Portugal in the Twenty-First Century

Politics, Society, and Economics

Edited by Sebastián Royo

To my twin brother, Pepe. I miss you so much.

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Portugal initiated the so-called "Third Wave" of democratization in 1974 (Huntington, 1991) after more than forty years of authoritarianism. The "rules of the game" which were agreed to in 1976 largely reflect the historical and political circumstances of that period, which was characterized by a strong presence of the military in the political life of the country, an ascendancy of the Left, and a strong split concerning the future nature of the political regime. The major political development in the last thirty years has arguably been the transformation of the Portuguese party system, which has in turn fundamentally contributed to the process of consolidation. Nevertheless, as we shall see, calls for institutional reform have been a constant during the democratic period, acting as an indicator of the shifts in political consensus and the tensions that persist concerning the design and effects of Portuguese political institutions.

In what follows, the main political institutions of Portuguese democracy are presented, both in terms of how they were devised in the 1976 Constitution and how they have evolved. Then, the electoral system is described, and the effects it had on the party system and governmental majorities are discussed. Next, the executive power and governmental majorities are set in the context of the counterweights that exist in the political system. As we shall see, Portugal is a country where comparatively few counterweights exist to governmental action. In

that light, the importance of membership in the European Union, which occurred in 1986, becomes even more apparent. The chapter ends by giving an overview of the recent major debates on the regime's nature.[1]

The Making of Portuguese Democracy

On April 25, 1974, a bloodless military coup put an end to almost five decades of dictatorship (1926-1974). Unshackled by international pro-democratizing forces and in the midst of the Cold War, the coup led to a severe state crisis that was aggravated by the simultaneous processes of transition to democracy and decolonization of what was the last European colonial empire.[2]

The comparative literature on transitions to democracy has always incorporated the Portuguese case; however, some of its characteristics, particularly the role of the military, the crisis of the State, and the dynamics of the social movements, constitute elements that are difficult to integrate into the comparative analysis of democratization. As Juan Linz and Alfred Stepan have noted, "we all too often tend to see [Portugal] in the framework set by later transitions processes,"[3] forgetting the greater degree of uncertainty and the extreme conflict path of a regime change that, according to some authors, "was not a conscious transition to democracy."[4]

The Portuguese dictatorship's nature tells us little about the country's transition to democracy. Salazarism was close to the Linzian ideal-type of authoritarian regime: it was a regime that survived the "fascist era," and was not too dissimilar from the final phase of neighboring Spain's Franco regime, despite its single party being weaker and its "limited pluralism" greater.[5] The singularity of the dictatorship's collapse resides in the military intervention by the captains—a rare, if not unique, case in the twentieth century. The colonial war that was being waged by the regime on three fronts—in Angola, Mozambique and Guinea-Bissau—from 1961 onward made them protagonists in the country's political transformation. In 1968, Salazar was replaced by Marcello Caetano, who initiated a limited and timid regime "liberalization" that was swiftly halted by the worsening Colonial War. The inability of Salazar's successor to resolve some of the dilemmas caused by the war provoked the coup d'état in April 1974. This was a military coup conducted by a "non-hierarchical" military, which had a political program that promoted democratization and decolonization.

Although disconnected from the military officers that led the coup, the prior existence of a semi-legal and clandestine opposition to Salazarism was of crucial importance. It constituted a political option legitimized by the struggle against dictatorship. The replacement of Salazar by Marcello Caetano in 1968 due to health reasons gave rise to a two-year liberalization process, and although it was cut short, it allowed for the consolidation of a "liberal wing" of dissidents opposed to the dictatorship. The creation of SEDES (*Sociedade para o Desenvolvimento Económico e Social*) in 1970 further consolidated this dissident "liberal

wing."[6] Thus, despite the surprising action of the military, there were alternative elites who had close connections with various sectors of civil society and who were ready to play a leading political role in the democratization process.

Unlike Spain's *ruptura pactada*, Portugal underwent a transition without negotiations or pacts between the dictatorial elite and opposition forces. However, there is no direct causal link between this marked discontinuity and the subsequent process of radicalization: other transitions by rupture did not cause comparable crises of the state. As we will show below, the simultaneous democratization and decolonization processes was one factor of the crisis. Decolonization also triggered the conflict that broke out soon after the regime's collapse between select conservative generals and the Armed Forces' Movement (MFA: *Movimento das Forças Armadas*), which planned and executed the coup. This conflict was at the root of the military's generalized intervention in political life following the dictatorship's overthrow.

The mobilization of diverse anti-dictatorial forces was crucial in the first days after the 1974 coup. It was especially important in the immediate dissolution of the most notorious institutions of the New State, as well as in the occupation of various unions, corporatist organizations and municipalities. Some of the military elite, the leaders of several interest groups, and a part of the first provisional government sought the rapid establishment of a presidentialist democratic regime immediately following the convocation of elections.

The institutionalization of the MFA transformed it into the dominant force behind the provisional governments. The "interweaving of the MFA in the State's structures" and its emergence as an authority for regulating conflicts, which substituted, dispersed and paralyzed the classic mechanisms of legitimate State repression, prevented "the re-composition of the State apparatus."[7] This was the main factor explaining why, in the Portuguese case, the movement for the dissolution of institutions and purges exceeded those of classic purges in transitions by rupture and, in many cases, came to be a component of the transgressing social movements.[8]

Indeed, the "revolutionary period" of 1974 to 1975 was the most complex phase of the transition if one considers the transition as the "fluid and uncertain period in which democratic structures are emerging," but in which it is still unclear what kind of regime is to be established.[9] During these two years, powerful tensions emerged within Portuguese society, but they began to subside in 1976 when a new constitution was approved and the first legislative and presidential elections were held.

The disagreements over the nature of decolonization, which was the initial driving force behind the conflict between the captains who had led the coup and General Spínola and other conservative generals, led to the emergence of the MFA as a political force. This subsequently opened a space for social and political mobilization that exacerbated the state's crisis and perhaps explains why the moderate elites were incapable of directing, "from above," the rapid institutionalization of democracy. Many analyses of the transition rightly emphasize the powerful "revitalization of civil society" as a factor leading to the process of

radicalization. As Philippe Schmitter notes, "Portugal experienced one of the most intense and widespread mobilization experiences of any of the neo-democracies."[10] However, this mobilization developed in parallel with and in the presence of this protective cover; it is difficult to imagine this mobilization developing otherwise.

The strength of the MFA, and of the military more generally, led to it exercising considerable leverage in order to be included in the nascent political system. Throughout that period, early attempts at the "presidentialization" of the regime were soon followed—after a failed coup attempt in March 1975—by a "First Pact" between the parties and the military about the future content of the Constitution. This pact, signed two weeks before the scheduled 1975 elections for a Constituent Assembly, gave the military a veto power over the future constitutional text, severely constraining the work of the freely elected members of the constituent assembly. It even imposed the constitutionalization of an "Assembly of the Movement of the Armed Forces" formed by military officers; an assembly that participated in the indirect election of the head of state.

It was at this time that the parties that were to represent the right and center-right—the Social Democratic Center (CDS: *Centro Democrático Social*) and the PPD—were formed. A great effort was made to exclude from these parties any persons associated with the New State and find leaders with democratic credentials. Indeed, the CDS, which integrated sectors of Portuguese society that espoused conservative authoritarian values, was on the verge of being declared illegal up until the first elections for the Constituent Assembly on April 25, 1975.

