seen relatively reinforced their position (CDS, nationalist minorities, the Grupo Mixto, etc). But actually, if a Parliament

must be not only an organ for the majority, but an organ of the majority and the opposition (Molas, Pitarch, 1987), our Parliament is nowadays more an instrument of the government than a platform to explain the alternatives of a weak opposition.

No real negotiating takes place in Congress (particularly not as regards the legislative process) between the various groups which represent different social interests. The real negotiations with people affected by proposed legislative measures take place at Cabinet level. In fact, the de facto social powers have usually pacted the contents of any bill before it even reaches Congress. The opposition's role is more political than a role of social representation. This partly explains why the opposition has lost a good deal of its power and why the Government can be more arrogant in drafting, discussing and approving laws. The relationship is one of a strong Government / weak Parliament. The Government is the decision-making centre where specific social interests are protected. The Parliament is merely a formality.

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Parliamentary Rules of Procedure in Southern Europe: Italy, Spain, Greece and Portugal in Comparison -

by
Gianni Long

1. INTRODUCTION

A comparative analysis of Parliamentary Codes of procedure , in Greece, Italy, Portugal and Spain, in order to be complete, would obviously require much more space than that of this paper. In keeping with the general theme of the conference, we have therefore decided to look at only certain aspects: those concerning the Parliament's relationships with other subjects, i.e. parties, media, opinion groups. These are aspects often neglected in the codes, which are more prodigal of indications about the legislative system, the relationships between Houses of Parliament and government etc. But interesting indications can emerge from this analysis as well. Some general information should precede the analysis.

Although two of the countries studied have a two house system (Italy and Spain), only the rules of the "lower houses' have been considered. More precisely, the Greek Chamber of Deputies (1971); the Assembly of the Portuguese Republic (1976); the Spanish Congress of Deputies (1982).

All these bodies are made up of a plenum (assembly) and a variable number of committees. The Greek Chamber distinguishes itself by its intermediary form: the sections, composed of half or a third of the deputies. It should also be remembered that two of the Parliaments under consideration (Italy and Spain) attribute the power to directly approve laws to the committees. In Portugal, on the other hand, the committees may approve single articles, but with the Assembly's approval of the whole of the measure. In Greece, where the committees play a generally inferior role with respect to those of the three other countries, the sections have the power to directly approve the laws.

2. Parliamentary groups

2.1 Parliamentary groups and parties

The formation of parliamentary groups and their role in the activities of the Chamber provide one of the most interesting indices of the relationship between Parliament and political forces in a given country. All the codes we have studied provide for the existence of parliamentary groups, more or less directly linked to the political parties. The linkage is direct in Greece (article 18: the elected deputies are considered to be members of the group corrisponding to the party in whose name were elected, unless they express a different preference; this option may be chosen without time limits), where in fact there is a distinction between "party groups" and "simple groups". The latter may be

majority of each committee. This majority should be the same as that of the government, given the proportional composition of the committees themselves. Only the Portuguese Code of procedure requires that the chairmen of the committees be divided amongst the parliamentary groups in proportion to the total members of each group (art. 42/3). The President of the Assembly is given the task of seeing that the groups reach the necessary agreements.

The relationships between groups and offices of the chairmen of the different assemblies are more varied. In Italy (art. 5/3) all groups must be represented in the chairmen's offices and the President of the Chamber must encourage the necessary agreements amongst all groups. It is noteworthy that, given the considerable number of groups present in the Italian Chamber of Deputies, a recent modification of the rules (July 1987) provided for a theoretical, unlimited inrease in the number of secretaries, in order to guarantee at least one per group. In Spain, no such regulation exists, but the limited vote formula (whereby each deputy writes only one name for the election of four vice-chairmen and four secretaries on his ballot) guarantees the presence of at least the major opposition groups (art. 3712). In Portugal (art. 32) the form of the election is that of a closed list prepared by the parties. The criterium of sharing (one vice-chairman and one secretary for each of the four major parties) is specified by the Code of procedure itself. The Greek regulation is analagous, but allows for more space for the majority (art. 5/1). The office of the chairman is made up of three vice-chairmen, three questors and six secretaries. Of these one questor and one secretary mut belong to the major opposition party, while another secretary must belong to the second opposition party. It is noteworthy that the Greek code is the only one which expressly provides for the possibility of a motion of censure against the chairman or a member of the office of the chairman.

2.3 Groups and planning of activities

In all countries considered the parliamentary groups (or parties) exert a direct influence on the formation of the programme of parliamentary activities. In Greece the chairman draws up the daily agenda, but the organization of a discussion calls for the agreement of party leaders. Such agreement must be unanimous when a maximum time limit is set for the discussion, with consequent reduction of intervention times.

In Italy, all planning of activities is the responsibility of the meeting of group chairmen. They establish a schedule for three months and, within this schedule, a calendar for two weeks. As a rule there must be unanimity among all group chairmen.

However, a modification of the code in 1981 provided for an alternative procedure. Should unanimous agreement be lacking, the President of the Chamber prepares a schedule based on the orientations prevalent among group chairmen, taking into account even those propositions approved by a minority, and presents it to the Assembly, which may approve or disapprove the entire programme (art. 23 and 24). The same procedure is followed for each committee. The programming is done by the office of the chairman of the committee, complemented by representatives of all the groups.

In Spain the Code of procedure is less detailed, but does specify that the agenda of the Assembly be decided upon the President in agreement with the representatives of the groups (art. 67) The latter express themselves through the pondered vote (art. 39), based on the size of their respective group.

In Portugal the rights of the groups are much more clearly specified. Not only is the indicative schedule of activities decided upon during the meeting of the representatives of parliamentary groups and parties (art. 64), but, in addition, each parliamentary group has the right to decide, individually, the agenda of a certain number of sessions during the term; six sessions for groups not represented in the government, four for those represented in the government, two for groups made up of a single deputy or for the parties whose elected deputies have not formed a group (art. 71). The "preference" for the opposition parties balances the government's faculty to request the addition of certain topics to the agenda (art. 69). It is however noteworthy that the government must ask the President of the Assembly to add a topic (and may have recourse to the Assembly should the request be denied, as may parliamentary groups), while the groups which intend to use art. 71 need only communicate their intention to the President.

2.4 Voting systems

A reading of the Codes of procedure does not reveal much about the relationship between individual deputies and groups or political parties. The so-called "party discipline" is in fact a phenomena which lies outside of constitutional and codified norms. Interesting elements can however be found by a study of voting systems, and in particular by the more or less extensive use of the secret ballot, which allows the individual to avoid any form of discipline.

The Spanish code (art. 87) provides for two means of secret balloting. One is an electronic procedure by which the names of

the voters are not registered. The other is by ballots, when the election of persons is involved. The code does not, however, indicate when the first system may be used.

In Greece (art. 68) the ordinary voting system is the open one, by standing up and remaining seated. Secret balloting is permitted openly for the election of persons, or in questions relating to persons nominally designated, be they deputies or not (art. 67).

In Portugal (art. 108) secret balloting is also admitted (and is obligatory) only in elections as well as in a few other possible ballots involving persons: verification of contested elections, loss of the status of deputy, questions regarding parliamentary immunity.

In Italy, on the other hand, though the ordinary voting system is that of open voting (raising of hands), the secret ballot is permitted for all questions except those specifically excluded by the code (arrt. 51/2). The system used in the other countries is thus reversed. The quorum necessary to request a secret ballot is very low (30 out of 630 deputies, or the chairman of a group composed of at least 30 deputies). This system makes the secret ballot the usual means of voting, even in committees.

3. Parliamentary committees and external subjects

The relationships between parliamentary committees and external subjects are an interesting index, though not the only one, of the contact existing between Parliament and society. This is again an area in which practice prevails over written norms, because it is the product of continuous evolution and often of the different choices of the chairmen or the components of a given body in different legislatures. It should also be observed that on the whole, at least in Europe, these are new areas of study. The importance of the role of the committees and the possibility of "opening oneself" above and beyond the restricted number of one's own members are recent developments which, in the four Parliaments studied, cannot be found in the codes preceding the totalitarian period. This fact justifies the limits of research conducted only through codified texts. These must be integrated with a punctual analysis of the actual practice and its evolution.

Italy gives the committees (we exclude special inquiry committees and limit our study to ordinary committees) the right to obtain information, news and documents directly from the competent ministries (as well as from the accounts magistracy and

other bodies; to request the intervention of ministers to ask them for information; to request, with the agreement of the President of the Chamber, that the competent ministers arrange for the intervention of leaders of sectors of public administration and even of public bodies with autonomous statutes (143). This seems to be rather limited: ministers (and, although not precisely mentioned, undersecretaries) and public leaders, including those of government-controlled bodies. One must note, however, that the committees may also organize, within the framework of their competencies, cognitive inquiries in order to acquire news and information useful for the activity of the Chamber. For such inquiries (art. 144) the committees may invite any person able to furnish useful elements. These are not inquiries, but rather research activities. The committees therefore cannot oblige the persons invited to intervene. Generally, however, the external subjects themselves (in particular companies, trade unions, opinion groups) sollicit the possibility of being heard by the committee. The activities referred to in articles 143 and 144 are autonomous. That is to say they are not connected with the legislative procedure, in which external subjects may not intervene.

However, during the initial phase of the legislative procedure in committees there is the possibility (art. 79/3) of forming a restricted committee, which operates informally and is extensively used for calling for the hearing of individuals involved, experts, etc. It should in fact be remembered that, in the committee, except for the above-mentioned cases, the presence of persons who are not deputies, members of government or parliamentary officers assigned to the committee itself is rigorously excluded.

In Portugal, art. 113 is very similar to the above-mentioned art. 143 in Italy. It provides for the intervention in the committees of members of government, of ministerial officers or of heads or technicians of any public body. Art. 114 is, on the other hand, broader than its Italian counterpart. It unrestrictedly allows the committee to request information, opinions, the hearing of any citizen or the contractual employment of specialists who can collaborate in the committee's activities. There is even a specific form of relationship with trade unions, provided for by the Constitution and repeated in the Code of procedure (ART. 143). When labor legislation is concerned, an opinion of the workers' committees and trade union associations is called for.

In Greece, the committees may request the intervention of ministers to ask them for explanations, or the ministers must arrange the hearing of officials whose presence is retained necessary. Two provisions are distinctive. The first is the

possibility for ministerial officers to enter the Assembly itself when their presence is considered indispensable for providing the minister with the elements necessary to perform his duties and the same possibility for dependents of parliamentary groups (art. 36). The second is the existence of a "scientific service" in the Chamber whose members can be put at the disposal of the committees and even speak during committee sessions (art. 108).

The Spanish art. 44 provides the committee with powers analogous to those in other countries. They may request that the government provide documents and information, the presence of members of government, as well as public authorities and officers. they may also request the hearing of other persons competent in the area to obtain the necessary information and assistance. As in Portugal, therefore, it is possible to call upon practically anyone, with no particular codified limits. In both countries (art. 19 Portugal; art. 7 Spain) individual deputies have the right to request information and documents from the public administration.

4. The Public Nature of Parliamentary Activities

The public nature of the activities of the parliamentary Assemblies does not very significantly in the four countries studied. In fact all the codes specify that the parliamentary Assemblies be public, except for the possibility of a secret session. A few regulations determine the means of assigning places in the galleries, giving this responsibilty to the deputies (art. 105/2 Greece) or to the parliamentary groups (art. 120/2 Portugal). With respect to the possibility of secret sessions, while the Portuguese code makes no provisions, the Italian and French codes provide for the Assembly's deciding on a proposition to meet in a secret session. Art. 63 of the Spanish code, besides providing for this same possibility, calls for sessions being obligatorily secret in the following cases: questions inherent to the decorum of the Chamber or of one of its members, or regarding the suspension of a deputy; discussion of the conclusions of a special inquiry committee or the committee on the status of the deputies.

Particular norms concern relationships with the mass media: in Greece (art. 110) at the end of a session, or even during the seesion, a press release, faithfully reporting the activities of the session, is to be distributed. The release is drawn-up materially by officials but a specific commission composed of deputies supervises the task. In Spain (art. 98) the office of the chairman is given the task of adopting adequate measures in order to facilitate the work of the media. It is in any case forbidden, except in the case of the chairman's specific

authorization, to make sound or video registrations of the sessions. Analogously, in Portugal, the office of the chairman must arrange for the distribution of the texts of deliberation or interventions to the media. In Italy, art. 63 gives the President of the Chamber the prerogative of arranging for direct televised transmission of the Chamber's activities (and, more particularly, art. 135 bis calls for the organizing of direct televised transmission for the sessions in which questions with immediate replies involving the intervention of the President of the Council are being debated, or sessions involving subjects of considerable relevance.)

Even if only a few codes specifically mention this, in the Houses of Parliament of all the countries studied there are specific galleries for media representatives. All countries have specific forms of reporting parliamentary acts, to which various codes generally dedicate a very detailed set of norms.

4.2 Committees

The publicity of committee activities is much more varied. The Spanish (art. 64) and Greek (art. 31) codes affirm the principal that commmittee activities are not public. Portugal (art. 121) affirms the opposite principle. Committee activities are public "if tey (the committees) so organize themselves". The Italian code (art. 65) specifies that "the publicity of the activities of the committees is assured" by a series of instruments which exclude the actual presence of the public and the press. A brief study of the provisions of each code is thus called for.

In Spain, though the general principle is that of non-publicity, accredited journalists as well as senators may attend committee meetings when they are not secret sessions. As in the case of the Assembly, the committees may decide, by an absolute majority vote, that given meetings be secret. In any case, the meetings of special inquiry committees and committees dealing with the status of deputies are secret.

In Greece the refusal of publicity is tempered only by the possibility of the drawing uyp of stenographic minutes of a committee meeting (art. 33.1).

In Portugal the principle of the publicity of committee activities, should the committee so organize meetings, is not clarified. It is therefore not clear whether the public is directly admitted into committee headquarters or whether the publicity is indirect, through audiovisual systems.

The latter is one of the instruments which may be used for assuring the publicity of committee activities in Italy. The press and the public follow the course of the sessions in separate quarters, through closed circuit audiovisual systems. It should however be observed that this form of publicity is realized only in particular cases and is far from covering the totality of committee activities. The other forms of publicity are the publication of reports, summaries or stenographic minutes, depending on the case in question. But, as has been said, no one who is not connected with the committee may enter headquarters.

5. Legislative terms and bodies assuring continuity

This is a question concerning only three of the countries studies. In fact, in Italy the institution of legislative terms does not exist, and therefore, neither do bodies created to guarantee the continuity of parliamentary functions between ters. With the 1983 reform the so-called "budget term" was added to the Code of procedure of the Italian Chamber of Deputies. This is a period expressly dedicated to the study of the financial law and the budget. All other parliamentary deliberations cease (only deliberations concerning expenditures continue - but there are innumerable exceptions). This is not, however, a term as it is understood in Greece, Portugal and Spain; that is to say, a "closed" period of parliamentary activity.

In Greece and Portugal one ordinary term per year is provided for, leaving the summer free. In Spain there are two annual terms, from September to December and from February to June. As opposed to Italy, therefore, the functioning of the Houses of Parliament is supposed to be discontinuous. That of the parliamentary institution is not, however, and specific bodies thus have the function of assuring continuity during the periods between the terms.

In Greece, as has been said, an intermediate body between the Assembly and the committees exists: the sections. Two of these sections function normally in legislative activities during the terms. During the intermediate period between terms, on the other hand, an "ajournment section", composed of a third of the deputies and articulated in three committees, is provided for (art. 71 Constitution, art. 73 Code of procedure). The committees, like those of normal periods, corrispond to the subdivision of the government in ministries. The section of the adjournment period has essentially legislative competencies.

In Portugal, during the period of suspension of the term, a "permanent committee" functions. The composition of this

committee is proportional to the groups (the 1976 code indicated the posts assigned to each party), with the participation of the President and the Vice-President of the Assembly and, eventually, the chairmen of the permanent committees. The permanent committee has no legislative competencies, but has competencies (art. 52) regarding control of the government, preparation of the new term, coordination of previously approved texts. In addition it pronounces itself on the possibility of convoking the Assembly exceptionally and emergency situations, when the term is ajourned.

Spain (art. 56) provides for a "permanent group of deputies" made-up of the President of the Chamber and twenty one members, proportional to the size of the parliamentary groups. The group's competencies are limited to the hypothesis of the emission of government decrees or of the proclamation of martial law. The permanent group of deputies also operates during the period of dissolution of the Chamber, and after the elections, reports to the new Assembly.

REGIONAL PARLIAMENTS AND ORGANIZED INTERESTS IN ITALY AND SPAIN

Barcelona, octubre 1987

LAS ASAMBLEAS LEGISLATIVAS REGIONALES EN ITALIA Y ESPAÑA

Francesc MORATA i Jaume VERNET

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INTRODUCCION

Cualquier intento de comparación entre los legislativos regionales españoles e italianos debe arrancar de los puntos de referencia comunes al objeto de determinar la posición institucional y política de los entes autónomos en cada uno de los sistemas. Así, la primera parte del estudio se dedica a analizar brevemente los aspectos más significativos de ambos ordenamientos: el principio de autonomía, el grado de participación regional en las decisiones estatales y la distribución de competencias, en particular las normativas.

En la segunda parte se ofrece una rápida panorámica de la organización institucional de los entes subcentrales así como de las relaciones existentes entre los diversos órganos (Parlamento, ejecutivo y presidente).

La última parte se destina al estudio concreto de las Cámaras subcentrales. Para ello, con la ayuda de los textos legales y de la práctica observada en cada caso, se analizarán los sistemas electorales respectivos, el modelo organizativo y las funciones reconocidas a dichas instituciones en ambos países.

I. EL MODELO DE ESTADO

Ni la Constitución italiana ni la española no ofrecen una definición exacta del modelo de Estado instituido. Ambas se caracterizan por el establecimiento de un complicado

equilibrio de pesos y contrapesos entre los dos principios fundamentales de organización del estado: la unidad y la autonomía. Así, con arreglo al art. 5 de la Constitución italiana: "La Repubblica, una e indivisibile, reconoce y promueve las autonomías locales; establace, en los servicios dependientes del Estado, la más amplia descentralización administrativa; adecua los principios y métodos de su legislación a las exigencias de la autonomía y la descentralización". La tensión unidad-autonomía aparece, sin embargo, más acentuada en el caso español. En efecto, en virtud del artículo 2: "La Constitución se fundamenta en la indisoluble unidad de la Nación española (...) y reconoce y garantiza el derecho a la autonomía de las nacionalidades y regiones que la integran". Si bien, en ambos sistemas, la organización territorial del Estado se configura con arreglo a técnicas relativamente parecidas, la posición constitucional de los entes subcentrales se diferencia de forma bastante neta. Ello se expresa, en particular, en las garantías constitucionales de la autonomía, así como en los límites y controles que enmarcan el ejercicio del autogobierno.

1. LAS GARANTIAS CONSTITUCIONALES DE LA AUTONOMIA

La Carta fundamental española no instituye directamente un "Estado de las Autonomías". Salvo casos excepcionales (art. 144), la iniciativa de constitución de una Comunidad autònoma no depende del Parlamento español, sino de una Asamblea

representativa del territorio interesado. La redacción de los Estatutos y, por tanto, la determinación exacta de las competencias asumidas corresponde a dichos representantes. En este sentido, los Estatutos de autonomía son, al igual que la Constitución, normas de referencia obligadas a la hora de establecer el reparto de las competencias. Su carácter de leyes orgánicas del Estado les confiere una protección especial ante cualquier intento de modificación por parte del legislador central. A ello se añade la necesaria ratificación mediante referendum de los proyectos de Estatuto de las Comunidades de autonomía plena (País Vasco, Cataluña, Galicia y Andalucía).

Por otra parte, la distinción entre este tipo de Comunidades y las 13 restantes no tiene un carácter necesariamente definitivo. Corresponde a las dos vías principales de acceso a la autonomía inicialmente previstas: la general y la especial. Sin embargo, la primera constituye una modalidad transitoria puesto que en el plazo de cinco años, los territorios afectados pueden solicitar la revisión de sus estatutos al objeto de acceder a la autonomía plena (algunos se proponen iniciar ya el procedimiento correspondiente). Esta tiene como únicos límites los derivados de las competencias estatales fijadas en el art. 149.1 de la Constitución. Además, en virtud del artículo 150.1-2. CE, las Cortes generales pueden

transferir funciones legislativas y ejecutivas de titularidad estatal sin necesidad de recurrir a la revisión estatutaria (es el caso de Valencia y Canarias). Por tanto, el sistema español, inicialmente heterogéneo, tiende a una mayor homogeneidad a medio plazo a través de la progresiva equiparación de los niveles de autonomía.

La Constitución italiana (arts. 116 y 119) enumera taxativamente 19 regiones (en 1963 se añadió el Molise), de las cuales 5 tienen atribuidas "formas y condiciones particulares de autonomía". Sus Estatutos, coherentes con los principios establecidos por la Constitución (art. 115), son aprobados mediante una ley constitucional sin ningún tipo de ratificación referendaria por las poblaciones interesadas. Los de las 15 regiones restantes tienen un alcance meramente organizativo, puesto que las competencias atribuidas coinciden con las materias enumeradas en la lista del art. 117 de la CI. Esta no prevé procedimiento alguno de revisión del ámbito competencial inicialmente previsto. Cualquier ampliación requiere pues, al contrario del caso español, una reforma constitucional. A pesar de la clara diferenciación entre regiones de règimen especial y de régimen ordinario, la evolución del sistema italiano expresa una progresiva equiparación a la baja por las razones que más adelante veremos.

En tanto que poder de dirección política, el ejercicio de la autonomía implica también el poder de organización institucional y administrativa de las CCAA en el marco del

Estatuto y de la Constitución. Esta establece (art. 152.1) tres tipos de instituciones: una Asamblea legislativa elegida por sufragio universal; un Consejo de Gobierno, cuyo Presidente asume la doble representación de la Comunidad y del Estado; y un Tribunal superior de Justicia, sin perjuicio de la jurisdicción atribuida al Tribunal Supremo del Estado.

La Constitución italiana establece un esquema institucional parecido: el Consejo (Consiglio), la Junta (Giunta) y el Presidente son los tres órganos regionales, con la salvedad importante de que el último representa únicamente a la región y no al Estado. 122 CI). Tampoco está prevista la creación de un órgano jurisdiccional superior a nivel regional, sinó, únicamente, la de un Tribunal administrativo de primer grado (art. 125).

2. LOS LIMITES DE LA AUTONOMIA

Ambos textos fundamentales imponen el respeto de un cierto número de principios generales válidos para el conjunto de los poderes públicos, independientemente del sistema de atribución de las competencias. Dichos principios tienen una naturaleza esencialmente integrativa, es decir, responden a la exigencias derivadas del principio de unidad. Pueden resumirse en los siguientes: igualdad de derechos de los ciudadanos, libertad de circulación, territorilidad de las disposiciones regionales y defensa del interés general. En España se añade el principio de solidaridad, de características parecidas a la "Bundestreue" alemana.

3. EL SISTEMA DE DISTRIBUCION DE COMPETENCIAS

3.1. Esquema general

La distribución de las competencias entre el Estado central y las Comunidades autónomas se articula a través de un sistema de dos listas correspondientes a los arts. 148.2 y 149.1 de la CE, coincidentes con las dos modalidades principales de acceso a la autonomía. Habida cuenta del carácter temporal de la primera, el artículo 149.1 constituye, de hecho, la clave de reparto de las competencias que los distintos estatutos se encargan de concretar. A pesar de la expresión "Las Comunidades autónomas podrán asumir" del art. 148.2, el conjunto de los Estatutos han incorporado la totalidad de las competencias previstas en dicha disposición. Estas muestran un paralelismo evidente con las atribuciones reservadas a las regiones italianas de régimen común (art. 117 CI). En ambos casos hallamos en efecto, materias referidas a:

- organización de la administración regional
- administración local
- ordenación del territorio: urbanismo, vivienda, obras públicas, etc.
- servicios sociales: asistencia social, sanidad, etc.
- cultura
- política económica: turismo, artesania, mercados; agricultura, pesca y ganadería; transportes interiores.

La CE incluye, además, la promoción del desarrollo económico, la gestión del medio ambiente y las policías, en tanto que la italiana se refiere a la formación profesional y a

la asistencia escolar. Las regiones ordinarias italianas ejercen funciones legislativas y administrativas compartidas en las citadas materias (arts. 117 y 118). Para conocer el alcance real de las facultades reservadas a las CCAA es imprescindible acudir, en cambio, a la lista del art. 149.1 relativa a las competencias del Estado e, indirectamente, de las CCAA.

Debido a su formulación ambigua e imprecisa dicha disposición ha planteado importantes problemas de interpretación, en gran parte resueltos por la jurisprudencia constitucional. En general, asistimos a un doble reparto, por materias y funciones en régimen de exclusividad. Sin embargo, el concepto de "exclusividad" debe ser matizado ya que, a menudo, se trata de la atribución en exclusiva de una de las dos funciones (normativa o ejecutiva). La calificación de los poderes respectivos se hace más difícil cuando la función legislativa en encuentra compartida, correspondiendo al Estado la formulación de las "bases" y las los entes autónomos su "desarrollo" normativo. Atendiendo a estas particularidades podemos distinguir cinco tipos de competencias:

- exclusivas strictu sensu: una materia, sector o actividad estan enteramente reservados al Estado (defensa, relaciones internacionales, nacionalidad; marina mercante y transporte aéreo; sistema monetario; régimen aduanero; o a la CA (turismo, artesanía)

- compartidas: cada instancia ejerce una parte de las funciones legislativa y ejecutiva en régimen de exclusividad (legislación civil; crédito, banca y seguros; sanidad; educación; régimen administrativo; planificación; industria, agricultura y pesca, comercio interior, transportes, obras públicas y medio ambiente; medios de comunicación; etc.).