The overthrow of General Spínola, along with the MFA's shift to the left and the implementation of agrarian reforms and nationalization of large economic groups, were symbols and motors of an ever-worsening state crisis that was sustaining powerful social movements. The MFA's decision to respect the electoral calendar was a significant factor in the legitimization of the democratic regime and the realization of these elections as scheduled greatly enhanced the position of the moderate political parties.

It is too simplistic to consider the "hot summer" of 1975 simply as an attempt by the Portuguese Communist Party (PCP: *Partido Comunista Português*) to impose a new dictatorship with the support of the Soviet Union. Naturally, the democratic political elite made much of this argument in its founding discourse, but this does not provide a full explanation of events. The situation was more complex: conflict was fed by the development of strong grass-roots political organizations such as the workers' commissions, and the growing challenge posed by the extreme left during the crisis and its influence within the military. The importance of internal divisions within the armed forces in driving these events forward means that they cannot be explained as part of a "programmed conspiracy."

Portuguese society began to polarize with the emergence of an anti-revolutionary (and anti-Communist) movement in the north of the country. It

was in this context of increasing mobilization, that on November 25, 1975, moderate MFA officers organized a successful counter-coup that toppled the radicals. The Socialist Party (PS: *Partido Socialista*) and the PPD backed the moderates, leading mobilizations in Lisbon and Oporto, with the former opening a rift with the communists that would become a central divide in the left-wing segment of the political spectrum. In the provinces to the north of the River Tagus, the hierarchy of the Catholic Church and local notables supported parish level mobilizations, with the local military authorities remaining neutral and/or with them being complicit in the activities. As elements of the extreme right—military officers and civilians alike—began to mobilize, the anti-left offensive became violent. Attacks were made on the offices of the PCP and the extreme left and associated unions. Right-wing terrorist organizations emerged, such as the Democratic Movement for the Liberation of Portugal (MDLP: *Movimento Democrático para a Liberação de Portugal*), and the Portuguese Liberation Army (ELP: *Exército para a Libertação de Portugal*).

Following this counter-coup that neutralized the radical left-wing military, a new settlement between the parties and the military followed, the so-called "Second Pact." This included the direct election of the president of the Republic by universal suffrage, but under stringent conditions that were imposed by the moderate and hierarchical military, which had now gained control of power. Among those conditions was the imposition of an "implicit military clause,"[11] through which the major parties, the center-left Socialist Party and the center-right Social-Democratic Party, would endorse a particular candidate in the next presidential elections, to be selected by the military Council of the Revolution (CR) itself.

From 1974 to 1975, Portugal experienced significant foreign intervention not only in diplomatic terms, but also affecting the formation of political parties, unions and interest organizations, as well as shaping the anti-left strategy that evolved over the "hot summer" of 1975. The Portuguese case was a divisive issue in international organizations, within the North Atlantic Treaty Organization (NATO) and in the European Economic Community (EEC), affecting relations between these two organizations and the Socialist Bloc countries led by the Soviet Union.[12] All evidence makes it clear that from 1974 to 1975, Portugal was an issue of "international relevance."

Caught by surprise with the coup, the international community, and the United States in particular, focused on supporting democratic political forces of the center left and right in Portugal, as well as on intervening in the rapid process of de-colonization, particularly in Angola.[13] The same post-Second World War methods deployed to deal with Italy were used in the Portuguese case. The moderate political parties were financed by the U.S. administration, which together with the international organizations of the European political families—these often mediating the U.S. role—also supported the training of party cadres. The impact of foreign aid, however, was limited. They were drowned out by the powerful political and social mobilization led by the left, an economy strongly marked by a large nationalized sector, as well as capital flight and the actual

flight of members of the economic elite from the country. Although domestic political factors played a critical role in enabling both the triumph of moderate civilian forces and the final withdrawal of the military from the political arena, international support and perspectives of EEC membership were more important than the early literature on the transition suggests.[14]

The nature of the transition left several legacies to the political system. First, the presence of the military, which had been determinant for the demise of the *Estado Novo*, demanded a stake in the new regime. After difficult negotiations, an important role was found for the military within the institutions to condition the political system until at least 1982. Second, the authoritarian right-wing nature of the *Estado Novo*, and especially the radicalization of the transition, guaranteed an ascendancy for the left-wing parties within the party system. Nonetheless, the conflicts between Socialist and Communist parties during the transition rendered any coalitions between the two major parties on the Left unviable. Finally, during the transition period, the radicalization of political actors and society centered on the nature of the regime and became a fundamental split within Portuguese politics which, as we shall see, served to diminish other social and political divides among the electorate. We now turn to the executive power, how it was created, and how it has changed in the last three decades, bearing in mind the authoritarian and transition legacies to the democratic regime.

Executive Power

In the Portuguese case, the choice of a semi-presidential system is central to understanding how executive power was conceived and how it developed. Duverger defined this model of government as having a constitution with two main characteristics: a president elected by direct universal suffrage that has considerable powers and a prime minister and ministers possessing executive and governmental powers that are responsible to parliament.[15] Duverger's definition has been found wanting on one major aspect, namely due to the fact that it is unclear what "considerable presidential power" means.[16] More recently, Elgie reformulated Duverger's criteria by eliminating that phrase. According to Elgie, a regime is semi-presidential whenever the president is popularly elected on a fixed mandate and co-exists with a prime-minister and a government which are responsible to parliament. From these constitutional norms, a variety of political practices may emerge, ranging from a president who is a mere figurehead to one who dominates the executive branch. The outcome will depend on three types of factors: namely, the events which surrounded the creation of the regime; the constitutional powers granted to the main political bodies and the nature of the parliamentary majority; and the president's relationship with that majority.[17] Next, we will analyze Portuguese executive power in light of these three factors.

All constitutions are necessarily a product of the time and circumstances in which they are designed, embodying the wishes and fears of their framers, both

current and historical. The Portuguese Constitution of 1976 was no exception. It was a compromise document, agreed upon by the two main political actors who emerged from the revolutionary period of 1974 to 1976; namely, the military and the parties that competed to determine the workings of the state and government.[18] In fact, the Constitution was drafted by a Constituent Assembly working under constraints imposed by the military (the Armed Forces Movement), thus crystallizing a particular moment of Portuguese political history and conditioning the polity's subsequent development.[19] When the Constitution was amended in 1982, the 1976 balance-of-forces had evolved considerably due to the decline in the power of the military, of revolutionary activists, and of the left in general. Thus, the temporary ascendancy of the military explains the choice of semi-presidentialism. Looking at the successive proposals made by the different parties in the Constituent Assembly, Lucena points out that initially none of them called for a semi-presidential regime. That choice came about as a result of the second pact between the military, and the parties signed in 1975—that is, from the pressure to include the military in the nascent political regime, and from an implicit agreement that the first president would be a military officer.[20]

That he would be elected by popular suffrage meant that in the medium term, the presidential office might become partified, thus holding the promise of a partisan, civilian president in the future. In the short-term, however, the concession made by political parties that the first president should be a military officer meant that the presidential office would combine both electoral and revolutionary legitimacy.