- concurrentes: ambas instancias inciden en una misma materia (cultura, investigación científica).

- exclusivas normativas: el Estado asume en exclusiva la legislación (propiedad intelectual e industrial; fabricación de armamento; expropiación forzosa; etc.).

- exclusivas de ejecución: corresponde enteramente a la CA la función de ejecución (legislación penitenciaria; trabajo y SS; propiedad intelectual e industrial; ferias internacionales; minas y energía; educación).

Como hemos visto, la Constitución italiana contiene una única lista competencial aplicable a las regiones de Estatuto ordinario. Las demas se rigen solamente por sus Estatutos con los limitee derivados de los pricipios constitucionales, de las leyes de reforma socio-económica y de las relaciones internacionales.

3.2. Las potestades legislativas

Las regiones italianas tienen tres tipos de potestades legislativas: exclusivas, compartidas e integrativas o de desarrollo. Estas últimas constituyen verdaderas delegaciones legislativas del Estado no previstas por la Constitución. Su límite coincide con la ley estatal atributiva de la competencia regional. Unicamente las regiones especiales disponen de competencias exclusivas, limitadas sin embargo por "las normas fundamentales de las reformas económico-sociales de la República", lo cual equivale prácticamente a su transformación en potestades compartidas o concurrentes. En el caso español, como hemos visto, las exclusivas en sentido estricto sólo lo son cuando la función legislativa no se halla compartida con el

Estado.

Las potestades compartidas - la mayoría - plantean mayores problemas. Al legislador estatal corresponde la formulación de los "principios", "bases", "normas de base" o "legislación de base", dejando a las Comunidades o regiones el desarrollo concreto la regulación de los restantes aspectos. La frontera entre ambos conceptos no deja de ser imprecisa. No es de extrañar, pues, que se haya convertido en una fuente de conflictos. En Italia, las leyes marco (leggi-cornice) de impacto regional elaboradas por el Parlamento (artesanía, turismo, transportes, sanidad, agricultura, contabilidad pública, etc.) no establecen casi nunca la distinción entre principios básicos y normas de detalle. De las numerosas leyes estatales impugnadas por invadir las competencias regionales, ninguna ha sido declarada inconstitucional (por ello las regiones prefieren negociar con el Gobierno y el parlamento estatales, aun a riesgo de tener que renunciar a sus prerrogativas).

Además, muchas de estas leyes se dedican a regular con todo detalle aspectos atribuidos a la competencia regional. Con ello se reduce al máximo el ejercicio de la autonomía legislativa. La explicación de este fenómeno reside quizá en el funcionamiento del sistema político-administrativo italiano, fuertemente dominado por las relaciones de intercambio entre la clase política y los grupos de presión representados a nivel

central. Ello obligaría a los órganos parlamentarios y al Gobierno a adoptar medidas legislativas en base a las demandas formuladas por los intereses organizados, invadiendo así el campo de las competencias regionales.

La intervención del juez constitucional, único órgano legitimado para decidir lo que hay que entender por bases, ha conducido en ambos casos a una extensión de dicho concepto en detrimento de la autonomía regional. En España, el Alto Tribunal parece interesado sobre todo en ampliar los límites de la legislación estatal en materia de política económica arguyendo la necesaria "unidad de mercado".

3.3. Las competencias de ejecución

La Constitución italiana no garantiza expresamente a las regiones potestades "integrativas" o de ejecución de la legislación estatal. Les atribuye, sin embargo, las funciones administrativas relativas a las materias del art. 117, salvo las de interés exclusivamente local. Sin embargo, éstas no tienen un carácter pleno o exclusivo. Existen, pues, dos niveles distintos y superpuestos de administración (estatal y regional), de forma que los órganos estatales continuan desarrollando funciones legislativas y administrativas en todo lo relativo a materias o intereses de índole nacional o pluriregional. Ello impide el desmantelamiento del aparato administrativo estatal en las materias relacionadas con el

artículo 117 CI y su transferencia a las distintas regiones.

La situación descrita mantiene puntos de contacto, pero también diferencias substanciales con el sistema español. La indefinición constitucional relativa al modelo de Estado encuentra una correspondencia en la indeterminación del modelo de Administración pública. Su compresión obliga a analizar en concreto el modelo de atribución de las competencias ejecutivas a las CCAA. Este muestra cuatro modalidades referidas a:

- competencias exclusivas de ejecución de la legislación propia;
- ejecución de materias en que la legislación está compartida, referidas tanto a la aplicación de la ley estatal básica como a las normas autonómicas de desarrollo;
- ejecución en materias en las que el Estado ostenta la legislación plena, de manera que la aplicación no comporta potestades reglamentarias, sinó la gestión efectiva;
- ejecución de la legislación estatal por delegación.

Se trata, por tanto, de un modelo inspirado en gran medidad en el federalismo de ejecución alemán, en el que, sin embargo, no está prevista una reestructuración completa del aparato del Estado. El problema se ve agravado por la heterogeneidad de las competencias ejecutivas inicialmente asumidas por los Estatutos. Asi, a excepción de las siete Comunidades dotadas directamente (País Vasco, Catalunya, Galicia, Andalucía y Navarra) o indirectamente (Valencia y Canarias) de autonomía plena, con respecto a las diez restantes, el Estado ejerce todas las competencias ejecutivas que le otorga el art. 149.1 CE.

3.4. Controles y conflictos

3.4.1. Controles

La comparación entre los medios de control de la actividad legislativa y ejecutiva de los entes autónomos muestra igualmente diferencias notorias en ambos sistemas.La Constitución española se orienta claramente hacia la jurisdiccionalización del control de la actividad autonómica. Su ejercicio corrresponde, en efecto (art. 153):

- al Tribunal constitucional en lo relativo a las disposiciones normativas con fuerza de ley o a los actos administrativos objeto de un conflicto de competencias;
- a la jurisdicción contencioso-administrativa en lo referido a los actos administratvos generales;
- al Tribunal de Cuentas respecto a la actividad económico-financiera;
- al Gobierno central, previo dictamen del Consejo de Estado, cuando se trate del ejercicio de funciones delegadas.

Es importante notar que, a diferencia de los sistemas federales, la Constitución no otorga al Estado poderes específicos de control cuando la ejecución corresponde exclusivamente a las CCAA. Este elemento contribuye en principio a reforzar la autonomía de actuación de las administraciones descentralizadas.

El procedimiento de control legislativo previsto en la CI se centra, en sustancia, en un poder de oposición correspondiente al Gobierno. Cuando este considere que una ley regional es ilegítima o contraria a los intereses nacionales, puede "reenviarla" al Consiglio regional que la ha aprobado, requiriendo su reexamen; en caso de nueva aprobación, corresponde nuevamente al Gobierno la décisión de impugnarla

ante la Corte constitucional, por razones de legitimidad o ante el Parlamento, por conflicto de intereses (art. 127). Se trata pues de un mecanismo de control que no garantiza el principio de neutralidad.

Los actos administrativos de las regiones italianas no son inmediatamente ejecutivos ya que estan sometidos al control del Estado. Este ejerce una tutela muy parecida a la ejercida por las propias regiones sobre los entes locales. Además, el poder central se ha reservado las funciones de "indirizzo e coordinamento" relativas a todas las materias comprendidas en el art. 117 CI que afectan a exigencias de carácter unitario. Ello ha propiciado la ingerencia del legislador estatal en el àmbito administrativo regional a través de innumerables disposiciones reguladoras. El control de legalidad se ejerce generalmente en via preventiva, produciendo la suspensión de las resoluciones adoptadas. El de oportunidad, ejercido en primera instancia, al igual que el anterior, por las Comisiones regionales de control, presididas por el "Commissario del Governo", se aplica generalmente a las decisiones de carácter financiero o presupuestario.

Ambas Constituciones preven un procedimiento especial de control para casos extraordinarios. La italiana (art. 126) contempla una serie heterogénea de hipótesis conducentes a la disolución de los Consejos regionales. En el sistema español, el uso de la coacción estatal (art. 155 CE) sólo es legitimo en los casos de grave atentado al interés general como resultado

de la acción u omisión de una CA en el ejercicio de sus competencias. El procedimiento exige el requerimiento prévio del Gobierno central al Presidente de la Comunidad afectada y, eventualmete, la aprobación por mayoría absoluta del Senado. A diferencia de la Constitución italiana, las garantías que ofrece la citada disposición excluyen el recurso a la disolución. Su sentido se asemeja más al del art. 37 de la LF alemana ("Bundesexecution").

3.4.2. Recursos y conflictos

El control de los sistemas jurídicos estatal y regional es bastante similar en ambos países. La única y fundamental diferencia se refiere al poder de oposición atribuido al Gobierno en Italia, mediante el cual éste puede impugnar la ley regional ante el Parlamento por contraste de intereses. Por lo demás, tanto el Estado (a través del Presidente del Gobierno, el Defensor del Pueblo o 50 parlamentarios en España y del Consejo de ministros en Italia), como los entes autónomos (mediante el Presidente de la Giunta en Italia, el Consejo de Gobierno y la Asamblea regional en España) pueden promover recursos de inconstitucionalidad contra las leyes o actos equiparables dictados por la otra instancia.

Ambos sistemas se caracterizan por un cierto grado de conflictividad institucional, de raíces más partidistas en el caso español. Los instrumentos de colaboración instituidos no se han visto acompañados de la voluntad política necesaria para conseguir un funcionamiento efectivo (Conferenza Stato-Regioni en Italia, Conferencias sectoriales a nivel ministerial en España).

4. LA FINANCIACION DE LA AUTONOMIA

El sistema de distribución de los recursos constituye un parámetro esencial para valorar la viabilidad real de la autonomía política. En este sentido, ambos modelos presentan - o han presentado hasta ahora - serias deficiencias que examinaremos a continuación brevemente.

4.1. ITALIA

En lo que respecta a Italia, a pesar de las previsiones constitucionales (art. 119) tendentes a establecer un modelo de financiación regional basado en la fiscalidad própia y en los recursos transferidos, la legislación estatal ha consagrado un modelo de dependencia total en relación con las transferencias estatales. Esta situación ha conducido a eliminación de la autonomía fiscal inicialmente atribuida a las regiones. Las tranferencias estatales representan cerca del 80% de los recursos regionales. Estas proceden de dos fondos. El primero, equivalente al 63% de los ingresos se destina a los gastos ordinarios y se distribuye con arreglo a tres criterios ponderados: población (60%); superficie (10%); y las tasas de emigración y paro y la carga del impuesto complementario sobre la renta de cada región (30%). El segundo, cuyo importe representa cerca del 14% de los recursos, se destinaba inicialmente a las inversiones programadas en el marco de la programación regional. Sin embargo, debido a escasez general de medios ordinarios y a los retrasos de la

programación, el fondo se distribuye de forma parecida al anterior.

A estas dos fuentes se añaden las "contribuciones especiales" (13% del total) procedentes de los ministerios estatales, cuyo importe se destina a completar las necesidades de inversión de las regiones con arreglo a criterios definidos de forma centralizada.

Desde finales de los años 70 se observa, en terminos reales, una disminución progresiva de los recursos transferidos que no se corresponde con el aumento de las funciones ejercidas. Así, la participación regional en los gastos totales del Estado (11%) se mantiene prácticamente invariable desde 1979.

Centralización y escasez de recursos, ausencia de automatismos, subvenciones cada vez más vinculadas a la ejecución de micro-políticas sectoriales, escaso poder de negociación: tales parecen ser los rasgos propios del modelo de financiación de la autonomía en Italia.

4.2. ESPAÑA

En virtud de la CE (art. 156) las CCAA gozan de "autonomía financiera para el desarrollo y ejecución de sus competencias con arreglo a los principios de coordinación con la Hacienda estatal y de solidaridad entre todos los españoles". La financiación regional se basa, por tanto, en la suficiencia, la autonomía, la solidaridad y la coordinación. De hecho, ninguno de estos presupuestos se ha cumplido hasta la fecha. Ello se debe ante todo a las deficiencias técnicas y a los comportamientos políticos observados durante el período de financiación provisional

comprendido entre 1980 y 1986, coincidente con el traspaso de funciones y servicios a las nuevas administraciones.

A primera vista, los criterios inspiradores de la Ley Orgánica de Financiación de las CCAA (LOFCA) parecen coincidir con los del federalismo fiscal. Sin embargo, en la práctica, dicho parecido es sólo formal. En efecto, la fiscalidad autonoma representa un porcentage insignificante de los recursos autònomos (3%). Estos se componen esencialmente de la participación en la fiscalidad estatal y, en segundo termino, de la cesión del producto de determinados los impuestos estatales. Si agrupamos en un mismo bloque ambos conceptos, obtenemos una estructura similar a la observada en Italia, con una participación algo superior en el conjunto del gasto público (15%).

Las dificultades del proceso de descentralización se explican en gran medida por la ineficacia del método de valoración del coste de los servicios transferidos. La metodología seguida no ha garantizado la intervención de los actores autónomos en la determinación del coste global de los servicios ni en su distribución efectiva entre ambas administraciones. Los órganos centrales han conservado el poder de decidir, en última instancia, el volumen total de las transferencias.

En cuanto a la fiscalidad cedida, su relación directa con el mecanismo anterior (el % de participación en los impuestos estatales dependía del coste de los servicios menos el producto de la fiscalidad cedida) ha favorecido la desresponsabilización política de las CA a través de una gestión deficiente.

Por último, el Fondo de Compensación Interterritorial, expresión del principio de solidaridad, se ha querido utilizar como un mecanismo ordinario de financiación de las inversiones autónomas para paliar así las carencias del sistema general.

La reforma, aprobada por consenso a finales de 1986 tras largos meses de negociación, no cumple todavía con los requisitos constitucionales enunciados anteriormente. Si bien se observa una mayor objetivización de los criterios de redistribución de los recursos, la capacidad y la autonomía de gasto distan de ser suficientes.

5. LA PARTICIPACION EN LA LEGISLACION GENERAL

El funcionamiento de los Estados descentralizados revela las limitaciones del reparto distribución de las competencias a la hora de conciliar la coherencia general del sistema con el respeto de la autonomía política. En este sentido, inspirándose en la tradición del federalismo cooperativo, las Constituciones italiana y española instituyen una série de mecanismos al objeto de facilitar la participación de los órganos autónomos en la formación de la voluntad general. En el plano legislativo, el Senado español se define formalmente como una Cámara de "representación territorial", mientras que la función territorial de la Cámara Alta italiana se limita a la elección de sus miembros en base a las circunscripciones regionales. La "Commissione Parlamentare per le Questioni Regionali" parece asumir a nivel cemtral el papel de interlocutor directo de las regiones. Por otra parte, ambas Constituciones atribuyen un poder de iniciativa

legislativa a las Asambleas territoriales. Veamos el alcance real de dichas previsiones.

5.1. La Commissione Parlamentare per le Questioni Regionali

La CPQR (art. 126 CI) es el único órgano legislativo responsable de garantizar la coordinación entre el Parlamento nacional y los Consejos regionales. A pesar de la buena voluntad demostrada, la CPQR no ha conseguido integrar la perspectiva de las regiones en el proceso legislativo estatal ni tampoco jugar un papel de mediador entre ambas instancias. Sus funciones, de carácter meramente consultivo e informativo, no le permiten competir en un plano de igualdad con la demás Comisiones. Por otra parte, las propuestas de reforma avanzadas chocan con los límites impuestos por el bicameralismo italiano. Este impide cualquier posibilidad de iniciativa e intervención en los procedimientos - absolutamente independientes - de ambas Cámaras.

5.2. El Senado español

La institución de un Senado, concebido como "Cámara de representación territorial", se concebia a priori una de las innovaciones fundamentales de la Constitución española (art. 69). Sin embargo, tanto el sistema de elección de los senadores como las competencias atribuidas a la segunda Cámarauna desmienten esta afirmación.

De hecho, el Senado aparece configurado como una Cámara de

representación general, en la cual sólo una quinta parte de los senadores son designados por los distintos Parlamentos autónomos. Los demás son elegidos por sufragio mayoritario a nivel provincial (circunscripción electoral estatal).

En cuanto a las competencias atribuidas, la subordinación del Senado al Congreso de los Diputados se hace patente en todos los ordenes, a excepción del procedimiento de coacción del artículo 155 CE. La no institucionalización del Senado como Cámara de las Autonomías sigue pesando negativamente en el proceso de construcción del Estado descentralizado.

5.3. La iniciativa legislativa

La institución de la iniciativa legislativa de las CCAA a nivel estatal (art. 87.2 CE) parecería destinada a compensar el déficit de representatividad territorial del Senado. Igualmente, la Constitución italiana (art. 121.2) autoriza a las regiones a depositar proposiciones de ley ante cualquiera de las dos Cámaras relativas - òbviamente - a materias excluidas de sus ámbitos respectivos de competencias.

En ambos casos, el poder de iniciativa no está sometido a otros condicionamientos o limitaciones que los derivados de la Constitución. Puede referirse pues a temas de interés particular o general. Las principales diferencias estriban dos aspectos: la facultad de las CCAA de presentar iniciativas bajo forma de proyectos o de proposiciones de ley y la posibilidad de delegar en tres representates la defensa inicial del texto.

Ello no implica, sin embargo, una participación activa en el procedimiento. En ninguno de los dos casos se prevé el derecho de enmienda de las Asambleas proponentes. La experiencia demuestra la dificultad de articular seriamente la participación de los entes autónomos en el proceso de decisión estatal mediante dicho mecanismo.

II. ORGANIZACION INSTITUCIONAL

Tanto en Italia como en España, el constituyente ha dedicado poca atención al tema de la organización de las instituciones regionales. Con arreglo a la CE (art. 152), la organización institucional de las Comunidades históricas debe basarse en una Asamblea legislativa, elegida por sufragio universal, de acuerdo con un sistema de representación proporcional que asegure, además, la representación de las diversas zonas del territorio; un consejo de Gobierno con funciones ejecutivas y administrativas; un presidente elegido por la Asamblea, de entre sus miembros, y nombrado por el rey. De hecho, la totalidad de los Estatutos de las demás regiones han seguido al pie de la letra esta forma de organización. La CI (art. 121) es todavía menos explícita: "Sono organi della regione: el Consiglio regionale, la Giunta e il suo Presidente". En ningún caso se especifican los aspectos relativos a las relaciones entre los tres órganos citados. Para profundizar en estos aspectos es preciso remitirse a los Estatutos de autonomía, a los reglamentos y a las leyes de desarrollo.

1. LA FORMA DE GOBIERNO

El sistema autonómico español otorga un lugar central a la Asamblea legislativa, configurando un modelo de corte parlamentario que reproduce miméticamente las relaciones entre el ejecutivo y el legislativo estatales. En este sentido la Constitución (art. 152.1) establece la elección del Presidente por la Asamblea de entre sus miembros, ante la cual responde al igual que los demás miembros del Consejo de Gobierno. Al mismo tiempo, al regular las relaciones entre ejecutivo y legislativo, los Estatutos preven una serie de medios de control de la acción de Gobierno, entre los cuales: la investidura, la cuestión de confianza, la moción de censura y los debates generales.

La forma regional de Gobierno ha planteado numerosos problemas en Italia. En general se establece una diferenciación entre los dos tipos de región según la relación existente entre la Asamblea y el ejecutivo. Las de estatuto especial suelen concentrar en la Giunta las potestades de dirección politica y administrativa, reservando al Consiglio las de naturaleza legislativa. Por su forma de elección, censura y revocación, la Giunta se perfila inequívocamente como el ejecutivo regional. El problema se plantea de forma distinta en las regiones ordinarias, cuyos Estatutos potencian al Consiglio. Por ello se habla de Gobierno asambleario. A ello ha contribuido sin duda

la ley Scelba de 1953, tendente a organizar las regiones como entes locales en lugar de seguir el modelo estatal. No es de extrañar pues que la mayoría de los Estatutos reserven al Consiglio, además de las funciones legislativas, amplios poderes de dirección política y administrativa. Otra cosa es que en la práctica dichas potestades se ejerzan plenamente.

2. LA ASAMBLEA REGIONAL

2.1. Representatividad

La representación atribuida a las Asambleas regionales es de naturaleza claramente política puesto que sus miembros son elegidos por sufragio universal, libre, directo i secreto por los ciudadanos de cada territorio con derecho a voto. En todos los casos está garantizada la independencia y la autonomía tanto de las Cámaras como de sus miembros, los cuales gozan de un estatuto parecido al de sus homólogos estatales.

2.2. ORGANO ESTATAL I AUTONOMICO

Los legislativos subcentrales son también órganos constitucionales en la medida en que su creación y las competencias asignadas emanan de la Constitución. Al propio tiempo, ésta les asigna funciones de índole estatal: iniciativa legislativa, designación de senadores (España), designación de representantes en la elección del Presidente de la República Italia) o propuestas de referendum abrogativos (Italia), iniciativa de reforma constitucional y recursos de inconstitucionalidad (ambos países), etc. En su calidad de

órganos autonómicos, determinan y gestionan los intereses generales de las poblaciones respectivas dentro de los límites marcados por la Constitución y los Estatutos. Estos contienen además los principios generales que regulan la organización y funcionamiento de las Cámaras confiriéndoles el poder reglamentario necesario para desarrollarlos. La autonomía parlamentaria se expresa igualmente en los ámbitos administrativo y financiero.

2.3. ORGANOS Y FUNCIONES

Siguiendo el modelo constitucional, la mayor parte de los Estatutos instituyen dos órganos parlamentarios: el Presidente y la Mesa o "Ufficio di presidenza", dejando su regulación a los reglamentos internos. A estos cabe añadir los grupos parlamentarios. Los Estatutos de las CCAA prevén, a menudo, institución de una Junta de portavoces de los diversos grupos y de una Diputación permanente encargada de representar a la Cámara fuera del periodo de sesiones o en caso de disolución. Las Cámaras se reunen en pleno y en comisiones. En el sistema español y al igual que en el Parlamento estatal, las de carácter permanente pueden estar facultadas para elaborar y aprobar leyes bajo la supervisión del plenario.

El conjunto de los Estatutos definen de forma muy parecida las funciones atribuidas al legislativo. Estas reproducen el esquema clásico del parlamentarismo: ejercicio de las potestades legislativas atribuidas (o delegadas), aprobación del presupuesto, impulso y control del Gobierno.

Esta última facultad incluye, en ambos sistemas, la posibilidad de presentar mociones, interpelaciones, preguntas, así como de realizar encuestas. En Italia, como se ha dicho, los Estatutos ordinarios otorgan amplios poderes administrativos (no reglamentarios) a los Consejos de las regiones ordinarias, inexistentes en el ordenamiento español. Esta particularidad responde sin duda a la voluntad inicial - expresada en todos los Estatutos - de delegar en los entes locales la gestión efectiva de las políticas. La experiencia demuestra, sin embargo, la tendencia a concentrar en el ejecutivo la mayor parte de las funciones administrativas.

3. EL EJECUTIVO

El artículo 152.1 CE prevé para todas las CCAA históricas la existencia de un Consejo de Gobierno con funciones ejecutivas y administrativas y un Presidente al que corresponde: la dirección del Consejo, la suprema representación de la Comunidad y la ordinaria del Estado. Con posterioridad, la totalidad de los estatutos han optado por el mismo modelo institucional. Paralelamente, según el art. 121 CI: "La Giunta es el órgano ejecutivo de las Regiones". A su cabeza figura el Presidente, que la representa; promulga las leyes y reglamentos; dirige las funciones administrativas delegadas por el Estado, siguiendo la instrucciones del

III. EL SISTEMA PARLAMENTARIO

1. LOS SISTEMAS ELECTORALES

Los respectivos sistemas electorales no difieren excesivamente. El sufragio es directo, universal, libre y secreto; asimismo, en los dos Estados se discutió la posibilidad, no recogida al final, que la elección de los parlamentarios autonómicos fuese indirecta, por lo menos en las regiones de régimen ordinario. Igualmente la elección se realiza por listas atendiendo a criterios de representación proporcional. En España las elecciones tienen lugar según el sistema proporcional atenuado de Hondt y en Italia de acuerdo con el sistema proporcional del resto más elevado, con la particularidad que en este país se admite para las elecciones regionales el voto de preferencia como ocurre con las elecciones generales; posibilidad desconocida en el sistema electoral español.

A pesar de esta similitud estructural, un estudio más detenido nos permite apreciar diferencias apreciables entre los dos modelos de referencia.

En primer lugar, las fuentes legales que posibilitan los correspondientes sistemas electorales son muy diversas. También lo son, por tanto, las competencias regionales en la materia. En efecto, parece mayor la competencia reconocida a las Comunidades autónomas, ya que todas ellas, a tenor de sus respectivos Estatutos de Autonomía pueden desarrollar un cuerpo legislativo electoral propio. No obstante, ello no quiere decir que las peculiaridades que se introduzcan en las leyes electorales excluyan unas características comunes (como así ha ocurrido respecto de las leyes electorales autonómicas recientemente aprobadas). Dichas características comunes han sido recogidas a través de dos vías.

Por un lado, los acuerdos autonómicos del mes de julio de 1981 (pacto del gobierno de UCD con el mayor partido de la oposición: el PSOE) influyeron decisivamente en el régimen electoral que se estableció en los Estatutos de Autonomía pendientes de aprobación. Se abordaron de forma muy similar los aspectos relativos a las elecciones autonómicas de estas regiones (todas a excepción del País Vasco, Catalunya y Galicia, tres nacionalidades de régimen especial). Los acuerdos se concretaron en la celebración de las elecciones el mismo día (Andalucía sigue su propio ritmo electoral de tal modo que se respeta su calidad de Comunidad autónoma de régimen especial); la adopción de la provincia como circunscripción electoral (con la salvedad de las regiones

insulares -previstas en los mismos Acuerdos- y de las regiones uniprovinciales de Murcia y de Asturias); por último, se recoge un criterio de proporcionalidad poblacional que impide una desviación que supere la relación de 1 a 2.75 (la Comunidad Valenciana la amplió de 1 a 3 en su Estatuto).

Por otro lado, la Ley Orgánica 5/1985 de 19 de junio del régimen electoral general prevée ciertos preceptos aplicables directamente a las elecciones autonómicas y otras normas supletorias que uniformizan aún más las posibles disparidades legales. Una de estas previsiones es el porcentaje mínimo requerido a los partidos o coaliciones para obtener representación parlamentaria (esta porcentual consiste en el 3 por cien de forma supletoria).

En Italia, el régimen electoral es competencia exclusiva del Estado respecto de las regiones ordinarias (art. 122.1 de la CI), mientras que las regiones de régimen especial disponen de competencia integrativa de acuerdo con la doctrina expresada por la Corte Costituzionale. La Valle d'Aosta ha cedido estatutariamente a favor del Estado su competencia reservándose alguna particularidad. La ley n.108 de 17 de febrero de 1968 de elecciones regionales (modificada parcialmente por la ley n.240 de 14 de mayo de 1976 y por la ley n.154 de 23 de abril de 1981) establece el régimen general, mientras que el resto de regiones especiales siguen su propia normativa electoral. Como en España, en las

regiones ordinarias se convocan las elecciones en la misma fecha, en tanto que las regiones de régimen especial siguen su propio ritmo electoral. La circunscripción electoral es asimismo la provincia.

Se constata pues, como diferencia notable entre regiones, la imposibilidad de crear un régimen electoral propio para las regiones ordinarias italianas; pero existen también otras diferencias. Así en todas las regiones ordinarias (y también en el Friuli-Venezia Giulia) el número de parlamentarios depende de la población, mientras que en las demás regiones especiales se fija estatutariamente. En España, el número de parlamentarios se establece dentro de unos límites fijados en los Estatutos de Autonomía.

De distinto orden, pero relevante desde la perspectiva de la posibilidad que fuezas políticas de menor peso electoral puedan obtener representación parlamentaria, existe en España, como se ha dicho, la previsión de un tanto por ciento mínimo de votos para conseguir la opción de entrar en el reparto de escaños, previsión que limita enormemente la presencia parlamentaria de grupos marginales. Es notoria igualmente, la disonancia entre los requisitos para formar parte del electorado activo y pasivo. Mientras que para ser elector activo se debe pertenecer al censo de alguno de los municipios de la región, para ser elegible no es preciso este requisito en todas las regiones ordinarias y tampoco en

hipótesis vendría desvirtuada por el mayor numero de escaños que se pueden atribuir en dichas Asambleas si se compara con los mandatos a cubrir en un Parlamento regional italiano, puesto que las regiones italianas están más pobladas que las Comunidades autónomas (véanse los anexos n.1 y n.2 adjuntos). Además en Italia, los restos de las circunscripciones se recuperan a nivel regional, favoreciendo a los partidos que se han presentado en la totalidad de las circunscripciones electorales en detrimento de los partidos y coaliciones de carácter más local o particularista.

2.EL FUNCIONAMIENTO INTERNO

2.1. La relación entre la mayoría y las minorías parlamentarias.

El estudio exclusivo de las relaciones entre ejecutivo y legislativo no permiten entender todas y cada una de las implicaciones del sistema institucional de las Regiones. Por ello, se tiene que abordar también, el conjunto de relaciones entre la mayoría presente en el gobierno y las minorías que forman la oposición en la sede legislativa, y que son las responsables directas del control político del ejecutivo.

En los parlamentos regionales, un órgano interno se erige como la figura rectora y representativa de la Asamblea, se trata del Presidente del Parlamento regional. Este tiene por función la de velar por el respeto de las prerrogativas de los parlamentarios y, asimismo, debe proteger los derechos de las minorías, en aras del principio de imparcialidad que debe regir los trabajos parlamentarios en el cumplimiento del reglamento interno de la Cámara. En la actualidad, el rol del Presidente del Parlamento se ha relativizado, realizando funciones de mayor relevancia la Mesa (o "Ufficio di presidenza") que se ha convertido también en órgano de dirección de la Asamblea.

Respecto a la protección y garantía de los derechos de las minorías es sintomático que se pretenda que la elección del Presidente se realice por amplia mayoría, al menos en la primera votación, siendo un precepto que procura que la elección del Presidente sea el resultado de un consenso previo. De esta forma se prevé en la generalidad de reglamentos. En cambio, con relación a la elección de la Mesa, tanto en Italia como en España se establece una previsión que asegura la presencia de las minorías en el órgano colegiado rector del Parlamento. Así, la elección de la Mesa se efectúa por voto limitado, de tal forma que los diputados regionales votan un número de candidatos inferior a los cargos elegibles a cubrir, garantizando mejor la participación de alguna de las minorías en la Mesa del Parlamento (Madrid y Abruzzi son dos casos límite de representación de las minorías en la Mesa, ya que establecen sobre tres puestos a cubrir, la votación de un solo candidato, es el modo más radical de potenciación de la representatividad de las minorías en la Mesa previsto).

Las minorías participan en otros órganos internos de las Cámaras autonómicas. Por ejemplo, están representadas en las Comisiones en proporción a su peso número. Incluso, previo pacto, es posible que presidan alguna de ellas. De otro lado, las minorías desarrollan su actividad a través de los grupos parlamentarios, los cuales realizarán mediante los mecanismos

ordinarios de control, el seguimiento y la crítica de la acción de gobierno. Además, el Presidente de cada grupo compone la Junta de Portavoces (o "Conferenza di capogruppi") de gran importancia en la programación de la vida parlamentaria.

Las minorías, en caso de ser desatendidas, pueden utilizar los instrumentos parlamentarios al objeto de impedir un desarrollo fluido del trabajo parlamentario (obstruccionismo). No obstante, en previsión de ello, muchos reglamentos internos han introducido reglas que limitan los mecanismos obstruccionistas, por ejemplo, reduciendo el tiempo para defender o rebatir un articulado de un proyecto de ley o de una moción, o bien mediante la aprobación de una moción de cierre ("mozione di chiusura") del debate, o incluso por medio de la unión de enmiendas que por su contenido similar se votarán conjuntamente. Todos estos instrumentos se encuentran previstos en los reglamentos internos de las Comunidades autónomas y de las regiones italianas de un modo parecido.

Normalmente los grupos de presión intentarán influir en la coalición de gobierno, de no ser posible, las minorías pueden ser utilizadas en sede parlamentaria como grupos propagandísticos, aprovechándo la caja de resonancia que puede ser un Parlamento regional en un momento dado. En una Asamblea muy fragmentada, las opciones políticas que sustenta

la mayoría corren el peligro de no ser aprobadas. En Italia, merced al régimen de coalición dominante, si no se llega, por la vía del consenso, a acuerdos generales, se puede facilitar la actuación de francotiradores al servicio de grupos de intereses particulares dentro de la coalición gobernante, susceptibles de provocar el fracaso de la propuesta y la frustración de la acción de gobierno.

2.2. Los Grupos parlamentarios.

Tanto en Italia como en España la posibilidad de creación de un grupo mixto desmiente la definición tradicional de los grupos parlamentarios como agrupaciones de diputados unidos por afinidades políticas e ideológicas, creados para agilizar y hacer más eficaz el funcionamiento del Parlamento. En efecto, el grupo mixto se compone de aquellos diputados que no reúnen los requisitos para formar grupo, no siendo suficiente la afinidad politica entre varios diputados. El grupo mixto se utiliza con el fin de evitar la existencia de diputados no adscritos a los que se les agrupa forzosamente.

Al margen del debate doctrinal relativo a la naturaleza jurídica de los grupos parlamentarios, éstos han adquirido una importancia creciente en detrimento de las individualidades, convirtiéndose en los máximos dinamizadores de la Cámara. Ello es evidente si se observa la atención que les han dedicado los poderes públicos desde sus inicios. En este sentido han pasado de la persecución e indiferencia al reconocimiento constitucional y estatutario, de tal forma que las Asambleas se dividen en fracciones políticas a solicitud de los parlamentarios recién elegidos, los cuales deben pedir

obligatoriamente la incorporación en un grupo parlamentario. La fuerza de los grupos depende normalmente de su cohesión interna y de la disciplina de partido.

La fuerza de dichos grupos es un factor que, en principio, influye negativamente en el desarrollo e incidencia de los grupos de presión, ya que la organización rígida de los grupos parlamentarios entorno a la persecución de acuerdos de interés general, puede impedir el peso de la defensa de intereses particulares. Con todo, en el ámbito regional, las posibilidades de incidencia de los intereses organizados parece mayor. En concreto, los de ámbito local tienen una peso considerable debido a la concentración territorial de sus intereses, y a que su elección e incorporación en el Parlamento regional goza de mayores posibilidades.

En todos los parlamentos subcentrales se exige la adscripción a un grupo parlamentario (en Italia se denominan a los grupos parlamentarios regionales "gruppi consiliari", salvo en Sicilia donde reciben el nombre de "gruppi parlamentari") requiriéndose un número mínimo para que éste se forme como tal. En caso de no conseguir la cifra exigida se incorporarán al grupo mixto. Estas afirmaciones quedan matizadas debido que el número mínimo exigido de parlamentarios generalmente es muy bajo (si comparamos con los Parlamentos estatales se debe relativizar aún más ya que éstos tienen en su seno un número mucho mayor de parlamentarios).

Es más, no sólo se pueden considerar dichas afirmaciones matizadas, sino que deberíamos reputarlas totalmente desvirtuadas cuando un solo parlamentario puede formar grupo (Abruzzi, Calabria, Lazio, Toscana y Umbria) siempre y cuando obedezca a "grupos políticos", cualquiera otra posibilidad fue negada por la "Corte Costituzionale" (SCC n.14 de 12 de marzo de 1965), la cual impidió la formación de un grupo esloveno formado por un solo miembro de esta étnica. En todo caso, hemos de destacar el abandono de la fórmula de los diputados no adscritos (válida temporalmente en Catalunya) para dar lugar a la adopción generalizada de la división de la Asamblea en grupos parlamentarios. En España el número mínimo requerido varía entre tres y cinco, siendo mayores las dificultades para formar grupo y gozar de las ventajas que ello comporta si se compara con el Ordenamiento italiano (con todo, se debe recordar que proporcionalmente los Parlamentos territoriales españoles tienen un número mayor de diputados lo que relativiza la dificultad de formar grupo).

Los grupos destacan por la importancia de alguna de sus funciones, entre éstas podemos resaltar su participación en el procedimiento de iniciativa legislativa , su presencia en las Comisiones parlamentarias (según su consistencia numérica) y en la Junta de portavoces ("Conferenza di Capigruppi"), órgano fundamental para el desarrollo de los trabajos parlamentarios, especialmente en relación con la función

legislativa y la convocatoria de sesiones extraordinarias del Parlamento regional.

Además de las citadas las ventajas de formar grupo, se ven aumentadas por la asignación de una dotación económica y por la concesión de ayuda material, que favorecen en mayor medida a los grupos homogéneos que al grupo mixto donde dicha ayuda se reparte entre todos los diputados.

Cabe mencionar, también, la incidencia que las directivas de los partidos de ámbito estatal ejercen sobre las decisiones de los partidos políticos regionales de la misma ideología y con los que les une una relación orgánica. Los partidos políticos de ámbito estatal llegan a condicionar incluso el sistema institucional por la centralización de la toma de decisiones. Se constata igualmente que la existencia de partidos de ámbito regional coincide generalmente con las regiones o Comunidades de régimen especial, en las que se percibe una conciencia diferenciada. Así, se encuentran mejor implantados dichos partidos en el País Vasco, Catalunya, Trentino-Alto Adige, Sardegna, Vall d'Aosta, Friuli-Venezia Giulia y Galicia. Finalmente, la mayoría de partidos políticos regionalistas tienen una ideología encuadrable en el marco del centro-derecha. Esta circunstancia ha sido particularmente notoria en las recientes elecciones autonómicas españolas donde han crecido notablemente las formaciones políticas particularistas de la derecha (vid.

anexo n. 2). No obstante, esta situación puede responder a razones de carácter coyuntural producidas por la falta de una coalición de derechas fuerte de ámbito estatal, además de la poca consolidación del sistema de partidos. Por último, excepcionalemnte, en Trentino-Alto Adige, además de los grupos parlamentarios se deben crear los grupos linguísticos a los que se tiene en cuenta para la distribución de cargos políticos (Confr. arts. 12 y 13 del reglamento interno).

2.3 Las Comisiones Permanentes

Las Comisiones parlamentarias regionales han participado de los signos de revitalización de sus homólogas en los Parlamentos centrales, aunque con particularidades propias derivadas del volumen menor de actividad que los parlamentos territoriales desarrollan y de las diversas funciones que realizan.

A pesar de recibir una denominación única, el estudio de las comisiones parlamentarias regionales descubre una diversidad de posibilidades orgánicas notable. Por un lado, debemos distinguir las Comisiones permanentes de las especiales, de duración temporal y generalmente con la finalidad de investigar ciertos asuntos de relevancia. Dentro de las permanentes, tenemos que diferenciar entre las legislativas y las no legislativas, dedicadas a funciones específicas relativas al gobierno interior de la Cámara (su denominación concreta presenta una variedad muy rica en los reglamentos internos de los parlamentos regionales).

Las Comisiones permanentes legislativas desarrollan una actividad deliberante y son imprescindibles para agilizar el trabajo parlamentario, ya que se anticipan los temas a tratar y se resuelven los menos conflictivos, permitiendo que el Pleno discuta y decida sobre los temas de mayor interés. En

las regiones de régimen común italianas las Comisiones realizan, además de funciones preparatorias de textos legislativos, funciones similares a fin de redactar reglamentos o normas de carácter administrativo. Como se ha dicho, los Estatutos de las regiones ordinarias italianas atribuyen a los "Consigli regionali" facultades no sólo legislativas, sino también de producción administrativa. En España esta situación solamente se produce en Asturias, única región que estatutariamente tiene atribuida funciones reglamentarias (art. 23.2 del Estatuto).

En cambio, en el resto de Comunidades autónomas españolas, así como en las regiones de régimen especial italianas (con la salvedad de Sardegna y de la Vall d'Aosta), las funciones deliberatorias se circunscriben a la potestad legislativa. La actividad deliberativa viene potenciada especialmente en algunas regiones españolas, en las cuales la Cámara legislativa puede delegar en las Comisiones la aprobación de leyes regionales. Así ocurre en el Parlamento de Catalunya, en el de Andalucía, en las Cortes de Valencia y en el Parlamento de las Islas Baleares (vid. art.32.2, art.27.3, 14.2 y art. 24.2 de los respectivos Estatutos). En donde la aprobación de leyes en Comisión tiende a favorecer la actuación de los grupos de presión debido a la merma del control de la totalidad de parlamentarios sobre los actos legislativos. La previsión de la aprobación de leyes en

Comisión es desconocida en los textos jurídicos regionales italianos, aunque algunas regiones italianas regulan con ligeras variaciones la posibilidad que las Comisiones discutan y redacten el articulado, sometiendo al pleno la aprobación del articulado pero no su discusión. De este modo el pleno no examina las enmiendas (vid. art. 49.2 del Estatuto de Liguria, art. 29.2 del Estatuto de Lazio y art. 25.2 del Estatuto de Toscana, y en menor medida los arts. 32.2 y 9.2 de los estatutos de Calabria y de Emilia-Romagna).

En Italia, la institución de la Comisión permanente legislativa regional se debate entre dos polos de atracción. La diferencia entre ellos se puede establecer en relación a la potenciación, o por el contrario, reducción de las funciones de las Comisiones. La potenciación debe ser entendida en un sentido más cuantitativo que cualitativo, ya que las regiones que privilegian las Comisiones, son aquellas donde éstas realizan funciones consultivas, inspectivas y de colaboración con el Gobierno regional ("Giunta regionale") en el desarrollo de la actividad administrativa.

Se trata, pues, de una graduación entre las funciones de relación de las Comisiones con el Gobierno, distinguiéndose así las regiones donde rige el principio de la separación, de aquellas donde los miembros del gobierno regional participan directamente en las sesiones de la Comisión. El sistema de partidos incide de forma especial en la actividad de las

Comisiones. De una parte, éstas son formadas según el peso numérico de los distintos grupos parlamentarios, y de otra, un ejecutivo fuerte admite generalmente menos control, intentando reducir al mínimo el papel de las Comisiones. En cambio cuando el gobierno es débil, se favorece la política de consenso, posibilitando en cierta forma la participación de la oposición en la acción de gobierno. Se podría incluir dentro del modelo de Comisiones fuertes los parlamentos de regiones como Lombardia, Emilia-Romagna y Toscana; mientras que se inclinan por una comisión más debilitada los parlamentos de regiones como Piemonte, Puglie, Campania, Molise y Veneto.

Por último, la Comisiones de algunas regiones italianas permiten la participación, sin voto, de los promotores de las iniciativas legislativas e incluso de intereses profesionales (cfr. Campania, Emilia-Romagna, Lazio, Basilicata, Liguria, Lombardia, Marche, Molise, Piemonte y Sicilia. El art. 40 del regl. de Catalunya el cual posibilita igualmente la presencia de representantes de los intereses profesionales).

2.4. Las relaciones entre el Gobierno y la Asamblea legislativa

Las relaciones entre el ejecutivo y el legislativo en el ámbito regional repiten con algunas variaciones las existentes en sede central. Con todo estas variaciones pueden llegar a alterar incluso la esencia de alguna de las instituciones jurídicas que se utilizan como nexos de interrelación entre el gobierno y el Parlamento. De todas las figuras jurídicas las que quizás se hallen más afectadas son: la posibilidad de disolución de la Cámara, la censura del gobierno y las Comisiones especiales de investigación.

En el sistema autonómico o regional el desequilibrio entre el legislativo y el ejecutivo se ha agudizado, a través de medidas conducientes a favorecer la estabilidad del Gobierno. Con todo debemos observar la mayor flexibilidad de los primeros Estatutos de autonomía aprobados en el Estado español. Dichos Estatutos, anteriores a los Acuerdos autonómicos de 1981, no prevén gran parte de los aspectos que caracterizan el sistema de relaciones entre el Gobierno y el Parlamento autónomos, de tal manera que permiten una gama mayor de posibilidades a concretar en los reglamentos internos de los Parlamentos o por ley (como así se autoriza en algunos Estatutos de Autonomía, por ejemplo el de Catalunya).

En principio, los puntos de conexión entre la Cámara legislativa y el gobierno pasan por la elección de éste en el seno de aquella, por las oportunidades de control parlamentario a través de preguntas, interpelaciones y mociones, control que llega a su punto máximo con la presentación de la moción de censura. Finalmente son, también, mecanismos de relación el voto de confianza y la disolución de la Asamblea. Asimismo los comisionados de los Parlamentos ("difensori civici") y Comisiones de investigación ("Commissioni di inchiesta") coadyuvan a las Asambleas a controlar la actividad política y administrativa de la Administración y del gobierno.

De toda esta serie de ocasiones de relación entre poderes se desprende el gran mimetismo que se produce entre las instituciones previstas en el Ordenamiento central y las recogidas en los ordenamientos regionales, cuestión que conlleva la consecuencia de repetir las características formales de una institución a nivel regional (por ejemplo, la moción de censura que ha cristalizado en la Constitución española sigue el modelo racionalizador alemán, que luego ha venido consagrándose en todas las Comunidades autónomas).

Contrariamente podemos encontrar instituciones que en el ámbito regional se han limitado sustancialmente, como por ejemplo, la disolución de la Asamblea. En Italia, la disolución del "Consiglio" (el artículo 126 de la CI) se

produce por iniciativa del gobierno central, pero no del ejecutivo regional, no siendo entonces una forma de relación regional intraorgánica sino un control excepcional de los órganos centrales sobre la autonomía regional. En España, la disolución parlamentaria queda limitada a unos supuestos técnicos, esto es, a la imposibilidad de formación del Gobierno. Sin embargo, salvo en el caso del País Vasco y Catalunya, no se admite que el gobierno regional convoque elecciones anticipadas bajo su responsabilidad. Este rasgo diferenciador de los Ordenamientos jurídicos regionales los separa del régimen parlamentario clásico.

Respecto de las Comisiones de investigación, éstas han visto reducido su papel político en comparación con el rol que desarrollan las Comisiones de investigación centrales, las cuales tienen mejor garantizado el ejercicio de su funcionamiento como órganos de control. La "Corte Costituzionale" ha negado a los "Consigli regionali" la posibilidad de ejercer los poderes casi judiciales que dispone el Parlamento central. Puede sorprender que en algunas de las regiones de régimen ordinario, no se permita el secreto de oficio superando incluso las previsiones de las Cámaras centrales, pero ello se explica por la supremacía del "Consiglio" respecto de la "Giunta" en esas regiones, unido a la poca trascendencia política de los asuntos que se tratan. En algunas regiones italianas (Liguria, Toscana, Lazio,

Campania, Umbria, Friuli-Venezia Giulia, Puglia, Marche y Piemonte) y en algunas Comunidades Autónomas (Catalunya, País Vasco, Galicia, Andalucía, Aragón y Canarias) existe un "Ombudsman" regional que tutela a los ciudadanos contra los posibles abusos de la administración regional.

A todo ello, se puede añadir que las regiones ordinarias italianas, en base a la matización que en ellas se observa de la división de poderes, han sido calificadas con la forma de gobierno asamblearia (denominación que si bien al inicio produjo un gran debate, ha ido consolidándose por parte de la doctrina jurídica y constitucional). Mientras que las regiones especiales se adecuan mejor a un tipo de gobierno parlamentario. En España, el debate se ha acentuado en la consideración del sistema político regional como semipresidencialista, a causa de las atribuciones del Presidente del gobierno regional, que lo es también de la Comunidad autónoma, y por el funcionamiento real de las instituciones. La discusión sobre un modelo más o menos presidencialista surgió también en Italia (sobretodo en relación a determinadas regiones, entre ellas el Piemonte), pero fue cerrado por entender que la Constitución no permitía esa forma de gobierno. Se ha aducido también como causa de presidencialismo moderado, en España, la doble circunstancia de la moción de censura constructiva y la prohibición de la disolución parlamentaria libre por el gobierno. Estas

consideraciones, de todos modos, pueden haber surgido un poco prematuramente dados dos datos de importancia: la no consolidación todavia de un sistema de partidos regional estable y el incipiente desarrollo de las atribuciones de los Parlamentos de las Comunidades autónomas.

2.5. El procedimeinto legislativo.

El ejercicio de la función legislativa se considera como una de las facultades más relevantes que pueden realizar los Parlamentos regionales. En España, la Constitución denomina a los Parlamentos territoriales como Asambleas legislativas de las Comunidades autónomas (art.152 CE) . El adjetivo legislativo se podria igualmente utilizar en Italia, pero con relación a las regiones ordinarias no se debe olvidar que éstas tienen también atribuida la potestad reglamentaria , ello se da igualmente en la Sardegna y en la Vall d'Aosta, lo que representa una excepción a lo previsto para las regiones especiales; Asturias se presenta también y por el mismo motivo como excepción a la previsión única de la potestad legislativa.

Como ocurre en el Parlamento estatal el proceso de creación de una ley, se produce generalmente mediante tres fases: la preparatoria, la constitutiva y finalmente la productiva.

Dentro de la fase preparatoria se incluye la iniciativa y los requisitos de admisibilidad de un diseño de ley hasta la entrega de éste a la Comisión correspondiente.

La iniciativa o capacidad de presentar textos al Parlamento para su tramitación se otorga siempre al Gobierno

regional y a los miembros de la Cámara, mientras que la iniciativa popular se reconoce a la comunidad regional en todas las regiones, salvo en Sicilia, y opera de una forma muy variada con relación a los Entes locales de la región. Además, excepcionalmente, se concede a las organizaciones profesionales y a las formaciones sociales (vid. art.37 estatuto de Emilia-Romagna. art.44 del Estatuto de Marche y art.40 del Estatuto de Basilicata). No obstante, esta última posibilidad debe ir acompañada de un número de firmas no inferior al exigido en la iniciativa legislativa popular.

En ambos países, el Gobierno se configura como el mayor impulsor de la actividad legislativa, tanto por la cantidad de proyectos como por el número de ellos que son aprobados. El ejecutivo tiene además reconocida una reserva de iniciativa en relación con el proyecto de ley de Presupuestos de la región.

La iniciativa de los parlamentarios se atribuye a los diputados en Italia, en tanto que en España éstos deben contar con la adhesión de otros miembros de la Asamblea, o bien debe ser presentada por un grupo parlamentario.

La iniciativa legislativa popular se regula normalmente por ley, la cual establece las materias sobre las que no se admite el impulso del pueblo y los requisitos para que sea considerada como verdadera iniciativa. Las materias reservadas generalmente se refieren a la organización

institucional o tributaria, aunque algunas regiones amplían la prohibición a otros ámbitos. Respecto a los requisitos, en términos comparativos, en España se exige un mayor esfuerzo de los electores que en Italia, puesto que el número mínimo exigido de firmas es más elevado. La legislación regional ha establecido una gran variedad de matices, por lo que nos parece excesivo abundar más en ello.

Por otro lado, gran parte de las regiones permiten la iniciativa legislativa de los Entes locales; en Italia se refiere a los órganos de gobierno de provincias y municipios, mientras que España presenta una realidad más variopinta (comarcas en Catalunya, las islas en Canarias, sólo los municipios en Andalucía, las Corporaciones locales en Castilla-La Mancha, etc.). Los requisitos de admisibilidad se refieren normalmente a exigir un número mínimo de entes locales que a su vez representen una población mínima.

Finalmente, en España se requiere la "toma en consideración" de las proposiciones de ley (con la exclusión de los proyectos gubernamentales), condición que ha sido abandonada en Italia.