The military's importance in the transition towards democracy was prolonged not only by General Eanes' election to the presidency in 1976 but also via the creation of the Council of the Revolution (CR), presided by Eanes himself. This body was given extensive powers: it had exclusive legislative powers concerning the organization, functioning, and discipline of the armed forces, and could approve international agreements on military matters via decree-laws.[21] Article 149 underlines the independence of the CR by stating that all of its decree-laws have the same validity as laws of the Assembly or of government decree-laws. This reserved power is a watered-down concession of what the MFA demanded in the First MFA-Parties Pact signed in 1975; a military assembly that would have equal legislative powers to those of an elected assembly. The CR was also the guarantor of the fulfillment of the Constitution, i.e., the defender of the "conquests" of the revolution (Art. 146, 1976 version), and could make recommendations to this end, as well as declare government decree-laws unconstitutional if they did not serve the revolutionary ideals. Given the extensive social guarantees and the economic stipulations set forth in the Constitution, the CR had potentially considerable leeway in constraining government policies. Thus, this was a *sui generis* constitutional court with a mandate to ensure that the revolutionary ideals were not discarded but actively pursued after 1976. Linz and Stepan date the consolidation of Portuguese democracy from 1982, when this institution was dismantled.[22]

The president was granted veto powers over both parliamentary and government diplomas. A presidential veto cannot be overturned if the diploma has governmental origin. When it is a parliamentary diploma it can be overturned by a second vote by an absolute or a two-thirds majority of members of Parliament (MPs) depending on the nature of the law. The president can also request that the constitutionality of both parliamentary or government diplomas be verified, either *ex ante* or *ex post*.[23] Despite these powers, the 1976 Constitution placed the government at the helm of policy-making, and of public administration.[24] Other institutions however—the presidency, the parliament, and the Council of the Revolution—enjoyed powers that constrained the overall steering function of government. It is necessary to take into account the initial weakness of the State and the party system, and the confluence of the revolutionary and democratic legitimacies to gauge the scope of the functions and competencies of the president—namely, his role as constitutional guarantor, as head of the armed forces, and the representative of the nation.[25]

The president had the power to nominate the prime minister after considering the electoral results. This article (Art.136, 1976 version) gives an indication of the *potential* power of the president: if no majority can be found in Parliament, the president can try to engineer a majority himself, as was the case in 1978. Moreover, the equal responsibility of government to the presidency and the Assembly meant that the president could withdraw his political confidence in a government, i.e., force it to resign, even if it enjoyed the support of the Assembly. In fact, at least until 1982, the government was at the intersection between the two legitimacies laid down in the Constitution: the military-revolutionary vs. the party-pluralistic, represented respectively by the President of the Republic and the Council of the Revolution on one hand, and the Assembly on the other.[26] The government's difficulty in asserting its power was a reflection of the struggle of these two tendencies inherent in the Constitution, especially while there was no majority in the Assembly.

There were also some important provisions that were meant to protect the government of the day from a fragmented parliament. For example, a new government did not need to present a motion of confidence to Parliament once it was sworn in, thus facilitating minority or presidential governments.[27] The minority clause was introduced at the bequest of the Socialist Party, which expected to win the elections but without a majority, and rejected the idea of coalitions.[28] To dismiss the government, two motions of censure had to be approved by an absolute majority of the Assembly deputies within a thirty-day period.[29] Although the government had to resign if its program was rejected by a simple majority in the Assembly, or if a motion of confidence was not approved, the Assembly itself would be dissolved by the president if it passed a motion of censure or rejected a government's program three consecutive times.

Six years after the adoption of the Constitution, it was revised, with the favorable votes of the right wing government parties—the PSD, CDS, and the PPM (Popular Monarchist Party) and the Socialist Party (PS). The goals of this

major revision were twofold: to circumscribe the powers of the president and to subordinate the military to partisan political power. Thus, the Council of Revolution was extinguished and its powers were re-distributed among other institutions which were set up (all dominated by the parties), namely, a consultative body for the president (the Council of State) and a Constitutional Court to defend the Constitution. Concerning presidential powers, article 136 was reformulated, limiting the president's powers to dismiss the government "to ensure the regular functioning of democratic institutions."[30] Still, his ability to dissolve Parliament was preserved, although certain time limits were imposed; namely, the *Assembleia* could not be dissolved in the first six months following legislative elections, in the last six months of the president's mandate, nor if a state of emergency had been declared.[31]

From a comparative perspective, the 1982 constitutional revision decreased the constitutional powers of the president considerably, placing it below the average presidential powers in semi-presidential regimes.[32] However, it seems that the consensus surrounding the effective decrease in presidential powers may have been overstated. It seems they have been argued based not only on the decrease in constitutional powers per se but also on the changes in the party system which produced stable government majorities. Following General Eanes's two mandates (1976-1980; 1980-1986), Mário Soares, historic leader of the Socialist Party, became the first civilian president of Portuguese democracy. Soon after taking office the right-wing PSD won the first of two absolute majorities (1987-1995). Thus, Mário Soares's presidency, which lasted between 1986 and 1996, was almost wholly held in *cohabitation* with a single-party majority government. From 1987 until 1995, stable single-party absolute majorities, coupled with a president who saw himself as a referee and a facilitator rather than a policy-maker, combined to frame the Portuguese president as an interested and even active observer, but not as the locus of executive power, which rested firmly with the prime minister and his government.

The following president, socialist Jorge Sampaio, also served two mandates (1996-2001; 2001-2006). His presidency coincided with the beginning of single-party minority Socialist governments led by António Guterres. Thus, between 1996 and 2001, both the government and the presidency were held by the Socialist Party. Following António Guterres's resignation at the end of 2001, elections were held and a right-wing coalition government was formed between the PSD and the CDS. Following a return to political instability in 2002-2004, however, President Sampaio was able to determine both government formation and to dissolve Parliament. Thus, experience from 2002 to 2004 suggests that constitutional powers still allow great presidential power at times of government instability and caution against a minimalist interpretation of the president's role in the political system.[33]

The transformations in executive power which have occurred over the last three decades have served to extricate the military from the political system, and to subordinate them clearly to the civilian power. Thus, the events which surrounded the creation of the regime led to a curtailment of presidential power in

the medium-term, namely with the 1982 revision of the Constitution. Indeed, in that revision, presidential powers were circumscribed, especially regarding the power to dismiss government. The ensuing nature of parliamentary majorities (i.e., the concentration of votes in the two center parties) has made single-party governments the norm since 1987 and has served to strengthen the prime minister vis-à-vis the other institutions.[34] Nonetheless, presidential powers remain operational at times of political instability, as the end of the Sampaio presidency clearly demonstrated.[35] Moreover, all presidents have actively used their power to refer legislation to the Constitutional Court and their power of veto to influence policy-making, as will be discussed below. Clearly, the changes in the party system underpin the evolution of executive power, and these are accounted for next.

The Electoral and Party Systems

The rules that constitute the electoral system of the Portuguese Parliament have remained mostly stable ever since they were designed for the election of the constituent assembly in 1975, in the first fully democratic elections following the 1974 military coup that put an end to authoritarian rule. On the one hand, Portugal has preserved untouched since the use of a proportional representation (PR) formula in the conversion of votes into seats. On the other hand, it has also maintained a closed-list system, in which voters merely choose between parties who present a list of candidates for all seats available in the district, and seats are attributed to candidates in proportion to votes obtained and in the order established in the proposed list.