En la <u>fase constitutiva</u>, los proyectos o las proposiciones de ley se redactan en su forma definitiva, siendo en esta fase cuando reciben la aprobación de la Asamblea. El proceso brevemente es como sigue: una vez presentado el texto a la Cámara se proponen enmiendas a la

totalidad o al articulado, las primeras pueden ser de devolución o de texto alternativo, en todo caso suponen la celebración de un debate general. A continuación, según el procedimiento común u ordinario, se inician los trabajos en Comisión que finalizarán con un dictamen que se remitirá al pleno, a dicho dictamen se le adjuntarán las enmiendas no admitidas y que mantienen sus proponentes. La Comisión, si no se ha producido el debate general actúa sin condicionantes previos, lo que le confiere una gran capacidad de decisión. En el Pleno, se discute y aprueba el texto artículo por artículo, con la aceptación o rechazo previo de las enmiendas de supresión, modificación o adición. Si es necesario se efectúa la votación global del texto.

Existen en esta fase otros posibles procedimientos que no han sido recogidos por igual en los ordenamientos regionales. Entre ellos el que se ha aceptado de forma general, es el procedimiento de urgencia que sigue el mismo proceso que el procedimiento ordinario pero con unos plazos más breves. Otro tipo se denomina procedimiento especial que prevé peculiaridades distintas al procedimiento ordinario, particularidades que normalmente se refieren a votaciones reforzadas que tienen por fundamento la materia de la que es objeto la proposición o proyecto de ley. Dentro de este tipo procedimental especial se pueden incluir, en general, las leyes de reforma de los Estatutos de autonomía, la reforma de

los reglamentos y también las leyes de desarrollo básico del Estatuto (contempladas en Catalunya y en Galicia de modo parecido). En las Comunidades autónomas se establece la posibilidad de tramitación en lectura única, lo que supone la supresión de pasos procedimentales. Este procedimiento especial tiene su aplicación cuando se trata de examinar diseños de leyes que por su simplicidad u otras causa similares permiten la supresión de la fase instructoria. Finalmente, en algunas Comunidades autónomas se permite la aprobación de leyes en Comisión, posibilidad que no se contempla en ninguna región italiana y a la que ya nos hemos referido. Igualmente ha sido objeto de comentario el procedimiento "redigente" en Comisión que se autoriza en algunas regiones italianas.

Por último, la <u>fase productiva</u> se refiere a la exteriorización de un texto aprobado por la Asamblea para su general conocimiento y aplicación. En esta fase se incluyen los actos de promulgación, publicación y entrada en vigor. En Italia precede a este grupo de actividades el visto bueno del "Commissario del Governo" que debe darlo si no existe oposición del Gobierno central (art.127 CI). Una vez concedido el visto bueno, la ley se promulga por el Presidente de la Región (que en España promulga "en nombre del Rey"). La publicación se produce en el Boletín Oficial de la Región, y a partir de este momento ya puede entrar en vigor. Sin

embargo, generalmente viene establecida una "vacatio legis" (veinte días en España y quince en Italia), si no se dispone un plazo distinto. Se publicará también en el Boletín Oficial del Estado pero, sin otro fin que el de la mera publicidad.

ANEXOS

Anexo 1. **Datos básicos de las Comunidades Autónomas españolas y de las regiones italianas:**población y escaños en el Parlamento.

Abreviaturas:
millhab = millones de habitantes. esc = escaños.

Comunidad Autónoma de reg. especial

Andalucía	> 6	millhab.	109 esc.
Cataluña	>4,<6	millhab.	135 esc.
Galicia	>1,<3	millhab.	71 esc.
País Vasco	>1,<3	millhab.	75 esc.

Comunidad autónoma de reg. ordinario

Aragon	>1,<3	millhab.	67 esc.
Asturias	>1,<3	millhab.	45 esc.
Baleares	<1	millhab.	59 esc.
Canarias *	>1,<3	millhab.	60 esc.
Cantabria	<1	millhab.	39 esc.
Castilla-La Mancha	>1,<3	millhab.	47 esc.
Castilla y León	>1,<3	millhab.	84 esc.
Extremadura	>1,<3	millhab.	65 esc.
Madrid	>4,<6	millhab.	96 esc.
Murcia	<1	millhab.	45 esc.
Navarra	<1	millhab.	50 esc.
La Rioja	<1	millhab.	33 esc.
Valencia *	>3,<4	millhab.	89 esc.

* mediante leyes orgánicas de transferencia se han ampliado sus competencias.

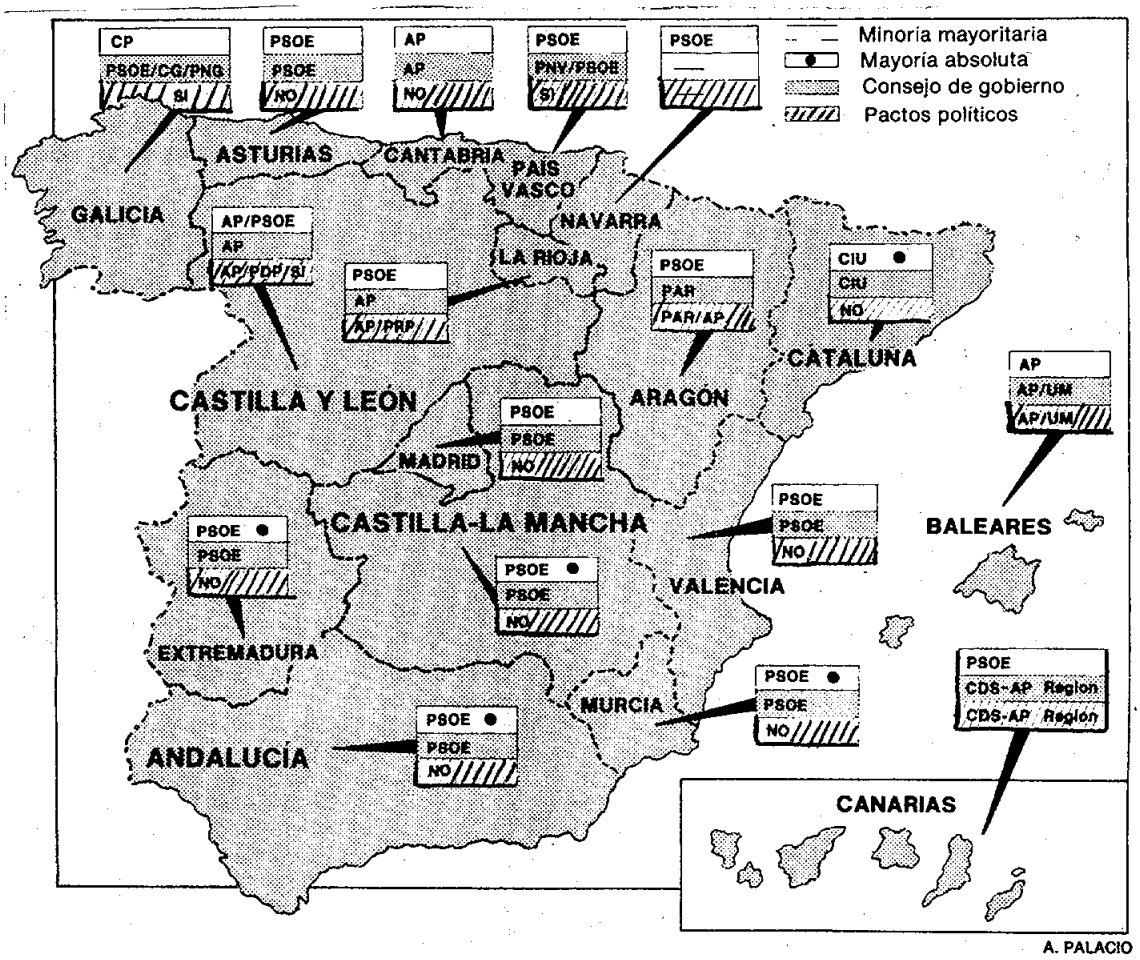
Regiones de régimen especial

Friuli-Venezia Giulia	>1,<3	millhab.	62 esc.
Sardegna	>1,<3	millhab.	81 esc. **
Sicilia	>4,<6	millhab	90 esc.
Trentino-Alto Adige	>1,<3	millhab.	70 esc.
Vall d'Aosta	<1	millhab.	35 esc.

** Pendiente de modificación estatutaria, que reduce a 80 el número de escaños a cubrir.

Regiones de régimen ordinario

Abruzzi	>1,<3 millhab.	40 esc.
Basilicata	<1 millhab.	30 esc.
Calabria	>1,<3 millhab.	40 esc.
Campania	>4,<6 millhab.	60 esc.
Emilia-Romagna	>3,<4 millhab.	50 esc.
Lazio	>4,<6 millhab.	60 esc.
Liguria	>1,<3 millhab.	40 esc.
Lombardia	>6 millhab.	80 esc.
Marche	>1,<3 millhab.	40 esc.
Molise	<1 millhab.	30 esc.
Piemonte	>4,<6 millhab.	60 esc.
Puglie	>3,<4 millhab.	50 esc.
Toscana	>3,<4 millhab.	50 esc.
Umbria	<1 millhab.	30 esc.
Veneto	>4,<6 millhab.	60 esc.



Resultados elecciones 10.06.87

Madrid: PSOE 40, AP 32, CDS 17, IU 7.

Murcia: PSOE 25, AP 16, CDS 3, IU 1.

Navarra: PSOE 15, UPN 14, HB 7, CDS 4, EA 4, UDF 3, AP 2, EE 1.

La Rioja: PSOE 14,AP 13, CDS 4, PRP 2.

Valencia: PSOE 41, AP 25, CDS 11, IU-UPV 6, UV 6.

Abreviaturas:

AC-INC = Asamblea Canaria - Izquierda Nacionalista Canaria.
AHI = Agrupación Herreña Independiente.
AIC = Agrupaciones Independientes de Canarias.
AM = Asamblea Majorera.
AP = Alianza Popular.
BNG = Bloque Nacionalista Galego.
CDS = Centro Democrático Social.
CG* = Centristas de Galicia.
CG = Coalición Gallega.
CP = Coalición Popular.
CiU = Convergència i Unió
EA = Eusko Alkartasuna.
EE = Euskadiko Ezkerra.
ERC = Esquerra Republicana de Catalunya.
EU = Extremadura Unida.
HB = Herri Batasuna.
ICU = Independentistas Canarios Unidos.
IU = Izquierda Unida.
IU-UPV = Izquierda Unida - Unió del Poble Valencià.
PA = Partido Andalucista.
PAR = Partido Aragonés Regionalista.
PDP = Partido Demócrata Popular.
PL = Partido Liberal.
PNG = Partido Nacionalista Gallego.
PRC = Partido Regionalista de Cantabria.
PRP = Partido Riojano Progresista.
PSC = Partit dels Socialistes de Catalunya.
PSG-EG = Partido Socialista Galego - Esquerda Galega.
PSM-EN = Partit Socialista Mallorquí - Esquerra Nacionalista.
PSM-EN* = Partit Socialista Menorquí - Esquerra Nacionalista.
PSOE = Partido Socialista Obrero Español.
PSUC = Partit Socialista Unificat de Catalunya.
SI = Solución Independiente.
UM = Unió Mallorquina.

UDF = Unión Demócrata Foral.
UPN = Unión del Pueblo Navarro.
UV = Unió Valenciana.

Los datos referentes a los resultados de las elecciones de las Comumidades autónomas, salvo Galicia, han sido facilitados por Jordi Capo.

Regiones de régimen especial

Friuli-Venezia Giulia (26 de junio de 1983): DC 23, PCI 14, PSI 7, LT 4, MSI-DN 3, PSDI 3, PRI3, MF 2, PLI 1, DP 1, IND 1.

Sardegna (24 de junio de 1984): DC 27, PCI 24, PSA 12, PSI 8, PSDI 4, MSI-DN 3, PLI-PRI 3.

Sicilia (22 de junio de 1986): DC 36, PCI 19, PSI 14, MSI-DN 8, PRI 5, PSDI 4, PLI 3, DP 1.

Trentino-Alto Adige (20 de noviembre de 1983): PPS-T 25, DC 19, PCI 6, IND. 6, PSI 4, PRI 3, MSI-DN 3, PSDI 1, DP 1, PLI 1, LV 1.

Vall d'Aosta (26 de junio de 1983): UV 9, DC 7, PCI 6, DP-UVP 4, PSI 3, IND. 2, PSDI 1, PLI 1, PRI 1, MSI-DN 1.

Regiones ordinarias
(12 de mayo de 1985):

Abruzzi: DC 19, PCI 11, PSI 5, MSI-DN 2, PSDI 1, PRI 1, PLI 1.

Basilicata: DC 14, PCI 7, PSI 5, PSDI 2, MSI-DN 1, PRI 1.

Calabria: DC 16, PCI 10, PSI 8, MSI-DN 2, PSDI 2, PRI 1, DP 1.

Campania: DC 24, PCI 14, PSI 9, MSI-DN 5, PSDI 3, PRI 2, PLI 1, DP 1, LV 1.

Emilia-Romagna: PCI 26, DC 13, PSI 4, PRI 2, MSI-DN 2, PSDI 1, LV 1, PLI 1.

Lazio: DC 21, PCI 18, PSI 7, MSI-DN 6, PRI 2, PSDI 2, LV 1, PLI 1, UL 1, DP 1.

Liguria: PCI 15, DC 13, PSI 4, MSI-DN 2, PRI 2, PLI 1, PSDI 1, LV 1, DP 1.

Lombardia: DC 31, PCI 22, PSI 12, MSI-DN 4, PRI 4, PSDI 2, LV 2, DP 2, PLI 1.

Marche: DC 15, PCI 15, PSI 4, MSI-DN 2, PRI 1, PSDI 1, PLI 1.

Molise: DC 18, PCI 5, PSI 3, PSDI 1, MSI-DN 1, PRI 1, LV 1, PLI 1.

Piemonte: DC 19, PCI 18, PSI 8, MSI-DN 3, PRI 3, PLI 3, PSDI 3, LV 2, DP 1.

Puglie: DC 20, PCI 13, PSI 8, MSI-DN 5, PSDI 2, PRI 1, PLI 1.

Toscana: PCI 25, DC 14, PSI 5, MSI-DN 2, PRI 1, PSDI 1, LV 1, DP 1.

Umbria: PCI 14, DC 9, PSI 4, MSI-DN 2, PRI 1.

Veneto: DC 30, PCI 12, PSI 8, MSI-DN 2, LV* 2, PRI 2, PSDI 1, LV 1, PLI 1, DP 1.

Abreviaturas:

DC = Democrazia Cristiana.
DP = Democrazia Proletaria.
DP-UVP = Democratici Popolare - Unione Valdostana Progressista.
LT = Lisdta per Trieste.
LV = Liste Verdi.
LV* = Liga Veneta.
MF = Movimento Friuli.
MSI-DN = Movimento Sociale Italiano - Destra Nazionale.
PCI = Partito Comunista Italiano.
PLI = Partito Liberale Italiano.
PPS-T = Partito Popolare Sud-Tirolese
PRI = Partito Republicano Italiano.
PSDI = Partito Social Democratico Italiano.
PSA = Partito Sardo d'Azione.
PSI = Partito Socialista Italiano.
UL = Unione Laziale.
UV = Unione Valdostana.

Anexo 3. **Fuentes del Ordenamiento autonómico parlamentario español e italiano**: Estatutos de autonomía y reglamentos internos de las respectivas Asambleas legislativas.

CCAA de régimen especial

LO 6/1981, de 30 de diciembre, de Estatuto de Autonomía de Andalucía. Reglamento de 3 de noviembre de 1982.

LO 4/1979, de 18 de diciembre, de Estatuto de Autonomía de Cataluña. Reglamento del Parlamento de Cataluña de 24 de julio de 1980, reformado el 3 de diciembre de 1980, el 15 de junio de 1983 y el 14 de octubre de 1987.

LO 1/1981, de 6 de abril, de Estatuto de Autonomía de Galicia. Reglamento del Parlamento de Galicia de 14 de julio de 1983, modificado el 23 de diciembre de 1983 y el 7 de enero de 1984.

LO 3/1979, de 18 de diciembre, de Estatuto de Autonomía de País Vasco. Reglamento del Parlamento Vasco de 11 de febrero de 1983.

CCAA de régimen ordinario

LO 8/1982, de 10 de agosto, de Estatuto de Autonomía de Aragon. Reglamento de las Cortes de Aragón de 28 de marzo de 1984.

LO 7/1981, de 30 de diciembre, de Estatuto de Autonomía de Asturias. Reglamento de la Junta General del Principado de Asturias de 26 de abril de 1985.

LO 2/1983, de 25 de febrero, de Estatuto de Autonomía de Baleares. Reglamento Provisional del Parlamento de las Islas Baleares de 29 de junio de 1983, modificado el 26 de febrero de 1985.

LO 10/1982, de 10 de agosto, de Estatuto de Autonomía de Canarias. Reglamento del Parlamento de Canarias de 14 de abril de 1983.

LO 8/1981, de 30 de diciembre, de Estatuto de Autonomía de Cantabria. Reglamento de la Asamblea Regional de Cantabria publicado el 19 de diciembre de 1983, corrección de errores el 2 de abril de 1984.

LO 9/1982, de 10 de agosto, de Estatuto de Autonomía de Castilla-La Mancha. Reglamento de las Cortes de Castilla-La Mancha de 21 de mayo de 1985.

LO 4/1983, de 25 de febrero, de Estatuto de Autonomía de Castilla y León. Reglamento de las Cortes de Castilla y León de 16 de marzo de 1984.

LO 1/1983, de 25 de febrero, de Estatuto de Autonomía de Extremadura. Reglamento de la Asamblea de Extremadura de 7 de septiembre de 1983.

LO 3/1983, de 25 de febrero, de Estatuto de Autonomía de Madrid. Reglamento de la Asamblea de Madrid de 18 de febrero de 1984.

LO 4/1982, de 9 de junio, de Estatuto de Autonomía de Murcia. Reglamento de la Asamblea Regional de Murcia de 22 de abril de 1983.

LO 13/1982, de 10 de agosto, de Reintegración y Amejoramiento del Régimen Foral de Navarra. Reglamento del Parlamento de Navarra de 12 de junio de 1985.

LO 3/ 1982, de 9 de junio, de Estatuto de Autonomía de La Rioja. Reglamento Provisional de la Diputación General de la Rioja de 18 de diciembre de 1982.

LO 5/1982, de 1 de julio, de Estatuto de Autonomía de la Comunidad Valenciana. Reglamento de las Cortes Valencianas de 4 de marzo de 1983.

Regiones de régimen especial

LC n.1 de 31 de enero de 1963, Estatuto del Friuli-Venezia Giulia. Reglamento interno del Consiglio regionale del 31 de julio de 1964, modificado el 24 de enero de 1967, el 19 de febrero de 1971, el 3 de octubre y el 5 de diciembre de 1973, el 21 y 22 de mayo de 1974, el 28 de enero, el 3 de febrero, el 20 de octubre y 17 de noviembre de 1976, el 29 de julio de 1977, el 28 de noviembre de 1978 y el 1 de diciembre de 1981.

LC n.3 de 26 de febrero de 1948, modificada el 5 de enero de 1953, el 3 de junio de 1960, el 2 de abril de 1968, el 23 de febrero de 1972, el 13 de abril de 1983 y por LC n.1 de 9 de mayo de 1986 que aprueban el Estatuto de Sardegna. Reglamento interno del Consiglio regionale de 9 de mayo de 1969 modificado el 29 de julio de 1980.

LC n.2 de 26 de febrero de 1948, Estatuto de Sicilia, modificado por LC n.1 de 23 de febrero de 1972. Reglamento interno de la Asamblea regional de 17 de marzo y 22 de junio de 1949, modificado el 30 de octubre de 1955, el 9 de septiembre de 1964, el 24 de junio de 1965, el 24 de mayo de 1966, el 30 de marzo de 1967, el 17 de noviembre de 1967, el 29 de mayo de 1969, el 31 de marzo de 1971, el 25 de mayo de 1975, el 1 de octubre de 1976, el 8 de julio de 1977 y el 26 de julio de 1978.

DPR n.670 de 31 de agosto de 1972, Estatuto del Trentino-Alto Adige. Reglamento interno del Consiglio del Trentino-Alto Adige de 19 de febrero de 1953 modificado el 25 de mayo de 1954, el 24 de julio de 1958, el 9 de septiembre de 1967, el 7 de mayo de 1969, el 16 de enero de 1974, el 14 de enero de 1975, el 19 de abril de 1979, el 14 de enero de 1975, el 14 de enero de 1982, el 10 de junio de 1982 y el 16 de septiembre de 1982.

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Ley n.480 de 22 de julio de 1971 Estatuto de los Abruzzi. Reglamento interno del Consiglio regionale de 9 de febrero de 1977.

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THE PARTY-POLITICAL CONTEXT OF PARLIAMENTARY INSTITUTIONALISATION IN SOUTHERN EUROPE: THEORETICAL AND EMPIRICAL PERSPECTIVES

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C O N T E N T S

1. Introduction: parliaments, parties and democratic transition

To state that there are different kinds of liberal democracies involves a truism, but it serves to point out the significant element of political choice within this broad category of political system. While there are certain key requirements of liberal democracies (such as balanced institutional structures and political pluralism), they may also vary cross-nationally in structural, political and also cultural respects. Thus, structurally, they may be sub-divided according to whether they are 'presidential' or 'semi-presidential', 'prime-ministerial' (executive-in-parliament oriented) or 'assembly' types of government. Clearly, such structural differences provide varying opportunities for the role of political parties in the functioning of such systems; although, equally, one should not forget how much parties themselves can determine these structural arrangements or 'rules of the game' in the outcome of constitutional settlements. It is with the last two of the above-mentioned types of liberal democracy that the concept of 'party government' is usually associated. Hence, linked to this, is the overall question of parliamentary institutions as central or not in the decision-making process, which therefore may be seen as an important test of the kind of liberal democracy in question.

Even though there is some risk of tautology in this line of reasoning, it is already obvious that political parties may play a crucial role in the definition of types of liberal democracy. One may in fact speak of a two-way relationship: in the inauguration of such systems, parties perform a major if not the principal part in deciding on the relative weight of the various institutional structures (the constituent process); and these structures, if viably established, may subsequently condition the behaviour and even the strategies of the parties. Of course, this relationship may well not be so clear-cut sequentially, for there is invariably in practice some ongoing process of 'interpreting' a new constitutional settlement in moving from transition towards consolidation (i.e. creating the 'material constitution') and more explicitly, in cases, of an element of constitutional revision. Indeed, the link between the institutionalisation of parliaments and the role of parties is underlined further when considering political and cultural variation between types of liberal democracy, e.g. political traditions and situational trends, the constellation of political forces and degree of wider consensus around parliamentary institutionalisation, not to mention 'cultural' adaptation favouring this in the course of democratic transition. Whatever the particular scenario of forming a new liberal democracy, political parties are undeniably essential agents in this process.

The foregoing leads one to hypothesise that the role of parties is therefore decisive in the connection between the theory and practice of parliamentary

institutions. In doing so, it is possible to distinguish between three levels of political choice so far as the 'theory' (constitutional basis of parliaments) is concerned:

a) macro-choice: in effect the choice of political system or model, where liberal democracy is not the exclusive one, i.e. parliaments may exist in other categories of system though not expressive of political pluralism;

b) meso-choice: within the option of liberal democracy there is scope for structural variation, e.g.'presidential' or 'assembly'; also, centralist or federal with different consequences for the role of parliamentary institutions;

c) micro-choice: defining the 'rules of the game' involving the institutional structures agreed on, including specific functions, procedural arrangements and also electoral laws (constitutions tend to vary considerably as to how far these 'rules' are detailed, although supplementary documents - rules of procedure for parliaments and executives, as well as electoral laws - may also elaborate these).

These three levels are obviously closely interconnected; in fact, it is usual to expect them to lead from one to the other in the order presented, although in situations of high instability it is possible that such a sequence is not straightforward or indeed it may be reversed. But the end of transition to democracy must in any case be identified with the 'closing of options' on at least a) and b). In this process, political parties play an important and visible role as in constituent assemblies (pre-parliaments), although in some cases this is alongside other actors like political figures somewhat independent of their parties (Karamanlis's influence on the 1975 Greek constitution), traditional agents of power notably the military (the MFA in the Portuguese constituent process of 1974-76) or even foreign governments (the obvious example is West Germany).

In looking at the 'practice' the theme is one of continuing 'structuration' leading from transition well into consolidation and beyond. The most simple version is when attention concentrates on implementing and institutionalising c), with a growing consensus on rule-abiding behaviour although some parties might continue to disagree over specific items of the constitutional settlement or press for changes in them, e.g. advocate greater procedural opportunities for parliamentary oppositions. However, the experience of transition may be such that some problems are referred back to b) - e.g. constitutional revision in Portugal in the early 1980s, the Greek constitutional revision of 1985 - and in situations of exception to a) even, with counter-revolutionary attempts,e.g.Spain in February 1981. Eventually, however, the form of parliamentary institutionalisation emerges whatever meso-level choice is confirmed, with parties playing the major part and sometimes a greater part than in the original constitutional settlement as in Portugal. Ultimately, this cannot avoid broader interpretative problems like the theme of the decline of parliaments, a phenomenon evident in Western Europe before most of the Southern European countries embarked

on transition. In moving from authoritarianism to liberal democracy, their parliaments naturally acquired a more significant role than before in the policy process. But the concern here is not so much diachronic as comparative: what types of liberal democracy have consolidated themselves; what is the role in them of parliamentary institutions, and can one in fact identify types of the latter? Furthermore, as the purpose of this paper, how much are any such differences due to political parties and their part in democratic consolidation?

2. The Party-Political Context of Parliamentary Institutionalisation: modes of transition and political choice

Taking first of all empirical perspectives, the preceding introductory points have already begun to reveal differences between the various Southern European countries at least in the sequence of transition stages if not in the outcome of that process. That is, it is quite possible for democratic transitions - including those which are simultaneous, occurring in the same broad environment - to lead to different forms of liberal democracy, as suggested at the start of this paper. National-specific conditions and determinants usually count for much, and these must include the constellation of political forces in each country - which ideologies they represent, their relative political weight and their particular strategies for transition and consolidation. This differentiating approach is altogether more useful than assumptive judgements in some of the literature on these new democracies that, blandly speaking, they have at last caught up with political development elsewhere in Western Europe(1).

Pursuing more fully the three levels of political choice in democratic transition, differences of sequence become highlighted. In the case of Spain, there is a gradual move from a) to b) in the mid-1970s with the dismantling of the Franco regime and its replacement by a constitutional monarchy. The years 1981-82 are, however, crucial in the confirmation of this settlement because, first, there is a military challenge, which although overcome seems initially in its aftermath to stall the consolidation process, e.g. the government takes heed and checks regional devolution which had been provocative to the military and its traditions of centralism. However, eventually, retrospective perspections of the attempted coup serve to strengthen attachment to the new democracy - involving a reversal of the mood of desencanto at the mass level in the late 1970s - and this trend is underlined by the relatively painless alternation in power in the autumn of 1982. Thereafter, attention is free to concentrate on micro-level matters of political choice. With Portugal, the sequence in this neighbouring state is obviously different because it started with a revolutionary upheaval: the attention in 1974-76 was very much on the macro-level of choice, but since the 1976 Constitution involved something of a political truce questions relating to b) reappeared in the form of constitutional revision in 1979-82. Thus, in

Portugal, transition took a full decade nearly. By contrast, Greece moved swiftly from a) to b) not least because the colonels' regime had been short-lived and had really failed to institutionalise itself seriously (2). Furthermore, the discredit it earned over the debacle in Cyprus allowed Karamanlis a welcome freedom to act with decision. However, the settlement on b) remained somewhat uncertain because of the high degree of party-political polarisation in Greek politics, notably between the ruling New Democracy party and PASOK, which came to power in 1981. This problem remained under the surface until the abrupt crisis over presidential power in spring 1985, shortly before the parliamentary election of that year. Since then, attention has turned more to matters of micro-choice as over parliamentary procedure and organisation and the rights of the opposition (3).

The other two countries are more difficult to assess along these lines, but for rather different reasons. In the case of Italy, we have the longest-standing of the five democracies by as much as a generation. But it is one in which there has not been an easy progression from a) through b) to c). Firstly, the choice on a) was conditioned by foreign (notably, American) constraints and it was based on broad cross-party agreement over the 1948 Constitution. All the same, a persistent element of doubt remained long after because of the "Communist question" (fattore K) and some ambiguity in the PCI's position on what form of system it preferred, even if this involved essentially a variation of liberal democracy. Clearly, debate over this question reflected different political viewpoints in Italy including in the academic world there, but the controversy on this matter in the 1960s illustrated how persistent it was. It may be said this problem has gradually diminished, particularly in the light of developments in the 1970s, although the PCI has long shown increasing signs of 'socialisation' through parliamentary democracy. Notwithstanding, this persistent problem raises the question as to exactly when post-Fascist democracy in Italy became consolidated (4). Secondly, there was in Italy the unusual situation of belated implementation of aspects relating to meso-level choice, notably in the introduction in 1970 of the 'ordinary' regions provided for in the 1948 Constitution. This is incidentally a clear example of where party politics played the dominant if not exclusive role. Thirdly, there have been fairly recent phases of constitutional or institutional reform which make it difficult to judge Italy. The 1971 reforms of parliamentary procedure involved a modest shift from dominance of the executive towards 'assembly' government, where again party-political determinants - as the growth of legislative concurrence between parties in government and the PCI opposition - were uppermost (5). Since the 1970s, the new issue of institutional reform has among other things aimed at changes that point to meso- as well as micro-level choice, including a strengthening of the executive and of the prime minister and electoral reform of a kind that could re-structure the party system(6).

This is not necessarily to argue that constitutional reform negates the achievement of consolidation (it was, for instance, an issue in the U.K. in the 1970s). It is merely to show that Italy is a system that rather defies conventional categorisation: while obviously not 'presidential' or 'semi-presidential' it is also not a certain case of 'prime-ministerial' or 'assembly' government. One falls back on the common description of the system as a partitocrazia ('government by parties' is the closest, though an imperfect, translation). This does of course return us to the question of how much political parties have - at least taking Italy - determined the course and nature of parliamentary institutionalisation.

Turkey is different from Italy by virtue of being at the other end of historical sequence when comparing the five countries under examination. This certainly must have consequences for the achievement, though not of course for the nature of the system achieved, if only because the transition which started in Turkey in 1983 has not yet led to a process of consolidation. In fact, it is evident that transition is still in progress, with some basic problems - notably, the full acceptance of political pluralism - still unresolved. According to the 1982 Constitution, Turkey has a 'presidential' system but the political role of the military remains, so that the completion of transition requires that this ceases - in this respect, their role is not comparable with that of the Portuguese MFA. Turkey therefore appears somewhat in limbo between a) and b) levels of choice, at least in the present context. Conceivably, this country may be described as having a 'semi-democracy' if that does not involve somewhere a contradiction in terms, for it continues to resemble a 'guided democracy' - the Constitution was drawn up with the heavy hand of approval by the National Security Council, which has maintained surveillance over political parties. Looked at more broadly over time, Turkey has moved back and forth between parliamentary and military regimes since the War. This has meant, even when the latter have been so-called military 'interruptions', that the macro-level of choice has remained as it were a leitmotiv of Turkish politics. Despite this, the link between the role of parties and the problem of parliamentary institutionalisation - namely, the lack of it - is apparent. The state of party-political fragmentation, the very absence of party institutionalisation, indeed the inability of Turkey to accommodate competitive or multi-party politics, all these unresolved difficulties did much to undermine the institution of parliament(7).

From the foregoing examination of the five cases, it is possible to establish various empirically verifiable perspectives on our theme. For instance, there has been a trend of late towards parliament-based government away from 'semi-presidential' forms, referring again to the Portuguese and Greek constitutional revisions of 1982 and 1985 respectively. That is of course evident to any casual

observer of these countries' politics, although it is necessary to point out that this does not automatically promote parliamentary institutionalisation. The shift in power has really occurred between presidency and prime minister/cabinet, while in the Greek case it has more blatantly enhanced the role of prime minister described by one study as a 'parliamentary autocrat'(8). Nevertheless, this shift in institutional power creates more potential for parliamentary institutionalisation. Even in the case of Greece it has produced a new interest in the role of the parliament both in its internal organisation and its external role of communication (9). In Spain, there has been no constitutional revision aside from the lengthy process in the late 1970s and early 1980s of deciding on the constitutional role of the regions, but there has in any case been a significant element of 'prime-ministerial' government as in the German-style constructive vote of no confidence and the right to dissolve the Cortes (10). Alternation in power in 1982 has been seen by some as favourable to parliamentary politics, inducing a state of government/opposition relations comparable with the rest of Western Europe(11). However, the phenomenon of 'lonely' decision-making by the prime minister - a point of criticism in the last year or two of Suarez - has reappeared with Gonzalez, as in his scarce addresses to the parliament. Clearly, too, the practice so far of one-party cabinets has facilitated the dominance of the executive, unlike in Portugal where incohesive coalitions have inhibited prime-ministerial performance. The election there in 1987, leading to the formation of a PSD government with an absolute majority, may well modify that situation. Hence, taking the three democracies that commenced transition in the mid-1970s, there has been some common trend - one which broadly favours parliamentary institutionalisation - although also national-specific differences which are such as to call into question in one or other case how far this is actually likely. It is at this point that the presumed brevity so far of the consolidation process in these countries makes it difficult to draw conclusions. The most developed form of parliamentary institutionalisation is not surprisingly in the Italian case. This is partly owing to the seniority of post-Fascist democracy there, but not entirely for the 1948 Constitution hardly provided for 'prime-ministerial' government. Its spirit favoured a strong parliament if only because of a concern to prevent a dominant executive (12). But as noted before the Italian version of exceutive/legislative relations has fluctuated over time. The present Turkish situation remains in this sense in abeyance, with little immediate prospect for parliamentary institutionalisation.

A further perspective must be , going back in time, the original attention given by parties to the parliamentary institution during the constituent process. One would expect this to yield some evidence on their conceptions of its role and perhaps too on their willingness to countenance or promote parliamentary institutionalisation. However, this is often not clear because of rival issues

that may absorb the attention of parties and the compromises which are intrinsic to the exercise. The Italian Constituent Assembly, where the parliament was not an object of great debate, is proof that the degree of attention is no fair reflection of the priority to be accorded that institution. Although the Assembly met for a long period and featured some debate over alternative institutional models, the main issue relating to the parliament was over the choice between one or two chambers (13). Somewhat by contrast, the Portuguese Constitution of 1976 provided for a relatively weak parliament which was no real surprise given the determining role of the MFA through its 'pacts' with the political parties stipulating conditions for the return to civilian rule (14). Accordingly, the Council of the Revolution was to judge the constitutionality of parliamentary laws, just as parliamentary controls on the government were restricted (15). This was despite signs among the parties of a wish for parliamentary supremacy (16). In the case of Spain, the organisation of parliament did feature in debates on the constitution although it was not an intense issue, such as the relative functions of the two chambers. Notwithstanding the common concern for stabilising the executive, the latter was subject to some important controls as in the budgetary process and the role of committees (17). The provision for a strong executive was in the Greek Constitution a more overriding matter to the extent that the mechanisms for parliamentary control, whether in plenary or committee, were severely curtailed. This reflected the long-held view of Karamanlis that the parliamentary institution had not functioned adequately in modern Greek politics(18). It goes without saying that whatever conceptions parties or leaders held of this institution these were bound to be affected by their own particular interests. That was perhaps most of all evident in the various debates and negotiations over the form of electoral system to be adopted. In Spain, the consensual nature of proceedings produced a compromise mixture of majoritarian elements (favoured by the Right parties) and proportional representation (favoured by the Left and regional interests)(19). In Greece, on the other hand, where constitution-making was distinctly less consensual, the choice of a weighted PR system not only expressed a concern for one-party majorities to strengthen government but also political calculation. A plurality system was seen as likely to lead eventually to a Popular Front majority, while pure PR would have increased the parliamentary strength of the extremes (20). Of course, such considerations as embodied in electoral laws have a direct impact on the constellation of political forces in national parliaments and, thus, in a variety of ways may affect their functioning.

One cannot complete discussion of the constituent process here without some reference to the influence of historical determinants; that is, how much political parties and their leaders take lessons from past experience. As just mentioned, Karamanlis was among other things motivated by memories of parliamentary practice in the 1960s, and this seems to have been more important than memories

of the subsequent military dictatorship. Naturally, this touches on matters of historical interpretation, for Karamanlis's logic was that parliamentary breakdown had ushered in the colonels' coup and so the former should be prevented through enhancing executive power (21). By contrast, institutional priorities in the Italian constitution-making were powerfully influenced by a desire to prevent any form of 'caesarism' reappearing - hence, the rejection of presidentialism and a majoritarian electoral system (22). The Portuguese Constitution of 1976 was according to Opello largely 'a reaction to things past', in this case involving a distaste for both Salazar's Estado Novo but also parliamentary instability of the First Republic - hence, the hybrid system created containing both parliamentary and presidential components (23). With Turkey, the overriding theme has been throughout the problem of chronic parliamentary instability, and it is this against the background of party system fragmentation and social dislocation that has led in the past to democratic breakdown. Diverse lessons may therefore be drawn from past experience, but these invariably entail some interplay with current situations including parties' assessments of their own prospects in the light of the emerging balance of political forces in early transition. Political parties utilise history as much as they are free to interpret it, and conceivably too different ideologies are likely to find some form of expression over institutional arrangements as reflecting on the type of system or form of liberal democracy they tend to prefer.

All these foregoing points highlight national-specific conditions, but there is one common theme to these various cases which is that of legitimising political authority following the end to authoritarianism. That much include the building, if not the creating anew, of a parliamentary tradition, which has been interrupted and in all likelihood, prior to authoritarianism, had suffered from a negative reputation. That basic task, one not achieved automatically by constitutions nor short-term, is a major requirement of democratic consolidation. Here, the role of political parties both individually and collectively comes fully into play. The part they have played during regime transition helps to determine the outcome, if only by their decisions on the 'rules of the game'; they may also begin then to develop patterns of behaviour which carry over into the consolidation phase. In this sense, they usually have a formative influence on new liberal democracies, but outcomes in consolidation - namely, the types of this political system which take root - are not totally pre-determined by decisions during transition. It is necessary now to explore the importance of parties in the process towards parliamentary institutionalisation.

3. Political Parties, Parliaments and Democratic Consolidation: exploring a framework for analysis

It follows at this stage of the discussion that emphasis has to turn to theoretical perspectives, since the problem of parties and parliamentary institutionalisation forms an element of the wider problem of democratic consolidation and since the latter is a rather less tangible (and indeed often longer) process than democratic transition. Moreover, it involves looking at such conceptually taxing questions as the relationship between political behaviour and political structures. While the process of parliamentary institutionalisation itself is not difficult to define - e.g. a certain legislative effectiveness, organisational articulation and rule-abiding patterns, more broadly political viability and autonomy - it is nevertheless multi-dimensional and not always easy to measure. At least, this is less of a problem with Italy because of the elapse of time, while in the other cases consolidation is still in train or, taking Turkey, not yet reached. Clearly, too, one has to judge parliamentary institutionalisation against the type of liberal democracy agreed on in transition. That is, its achievement is not as such dependent on a system of parliamentary dominance, although obviously an 'executive-in-parliament' model is preferable to a 'presidential' one.

Although the phases of transition and consolidation are closely related, for notionally the one leads to the other, they face essentially different tasks. If anything, the tasks of parties and their leaders become more varied and broader, if one accepts Rustow's characterisation of the 'habituation phase' (which overlaps with consolidation) as when 'the agreement worked out during the decision phase is now transmitted to the professional politicians and to the citizenry at large'(24). To elaborate, Di Palma has seen the passage from transition to consolidation as involving a shift which is 'complex and dual': 'from a narrow and unstable arena dominated by improvised political actors whose mobilisational clout stems from charismatic or mass-organisational skills, to a broader and more stable arena shared by constituted state institutions and by a revived civil society' (25). It is here that one notices the different schools of thinking in regime transition theory beginning to merge, between those which emphasise structural determinants (socio-economic and cultural as well as political) and those whose concern is with strategic choice. Clearly, political parties could be seen as performing some kind of linkage between these different concerns, and it may be hypothesised this is only too true of problems of consolidation.

Before formulating an approach to parties and parliamentary institutionalisation, it is therefore necessary to put this question in context by taking note of theoretical work on the role of parties in democratic consolidation. Such work identifies various general problems relevant to our theme, while as a whole

underlining the central and multi-faceted part that parties play. Thus, Di Palma has argued parties have a special position in consolidation , since they formally monopolise parliament and its accesses in representative democracies and are the key to reconciling functional interests to parliamentary politics. In his view, 'since consolidation is an ongoing process of structuration, increasingly constitutionalised political actors and their coalition strategies remain central in explaining outcomes' (26). That is, parties perform an important legitimating function in the crucial transfer of loyalties to the new regime, in exercising decisional authority and in expressing social diversity and dissent. According to Schmitter, a competitive party system is crucial to system legitimation in both producing effective government and in ensuring that 'losers' in the game remain voluntarily within the system (27), with the implication that working the system should have a 'socialising' effect on party elites. Somewhat less institutionally, Morlino has drawn attention to wider considerations in the determining role of parties: 'consolidation by means of parties is characterised above all else by the progressive organisation and expansion of party structures and of the party system as a whole, which is in a position to control and if necessary to moderate and integrate all forms of participation'(28). He sees a coincidence between the self-reinforcement of pro-system parties and democratic consolidation, in guaranteeing the decisional process and organising and controlling mass participation. Similarly, Di Palma has viewed the existence of viable anti-system parties as qualifying the nature of the 'democratic compromise' and the prospects for consolidation (29), although in earlier work on 'founding coalitions' in new democracies he identified a mutual 'backward/forward' legitimation process whereby elites from the previous authoritarian regime - 'once the democratic card has proved its winning potential' - may perform a 'backward' legitimation of an incipient democracy as well as legitimising themselves 'forward' (30).

These various working hypotheses, here briefly quoted, all leave considerable scope for national-specific variation in the nature and also the duration of the consolidation process. So far as the theme of parliamentary institutionalisation is concerned, however, they also in general indicate that the role of parties here may well be indirect as well as direct. Namely, their strategies for consolidation - if that is not too grand a term for political motivation in this phase - and their performance in this respect cannot be assessed merely in intra-parliamentary terms. To take one important and obvious example, if we are considering parliaments as representative organs, then parties as channels of sectoral or cross-sectoral interests and demands must be a primary factor. Or, on the question of anti-system parties, it is not politically impossible these might work 'correctly' in the legislative process but at the same time endulge outside parliament in activities aimed at destabilisation. The PCP, as perhaps the most obvious candidate for this category, has since 1975 - when it was strongly suspected

of promoting the totalitarian alternative to liberal democracy in the upheavals of that year - followed a two-pronged strategy: according to Opello, 'the party, on the one hand, vigorously engages in political activities within the framework of elections and parliament and, on the other, confronts various governments with strikes and street demonstrations through its control of Portugal's major labour organisation' (31). One may speculate as to whether the latter activity is deliberately 'anti-system' or whether, more recently, the PCP is becoming 'socialised' through its participation in the political structures (including in local government), but whatever the explanation such problems relating to extra-parliamentary roles have implications for parliamentary institutionalisation. The legitimation of political structures is hardly an exclusively institutional matter.

These and other relevant problems may be explored further by referring to comparative literature on the question of political parties and parliaments. Without engaging in any comprehensive search here, some useful points may be drawn out for formulating a framework for applying to this question. Thus, in his chapter on 'parties and the structure of government', Duverger develops a number of points as variations on the theme of the functioning of political institutions and its relationship with party systems and their structure (32). While acknowledging that this also depends on whether a system is parliamentary or presidential, he argues that a real separation of powers is a combination of both the party system and the constitutional setting with differences between these types of liberal democracy becoming blurred if the same party is in control of both parliament and the presidency. His main distinction is between two-party systems as favouring a concentration of powers, possibly to the detriment of parliament's role, as against multi-party systems which allow 'free play to constitutional separation' so that the 'parliamentary game' flourishes. In his view, therefore, 'multi-partism tends on occasion to superimpose a second separation of powers upon that resulting from the constitution or the nature of the institutions '(33). On the other hand, 'in a presidential regime multi-partism tends rather to increase the authority of government and to decrease that of parliament' (34), tending in turn to increase the personal character of the presidency; whereas, in the case of a two-party system, 'the parties are big enough to dwarf the president who appears to be more the leader of one of them than an independent personality' (35). Duverger also draws attention to the difference that party-system structures hold for development of the opposition role - clearly a major concern in the achievement of parliamentary institutional -isation - in that two-party systems are said to make this into a real institution' (36). Some of Duverger's hypotheses have less bearing on the Southern European democracies, although the very absence of 'presidential' government - at least, the disappearance of 'semi-presidential' forms (to employ Duverger's own term) - creates favourable prospects for parliamentary

institutionalisation and also for the 'parliamentarisation' of parties. Linz has similarly argued that presidentialism jeopardises democratic consolidation as it narrows available options, establishes individuals in prominent office surrounded by excessive expectations, discourages the development of party organisation and discipline and risks parliamentary stalemate in the event of the opposition party gaining control of the legislature (37). In other words, our various national cases (with the likely exception of Turkey) present no structural obstacles to parliamentary institutionalisation, even if democratic consolidation is regarded as incomplete.

As mentioned earlier (pp. 2-3), the underlying question here of political behaviour and political structures cannot avoid the general problem of the role of the parliament within the political system. It is in fact not necessary here to enter the debate about the decline of parliaments, for as Smith and others have pointed out it is more useful to distinguish between the various functions of parliaments and examine these separately over time: elective, personnel(recruitment to government), rule-making (legislation) and communication or parliament as a 'forum' in providing political information and also legitimating (38). This same kind of approach is adopted by Baldassarre in a recent essay on the Italian parliament and the effects on it of the 1971 reform (a plausible attempt at its institutionalisation, at least at an improvement in it), although he uses slightly different categories: representation, decision, control, electoral and legitimation (39). In short, Baldassarre finds it necessary to look at parliament's role as a whole, in its different forms, in order to assess an institutional change aimed strictly at the parliament's internal organisation. While his main theme is that the parliament's role is complex, whereby stark generalisations are not possible, nevertheless his approach allows some identification of change. For example, the control function is seen generally as weak, although this may improve when the opposition is more important and when the government coalition is heterogeneous; similarly, the legitimation function may vary, as being more effective for instance during the "National Solidarity" alliance in the later 1970s when the PCI opposition was brought temporarily into the 'area of government' (40). In answer to the debate in Italy in the 1970s about the 'centrality' of parliament, Baldassarre takes the view this asks too much of the parliamentary role and that the preferred term is 'partnership' with the government (41). As his analysis makes clear, it is the continuing dominance of the political parties in the functioning of the Italian parliament that firmly relativises the 1971 reform and its effects. This recalls Smith's conclusion that the issue of parliamentary decline is related to the growth of party government and that 'comparisons with nineteenth-century ideal-pictures can be misleading' (42). In doing so, he emphasises that parliament's different functions do not change in a uniform way. Thus, the function of communicating has clearly increased and with it the role of parliaments as a

legitimation site: 'another associated contribution which assemblies make to the political system is to give the seal of legitimacy to those groupings whose activities relate to the assembly-government and party' (43). We are reminded, for instance, that the new Southern European democracies have come - or are coming - of age when the mass media, especially television, had already become an established element in the political game, with some likely consequences for parliamentary institutionalisation. This may of course raise public expectations of a parliament's role; but it also lends it (literally) a special visibility that must affect the attitudes of parties and their leaders, including those in government office. Admittedly, government control or influence over the media - something of a controversial point in these countries - may qualify this; however, such control cannot be absolute. To take an important example, the fortuitous televising of the military coup in the Spanish Cortes in February 1981 had a significant impact on public reactions and arguably contributed to the subsequent reinforcement of support for democratic norms.

It appears from the discussion so far there is a two-way relationship between the role of parties and parliamentary institutionalisation, which broadly parallels the interplay evident between political behaviour and political structures. This is further illustrated when turning to the question of party structures. Duverger has established a link between these and the functioning of parliaments: 'the internal structure of parties exercises a fundamental influence on the degree of separation or concentration of powers'. He continues:

> 'In a parliamentary regime cohesion and discipline in the majority party obviously increase concentration. If voting discipline is strict, if the internal fractions are reduced to impotence or obedience, parliament's function is reduced to rubber-stamping government decisions, which are in fact identical with party decisions. The act of rubber-stamping gives rise to very free discussion in which the minority party can express its opposition, but is no more than platonic. By contrast if voting discipline is less strict the government majority is less certain; the party in office must take account of rivalries between its own factions which may compromise its parliamentary position; the prestige of parliament is raised and separation of powers is to some extent restored. Here too a simple change of majority may modify the nature of the regime...'(44).

While this latter scenario is somewhat familiar in the case of Italy, Duverger was generally too exclusively concerned with party structures as intra-parliamentary. Von Beyme has noted that party discipline is linked to the dependence of parliamentary groups on their party organisations, increasingly so: 'the balance of power between the central party organisations and the parliamentary party has shifted to the disadvantage of the latter in almost all the Western democracies' (45). This is, among various reasons, due to the increasing functions of parties, the greater sophistication of political planning, state aid to parties and greater democracy within them (46). There is, however, substantial

room for party variation on this matter. Stressing that the relationship between parliamentary parties and their extra-parliamentary structures is more complex than Duverger allows - that it 'is not a one-way road' - von Beyme has also pointed out: 'the distribution of power within the different bodies of the parties and its impact on parliament and government is an intervening variable, dependent on the type of party (bourgeois or socialist), on the party system (degree of fragmentation), on institutional variables (such as the power of the head of state, parliamentary rules, party laws, incompatibility rules) and the relations between parties and pressure groups' (47). In the same vein, Leonardi and others (1978) developed on the Italian case a framework for measuring the dual process of the 'institutionalisation of parliament' and 'parliamentarisation of parties' (again, this was prompted by trends of legislative concurrence between government and opposition in the 1970s culminating in the "National Solidarity" alliance). Their intention was to reexamine the previous view that the Italian parliament was not an important centre of power given the 'lack of consensus in Parliament on the reciprocal relationship between the majority and the minority' as undermining that institution's decisional effectiveness, a situation linked to the DC's political dominance (48). While observing that by 1977 there had occurred 'a substantial degree of parliamentary institutionalisation' deriving from the 1971 reform, their conclusion on the other side of the process was party-variant. Using a three-dimensional framework - party-centred, government-centred and parliament-centred - they saw the PCI as more party-centred than the DC, with the latter not clearly in one or other category (it had previously been mainly government-centred) (49).

Does the Italian example offer any lessons for the other Southern European democracies? Leonardi's argument is that the two sides of this process are sequential, with parliamentary institutionalisation as prerequisite for party parliamentarisation, the assumption being that parties adapt to institutional change (50). However, as he also shows, institutional change itself in Italy has been an outcome of changes in party behaviour, in this case depolarisation in political competition. In this sense, the Italian parliament has lacked 'institutional persuasion' or political autonomy, suggesting that the constraints of the parliamentary institution on the parties have been minimal. The Italian example does in fact raise a variety of comparative questions for other cases, such as whether some of the problems presented by Leonardi are national-specific. The role of the parties in the early Italian transition after Fascism was particularly strong (51). This has generally been less so in the Iberian, Greek and Turkish cases, where the military or certain elite figures as well as the parties were determinant. Indeed, the parties in these other transitions have often been themselves less structured, just to mention the extreme instance of the Spanish UCD which, contrary to some premature judgements, never turned into an equivalent

of the German CDU or Italian DC but instead collapsed. Much also depends on how far democratic transition in the new Mediterranean democracies has been really formative, for the Italian example has revealed some change over time in the pattern of executive/legislative relations - although always within the context of party-political change. If we take the question of political competition, then some of the new democracies have demonstrated both variation (polarisation in Greece, consensualism in Spain) but also pattern change (consensualism in Spain was replaced by government/opposition competition, a new trend encouraged by alternation in power).