The adoption of these particular rules during the Portuguese transition to democracy seems to be linked to a common factor: the absolute novelty and lack of institutionalization of most political parties that emerged immediately before or after the 1974 coup. On the one hand, in the absence of a clearly dominant party able to impose particular rules, and with parties uncertain about their future electoral support in the forthcoming elections, the option they predictably agreed upon was one that allowed them to hedge their bets, i.e., a PR system.[36] On the other hand, with the exception of the Communist Party, all other parties lacked any significant local roots or a national political organization. Thus, parties' monopoly over the presentation of candidates and national control over the composition of party lists emerged as a potentially useful instrument of leadership strengthening and centralization.[37]

There are some limitations, however, to the extent to which the use of a PR formula has allowed representation to smaller parties. Although Portugal has remained a multi-party system, with at least five different parties assuring representation in parliament at any given moment, two elements contributed to mitigate the proportionality of the system. First, among the formulas that could have conceivably been selected, the *d'Hondt* formula—the one ultimately chosen—

was also the one that, among the PR formulas, produces a stronger bias in favor of larger parties. Second, and most importantly, the conversion of votes into seats is made not in a single national electoral district, but rather in each of the twenty-two electoral districts in which the country is divided, including two districts for expatriates (one for the Portuguese citizens resident in European countries and another for those living outside of Europe).

These districts were designed to match a previously existing and stable administrative division of the country into provinces (*distritos*). Furthermore, the number of deputies elected has been kept roughly proportional to the population number of registered voters eligible to vote in each district: the ratio between number of registered voters and MPs elected per district ranges today between 54:316 (in the small district of Portalegre) and 39:508 (in the large district of Lisbon). Both of these features have prevented the kind of gerrymandering problems that have been frequent in countries such as the United States, Australia, France, Japan, and Spain.[38] However, there are huge differences between these districts in terms of their magnitude. Albeit some districts are quite large in terms of the number of candidates to be elected—with forty-seven MPs elected by Lisbon and thirty-nine MPs elected by Oporto—others are extremely small, such as Bragança in the North (three MPs), Évora and Portalegre in the South (three and two MPs, respectively) and the two districts for expatriates (two MPs each). In fact, no less than ten of the twenty-two districts in Portugal elect five MPs or less. Deviations in relation to proportionality have been reinforced, through time, both by demographic changes, which have led to the diminution of the population registered in the interior of the country, and by a 1989 constitutional amendment that reduced the overall number of MPs from 250 to 230.

As a consequence, the average district magnitude decreased from 11.4 to 10.5 MPs in 1989, and the "effective threshold of representation"—the share of the popular vote that a party needs to obtain in the average district in order to win one seat[39]—has increased from 6.2 to 6.8 percent. This is above those legally imposed, for example, in countries such as Germany or New Zealand (post-1996), and also above the effective thresholds found in many other PR systems, including Austria, Belgium, Finland, Sweden, Norway, Luxembourg, Israel, the Netherlands, and, for that matter, most of the new Eastern European democracies.[40] On the other hand, the average electoral disproportionality in Portuguese elections from 1975 to 2009, as measured by the Gallagher index,[41] has been 4.7 percent. Among Western European countries with PR systems, only Iceland, Norway, Greece, and Spain have exhibited, on average, higher levels of disproportionality. This has contributed—although it is certainly not the only explanation—to produce a relatively low level of fractionalization of the Portuguese Parliament, as will be explained below.

The consequences of the closed-list system have also been clearly visible in Portuguese political life, particularly in the patterns of candidate selection and the overall level of internal democratization of political parties. As predicted by most of the comparative literature,[42] the closed-list system has contributed to increase the control of party leaderships over individual candidates. Although

there is some variation between the major Portuguese parties in this respect, there is no single case in which rank-and-file members play any institutionalized role in legislative recruitment, which has typically remained a centralized process in which national party organs have complete control over list composition, or at least the power to make final decisions.[43] As a result, the occurrence of "parachuting" in national leaders as candidates into districts with which they have no visible political ties is relatively frequent and party discipline remains very strong.[44]

In the first legislative elections, held in 1976, four parties emerged, which to date, constitute the core of the Portuguese party system. With the exception of the Communist Party (PCP: *Partido Comunista Português*),[45] founded in 1922, these parties were formed shortly before or after the coup. Thus, the Socialist Party (PS: *Partido Socialista*), was founded in Germany in 1973, while the center-right Social-Democrats (PSD: *Partido Social Democrata*) and the conservative Centrist Democrats-Popular Party (CDS-PP: *Centro Democrático Social-Partido Popular*) were founded in mid-1974, as explained above.

Initially, the radicalized environment within which the parties operated conditioned them in ideological terms as well. In the revolutionary atmosphere of 1974 and 1975, the parties of the Right "tended to define themselves much more to the Left than their leadership and social bases would suggest,"[46] if only to be allowed to function by the MFA. One telling factor is that the only remaining legal, most right-wing, party in Portugal, the CDS, was called the Social Democratic Center party. The other center-right party, the Popular Democratic Party, PPD called itself social democratic when in fact the representative of West European social democracy in Portugal is the PS, which portrayed itself then as more radical than it fundamentally was for the same reasons.[47]

The conflict between the two major left-wing parties stemmed from the democratic transition, where a political issue dominated and encompassed most other issues, namely, the nature of the political regime. The Communist party was opposed to a liberal democracy on West European lines, and this separated it from the Socialist Party which emerged as the most vigorous defender of that model.[48] Electorally, the relative hegemony on the left of the PS was established in the first elections. However, due to their fundamental disagreements on the nature of the new regime and its foreign orientation, as well as the international "Cold War" context, the PS could not enter a coalition with the PCP for fear of losing much of its moderate electorate—gained precisely because in 1975 and 1976, it had been seen as the most effective barrier to PCP take-over. It could however, from time to time ally with the PSD, or even the CDS.

Figure 2.1 shows the degree of party system fragmentation from 1976 until 2009.[49] Until 1980, the number of effective parliamentary parties (ENPP) decreased from 3.47 to 2.46.[50] This decrease was essentially due to the pre-electoral coalition that was formed in mid-1979 on the right, between the centrist PSD, the conservative CDS and the monarchist PPM, forming the AD (*Aliança Democrática*). The AD coalition was undone before the 1983 elections,

leading the ENPP to increase to 3.36. In the following legislative elections, the effective number of parliamentary parties reached its peak value in the period (of 4.23), thanks to the entry of the new center-left party of outgoing President General Eanes—the PRD (*Partido Renovador Democrático*)—which took left-wing votes, and was the main cause of this increased parliamentary fragmentation.