Whether it is too soon or not to announce the achievement of democratic consolidation in the new democracies, evidently this process is well underway; while in Italy it has long been achieved. Given that transition commenced more than a decade ago in the three cases of Spain, Greece and Portugal, it seems an opportune point of time to try and measure how far this has been reflected in the development of their parliamentary institutions and the role here of political parties. Differences of historical sequence, with Italy and Turkey at opposite ends, make for further national-specific variation on this theme, this being best handled in a comparative framework. Drawing on the problems and hypotheses identified in this section on consolidation theory and party studies, this framework looks in turn at three dimensions of the role of parties and the functioning of parliaments for assessing their two-way relationship: direct; indirect; and, contextual. The first two focus essentially on the intra- and extra-parliamentary behaviour of parties respectively; while the last considers wider and longer-term factors, since ultimately this theme has systemic implications. In this way, the various functions of parliaments are covered. The framework is first summarised and is then followed by commentary, although for reasons of space this does not resort to detailed analysis.

4. Political Parties, Parliaments and Democratic Consolidation: a tentative assessment

a) Direct Dimension

The balance of political forces as determined by the electoral system and election outcomes

Attitudes of individual parties and their leaders to parliamentary institutions and the relationship between these and other political institutions as reflective of their systemic outlook (types of liberal democracy, even alternatives to that model)

Party dominance in the functioning of parliaments, use of plenaries and committee structures, existence and use of parliamentary facilities

Behaviour of parties in working executive/legislative relations: coalitions or one-party government, ministerial recruitment, government/opposition relations, alternation in power and the degree of basic policy consensus

Party structures and 'parliamentarisation': party group discipline and control over deputies, the attraction of party leadership to parliamentary careers and other forms of parliamentary 'socialisation'.

b) Indirect Dimension

Party strategies in general including importance here of their parliamentary roles; the relationship between these strategies and the practice of coalitions
Party structures and the balance of power between parliamentary groups and national party organisations; party identity and the parliamentary role; the degree of personalism in party leadership; controlling links between deputies and their constituents
Parties and extra-parliamentary communication: parties as electoral actors; parties as societal actors; links with interest groups.

c) Contextual Dimension

Party system development, especially the consolidation of new party systems and the consequences of this for institutional performance: stability in party systems, or a changing constellation of forces?
The relationship between political parties and traditional agencies of power, e.g. monarchy, military, church
Political parties and ideological space - implications here for intra-institutional cooperation or conflict
Political parties and social change and effects on parties' evolving policy positions; patterns in the nature of party support; relationship with socio-economic and political cleavages
The legitimation function of political parties; promotion of democratic norms; how far parties in the phase of democratic consolidation are actively or passively system-supportive; anti- system or rather ambiguous on this basic matter.

The intention here is briefly to identify relevant patterns characterising the relationship between parties and parliaments, what kind of liberal democracy this involves and how far these patterns indicate consolidation. In line with the approach of this paper, conclusions will be strictly comparative. In doing so, it is worth noting that although the new party systems have been now incorporated in comparative studies several areas are still under-researched. Electoral behaviour and general party development are already amply treated in recent literature, but parties' legislative behaviour and problems of their internal structures still require more attention. Clearly, these problems apply much less to Italy than to the other cases.

a) Taking first the balance of political forces, we have in these different cases versions of multi-party politics, although Greece has from the elections of 1981 and 1981 acquired a system that would be best described as three-party - a type not considered by Duverger and really intermediary between his 'two-party' and 'multi-party' categories. When considering 'balance' in terms of parliamentary strength, one immediately thinks of electoral systems and their effects in determining this. This is important for both majority-building and eventually alternation in power. Thus, the various forms of weighted proportional representation in the new democracies have as a whole tended to assist both, at least more than the pure PR adopted after the War in Italy. According to Bruneau and Macleod, on

Portugal, 'the electoral system adopted in 1975 has directly affected the political parties; it has effectively reduced the number of parties represented in the Assembly; in addition, the parties have been obliged to adopt strategies that will maximise the benefits reaped by the larger parties from the d'Hondt system of proportional representation' (52). Hence, the Socialists in Spain were able to win successive absolute majorities with 48% and 44% of the vote; those in Greece with 48% and 46% of the vote - initially, in both cases, from the position of opposition. In Portugal, straightforward alternation has not occurred, although a centre-right alliance of three parties was elected in 1979 and then in 1987 the PSD gained an absolute majority, following its previous term as a minority government. The contrast has been obviously with Italy where an absolute majority has been won only once - in the rather exceptional election of 1948, when the DC won 48% - and alternation has not occurred. The practice has been of multi-party and often heterogeneous coalitions, with intermittent minority governments, a pattern that Portugal repeated for much of its transition phase and beyond. Taking these criteria, therefore, the three new democracies have been more successful than Italy in creating the basis for effective government than the longer-standing democracy in Italy, but this judgement cannot pass without reference to ideological and conjunctural problems.

The constellation of forces in national parliaments must also take account of which ideologies are represented. Di Palma has argued for 'maximal inclusion' of parties as likely to overcome the resistance of 'extremist' parties to democracy, this preferring pure PR and multi-party politics to 'precocious majoritarianism' or two-party rotation in power (53). That certainly is with democratic transition and early consolidation in mind, although it may not bode well for the business of government and legislative work. The interesting difference concerns the political Left, which in Italy has been dominated by the Communists and elsewhere by the Socialists. This has had implications for basic policy consensus, the state of government/opposition relations and ultimately for possible alternation in power. National-specific variation must in some respects qualify any simple ideological explanation. The Italian Socialists as well as Communists took a radical line on basic foreign policy choices for at least a decade, while the Socialists in Greece (more in promise than action) and sections of the Spanish Socialists have also favoured a radical line. Furthermore, the question of alternation is also conjunctural in that transition in the new democracies occurred against a background of international recession. In Spain and Greece especially, it was a party of the centre-right that ruled and whose limited performance in government on economic problems helped to pave the way for a change in power, although this was also made likely by inherent party weaknesses in the ND and particularly the UCD. Somewhat by contrast, the early DC governments

took the credit for Italy's economic miracle and moreover benefitted from the Italian transition having taken place against the background of the Cold War (unlike detente in the 1970s), this creating a strong potential for anti-Communism and much lengthening the odds against alternation there. Ultimately, though, the sometimes controversial question of alternation involves the normative problem of what is good for democracy. The argument of Weiner and LaPalombara that 'the transference of power from one party to another, especially the first such transfer that occurs within a party system, is often the critical testing point for the legitimacy of the system' (54) is tempting, but one whose firm acceptance arouses charges of 'Anglo-Saxon' values, particularly by those working on Latin democracies. Similar views have also been expressed about the preoccupation with the role of parliaments as legitimising agents. All the same, one could perhaps distinguish between the symbolism attached to alternation - e.g. in Spain, its painless acceptance in 1982 despite some dire predictions and yet another military plot shortly before the election of that year - and the practical consequences of alternation in terms of the stimulus it might give to legislative work (especially with a strong opposition, which has previously acquired governmental experience and with it policy expertise) and to party development. Again, the case of Spain has shown this may not necessarily occur, for the previous party of government (though not some of its leaders) disappeared from the political scene. In Greece, on the other hand, New Democracy has after an initially difficult period in opposition begun to regain political momentum with some prospects for a return to power at the next election.

Behind these various questions lies the matter of party-political attitudes to the parliamentary institution, as in some way these are likely to affect behaviour in it. These may of course modify in the course of institutional experience for reasons of opportunism, conviction or some combination of both - one thinks of Rustow's hypothesis on the 'habituation phase' of a 'double process of Darwinian selectivity in favour of convinced democrats: one among parties in general elections and the other among politicians vying for leadership within these parties '(55). It is interesting, for instance, to note the degree to which deputies from parties of the Right contain personnel from the predecessor regimes (56), although this may be a matter more of sociological interpretation than attitudinal preference - one has at least to use elite interviews, for party documentation on the parliamentary institution may or may not exist, or if it does it may well not reveal much. Nevertheless, a high turnover in deputies as part of the transition phase - as, for example, happened with the rise of PASOK in the later 1970s (57) - is probably likely to reflect on attitudinal patterns looking towards consolidation. This matter is particularly relevant when considering parties, whose ideological traditions might call into question their attachment to liberal democracy and which have not been discredited through association with the predecessor regime - the

implication being that, with parties of the Right, such discredit might act, perversely or not, as an inducement to support for parliamentary politics (58). Our interest therefore focusses on Communist parties, where the PCI is a particularly important and revealing case - revealing all the more as we know much more about its thinking during transition and early consolidation than those parties in the new democracies. It is well-known that the PCI came to place a special importance on the Parliament, come the 1950s, since its exclusion from government in 1947 meant this was the principal institution in which it could play a part, for the 'ordinary regions' which it had come round to advocating had not yet been established. As such, the PCI opposition came to attack the DC-led governments for their lack of respect for the Parliament and pressed for its greater control over the government, this tending to have a stabilising effect on that institution (59). However, that followed a short period of uncertainty when in the elections of 1948 and 1953 the two major parties accused each other of exploiting if not undermining the Parliament (60). In an analysis of Togliatti's speeches and writings and other documentary sources, Sassoon sees a link between the PCI leader's conception of the 'centrality' of parliament and the liberal tradition in drawing a distinction between the principle of representation and the decision-making process(61). This was compatible with Togliatti having his own view of democracy as economic and social as well as political, it being possible to 'redefine' the parties of the working classes as 'pro-system' because of the ideological content of the 1948 Constitution(62). At the same time, he was critical of some aspects of the classical liberal tradition (some features of the doctrine of separation of powers, of bicameralism); nevertheless, Togliatti's conception assumed that the Soviet model was non-repeatable in Italy (63).

Taking the opposition role as such, it is perhaps inevitable this may suffer in the early period after transition from problems of adapting to the practice of political pluralism. That is, in some basic way, the opposition role may be inhibited by a lag in political-cultural modernisation whereby attitudes to that role remain for a time conditioned by political inheritance from the predecessor regime, when opposition was illegal. This may also be present among those parties (i.e. of the political Left, but also some centrist ones) which find it difficult to shake off the effects of clandestine activity. Such adaptation to pluralist politics can be influenced by various changes during the formative stage: the nature of transition itself, how much it includes overt rejection of the authoritarian experience; the nature of parliamentary personnel, how much they represent new political elites and if so whether generational differences count; and, of course alternation in power and the consequences this might hold for perceptions of the opposition role. What evidence there is on the Iberian democracies indeed suggests some basic problems in developing the opposition role, which has been marked by low esteem or profile (64) even though in the Spanish

case the notion of 'loyal opposition' was linked to the consensual process in the transition (65). In Greece, the opposition has despite being more cohesive than in Spain suffered from strong executive supremacy over the legislature (66), which is also true of Spain. This leads one to take account of the rights of parliamentary oppositions as built into procedural arrangements for parliaments in new democracies. Here, the Italian Parliament has been the most favourable to the opposition role from the beginning, although that has also been facilitated by political conditions such as internal problems in governing majorities (67).

Finally, we may consider a variety of organisational variables affecting the functioning of parliaments. Party dominance in parliamentary work as in the management of plenaries, appointments to parliamentary offices and the operation of committees has tended to be strong, even with signs of this in the newly elected Turkish parliament despite the weakness there of the opposition (68). This is certainly clear in the Portuguese parliament (69), and it has been particularly marked in the Italian case. It is implicit too in attempts to improve procedural opportunities for political initiative in the Greek parliament (70). While as in Portugal the rights of individual deputies may be written into parliamentary procedure, the usual story has been one of party control although in that national case this suffered for a time from divisions between parties and their parliamentary groups (71). That apart, parliamentary group discipline has invariably established itself, with the notable exception of Turkey where it has also been linked to limited loyalty on the part of deputies to their own parties (72). Another weak point in the relationship between party groups and their parties has been the absence from the former of party leaders, as in Turkey but also Portugal (73), though not in the other countries. This would suggest some significant restrictions on the scope for parliamentary 'socialisation' in political parties, although cross-national variation in this respect is another conclusion that must be mentioned.

Altogether, this examination of intra-parliamentary behaviour on a variety of questions highlights many deficiencies especially in looking at the role of parliaments in controlling government (especially weak in Greece and Portugal, not to mention Turkey). This is to some extent true, as just noted, of the personnel function in recruitment to national office, although as a whole this is not a major problem in generalising about these Southern European democracies. There are furthermore areas for criticism when looking at the decision or legislative function of these parliaments, but there are different ways in which this may be judged for in some respects they have established relevant patterns. But there are two points that should qualify any final judgement: some recent trends indicate an improvement here, which may continue as consolidation progresses; and, many of these different criticisms may also be made about more established democracies in Western Europe.

b) In turning to the Indirect Dimension, the real major difficulty here is one of sufficient evidence on the new democracies although not on Italy, where for instance the question of party strategies has long been a matter of interest with some studies linking this with the problem of party structures. With Spain, Greece and Portugal, these problems have to be deduced from more general work on their party systems even though they do not as a whole devote attention much to the direct relationship between parliamentary groups and national party organisations and therefore to the balance of power in party structures (74). The two problems of party strategy and this power balance are of course related, for they reflect on the priority accorded to parliamentary activity and so ultimately on the possibilities for parliamentary institutionalisation.

Evidence from the Italian case is ample on these problems, no doubt because time has 'shown', just as Leonardi's study quoted above (p. 14) has both identified patterns and underlined party variation. The latter is also likely to be true for the other democracies, with Communist parties more party-oriented than those of the centre and the Right; while it is perhaps rather too soon to identify the general patterns of 'parliamentarisation' in parties. The evidence briefly mentioned at the end of the previous section suggests a general impression of party-organisational control over parliamentary groups, hence limited scope so far for any such trend. This may also hold implications for coalition politics, although that has not so far been a strong necessity in Greece and Spain with one-party majorities. In Portugal, on the other hand, it certainly has, and it remains to be explored how much incohesive coalitions there has been linked to extra-parliamentary control by party organisations, e.g. Soares resorted in 1983 in forming a coalition with the PSD to an internal party vote before finalising this. The matter at issue here is that of counter-pressures between a certain flexibility intrinsic to parliamentary work, especially of the multi-party kind, and party-structural constraints when activists might 'stiffen' the positions of their leaders. There is another matter, which may or may not harmonise with this problem, and that concerns the stabilisation of party structures as a necessary feature of consolidation: strong or stable party structures, linking parliamentary and organisational levels, provide some guarantee for the continuity, viability and reliability of parties as parliamentary actors. The Spanish UCD, a prominent example of a 'founding' party in the new democracies, is virtually a classic case of a party which failed to institutionalise and stabilise itself, with important consequences here for effective opposition to the PSOE government. The UCD may be seen as an archetypal 'party of government', rather than governing party, created by Suarez as an electoral vehicle for his premiership but one which eventually fell victim to internal factions under pressure of declining government performance. It turned out to be very much a party for the transition, of the transition - but, not for consolidation.

The case of the UCD reminds us of another related phenomenon found in some of the parties in the new democracies, namely a personalistic style of leadership. This may have initial advantages for managing the usually difficult relationship between parliamentary and extra-parliamentary parties and indeed for the politics of transition whereby an 'historic' figure may both lend his party special appeal and also act as a 'bridge' between the uncertainties of transition and the more settled patterns of consolidation - the case of Karamanlis, of course, comes to mind - but eventually charisma poses problems. Naturally, this must be because all leaders come and go for their political acumen may well decline before death; but, more broadly, the politics of consolidation requires different skills from the politics of transition. Karamanlis as president (1980-85) maybe showed some adaptation compared with Karamanlis as prime minister (1974-80); but Eanes apparently not (he performed impressively during the transition for someone limited as a political animal, as shown when he turned to straight party politics). The longer-term problem comes with cases like PASOK, which has continued to depend very much on the figure of Papandreou who has done anything but encourage a successor leadership, so that with his downfall or eventual departure that party is going to face a basic crisis (75) - possible one greater than New Democracy, which managed in the course of time to overcome the absence of Karamanlis from party affairs. Such personalism therefore holds problems for party stabilisation, not to mention for internal party democracy which should in the long run be seen as an element of individual party viability and health. In this sense, that may be said to exist when personalism is not always tolerated within parties, as was the case with Soares' relations with his party at times (that was also an instance of personal rivalries for which Portuguese politics is noted). In this respect, the cases of Turkey and Italy present contrasting examples: the former known traditionally for strong personalism in party leadership, indeed one that continues to complicate the transition process; while, in Italy, the political parties have been long marked by strong structures, notwithstanding 'historic' figures like Togliatti and De Gasperi.

The performance of parties as electoral and societal actors is much better documented, not least because of the multiplicity of electoral events in the new democracies ever since transition began. In this Dimension, we are concerned less with their patterns of support as with how far their activity in this respect contributes to the viability of the parliaments as institutions. That may not be always obvious, such as when the Portuguese PS campaigned in 1975 clearly as a bulwark against the anti-system tendencies then of the PCP. It may of course be hypothesised that the repeated participation of different parties in successive elections may implicitly lend credibility to the parliament, but then this also touches on other matters such as party strategies and the reputation of a parliament as a by-effect of government or system performance

as a whole. From another angle, the question of parties as societal actors must include mention of their special links with socio-economic interests, as relevant to parties' legislative activity and part in the policy process. Here, the new democracies show a lack of institutionalised links, aside from those between the Iberian Communist parties and their respective trade unions. So far, at least, there is nothing strictly comparable with the collateralism typical of the Italian party system.

Altogether, apart from the Italian case, it is difficult to draw firm conclusions about these parliaments in the light of the Indirect Dimension. On the elective function, the new democracies have proved themselves as perhaps surprisely effective in the sense of elections producing a fairly orderly though not always durable succession of governments, including alternation in power. This record, even before the completion of consolidation, seems all the more impressive compared with Italy, which has continued to have non-durable governments (Craxi's 1983-86 remains one exception) and has resorted to early elections five times in succession from 1972. On the representative function, Italy has again been open to criticism for an evident gap between legislative work and public issues (76); while in the other cases further research is necessary before an informed judgement can be said. This is likely to show national variation, with some negative conclusions but perhaps also positive ones (77). As to the communication function, this is in the new democracies too soon to say, but that leads us to the third dimension.

c) The Contextual Dimension raises a variety of different broader questions, which also being longer-term require answers which are not possible in the case of the new democracies. Thus, the Italian party system has long been consolidated; indeed, the party-political actors present during transition have been the same as those in consolidation and beyond - a point that underlines the stabilising effect of their organisational roots as well as the high level of electoral stability in postwar Italy, not to mention the historical identities of these parties. Undoubtedly, the very consolidation of the party system in Italy has been an important background factor when assessing the role of the parliament in that country. With the new party systems, problems of party system consolidation have seemingly remained; in fact, in a case like Spain, where early predictions of such consolidation soon proved premature (it was based on consistency of party support between 1977 and 1979) the issue is still open (78). Moreover, these new democracies have evidenced a marked lack of electoral stability, similar to dealignment effects in other established democracies but clearly to do with the youth of these party systems but also the temptation of party leaders to rely on the media as well as the relative failure of government performance to consolidate party support. Another clue comes from the lack in many cases of historical

identities in many of these parties, especially those on the Right: except possibly for New Democracy in Greece there has been no functional equivalent to the Italian DC, which succeeded in integrating the centre-Right while at the same time overcoming the association of the political Right with the predecessor regime. Here, in particular, the Spanish Right has suffered and conceivably this relates to the strictly evolutionary nature of the transition in Spain, in contrast one might say with the anti-Fascist Resistance in Italy which proved an important formative influence on party development there. On the other hand, the Portuguese PSD, which won the 1987 election, may eventually prove to be one of consolidation on the centre-Right - subject to its further government performance - but it is already a decade and a half since transition began. Until its recent achievement, the PSD had followed a somewhat tortuous path, including an earlier attempt under the charismatic Sa Carneiro to consolidate the Right's hold on power. Sa Carneiro's sudden death and the swift disintegration of the Democratic Alliance only showed this attempt had not been institutionalised.

In other respects, it is possible to draw clearer conclusions about this Dimension. On the relationship with traditional agencies of power, the settlement of the controversial monarchy issue early on in both Italy and Greece was a necessary institutional achievement - it removed certainly in Greece an historical obstacle to inter-party harmony. However, in Spain, while the monarchy overcame itself 'historical baggage', thus entering the area of cross-party consensus, the military remained a source of potential disquiet. Only with the reforms quietly introduced by the PSOE government in the 1980s has this problem begun to be resolved, in the process removing a rival power factor to the parties. The same effectively happened in Portugal with the constitutional revision of 1982. On the question of ideological space, we have already noted the persistence of this problem in Italy, certainly well beyond the phase of transition. Except in Portugal with the PCP, there appears no major problem in the new democracies, if one regards party-political polarisation in Greece with some scepticism as containing at least a good dose of rhetoric. Of particular interest here is the inheritance of the Civil War experience and attempts such as by Papandreou to alleviate if not reduce this divide; whereas in Spain this experience, admittedly a decade earlier in time, has been handled with care by the political parties, although assisted too by modernising trends at the mass level (79). Such modernisation has been slower in Portugal and Greece, but then on the question of socio-economic cleavages we are entering an area of problems faced by all democracies, not simply those seeking consolidation.

Altogether, such problems take the discussion outside the framework of institutional development, even if they present various implications for this of a more long-term nature. These tend to revolve around the basic question of system legitimation, as a precondition among other things of parliamentary

institutionalisation, but on that question most of all any assessment has to be tentative. The best one can do at this interim stage is to identify the different parties in each country as pro- or anti-system, if not ambiguous; how far they in turn fare in trends of popular support; and whether their active or passive commitment either way is likely to promote the legitimation process in the course of time, other things being equal (notably, that problems of government performance do not develop into problems of system maintenance). Here, the overall patterns seems modestly and cautiously in the direction of system supportiveness, in addition to the degree of that shown by certain parties in the transition phase. The moderate Right in Portugal has at last come into its own, although in Spain that has yet to be accomplished such as whether generational change after Fraga Iribarne creates new opportunities. On the extreme Left, as noted above, doubt still remains in Portugal and also Greece but there the Communist parties are already integrated in terms of local government roles. The best one can expect at this stage is that such parties move from the anti-system to the ambiguous category. Whether eventually any move from ambiguity to recognised pro-system status proves as difficult as it did for the PCI remains to be seen, but in general the prospects for Rustow's process of 'Darwinian selectivity' seem not unreasonable.

5. Conclusion

Parliamentary institutionalisation? Democratic consolidation? Types of liberal democracy? Such basic and interconnected questions demand both sufficient evidence, which among other things depends on the flow of time, but also the right kind of interpretative perspective, seeing that these terms are all - to say the least - open to some definitional agreement, for such matters cannot be left entirely to the eye of the beholder. That is, we may impressionistically argue that consolidation is happening (some may according to their espousal of consolidation theory even conclude that it has virtually been accomplished), but whatever school of thought it is certainly necessary to settle on criteria and then measure the outcome. Looking at the role of political parties in terms of their institutional behaviour is one way of pursuing these questions.

Looking at the link between transition and consolidation, it is evident that problems of macro-choice are now a matter of the past and that this also seems true for those of meso-choice: it is not impossible, but unlikely, that recent shifts away from semi-presidential forms towards more parliament-based government will be reversed. If the shift occurred more or less by consensus among the key party-political actors (as in Portugal), that looks virtually certain; if, as in Greece, it was not, it remains to be seen what the opposition does, and the signs are again positive from the viewpoint of parliamentary politics. Thus, we have in all cases parliamentary types of liberal democracy, with Turkey remaining still

very much an open situation. Cross-national differences are present, however, over the relationship between executive and legislature, but then that is not unusual when one compares parliamentary democracies in general. Some of our Southern European systems might be considered deficient in certain respects, as in the controlling or legislative functions of their parliaments; but that does not have to disqualify them as liberal democracies. Such deficiencies may in the course of time be rectified, if the cases of postwar Italy and West Germany are indicative, and here of course the role of political parties is crucial. So, the question of parliamentary institutionalisation focusses on the micro-level of political choice: rules are formed in constitutions and parliamentary regulations, but their effectiveness depends on patterns of behaviour and political practice. The evidence so far on the three new democracies is that such patterns have been emerging, but essentially in the intra-parliamentary arena; while external or wider matters of parliamentary institutionalisation remain very subject to further development. Lessons from the Italian case only support that conclusion.

In short, taking these various criteria, there are signs of consolidation in progress but, by the same count, it is not yet complete. This does not mean that institutional options have to become strictly 'closed', for on the contrary political institutions are also required to adapt when necessary. There are two final concluding points. It is difficult to argue that there is some kind of Southern European typology of parliamentary institutions. Their main similarity is that they lack an uninterrupted history, that by virtue of historical sequence they have faced certain comparable problems at the same time - though, here, Italy and Turkey stand apart. Secondly, it might be that these Southern European democracies might differ from the 'Anglo-Saxon' ones in holding less grand expectations of their parliaments, which if true might ironically be their distinguishing characteristic.

NOTES

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PARLIAMENTARISM IN GREECE

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PARLIAMENTARISM IN GREECE

So as to understand Greek parliamentarism, and particularly its structural deficiencies, its constituent elements must be explained.

This paper thus intends to enlighten the circumstances in which Greek parliamentarism arose, by presenting it as a consequence or result of the historical process, and also, in an initial aspect, as the concretion of the reciprocal action between the political culture and the system of government in force at each point in time, that is, the concretion of the specific effects that it has had on Greece directly, upon the setting of a system of relations which was a determinant in the evolution of the parliamentary régime in Greece, based on a system of values orientated preferably towards the formal structure of Greek traditionalism.

Considered under these auspices, the following determinants of Greek parliamentarism can be established: the genesis of the Neo-Hellenic state under the nationalist premises of a delayed formation of the state as such and of Greek political culture, whose dominant characteristic consists of a most accentuated "refusal ideology".

Only by taking these enlightening determinants as a basis will we be able to reach the definition both of the type of parliament existing within the Greek socio-political system and of the assessment of the rôle that the Greek Parliament plays in the democracy consolidation process.

After eight years of war for liberation from the Turks (1821-1829), "modern" Greece appeared as a nation or firmly centralized state, at the same time as the institutions of Byzantine tradition were replaced by clearly Western political and economic institutions. Despite this institutional transformation, the morphological development of the Neo-Hellenic socio-political system was, at essential points of its structural configuration, subject to the influence of a set of powerful circumstances derived most certainly from the Byzantine period, but also

from the period under Ottoman rule, a significant fact due to the effects it had over many decades, and which even today prevails in many important sectors in the country, due to which it is essential that it be taken into account so as to understand the complexity of the socio-political system of modern Greece.

One of the principal factors influencing the historical process of Greece's development as a nation and state in its dislocation in time, that is, the ups and downs with which the uncontrollable structures making up the national conscience became apparent in previous periods - its brilliant past in which the Greeks had and efficiently developed a leading function in the cultural, political and economic fields - contrasts with the modest perspectives for the future with which it appears among contemporary international systems, following the foundation of an independent, sovereign state. Due to this orientation projected solely towards its glorious past, with the passing of time, the socio-political dynamics became ignorant of the differences existing between mythical and real. If to this statement we add the fact that, throughout their history, the Greeks have gone from the unusual situation of being "dominators" to the more frequent and longer-lasting situation of "dominated", the spontaneous and at times conscious encapsulation from the various influences coming from the Western world is explained perfectly, this encapsulation being derived from or imposed by the social circumstances and which, among other consequences, meant that the morphology of the Hellenic system was dominated by a basically feudal system both in political and in economic matters.

This basic feudal structure impregnates the state, the parties and finance, and creates "clientelism" as the principal central structure, with the logical result that to the present day, in Greece there has not been a clear separation, neither in concept nor in practice, between the state and the society.

The actual socio-political and economic system in the new democracy in Greece establishes a mixed form of "parentela-clientela" relation, on the one hand, and bureaucratic subsystems, on the other, with the latter also fulfilling a peculiar function as a "pressure group". However, it must be emphasized that the clientelism and the undeniable fact that the pursuit for overall and sociological objectives is the object of a more or less open censure, considering it as an "atypical", beyond normal attitude or procedure, are not simply the natural effect of the absence of horizontal communication and relation within the Greek system, that is, of the model of traditional structures typical of a past venerated to the point of mythification. Rather, it could be said that they are also structural-functional and relational characteristics inherent in an official political evolution which arose following the foundation of the sovereign state of Greece, whose appearance is due both to the downfall of the autonomic structures incrusted in the traditional culture of the population and which, as is proven in the case of England, represent the best requirement for the existence of an efficient Parliament, and also to the rigid centralism and monarchic absolutism imposed by King Otto I (1833-1863).

The reason for the autonomy in Greece not being able to reach an importance similar to that in England is due to the decision of the dominant groups in the new Greek state, who desired to imitate foreign forms of organization, for the value and the function of the autochthonous institutions had not been and would not be recognized.

These new characteristics introduced in the structuring of the state displeased the Greek people and the confrontment existing between the people and the government since Turkish occupation was transferred to the level of official governmental bureaucracy, to the extent that the people's animadversion to the ruling power can be identified as perennial atavism which Ottoman domination has left in the subconscious of the people making up

modern Greece.

Apart from its lack of synchronization with the rest of the Western world, the problem of being a "late nation" represents another of the factors with a basic influence. Due to the concatenation and variety of interests in force at that time in the international system, the foundation of the modern Greek state was mediatized by a series of foreign governments (England, France, Russia), and due to this subordination Greece was faced with the obligation of making decisions, some of which did not happen to correspond to the needs of the process of forming democratic will and spirit and lacked the legitimizing basis which characterizes the relation between the electorate the the ruling élite in other Western European systems.

In those conditions a form of political culture was formed, whose content is made up of exaltation to the point of paroxysm of the "Autarchy of the Greeks", by a subtle "xenophobia", by a lack of confidence in other nations, particularly accented with regard to Western nations, as well as by a widespread "conspiration theory" attributed to some non-definible "powers"; all these parameters find fertile land in a most felt "refusal ideology".

Consequently, Greek political culture can be defined as a product of the influences remaining from Byzantine and Ottoman periods, at the same time as it forms the agglutinating, disciplinarian system in which the characteristics of the socio-political dynamics typical of the Neo-Hellenic society have been developed.

Let us study this aspect in further detail.
Greek political culture represents the standard system which forms the basis for a parliamentary government in Greece. To this end, the main cause for the structural continuity in Greece's institutional development lies firstly in the direct reciprocal action between the political culture and the system of government in force

at each point in time, an action which had a decisive influence on both the structures and the forms adopted by governmental power.

In the context of this system of relations shaped as the basis, as is logical, an interpretation could be perpetuated of the state, whose fundamental values were guided by the "monarchic principle", by the rules of an "executive democracy" as well as by "democratic formalism".

The persistence of this system of values is also determined by the following factors: on the one hand, the traditional ideas of the élites with political influence and power, who see a latent danger in the "società civile" for what they consider their basic rights and for the state; on the other hand, the monarchy, which in Greece has always been considered as inseparably linked not only to the form of the state but also to the opportunities of survival and, although incidentally, also to the essence of the nation; the last factor consists of the positivist interpretation predominant in Greece.

The threat that the "società civile" represents for the state or the nation has its origin in the different constellations that the Greek civil war brought into the country's socio-political firmament. Monopolization of the political power by a traditionally conservative ruling layer, immovable for many decades, made a "closed" elitist group flourish, whose exclusivism led it to considering the state and even the nation as a type of private property, on identifying both concepts with itself. The natural consequence of this belief was that any attempt by other elitist groups, that is from other political parties, to participate in the democratic process was qualified as a threat to the "state" and a danger to the "nation". Finally, it ended in the situation whereby, within the Greek parliament, one cannot talk of a proper parliamentary opposition, and therefore, with regard to the controlling function in the political decision process, the Parliament only plays a marginal rôle. The

discrepancies between the government and the opposition are not developed in Parliament, but are transferred to the mass media, that is, political discrepancies are aired in the daily press, in newspapers allied to each one of the parties.

Within Greek political culture, the confusion created by the identification of the political élite with the state or with the nation has created the "Basic rights abuse" postulate, a concept which, on being included in the 1975 text, has constitutionally legalized state arbitrariness. In political practice, this means that any government can stigmatize its political rival or the parliamentary opposition with the recrimination of incorrect use of basic rights.

For the will forming process and for those which precede the making of decisions, this means that they can only be developed within the framework prepared by the executive power; consequently, we can speak of the existence of a control in Greece, that is, of a "predetermined democracy", and, taking the system of values typical of Greek political culture into account, in which a peculiar interpretation and understanding of that which is "permitted by the regulations in force" has been incubated, that tutelary, prejudiced control is considered as perfectly "legitimate".

Such syncretism becomes apparent, among other details, through the fact that the diachronic evolution of the socio-political system in Greece has not been able to create a "consensual society" in which political problems can be solved by means of compromises established and accepted by the different socio-political tendencies.

The strong influence reached by democratic formalism in Greek political culture is sufficiently demonstrated by the fact that the "basic rights abuse" concept contradicts and cancels the basic principle of the constitution-

al state, for the difference that should always exist between legality and illegality is levelled off. In the nucleus of this type of "forbidden legality" the "democracy of executives" also hides, this concept being expressive of the mentality prevailing in the political élite in Greece.

The marked action in the "setting of values" that the Greek political élite exercises on the "governing persons" is mainly due to a traditional imposition and is inseparable from the valuations predominant in the political culture of the country. In the conscience of the leading political groups, the exercise or the concentration of the country represents the most important factor in their function. From the moment when the élite monopolizing the political action is considered as the natural holders and mediators of the social political power, the concept of the "democracy of executives" is reinforced even more.

This "executive democracy" system finds its legitimacy in the valuations and in the apperception models created by Greek parliamentarism together with an eminently positivist judgement of rights, but it also depends on the real constitutionality existing in the country. The fact that the government has, since 1936, been almost exclusively in the hands of conservative parties - a circumstance which brought about a permanent and growing criticism from the opposing political forces - gave rise to a deliberate immunization against all types of criticism, provided by the auto-identification carried out by the parties in power with regard to the nation or with regard to the monarch's neutrality, with the monarch being above any political event, in the opinion of the oligarchical élite.

This situation meant that in Greece, a particular valuation and disciplinarian concept was to develop, and by which the questionability of the state became illegal and which in state philosophy became an

insalvable abyss between the "state" and "society".

In the application of this ideology, the opposition was relieved of its parliamentary control function, for the governments considered it as an "antithesis" of the state and it was also represented in this way in the manifests of the political parties. This is also the cause, particularly after the Second World War, for all following parliamentary oppositions to accept their activity being marginated from that institutional forum and they displaced the centre of gravity of their political task to outside parliament. Two other factors have contributed to legitimizing the performing of the opposition in extra-parliamentary activities: on the one hand, the legislative procedure and parliamentary practice related to it, and, on the other hand, the close dualism between "state" and "society", in the span of values of Greece's political culture.

Apart from that already stated, inside Parliament there is a most clear deficiency in Parliament's control over the legislative activity of the government, a typical characteristic of Greek parliamentarism, which can be attributed mainly to the fact that the governing parties (with few exceptions) had large majorities in Parliament, in the legislatures following the Second World War, majorities which allow the cabinet to have each law passed in accordance with its political advantageousness.

With the lack of a guarantee of content essential in the chapter dedicated to fundamental rights and the fragmented programme of the Social Charta in the Constitution of 1975, the authoritarian structure of Greek "executive democracy", which so considerably contributes to the weakening of Parliament, clearly shows the tremendous distance between the state and society, an aspect characteristic of the socio-political discipline generated by the Third Republic. In this field we can also find one of the main indicators pointing both to

a diachronic interpretation of the state and to a structural continuity of state authenticity and it explains the dualism in the process for forming a state and popular will, respectively, which distinguishes the political system in modern-day Greece.

The instrumentalization of the object "state" has given rise to the new Greek citizen being expelled from the natural concept of the "civitas" and, therefore, his being without an "idea on the state". Because the constitutionalist sense of Greek "politeia" is also considered as a purely institutional device, whose function and range depend on the content the government on duty wishes to give it, to use it as an instrument of domination and power. Thus this interpretation becomes the ideological substratum on whose base the specific function of any parliamentary opposition is unbalanced.

This exclusivity of the government to rise as the "guardian of the nation" finds its legitimization in the thesis by which the expression of the people's unification will should exist in Parliament. In the framework of this justification with the ideological basis which the respective government makes use of so as to support its pretension to exclusively represent the desires and interests of the nation, not only are objective parliamentary clarifications made difficult, but also necessary conditions have been created so as to attribute to any opposition, whatever its ideological sign, all types of "anti-national" plots "harmful to the mother country". Under this prism, in Greek parliament there is no opposition as a prime necessity, democratic component, but, at the most, as a "disturbance factor" whose presence is tolerated and stood for patiently.

Thus the ideology of the executive democracy originated, for the only conscious administrator and exclusive manager of the will of the state and, consequently, also the only interpreter of public welfare and interest is the government and not the Parliament or the opposition.

Certainly in Greece the system of plurality of parties and the need for parliamentary opposition are recognized, but to date the conviction that an opposition without restrictions is the basic, indispensable condition for holding effective control over the government has not forced its way through. This attitude is also responsible for Greece's parliamentary system being characterised by scarce political consensus and allows us to appreciate the logical effect of a closed system, orientated in only one direction, a typical consequence of traditional Greek society. As elements generating this closed orientation system, beside Greek political education, we must consider principally the mass media, particularly the daily press linked to the political parties, each one of which has its own organ to influence public opinion. The unidimensional flow of information resulting from this ideological dependence settles in the form of political polarizations and precisely due to the lack of consensus, also hinders suitable strategies for solving the conflicts put forward.

With the passing of time and as a natural product of this system of valuation inherent in Greek political culture, in the oligarchical élite and in the electoral body, an interpretation of politics as a field of conflicts has been created, almost completely excluding the aptitude for looking for a balance of interests and the will allowing the controversies to be softened down.

The deformation of parliamentary conscience in Greece and the consequent degradation of Parliament, to the point of having it minimized in practice to the point where almost its sole task is as a mere machine to legitimize the laws presented by the government, has, as a complementary consequence, the fact that the mass media take on functions which deontologically are the domain of Parliament. For both "promulgating" the work of the government and the "criticism and control" action reserved to the opposition is mainly taken on by the newspapers and they are scarcely present in

the Plenary Hall in Parliament.

Let us more closely consider the content that the parliamentary system in Greece assigns to the concept of opposition.

It is immediately seen that in Greece, on taking a political culture strongly tied to extremely traditionalist influences as a basis, the concept of the opposition and the rôle assigned to it resembles the one found in other areas and political forms rather than the one normally understood in a truly constitutional parliamentary system. For this reason, a peculiar interpretation of the rôle of the opposition was developed in Greece, according to which its main function does not above all consist of a constant criticism of the government's activity and of the administrative authorities responsible for executing the governmental directives, in the sense that it must have parliamentary control, but its efforts are directed towards looking for and using the strategies as considered suitable at each point in time in order to accelerate the fall of the government.

Among many other aspects of Greek politics, the controversial function of the opposition and the widespread definition of its task also point to a conception of the state in which, as its central element, there appears the concentration of the power with the aid of the already institutionalized executive monopoly. For the great deficiency in "checks and balances" typical of the political system in Greece means that the decisive and classical separation of powers hardly works either, since the parliamentary majority (that is, that of the party which has the responsibility of governing at that time) is closely tied to the government, and it is the cabinet which carries out most of the legislating function, by taking it away from the natural legislative organ, that is the Parliament. The constitutionality of Greek executive democracy has a relative-

ly long tradition which in fact goes back to the foundation of the new Greek state, in the nineteenth century; unlike what is usual in Great Britain, in Greece the power of the state is represented by the Crown and by the government appointed by the Crown, while the Parliament and judicial power play a secondary rôle in the hierachy and authority system, so that the parliamentary principles for controlling the power follow a permanent, progressive degradation, the institutional mechanisms which should hold back the arbitrariness of one individual (that is, the Monarch) or of one party (that is, that of the government) are weakened, principles whose vitality already suffered a severe blow when the separation of powers practically disappeared due to the compatibility of the position of Minister with the mandate of Member of Parliament, or due to the virtual impotence of the Parliament to make use of the theoretical possibility of bringing down a government through the vote of censure.

Naturally, the change from the constitutional monarchy for the republican-parliamentary democracy (1975) produced the disappearance, at the standard level, of the well-known distribution of the sovereignty between the Monarch and the people, but the idea that the "separation of powers" means a separation of functions and not a division between the public powers and the sovereignty of the people has not been established in Greece in the scope of the theory of the state, or in that of the Parliament. Instead, the postulate has been cultivated of an "absolute" popular sovereignty as if Greek parliamentarism was unaware of the principle of "delegation" or that of "representation", that is, that the form of state adopted in Greece since 1975 was that of a "direct democracy".

This fact is based on the Greek interpretation of what parliamentarism is, according to which the "absolute popular sovereignty" is not linked to the objective of allowing the "people" to participate directly in exercising state power, but rather it strives to legitimize

the objectives of the political parties and the interests of the government by means of a "democratic accent". Seen in this way, that is, within the context of Greek political culture, the governing majority is considered as the "absolute popular sovereignty", for it received its mandate from the people themselves, and for this reason, all the government's actions have to be taken as the effective transformation of popular will. Thus it is also explained that the monarchic concept of the state promulgated in 1973 was able to survive the deposed monarchy, and this survival does not imply a contradiction at all. The overwhelming supremacy constitutionally granted to the President of the State and the Government with regard to the Parliament not only coincided with the political criterium of the then Prime Minister, Karamanlis, but it was also in line with the pile of interests in the political firmament, as well as with the "executive democracy" posture of the government.

Below, we shall now discuss the rôle that the President of the State plays in the republican-parliamentary democracy in Greece.

The object declared by the government consisted of guaranteeing a strong organization of the State, an objective which, in accordance with that stated in the Constitution of 1975, had to be attained and ensured by means of the supremacy of the Executive Power, even though, in the definition of the state structure of Greece's political system, one does not speak of presidentialist democracy; instead, the official denomination of "republican-parliamentary democracy" is adopted.

However, the Presidency of the State was assigned competences which were much wider than those which correspond to a moderating function, in the present interpretation of the position, for until the reform of the Constitution approved in March 1986, the President not only had the right to intervene in legislating tasks as a collaborator, but he also had autonomous legislative powers. On the other hand, the President of the State could refuse to sign a law passed by Parliament, or he could reject its wording,

and he also had the prerogative of returning an already passed bill to parliament.

And what is more, the Constitution still granted the President other competences, all of them to the detriment of the Parliament and the Government: the President of the State could dissolve Parliament after having listened to the "Council of the Republic", and he could dismiss the Government, even when it had the majority in Parliament. These presidential rights and powers were a contradiction to the structure given to the State, formally declared as a Democratic Parliamentary Republic, a contradiction with incredible dimensions, for the act of dissolving Parliament was, expressis verbis, exempt of being necessarily endorsed by the Government. On the other hand, only in cases of "extraordinary national importance" could the Government propose the dissolution of Parliament, without the President of the State being necessarily compelled to accept it. Other important rights granted to the President of the State in the Constitution were that of representing the State in all aspects of international law, that of declaring war, that of concluding peace and alliance treaties and "informing Parliament with the necessary explanations", although with the proviso that it was "provided the interests and security of the State so allowed".

Not only was a constitutional character thus given to the hypertrophy of an organ of the State, but a competence of political management was also institutionalized, one which was not subjected to any type of control by any representative organ.

Another additional field of action, that is, another possibility for the President's intervention and influence, was also determined by and included in the Constitution: the initiative for forming the Government did not correspond to Parliament, but to the President, and, paradoxically, the Government also needed to have the President's confidence, with the addition that the politics of the cabinet was dependent on the will of the President, for he could control the government's actions in such important affairs

as Defence policies and International Relations policies.

The reform of the Constitution presented by Papandreu's PASOK and passed on the 7th of March, 1986 with the votes of the governmental majority modified the attributions and competences of the President of the State considerably.

The "Council of the Republic" was suppressed as a valuation organ for the President; the presidential prerogative to dictate organization dispositions for controlling questions which solely affected the internal structure and the functioning of the Services of the State and any other public organism was also suppressed. Regulations were also established, with more concretion than that found to date, regarding to whom the President of the State had to entrust the task of forming the government, counting on the Parliament.

According to the reformed Constitution, the President of the State no longer has the power to submit to popular plebiscite matters "of national importance" or to dissolve Parliament, when - as was defined in the previous text - "it was evident that its composition no longer had the approval of the people". There was a considerable restriction, in favour of the cabinet, on the possibilities of a parliamentary majority with regard to the announcing of the state of emergency, of suspending constitutional guarantees and of promulgating amnesties for political crimes.

However, the reform of the Constitution has not modified the articles which reinforce executive power, at the expense of that which should correspond to legislative power, and accentuates the scarce effect of Parliament, bordering on impotence.

For example: for the granting of a vote of confidence requested by the Government, "the absolute majority of the Members present" is sufficient. On the other hand, if it is the Opposition presenting a motion of censure,

to be approved it needs "the absolute majority of all the Members" making up Parliament. Those cases in which Parliament's initiative in legislation matters is limited or denied have not been altered either. Likewise, those dispositions which the President and the Government can decree due to extraordinary, unforeseen reasons have become the competence of the executive, and in this case the Parliament is relegated to the rôle of a mere observer, for the effects of these acts can only be annulled ex nunc, that is, with the repeal taking place, but without it being retrospective, so that the Parliament is faced with accomplished facts. The Parliament's inanity is even more accentuated when the Greek Constitution poses difficulties or prevents the possibilities of control that the Opposition could exercise in foreign affairs and defence policies, as it is established that, for these cases, parliamentary control depends on the decision approved by the governmental majority existing in Parliament.

Given the above, the only conclusion we can reach on parliamentarism in Greece is as follows: in Greece, the Parliament is dominated at all times by the party in the Government, which is equivalent to a declared, strong executive democracy. If to this fact we add the insignificant function of the Opposition - qualified in advance as negative - within the parliamentary process of making decisions and controlling actions, the thesis that the rôle played by the Parliament in the socio-political system in Greece is only, at least at the present point in time, of peripheral importance, of mere formalism, with regard to the consolidation of democracy seems justified.

DER PARLAMENTARISMUS IN GRIECHENLAND

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DER PARLAMENTARISMUS IN GRIECHENLAND

Für das Verständnis des griechischen Parlamentarismus, und das heißt vor allem auch seiner strukturellen Defizite, ist es erforderlich, die ihn konstituierenden Elemente explizit zu machen.
Die Aufgabe dieses papers liegt so in der Darlegung des Entstehungskontextes des griechischen Parlamentarismus als einer Resultante historischer Ablaufprozesse, als auch, und dies in primärer Hinsicht, in der Konkretisierung der für Griechenland spezifischen unmittelbaren Wechselwirkung zwischen politischer Kultur und dem jeweiligen Regierungssystem, ein relationales System, welches die Entwicklung der parlamentarischen Regierungsform in Griechenland auf der Basis eines Wertsystems, das vorwiegend an der Normenstruktur des griechischen Traditionalismus orientiert war, determinierend präformierte.
Unter diesen Auspizien betrachtet können so folgende Determinanten des griechischen Parlamentarismus ausgemacht werden: Die Genesis des neugriechischen Staates unter dem Vorzeichen einer verspäteten Nationalstaatbildung und die griechische politische Kultur, deren dominierendes Merkmal in einer ausgesprochenen 'Weigerungsideologie' besteht.
Auf der Grundlage dieser zu explizierenden Determinanten ist es uns dann möglich, sowohl den Typus von Parlament zu bestimmen, der innerhalb des griechischen soziopolitischen Systems existent ist, als auch eine Einschätzung der Rolle des griechischen Parlaments im demokratischen Konsolidierungsprozeß vorzunehmen.

Aus acht Jahren Befreiungskrieg gegen die Türken (1821-1829) ging Griechenland als eine 'moderne' hochzentralisierte Nation hervor, die zugleich die byzantinisch-traditionellen Institutionen durch westliche politische und ökonomische Institutionen ersetzte. Trotz dieses institutionellen Austausches war die morphologische Entwicklung des neugriechischen soziopolitischen Systems jedoch in ihrer strukturellen Ausgestaltung in wesentlichen Punkten durch die Wirkungszusammenhänge sowohl der byzantinischen als auch der osmanischen Epoche determiniert, ein Faktum, das in seiner die Jahrzehnte perennierenden Wirkung auch heute noch die Verfaßtheit des neugriechischen soziopolitischen Systems in wesentlichen Teilgebieten mitbestimmt.

Als wesentlicher Wirkungsfaktor im historischen Entwicklungsprozeß Griechenlands ist seine Ungleichzeitigkeit anzusehen, das heißt die unbewältigten Strukturen von Seins- und Bewußtseinszuständen vergangener Epochen: seine gewaltige Vergangenheit, in der die Griechen eine Führungsfunktion in kulturellen, politischen und wissenschaftlichen Bereich hatten und ihre bescheidenen Zukunftsaussichten innerhalb des zeitgenössischen internationalen Systems nach der Gründung eines unabhängigen und souveränen Staates. Als Folge dieser ausschließlich auf die Vergangenheit projizierten Orientierung verlor die soziopolitische Dynamik im Laufe der Zeit die Unterscheidungsmaßstäbe zwischen Mythos und Realität. Ziehen wir zu dieser Feststellung noch die Tatsache hinzu, daß der historische Ablaufprozeß die Griechen manchmal in die Rolle des 'Herrschenden' und wiederholt in jene des 'Beherrschten' brachte, so kann damit auch die sozialisationsbedingte unbewußte und bisweilen bewußte Abkapselung gegenüber pluralistischen Einflüssen aus dem Westen nach der Staatsgründung erklärt werden, welche unter anderem zur Folge hatte, daß eine politische und zugleich ökonomische Feudalgrundstruktur die Morphologie des griechischen Systems beherrscht.
Diese feudale Grundstruktur durchdringt Staat, Parteien und Wirtschaft und bewahrt so den 'Klientelismus' als zentrales Strukturprinzip, das zur Folge hat, daß weder eine begriffliche noch eine tatsächliche Trennung zwischen Staat und Gesellschaft in Griechenland bis heute eindeutig erfolgen konnte.

Das neugriechische soziopolitische und ökonomische System selbst stellt eine Mischform von 'Parentela- und Clientela'-Verhältnissen einerseits und bürokratischer Subsysteme mit eigener 'pressure-group'-Funktion andererseits dar. Es muß jedoch bemerkt werden, daß Klientelismus und die Tatsache, daß die Verfolgung von globalen und gesellschaftlichen Zielen mehr oder weniger als 'anomisches' Verhalten depraviert wird, nicht nur die Folgewirkung von fehlenden horizontalen Beziehungen innerhalb des griechischen Systems beziehungsweise von tradierten Strukturmustern aus der zum Mythos stilisierten Vergangenheit sind. Vielmehr sind sie auch strukturell-funktionale und relationale Zustandsmerkmale einer staatspolitischen Entwicklung, die nach der Gründung des souveränen griechischen Staates entstanden, und zwar sowohl durch die Zerschlagung der in der traditionalen politischen Kultur seiner Bevölkerung eingebetteten Selbstverwaltungsstrukturen, die, wie das Beispiel England zeigt, die Voraussetzung für ein gut funktionierendes Parlament dar-

stellen können, als auch in dem von König Otto (1833-1863) oktroyierten Staatszentralismus und absoluten Monarchismus.