After that, the ENPP decreased to relatively low levels as the PSD won an absolute majority in parliament, a result repeated in 1991. In 1995, there was alternation in government, with the PS falling four seats short of an absolute majority in parliament. In 1999, the PS did not manage to win an absolute majority. Indeed, it improved its share of the vote, but only marginally, winning exactly half of the seats in parliament (115 seats). Following two years of governing difficulties, Prime Minister Guterres resigned in December 2001. President Sampaio opted for the dissolution of parliament, and new elections were held, where the center-right PSD won, albeit without an absolute majority. The new prime minister, Durão Barroso, opted for a right-wing coalition with the conservative CDS, which did not last long. In June 2004, Barroso was designated president of the European Commission, thus becoming the second prime minister to abandon his functions in under two years. Rather than holding elections, President Sampaio opted to nominate Barroso's chosen successor, Santana Lopes, the mayor of Lisbon. His mandate did not last long though: Sampaio dissolved the Assembly four months after nominating Santana Lopes as prime minister.[51] In March 2005, the Socialists returned to power, with an absolute majority—the first ever in that party's history.

The government instability which occurred between 2002 and 2005 did not, by and large, have an impact on the number of effective parliamentary parties, with the two major parties managing to gather more than 70 percent of the vote (see Figure 2.1).

Figure 2.1 Effective number of parliamentary parties in Portugal and sum of percentage electoral share of two major parties, PS and PSD, 1976-2005
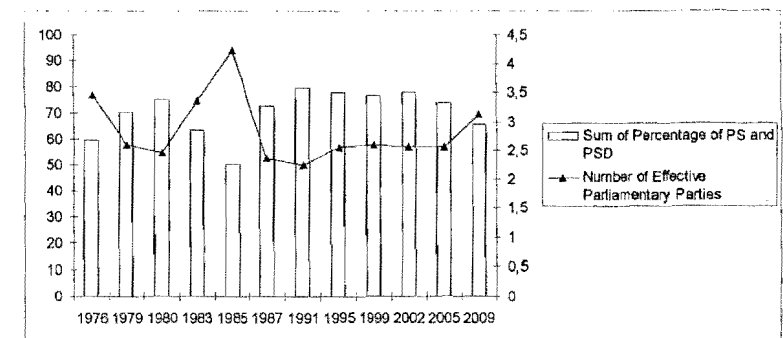
Indeed, between 1987 and 2005 levels of ENPP have been relatively low, thanks to the domination of the Assembly by two large parties alternatively in government or opposition—the left-center PS and the center-right PSD. This domination was mirrored by a long-term decline of the smaller parties on the flanks of the party system, namely, the conservative CDS-PP and the Communist PCP. Despite what appeared to be shrinking ground for smaller parties, a new party emerged in 1999 on the extreme-left, which has experienced both relative growth and consolidation—the Left-Block (BE: *Bloco de Esquerda*). The BE is a party that derived from the association of extreme-left parties and movements. It contested its first elections in 1999 and defends left-libertarian ideological principles. Since 1999 it has been increasing its share of the vote, from 2.4 percent to 6.4 percent in 2005 and has seen its number of MPs rise from two to eight in the same period.

In that respect, 2009 constitutes an important election year. As can be seen from Figure 2.1, in this election, for the first time since 1985, the PS and PSD together polled less than 70 percent of the vote: the Socialist party lost approximately half a million votes, and Prime Minister Sócrates decided to form a minority government.

The ENPP serves to both mirror and explain changes in the composition and durability of Portuguese Cabinets. During the first decade of democracy (1974-1987), governments proved quite vulnerable: none survived a full term, each lasting on average eleven months. In contrast, since 1987—with the exception of the period between 2002 and 2004—the two center parties (the PSD and the PS) have alternated in government, and the duration of government mandates has improved. However, they did not do so in equal conditions. As explained above, the PS won both the 1995 and the 1999 elections, but fell short of obtaining an absolute majority, which it only managed to obtain in 2005.

Even taking this two-year period (2002-2004) into account, the decrease in the number of relevant parties in the party system and the increase in government stability before and after 1987 is quite dramatic.[52] What may lie behind this realignment? Firstly, the lack of anchoring that political parties have within Portuguese society—as evidenced repeatedly by the high levels of electoral volatility in several elections—was fundamental to permit the concentration of votes.[53] Despite the fact that social cleavages are quite profound in Portugal, they are not important predictors of the vote. This is largely due to the political context within which the initial voting mobilization (1974-1975) occurred. As seen above, another conflict dimension (the type of regime to be established) had a major impact on political mobilization. Once democracy became consolidated, this conflict lost importance, leaving a centrist electorate which is quite sensitive to short-term political factors.[54] Secondly, successive presidential elections, where electors of smaller parties tend to vote strategically, may have then facilitated vote-switching to the larger center parties during the legislative elections.[55]

It remains to be seen whether 2009 marked the beginning of a new party system realignment in Portuguese politics. Observing the patterns of voting in

previous presidential as well as European Parliament elections, it does seem that the centrist parties' hold on election behavior is waning.

The increase in government stability from 1987 onwards had important consequences for legislative activity and for the government's control of parliament. According to research by Leston-Bandeira and Freire, for the period between 1976 and 2002 the Portuguese Parliament has remained quite active: a substantial number of laws are presented per year by parliamentary groups and the percentage of those laws approved in the final vote averages 20 percent, even under absolute majorities. This sets the Portuguese apart from the majority of western parliaments where only about 10 percent of parliamentary laws are approved.[56] Notwithstanding these figures, the data concerning the government approved.[56] Notwithstanding these figures, the data concerning the government diplomas do show that since 1987 until 2002, the number of government diplomas approved in the final vote has also increased dramatically. With the onset of single-party governments in 1987, the "90 percent" law became applicable to the Portuguese *Assembleia da República*.

Not only have stable majority governments been able to approve almost all its legislation through parliament, but it is also important to note that often parliamentary laws presented are mere legislative authorizations giving the government the power to legislate on matters which normally had to be legislated by parliament.[57] Further, the government has traditionally also used decree-laws extensively and increasingly, which do not require parliamentary approval. Finally, the government also underwent a number of organizational changes to ensure greater efficacy and coordination from the late 1980s onwards.[58] Thus, constitutional, party system, and organizational changes have contributed to a strengthening of the government and the prime minister as the locus of executive power in the Portuguese political system. Next we discuss the existence of counterweights to that power.

Counterweights to Governmental Action

The extent to which electoral choices makes a difference for public policy depends on a range of factors, including international constraints on policy-making, policies' path-dependency, and economic and social contexts of policy-making.[59] Beyond these factors, the political system can also serve to reduce or magnify the impact of electoral choices on public policy, depending on the way in which power is disseminated among political institutions independent of the in which power is disseminated among political institutions independent of the executive branch: a greater dissemination of power will lead to a weaker government, with less capacity to effect public policy change, and vice-versa. There have been three major approaches developed in the literature which attempt to measure the way in which democracies disseminate power.[60] These approaches are largely congruent and complement each other.

According to Lijphart, political institutions can be based on a majoritarian or consensus logic. A political system based on the majoritarian logic is charac-

terized by (among other things) a strong executive which controls the legislature, a centralized state, single-party majority governments, a bipartisan party system, and a majoritarian electoral system. On the contrary, a political system based on consensus exhibits a relative balance of power between the legislative and the executive branches of government, a non-unitary state (federal, regional or simply decentralized), coalition governments, a multi party-system, and a proportional electoral system. In a majoritarian political system, the executive branch is the locus of power (which may or may not be collegial); by contrast in a consensus political system, power is disseminated across several institutions which are independent from the executive branch.

Tsebelis has developed a parallel line of inquiry through "veto players" analysis.[61] According to this author, a veto player is a political actor (individual or collective) whose agreement is necessary for a change of policy. The number of veto players, their cohesion, and their ideological proximity condition the ease with which it is possible to change the policy status quo. Using Tsebelis approach, we can characterize Lijphart's consensus democracy as one where there are multiple veto points, whereas majoritarian democracies have few veto points.

In a similar vein, Manfred Schmidt's index of counter-majoritarian constraints consists of an additive scale composed of six dummy variables: 1) EU membership; 2) degree of decentralization of administrative structure; 3) difficulty of amending constitutions; 4) a strong bicameralism; 5) central bank autonomy; 6) and frequent use of referendum.[62] Countries with a score between one and two on this scale are those where the executive has the potential to dominate the entire political system. Conversely, countries with a score between four and six on this scale have constitutional structures which severely circumscribe the government's course of action. Considering the Portuguese case, the Lijphart typology, the Tsebelis veto-player analysis, and Schmidt's counter-majoritarian index (computed in the late 1990s/2000), place Portugal firmly in the majoritarian camp (Lijphart, 1999), in the low number of veto player's group (n=2), and as a political system where few counter-majoritarian constraints exist (n=1).[63] Portugal is thus placed alongside countries such as Iceland, Norway, Sweden, and the UK.

In this context, it is important to discuss once again the role of president of the Republic. The president's role in the Portuguese political system is never irrelevant.[64] However, it is the case that it can be influenced by the type of government the president faces. Whenever the head of state faces a government which enjoys an absolute majority in parliament, his effective veto powers are reduced. Although a president's veto of government decrees is supposedly definitive and cannot be overridden, a cabinet supported by a cohesive majority can simply reintroduce the previously vetoed decrees as parliament bills, and have them approved by an absolute majority—a situation which also occurs with most parliament bills. There are only few types of legislation in which a president facing an absolute majority has an effective veto. In bills concerning elec-

tions and referenda, national defense, state of emergency and the Constitutional Court, a two-thirds majority in parliament is required to override a presidential veto.[65]

Still, it is crucial not to underestimate a popular president's ability to shape public perceptions about the government, and thus government policy, through recourse to political vetoes and also by referring legislation to the Constitutional Court, even if these are not definitive per se. Also, going beyond these constitutional instruments, under Mário Soares, the presidency developed a special relationship with the media by holding "open presidencies." In these events, a region or a policy would be the focus of the president's attention, highlighting governmental failures.[66] These initiatives, which have been continued by successive presidents, reinforced the resident's role as an agenda setter for public policy and forced the government to respond to the issues that were periodically raised. This example serves to illustrate that the presidential role can become larger than the Constitution would suggest, especially in their second (and final) mandates, when presidents are free of reelection calculations, they have emerged as a de facto counterweight to governmental action, although perhaps not a de jure veto player.

Naturally, a president facing a minority government of a different party does have the possibility of being an effective veto player. Since the presidency became civilianized and partified in 1986, this situation has occurred very briefly at the beginning of Mário Soares' first presidential mandate, during the first Cavaco Silva minority government between 1986 and 1987, as well as since the legislative elections of 2009 (with Cavaco Silva now holding the presidency and Sócrates the prime minister of a minority socialist government) at the beginning of its mandate. Indeed, the possibility that the 2009 elections constitute a realignment of the party system becomes even more significant when we consider that not only the government's durability, but also the president's powers are influenced by such party system changes.

Considering Schmidt's counter-majoritarian index it is clear that the constitutional structures were designed to constrain the *demos*: the 1976 Constitution instituted a unitary state (with the important exceptions of the autonomous regions of Madeira and Azores), a unicameral legislature, and held no provisions for holding referendums.

Concerning the difficulty of amending Constitutions, Portugal belongs to the group of countries where there is legislative supremacy,[67] i.e., where a legislative vote suffices for a constitutional amendment.[68] A constitutional amendment (*revisão constitucional*) requires an initiative by MPs and is successful if two-thirds of MPs approve it, with the president having no option but to promulgate the law (Arts. 284-287 of the Constitution).

Portugal remains one of the most centralized countries in Western Europe, given that there is no intermediate locus of power between local and national government, with the local government having very little power or resources. Also, the inherited administrative tradition, characterized by a considerable weight of the state in society and a tradition of centralization in the state admin-

istration, was substantially reinforced since democratization. These thirty years of democracy witnessed the growth of the state both in the economy as well as in its welfare capacity.[69] Not only that, the role of the state in expenditure terms has increased substantially, almost doubling as a proportion of GDP in the last twenty years.[70] Part of this increase is explained by the large increase in the role of the state as a provider of social services, including education, health, and social security.

Referendums have been very infrequent in the Portuguese democratic experience. There were no provisions for referendums in the 1976 constitution. Only with the third revision of the constitution held in 1989 was a national referendum allowed under special circumstances, namely by government and parliamentary initiative, not by popular will and on specific topics. Referendums were initially created in Portugal, in effect, as another instrument at the government's disposal—more than an open channel for the *demos* to intervene in public policy-making. The 1997 revision of the Constitution extended the right of referendum initiative to citizen groups, and also allowed them to be held on issues purporting to international treaties. This latter option opened the door for having referendums on EU treaties adopted in parliament.[71] In practice, there have been three referendums in Portugal, on decriminalization of abortion (1998 and 2007), and on the creation of regional authorities (1999). The latest referendum on abortion was the only one which succeeded.

According to Schmidt's counter-majoritarian index, Portugal scores on only one count, namely its EU membership, which occurred in 1986. In public policy terms, EU membership has meant that the Portuguese government has less room for making autonomous policy decisions. This is due to the fact that, whenever a public policy is Europeanized, decision-making on that policy occurs at a supranational level, within EU institutions. The great advances in European integration which have occurred in the decades since Portuguese membership have meant that the number of public policies which have become Europeanized has increased significantly, with the creation of the single currency in 1999 epitomizing this trend. The impact on the Portuguese government has been complex. Although it is correct to state that EU membership decreases the autonomy and power of the government in terms of public policy initiative, and it is true that opposition parties, especially those with slight chances of entering government do criticize the EU for decreasing national sovereignty; de facto things are not so clear cut, for two reasons.

Portugal, being a net beneficiary of EU funds, has seen some policy areas benefit greatly from Europeanization, namely, infrastructure, education and sectoral transformation, to name but a few.[72] Indeed, Europeanization has been perceived as being fundamental to improve the outputs of democracy, measured in terms of economic and social indicators. The effect is that the state and the government, as its highest representative in the EU, have been strengthened through this process and not weakened, because its overall effectiveness is perceived as having increased since the first decade of democracy. Also, the Portuguese gov-

ernment is present in the EU Council of Ministers, which provides it with a role in the decision-making process at the supranational level. This presence then works to its advantage in the interinstitutional relationships at the national level, particularly with the Portuguese Parliament that remains poorly equipped to intervene effectively on developments in the EU. Perhaps paradoxically, the Portuguese government's ascendancy over other national institutions is overall *strengthened* vis-à-vis other institutions due to the existence of the EU as an external constraint.