Daß in Griechenland die Selbstverwaltung nicht einen dem englischen ähnlichen Höhepunkt erreichen konnte, liegt in der Entscheidung der Eliten des neugriechischen Staates für die Nachahmung fremder Verwaltungsformen, da der Wert und die Funktion der einheimischen Institutionen nicht erkannt wurde beziehungsweise nicht erkannt werden sollte.

Diese neuen strukturellen Merkmale des Staatsaufbaus brachten die griechische Bevölkerung gegen die Staatsordnung auf, und der seit der türkischen Besatzung bestehende Konflikt zwischen Bürger und Staat wurde auf staatsbürokratischer Ebene weiter tradiert - das heißt die Abneigung des Bürgers gegen die Staatsmacht kann als ein den neugriechischen Staat perennierendes Überbleibsel aus der osmanischen Herrschaft identifiziert werden.

Neben der Ungleichzeitigkeit stellt das Problem einer 'verspäteten Nation' einen weiteren zentralen Wirkungsfaktor dar. Durch die Konstellation von Interessen des internationalen Systems war die griechische Staatsgründung mit einer Reihe ausländischer Regierungen (England, Frankreich, Rußland) verbunden, die dazu führten, daß Griechenland gezwungen war, gelegentlich Entscheidungen zu treffen, die keinesfalls dem demokratischen Willensbildungsprozeß entsprachen beziehungsweise die Legitimationsbasis vorwiesen, die in anderen westeuropäischen Systemen die Beziehungen zwischen Wählerschaft und Elite herstellte.
Es entstand so eine Form von politischer Kultur, deren überwiegende Inhalte die hypertrophe Betonung der 'Autarkie des Griechischen', eine subtile 'Xenophobie', das Mißtrauen vor allem dem Westen gegenüber sowie eine weit verbreitete 'Verschwörungstheorie' undefinierbarer 'Mächte' sind - Parameter, die in einer ausgesprochenen 'Weigerungsideologie' ihren kumulativen Niederschlag finden.
Die griechische politische Kultur kann so als ein Produkt von Wirkungsfaktoren der byzantinischen und der osmanischen Epoche identifiziert werden, die zugleich das normative System darstellt, innerhalb dessen sich die Eigenschaften der soziopolitischen Dynamik der neugriechischen Gesellschaft entwickeln konnten.

Betrachten wir diesen Aspekt etwas eingehender.
Die griechische politische Kultur stellt das normative System dar, das die Basis für die parlamentarische Regierungsform in Griechenland bildet. Die Hauptursache für die strukturelle Kontinuität in der institutionellen Entwicklung Griechenlands liegt dabei in erster Linie in der unmittelbaren Wechselwirkung zwischen der politischen Kultur und dem jeweiligen Regierungssystem, die sowohl auf die Strukturen als auch auf die Formen der Regierungsgewalt entscheidend einwirkte.
Im Kontext dieses so gestalteten relationalen Systems konnte folglich ein Staatsverständnis perenniert werden, dessen grundlegenden Werte sich an dem "monarchischen Prinzip", an den Regeln einer "Exekutivdemokratie" sowie an dem "demokratischen Formalismus" orientieren.
Die Persistenz dieses Wertsystems ist dabei durch folgende Faktoren determiniert: Zum einen durch die tradierten Vorstellungen der politischen Machteliten, die in der "societàcivile" eine latente Gefahr für die Grundrechte und den Staat sieht; zum anderen durch die Monarchie, die in Griechenland nicht nur mit der Staatsform, sondern auch mit den Überlebenschancen und gelegentlich auch mit der Substanz der Nation ideologisch verbrämt wurde; und schließlich durch das in Griechenland vorherrschende Positivismus-Verständnis.
Die mit der "societàcivile" verbundene Gefährdung des Staates beziehungsweise der Nation besitzt ihren genetischen Ursprung in den soziopolitischen Konstellationen, die durch den griechischen Bürgerkrieg entstanden sind. Die jahrzehntelange Monopolisierung der politischen Macht durch die traditionell konservative Führungsschicht brachte eine "geschlossene" Elitegruppe hervor, die schließlich zur Identifizierung mit dem Staat selbst beziehungsweise mit der Nation führte. Dies hatte zur Folge, daß jeder Versuch anderer Elitegruppen beziehungsweise politischer Parteien, am demokratischen Prozeß teilzunehmen, als eine Bedrohung für "den Staat" und als Gefahr für "die Nation" apperzipiert wurde. Dies führte letztendlich auch dazu, daß innerhalb des griechischen Parlaments von einer eigentlichen parlamentarischen Opposition nicht gesprochen werden kann und so die Rolle des Parlaments als Kontrollfunktion im politischen Entscheidungsprozeß nur eine marginale Rolle spielt. Die Auseinandersetzung zwischen Regierung und Opposition wird im Bereich der Massenmedien ausgetragen, das heißt die politische Ausein-

andersetzung findet in den den jeweiligen Parteien nahestehenden Tageszeitungen statt.

Die so entstandene Identifizierung der politischen Machteliten mit dem Staat beziehungsweise der Nation führte innerhalb der griechischen politischen Kultur zum Postulat des "Grundrechtsmißbrauchs", der mit der Aufnahme in die Verfassung von 1975 eine konstitutionelle Legalisierung von staatlicher Willkür ermöglichte. Dies hat für die politische Praxis zu Folge, daß jede Regierung den politischen Gegner beziehungsweise die parlamentarische Opposition mit dem Vorwurf des Grundrechtsmißbrauchs stigmatisieren kann.
Dies bedeutet nun für den politischen Willensbildungs- und Entscheidungsprozeß, daß jener nur in dem Rahmen erfolgen kann, der von der Exekutive festgelegt wurde; in Griechenland können wir demzufolge von einer gelenkten, das heißt "vorbestimmten Demokratie" reden, die aufgrund des Wertsystems in der griechischen politischen Kultur, das ein Verständnis für das "normativ Erlaubte" präformiert hat, als "legitim" apperzipiert wird.
Dies macht u.E. auch mit die Tatsache erklärbar, daß die diachrone Entwicklung des soziopolitischen Systems Griechenland keine "consensual society" hervorgebracht hat, in der die politischen Probleme durch Kompromisse zwischen den verschiedenen soziopolitischen Richtungen gelöst werden können.

Die starke Verankerung des demokratischen Formalismus in der griechischen politischen Kultur zeigt zudem die Tatsache, daß das Konzept des "Grundrechtsmißbrauchs" auch das Prinzip des Rechtstaats aufhebt, indem die Unterscheidung zwischen Legalität und Illegalität nivelliert wird. Im Zentrum dieser Art "verbotener Legalität" ist auch das "Exekutivdemokratie"-Verständnis der griechischen politischen Elite verortet.

Die ausgesprochene "Wertsetzung" der griechischen politischen Elite auf das "Regieren" ist vor allem traditionell bedingt und hängt mit den vorherrschenden Wertvorstellungen in der politischen Kultur des Landes zusammen. Die Machtausübung beziehungsweise -konzentration stellt im Bewußtsein der politischen Führungsgruppen den wesentlichen Faktor ihrer Funktion dar. Indem sich die politischen Machteliten so als der eigentliche Träger und

Vermittler der gesellschaftlich-politischen Macht verstehen, verstärken sie noch weiter das "Exekutivdemokratie"-Verständnis.

Dieses "Exekutivdemokratie"-System findet seine Legitimation zwar in den Wertvorstellungen und Apperzeptionsmustern, welche den griechischen Parlamentarismus zusammen mit dem positivistischen Rechtsleben erzeugt haben, hängt jedoch auch mit der Verfassungswirklichkeit des Landes zusammen. Die Tatsache, daß die Regierungsgewalt seit 1936 fast ausschließlich in Händen von konservativen Parteien lag, was eine permanente und zunehmende Kritik von oppositionellen Kräften hervorrief, führte zu einer bewußt intendierten Kritikimmunisierung durch die Selbstidentifikation der Regierungsparteien mit der Nation beziehungsweise mit der Neutralität des Monarchen, der nach Auffassung der politischen Machteliten über dem politischen Geschehen stand.
Die Folge daraus war, daß sich in Griechenland eine Norm- und Wertsetzung entwickeln konnte, die das Infragestellen des Staates in die Illegalität verdrängte und im griechischen Staatsdenken eine unüberbrückbare Kluft zwischen 'Staat' und 'Gesellschaft' entstehen ließ.
Im Gefolge dieser Ideologie wurde die Opposition von ihrer parlamentarischen Kontrollfunktion entbunden, da sie von den jeweiligen Regierungen als ein 'Gegensatz' zum Staat apperzipiert und in den parteipolitischen Auseinandersetzungen auch als solcher dargestellt wurde. Hier liegt auch die Ursache dafür, daß vor allem nach dem Zweiten Weltkrieg jede parlamentarische Opposition ihre parlamentarische Tätigkeit marginalisieren ließ und den Schwerpunkt ihrer politischen Aktivitäten vom Parlament nach außen verlagerte, Zur Legitimierung der auf außerparlamentarischen Tätigkeit gerichteten Opposition tragen außerdem zwei Faktoren bei: Zum einen das Gesetzgebungsverfahren und die damit zusammenhängenden Parlamentspraktiken, und zum anderen der strenge Dualismus von 'Staat' und 'Gesellschaft' im Wertgefüge der griechischen politischen Kultur.
Darüber hinaus besteht innerparlamentarisch ein ausgeprägtes Kontrolldefizit des Parlaments gegenüber der legislativen Tätigkeit der Regierung, ein Faktum im griechischen Parlamentarismus, der vor allem darauf zurückzuführen ist, daß nach dem Zweiten Weltkrieg die Regierungsparteien (mit wenigen Ausnahmen) über große Mehrheiten im Parlament verfügten, die es

dem Kabinett erlaubten, jedes Gesetz nach seinen politischen Vorstellungen verabschieden zu können.

Die Gewaltenstruktur der griechischen "Exekutivdemokratie", die wesentlich zur Schwächung des Parlaments beiträgt, zeigt mit dem Fehlen einer Wesensgehaltsgarantie im Grundrechtsteil und der fragmentarischen Programmatik der Sozialcharta der Verfassung von 1975, daß die Trennung von Staat und Gesellschaft die soziopolitische Ordnung der dritten Republik charakterisiert. Hier kann auch einer der Hauptindikatoren lokalisiert werden, der sowohl auf ein diachrones Staatsverständnis als auch auf eine strukturelle Kontinuität der Staatswirklichkeit hinweist, und den Dualismus von Staatswillensbildung und Volkswillensbildung, der das neugriechische System kennzeichnet, erklärt.

Die Instrumentalisierung des Gegenstandes 'Staat' hat dazu geführt, daß der neugriechische Bürger aus dem Bereich der "civitas" vertrieben wurde und deshalb ohne 'Staatsidee' blieb. Denn die Verfaßtheit der griechischen "politeia" wird weiterhin als rein institutionelle Apparatur apperzipiert, deren Funktion lediglich in der Sicht des Herrschaftsinstruments in der Hand der jeweiligen Regierung liegt. Auf der Grundlage dieses ideologischen Substrats kann sodann jede parlamentarische Opposition ihrer Funktion entbunden werden.

Dieser Alleinspruch der Regierung als 'Hüter der Nation' findet seine Legitimation in der These, daß im Parlament der einheitliche Wille des Volkes zum Ausdruck kommen müsse. Im Rahmen dieser ideologisch fundierten Rechtfertigung eines Alleinvertretungsanspruchs der Nation durch die jeweilige Regierung werden nicht nur sachbezogene parlamentarische Auseinandersetzungen für eine opponierende parlamentarische Minderheit erschwert, sondern es führt auch dazu, daß jede parlamentarische Opposition mit 'antinationalen' und 'vaterlandsschädlichen Machenschaften' negativ attributiert wird.
Die Opposition stellt so innerhalb des griechischen Parlaments nicht einen primär notwendigen demokratischen Bestandteil dar, sondern wird bestenfalls als ein 'geduldeter Störfaktor' apperzipiert.

Somit konnte die Ideologie der Exekutivdemokratie entstehen, da ausschlies-

slich die Regierung und nicht das Parlament oder die Opposition der Sachverwalter des Staatswillens und deshalb auch die alleinige Interpretin des Gemeinwohls ist.

In Griechenland wird zwar das Mehrparteiensystem und die Notwendigkeit einer parlamentarischen Opposition anerkannt, die Oberzeugung jedoch, daß eine uneingeschränkte Opposition die Grundbedingung effektiver Regierungskontrolle ist, hat sich bisher nicht durchgesetzt. Diese Einstellung ist auch verantwortlich dafür, daß das parlamentarische System Griechenlands durch einen geringen politischen Konsens gekennzeichnet ist und läßt außerdem die Folgewirkung eines geschlossenen Orientierungssystems erkennen, das die traditionalistische griechische Gesellschaft hervorbrachte. Konstitutiv für für dieses geschlossene Orientierungssystem sind dabei neben der griechischen politischen Kultur vor allem die Massenmedien und hier speziell die parteipolitisch determinierten Massenblätter. Der daraus resultierende eindimensionale Informationsfluß findet seinen Niederschlag in politischen Polarisierungen und verhindert so auch mangels Konsens Konfliktlösungsstrategien.

Auf der Grundlage dieses Wertsystems in der griechischen politischen Kultur ist im Verlauf der Zeit in den Machteliten und im Wahlkörper ein konfliktorientiertes Politikverständnis entstanden, das die Bereitschaft zum Ausgleich der Interessen und zur Bereinigung von Kontroversen fast ausschließt.

Die Mißbildung des parlamentarischen Bewußtseins in Griechenland und die daraus resultierende Degradierung des Parlaments zu einer fast ausschliesslichen Gesetzgebungsmaschine hat außerdem zur Folge, daß die Massenmedien Funktionen wahrnehmen, die eigentlich einem Parlament deontologisch zustehen. Denn sowohl die "Ver-Öffentlichung" der Regierungsarbeit als auch die "Kritik und Kontrolle" durch die Opposition wird primär von den Tageszeitungen wahrgenommen und findet kaum im Plenarsaal des Parlaments statt.

Betrachten wir nun etwas eingehender den Begriff der Opposition im parlamentarischen System Griechenlands.
Es ist zu konstatieren, daß auf der Grundlage einer unter dem stark traditionalistischen Einfluß ausgeformten politischen Kultur in Griechenland der Begriff der Opposition und deren Rolle eher auf andere politische

Formen und Bereiche als im Sinne eines konstitutiven Systembegriffs des Parlamentarismus übertragen wurden. So konnte sich in Griechenland ein Rollenverständnis der Opposition entwickeln, das ihre Hauptfunktion nicht primär in der ständigen Kritik der Regierungsarbeit und in der von dieser geleiteten Verwaltungsbehörden im Sinne einer parlamentarischen Kontrolle sieht, sondern vielmehr in der Anwendung von Strategien zur Beschleunigung des Regierungssturzes.

Die umstrittene Funktion der Opposition und ihre diffus definierte Rolle weisen unter anderem auch auf ein Staatsverständnis hin, dessen zentrales Element die Machtkonzentration mit Hilfe des institutionalisierten Exekutivmonopols ist. Denn der weitgehende Mangel von "checks and balances" im politischen System Griechenlands führt dazu, daß auch die dezisive Gewaltenteilung kaum funktioniert, da die parlamentarische Mehrheit (das heißt die jeweilige Regierungspartei) eng mit der Regierung verzahnt ist, so daß der größte Teil der legislativen Funktion vom Kabinett usurpiert wird.
Die Verfaßtheit der griechischen Exekutivdemokratie hat gewiß eine verhältnismäßig lange Tradition, die bis zur Gründung des neugriechischen Staats im 19. Jahrhundert zurückverfolgt werden kann; im Gegensatz zu Großbritannien stellen die Krone und die von ihr berufene Regierung die tatsächliche Staatsgewalt in Griechenland dar, während das Parlament und die Jurisdiktion sekundäre Funktionen im Herrschaftssystem wahrnehmen. Dadurch wurden immer wieder die parlamentarischen Prinzipien der Machtkontrolle degradiert und die institutionellen Sicherungen gegen die Willkür eines einzelnen (das heißt des Monarchen) oder einer Partei (das heißt der Regierungspartei) geschwächt, die insofern schon gemindert waren, als die Gewaltenteilung durch die Kompatibilität von Ministeramt und Abgeordnetenmandat oder durch die im Parlament gegebene Möglichkeit, eine Regierung durch Mißtrauensvotum zu stürzen, zusätzlich durchbrochen war.
Zwar wurde durch den Übergang von der konstitutionellen Monarchie zur republikanisch-parlamentarischen Demokratie (1975) auf der Normebene eine Ablösung der zwischen Monarch und Volk geteilten Souveränität vollzogen, doch die Vorstellung, daß die "Gewaltenteilung" eine Teilung von Funktionen und nicht eine Spaltung des Gemeinwillens und der Volkssouveränität darstellt, konnte sich in Griechenland weder im Bereich der Staatstheorie

noch in jenem des Parlaments durchsetzen. Statt dessen wurde weiterhin das Postulat einer 'absoluten' Volkssouveränität gepflegt, so, als würde der griechische Parlamentarismus weder das Prinzip der 'Delegation' noch jenes der 'Repräsentation' kennen und die griechische Staatsform nach 1975 infolgedessen eine 'direkte Demokratie' verkörpern.
Dieses Faktum liegt in dem griechischen Parlamentarismus-Verständnis begründet, demzufolge mit der "absoluten Volkssouveränität" nicht die Absicht verbunden ist, das 'Volk' unmittelbar in der Ausübung staatlicher Macht partizipieren zu lassen, sondern vielmehr in der Bemühung, parteipolitische Ziele und Regierungsinteressen 'betont demokratisch' zu legitimieren.
So gesehen wird im Kontext der griechischen politischen Kultur die Regierungsmehrheit als die 'absolute Volkssouveränität' apperzipiert, da sie mit dem Volksmandat beauftragt werde und die Regierungshandlungen deshalb als faktische Umsetzung des Volkswillens anzusehen sind. So konnte auch das monarchische Staatsverständnis die 1973 abgeschaffte Monarchie überleben und stellt keinen Widerspruch dar: denn die verfassungsrechtliche Konstruktion eines erdrückenden Übergewichts des Staatspräsidenten und der Regierung gegenüber dem Parlament stimmte nicht nur mit der politischen Konzeption des damaligen Ministerpräsidenten Karamanlis überein, sondern auch mit der politischen Interessenkonstellation sowie mit der 'exekutivdemokratischen' Einstellung der Regierung.

Wenden wir uns nun abschließend der Rolle des Staatspräsidenten in der republikanisch-parlamentarischen Demokratie Griechenlands zu.
Das erklärte Ziel der Regierung war die Gewährleistung einer starken Staatsorganisation, die in den Verfassungsbestimmungen von 1975 durch das Übergewicht der Exekutive garantiert werden sollte, obwohl in der Staatsstrukturbestimmung das politische System Griechenlands nicht als Präsidialdemokratie, sondern als eine "republikanische-parlamentarische Demokratie" definiert ist.
Dennoch wurde ein Staatspräsidentenamt aufgebaut, dessen Kompetenzen weit über das im herkömmlichen Sinn implizierte Rollen- und Funktionsverständnis hinausgeht. Denn bis zur Verfassungsreform im März 1986 hatte der Präsident nicht nur ein Mitwirkungsrecht an der Gesetzgebung, sondern auch

autonome Gesetzgebungskompetenzen. Außerdem konnte der Staatspräsident sowohl die Sanktionierung und Ausfertigung eines vom Parlament beschlossenen Gesetzes verweigern als auch einen beschlossenen Gesetzentwurf an das Parlament zurückweisen.
Darüber hinaus räumte die Verfassung dem Präsidenten weitere zu Lasten von Parlament und Regierung gehende Zuständigkeiten ein: der Staatspräsident konnte das Parlament nach Anhörung des "Rates der Republik" auflösen und selbst dann die Regierung entlassen, wenn diese im Parlament über die Mehrheit verfügte. Diese Präsidialrechte widersprachen der Strukturbestimmung -welche die Staatsform einer Republik festlegt- deshalb in besonderem Maße, weil der Auflösungsakt des Parlaments durch den Präsidenten von der allgemeinen Gegenzeichnungspflicht durch die Regierung expressis verbis befreit war. Die Regierung konnte hingegen nur in Fällen "von außerordentlicher nationaler Bedeutung" den Vorschlag einer Parlamentsauflösung vorbringen, der jedoch für den Staatspräsidenten in keiner Weise verpflichtend war; ein Recht zur Parlamentsauflösung hatte die Regierung grundsätzlich nicht. Desweiteren wurde dem Staatspräsidenten verfassungsrechtlich das Recht verliehen, den Staat völkerrechtlich zu vertreten, den Krieg zu erklären und Friedens- und Bündnisverträge zu schließen und diese "mit den notwendigen Erläuterungen dem Parlament" mitzuteilen, "soweit das Interesse und die Sicherheit des Staates dies erlauben".
Auf diese Weise wurde nicht nur die Hypertrophie eines Staatsorgans konstitutionell festgeschrieben, sondern auch eine politische Führungskompetenz institutionalisiert, die keinerlei Kontrolle repräsentativer Organe unterlag.

Ein zusätzlicher Aufgabenbereich und somit eine weitere entscheidende Einflußmöglichkeit des Präsidenten war ebenfalls verfassungsrechtlich verankert: die Regierungsbildungsinitiative wurde vom Parlament auf den Staatspräsidenten verlagert und die Regierung bedurfte paradoxerweise auch des Vertrauens des Staatspräsidenten. Hinzu kamm, daß die Regierungspolitik von den Befugnissen des Präsidenten abhängig war, da er diese in wichtigen Bereichen - wie zum Beispiel in der Verteidigungs- und Außenpolitik - kontrollieren konnte.

Die von der PASOK unter Papandreou erarbeitete und mit den Stimmen der

Regierungsmehrheit gebilligte Verfassungsreform vom 7.März 1986 führte zu einer Modifikation der Kompetenzen des Staatspräsidenten.
So wurde der "Rat der Republik" als ein den Präsidenten beratendes Organ aufgehoben; ebenfalls wurde das Recht des Präsidenten aufgehoben, Organisationsverordnungen zur Regelung von Fragen zu erlassen, die ausschliesslich die innere Gliederung und den Betrieb des staatlichen und des sonstigen öffentlichen Dienstes betrafen. Genauer als bisher ist nun auch geregelt, wen der Staatspräsident im Parlament mit der Regierungsbildung zu beauftragen hat.
Nach der revidierten Verfassung hat der Staatspräsident nicht mehr das Recht, Fragen von "nationaler Bedeutung" zur Volksabstimmung zu stellen oder das Parlament aufzulösen, wenn - wie es bisher hieß - "es mit der Stimmung im Volk offensichtlich nicht übereinstimmt". Erheblich eingeschränkt wurden zugunsten des Kabinetts schließlich auch die Möglichkeiten der parlamentarischen Regierungsmehrheit, den Notstand auszurufen, Verfassungsartikel zu suspendieren und Amnestien für politische Straftäter zu erlassen.

Von der Verfassungsreform unberührt blieben jedoch Verfassungsbestimmungen, die eine Stärkung der Exekutivgewalt zu Lasten der Legislative betreffen und die Ohnmacht des Parlaments weiter zementieren.
So genügt für die Annahme eines Vertrauensantrags der Regierung die "absolute Mehrheit der anwesenden Abgeordneten". Wenn dagegen die Opposition ein Mißtrauensvotum vorlegt, bedarf es der "absoluten Mehrheit der Gesamtzahl der Abgeordneten". Zusätzlich blieben in der Verfassungsreform solche Fälle unberücksichtigt, in denen die gesetzgebende Initiative des Parlaments beschränkt oder versagt werden. In die Kompetenz der Exekutive fallen auch diejenigen Verordnungen, die der Präsident und die Regierung mit der Begründung des außergewöhnlichen und unvorhergesehenen Bedarfs verabschieden kann, und das Parlament lediglich die Rolle eines Beobachters übernimmt. Denn die Wirkung solcher Verordnungen kann nur ex nunc, also für die Zukunft, aufgehoben werden, so daß das Parlament vor vollendete Tatsachen gestellt wird. Die Ohnmacht des Parlaments wurde insofern weiter

verstärkt, als die griechische Verfassung der Opposition auf den Gebieten der auswärtigen Politik und der Verteidigung die Kontrollmöglichkeiten erschwert oder ganz entzieht. Denn in diesen Fällen ist die parlamentarische Kontrolle von der Entscheidung der Regierungsmehrheit im Parlament abhängig.

Vor dem nun Dargelegten können wir den Parlamentarismus in Griechenland wiefolgt bestimmen: Das Parlament in Griechenland wird durch die jeweilige Regierungspartei dominiert, was in einer ausgesprochen starken Exekutivdemokratie zum Ausdruck kommt. Ziehen wir zu diesem Faktum die unbedeutende und darüber hinaus negativ-präjudizierte Funktion der Opposition im parlamentarischen Entscheidungs- und Kontrollprozeß hinzu, so scheint die These gerechtfertigt, daß die Rolle des Parlaments im soziopolitischen System Griechenlands im Hinblick auf eine demokratische Konsolidierung zum gegenwärtigen Zeitpunkt nur von peripherer Bedeutung ist.