Taking all indicators into consideration, it becomes clear that the Portuguese political system, until recently, evolved in a clearly majoritarian fashion due to constitutional and party system changes which occurred from the mid-1980s onwards. It is too early to say whether 2009 constitutes a realignment of the party system, towards a more consensual model and a more fragmented parliament.

Institutional Reform

The issue of institutional reform has been virtually omnipresent in Portuguese political life ever since the demise of authoritarian rule. Proposals for changes in the institutions regulating executive-legislative relations, the electoral system, judicial independence, and judicial review of legislation have been recurrently made by political, social, and institutional actors; and their discussion has assumed a large—some might even say excessive—role in public debate in Portugal. However, the extent to which these discussions have indeed led to actual reforms has varied significantly.

The rules regulating both the role of the president of the Republic and judicial review of legislation are the ones that were more extensively changed throughout the life of Portuguese democracy. This is largely a consequence of the particular settlement reached between party leaders and the factions of the military that, at different points in time during the 1974 to 1976 period, had control of the regime transition process and permitted a prominent role for the military in the democratic political system.

As was discussed above, a new change in both the role of the president and in the system of constitutional review of legislation was operated in 1982, following considerable political strife between President Eanes and the main political parties. This change was operated by the PS and the PSD, who enjoyed the necessary two-thirds majority in parliament and was aimed directly at curtailing presidential and military powers. Not only was the Council of the Revolution eliminated, but presidents lost, since 1982, their ability to dismiss the cabinet at will, albeit preserving the ability of both nominating the prime minister and dissolving parliament (constrained only, in the latter case, by time limits).

This outcome of the 1982 constitutional revision—which, for all purposes, completed the full transition to democracy by ending the military reserve powers

over policy-making—was not enough, however, to put an end to the debates about the entwined issues of constitutional review and the role of the president. In what concerns the former, a new constitutional revision, in 1997, ended up extending the terms of Constitutional Court's justices to nine years and made them non-renewable (they were previously six years long and renewable), following a protracted debate about the extent to which the previous rules of appointment and retention favored a lack of independence vis-à-vis parliament in general and parties in particular. In this case, it can be said that it took almost twenty years for the Portuguese institutions of constitutional review to become fully aligned with what takes place in most comparable cases sharing the "European" or "Kelsenian" model of judicial review. This has not prevented, however, the recurrent criticisms made by the career judiciary about the "politicization" of the Court, accompanied by proposals ranging from more changes in the rules for the appointment of justices—which allow parliament the election of most justices by a qualified majority, with the predictable result that appointments are negotiated between parties—to its downright extinction, to be followed by the absorption of its competencies by the Supreme Court of Justice.

In what concerns the role of the president, almost every single constitutional revision process initiated since 1982—and there have been no less than six of them (1989, 1992, 1997, 2001, 2004, and 2005)—has not dispensed with proposals for changes in presidential powers, ranging from their curtailment to the full presidentialization of the regime, a debate that has been constantly reinvented either on the eve of presidential elections or following controversial decisions by the president.[73] In this case, however, the changes operated in 1982 have proved resilient, allowing the system to converge on a "premier-presidentialism" model: a system where, although the president is also elected by popular vote and preserves considerable powers, the premier and the cabinet are accountable only before parliament.[74]

Another area of almost permanent contention around institutional rules has been the organization of the judicial system itself. During the Portuguese democratic transition, although the basic hierarchical-bureaucratic organization of the Portuguese judiciary remained unchanged, important reforms have been introduced in order to ensure that governments would be devoid of mechanisms with which to limit the independence of courts and judges. In 1976, a Supreme Judicial Council, composed entirely of judges elected by and among themselves, was entrusted with all decisions pertaining to the promotions, transfers, evaluation of and disciplinary action vis-à-vis judges. Six years later, however, the 1982 constitutional revision changed the composition of this Council in order to combine judges and political appointees, making sure that albeit career judges would be in the majority, those elected by their peers would be in the minority. This change resulted from the diagnosis that "judicial independence," as operationalized in the "judicial council" model, had produced several negative unintended consequences, including the insulation of judges from any kind of accountability for performance and the closure of the profession in relation to

lateral entries from qualified lawyers outside the career.[75] These changes—and yet another constitutional amendment in 1997 that guaranteed that career judges would be a minority across the board in the Council—were accompanied by a steady increase in the powers, independence vis-à-vis the executive and compe-tencies in the penal process of public prosecutors, further and further away from the initial post-transition model—once shared with countries like Spain or Greece—of a prosecution accountable to the executive, and closer and closer to the Italian model of full prosecutorial independence.[76]

In any case, the issue remains profoundly controversial in public and politi-cal debates. A "crisis of justice"—manifested in the rising number of pending processes, the decline in judicial productivity, the bias of the system's perfor-mance in favor of "repeat players," and the inability to effectively obtain con-demnations in many cases of corruption and "white-collar crime" uncovered by the press—is detected by all political and judicial protagonists, and the insuffi-ciency of the previous "macro-level" institutional changes to address these prob-lems is also becoming evident. Today, the lack of human and material resources, the typically "corporatist" reaction to any proposed reforms that the judicial pro-fessions tend to adopt, and the successive governments' temptation to politicize the judicial system have, however, led to what appears to be a deadlock in the process of judicial reform that, from the point of view of citizens, has played no small role in breeding a growing mistrust vis-à-vis the judicial branch and the overall performance of courts.[77]

The last institutional dimension of the Portuguese political system that has been the object of recurrent political debate is the electoral system. The presen-tation by several of the major parties of proposals for changing electoral rules began in the early 1980s. By the end of the decade, a broad, albeit vague, con-sensus had formed about the need to reform the electoral system. This is particu-larly the case in what concerns the consequences of the use of the closed list system; it is blamed for providing little to no incentive towards the establish-ment of strong representation and accountability links between individual MPs and their constituents and for neutralizing the role of the former in parliament. On a different note, calls for the further reduction of the number of MPs, often of a blatantly populist nature, are also a more or less permanent fixture of Portu-guese institutional debate.

Proposals for changes in electoral rules have ranged from splitting up the largest electoral districts and introducing some sort of preferential voting—potentially allowing voters a better knowledge of which MPs they are actually electing—to the adoption of a mixed-member proportional system, where sin-gle-member districts could be combined with low levels of disproportionality in the conversion of votes into seats.[78] These proposals have emanated from the largest parties themselves, although they have remained unable to agree on any major reform. In other words, although it would be far too extreme to say that electoral institutions are delegitimized in Portugal, it is clear that their present shape remains a fundamentally contested issue in the political realm. The ability to effect changes, however, has been limited by four factors: partisan fears about

the unintended consequences of electoral reform for the allocation of seats; the constant overloading of the electoral reform agenda with many other unrelated issues; the potential disturbances in the organization of parties at the local level that a redrafting of districts might cause; and, perhaps more importantly, the lack of incentives for the leaderships of the main parties to abandon a closed list system that, after all, has brought them obvious advantages.[79]

Conclusion

This overview of the Portuguese political system has shown that a consolidated political regime has emerged within difficult historical circumstances. The first section, dedicated to explaining the historical circumstances in which the political institutions were conceived and embodied in the Constitution, illustrated the problems that political actors—and especially pluralist political parties—faced in building a liberal democratic regime. Despite these difficulties, the transition led to consolidation in 1982; and since 1987, the concentration of votes has led to a functional political system, which while preserving a multi-party system, has been able to produce stable government. However, the degree to which institutional reform has been an issue in Portuguese politics is an important indicator of the underlying tensions which subsist regarding the suitability, the efficacy and perhaps even the support for the political system as it exists. Future research on political institutions should accommodate its impact on political attitudes, thus to better understand the full consequences of the workings of the political system.

Notes

1. This chapter updates and develops an earlier overview of Portuguese Democracy published in French: "Le Portugal," in J.M. De Waele and P. Magnette (eds.), *Les démocraties européenes*, Paris: Armand Colin, 2008: 330-346.

2. Refer to A. C. Pinto, *Contemporary Portugal* (Boulder: Social Science Monographs, 2003).

3. Juan J. Lintz and Alfred Stepan, *Problems of Democratic Transition and Consolidation: Southern Europe, South America and Post-Communist Europe* (Baltimore: Johns Hopkins University Press, 1997) 117.

4. Katherine Hite and L. Morlino, "Problematizing the Links Between Authoritarian Legacies and 'Good' Democracy," in *Authoritarian Legacies and Democracy in Latin America and Southern Europe*, ed. Katherine Hite and Paola Cesarini (Notre Dame: University of Notre Dame Press, 2004), 47.

5. Refer to Juan J. Lintz, *Totalitarian and Authoritarian Regimes* (Boulder: Lynne Rienner, 2000).

6. T. Fernandes, *Nem Ditadura nem Revolução: A Ala Liberal no Marcelismo (1968-1974)* (Lisbon: D. Quixote, 2006).

7. See D. P. Cerezales, *O Poder Caiu na Rua: Crise de Estado e Acções Colectivas na Revolução Portugesa, 1974-1975* (Lisbon: Imprensa de Ciências Socais, 2003).

8. A. C. Pinto, "Authoritarian Legacies, Transitional Justice and State Crisis in Portugal's Democratization," *Democratization* 13, no. 2 (April 2006): 173-204.

9. L. Morlino, *Democracy Between Consolidation and Crisis: Parties, Groups and Citizens in Southern Europe* (Oxford: Oxford University Press, 1998), 19.

10. Phillipe C. Schmitter, "The Democratization of Portugal in its Comparative Perspective," in *Portugal e a Transicao para a Democracia*, ed. Fernando Rosas (Lisbon: Colibri, 1999), 360.

11. A. G. Pereira, *O Semipresidencialismo em Portugal*, (Lisboa: Ática, 1984).

12. N. S. Teixerira, "Between Africa and Europe: Portuguese Foreign Policy," in *Contemporary Portugal*, ed. António Costa Pinto (Boulder: Social Science Monographs, 2003): 84-118.

13. K. Maxwell, *The Making of Portuguese Democracy*, (Cambridge: Cambridge University Press, 1995).

14. G. Pridham, "European Integration and Democratic Consolidation in Southern Europe," in *Southern Europe and the Making of the European Union*, ed. António Costa Pinto and Nuno Severiano Texeira (Boulder: Social Science Monographs, 2003).

15. M. Duverger, "A New Political System Model: Semi-presidential Government," *European Journal of Political Research* 8, no. 2 (1980): 165-187.

16. See G. Sartori, *Comparative Constitutional Engineering* (London: MacMillan, 1994); R. Elgie, *Semi-Presidentialism in Europe* (Oxford: Oxford University Press, 1999); and A. Freire and António Costa Pinto, *O Poder dos Presidentes* (Lisbon: Campo da Comunicação, 2005).

17. Elgie, *Semi-Presidentialism*, 280-299.

18. L. Graham, "The Portuguese Transition to Democracy," in *Elite Settlements and Democratic Consolidation in Latin America and Southern Europe*, ed. F. Gunther and J. Higley (Cambridge: Cambridge University Press, 1992), 287.

19. A. Moreira, *O Novíssimo Principe*, (Braga: Editorial Intervenção, 1977), 76-83.

20. See M. B. Cruz, "O Presidente da Républica na Génese e Evolução do Sistema de Governo Português," *Análise Social* 4a, 29 no. 125-126 (1994): 237-267; and M. Lucena, "Semi-presidencialismo: o Caso Português," mimeo, 17.

21. Art. 148—1976 version.

22. Lintz and Stephan, *Problems of Democratic Transition*, (1997).

23. Until 1982 it was the Council of the Revolution which verified the constitutionality of the laws, whereas thereafter it was the Constitutional Court.

24. Art.185—1976 version.

25. Pires, (1989), 293.

26. Canotilho and Moreira, *Fundamentos da Constituição* (Coibra ed., 1991), 27.

27. Pasquino (1995), 277.

28. Sousa (1992), 63.

29. Art.195—1982 version.

30. Art. 136—1982 version.

31. Art. 17—1982 version.

32. A. Siaroff, "Comparative Presidencies: the Inadequacy of the Presidential, Semi-presidential, and Parliamentay Distinction," *European Journal of Political Research* 42, (2003): 287-312.

33. O. Amorim Neto and Marina Costa Lobo, "Portugal's Semi-Presidentialism (Re)considered: An assessment of the Role of the President in the Policy-making Process (1976-2006)" *European Journal of Political Research* 48, no. 2 (2009): 234-255.

34. See Marina Costa Lobo, "The *Presidentialisation* of Portuguese Democracy?" in *The Presidentialisation of Parliamentary Democracies?*, ed. P. Webb and T Poguntke (Oxford: Oxford University Press, 2005a), 269-289; and Marina Costa Lobo, *Governar em Democracia*, (Lisboa: ICS, 2005b).

35. O. Amorim Neto and Marina Costa Lobo, "Portugal's Semi-Presidentialism," (2009).

36. Pedro C. Magalhães, "Elections, Parties and Policy-making Institutions in Democratic Portugal," in *Contemporary Portugal*, ed. A. C. Pinto (Boulder: Social Science Monographs, 2003).

37. See J. Montabés and C. Ortega, "Candidate Selection in Two Rigid List Systems: Spain and Portugal," (paper prepared for presentation at the European Consortium for Political Research Joint Sessions, Mannhem, 1999); and Magalhães, "Elections, Parties," (2003).

38. A. Freire, "Elecciones y Comportamiento electoral en Portugal," in *Portugal: Democracia y Sistema Politico*, ed. A. Barreto, B. Gómez, and Pedro C. Magalhães (Madrid: Siglo XXI, 2003).

39. Arend Lijphart's measure of effective threshold is used. It is calculated by summing the two quotients derived from dividing 0.5 by constituency magnitude plus one and dividing 0.5 by twice the constituency magnitude. See Arendt Lijphart, *Electoral Systems and Party Systems: A Study of 27 Democracies, 1945-1990* (Oxford: Oxford University Press, 1994), 27.

40. S. Birch, "Electoral Systems and Party Systems in Europe, East and West," (paper presented at the first conference of the European Consortium for Political Research, Canterbury, 2001).

41. Disproportionality is the difference between party seat shares and their share of the vote, and it is measured here by the Gallagher least squares index. See M. Gallagher, "Proportionality, Disproportionality, and Electoral Systems," *Electoral Studies* 10, (1991): 33-51.

42. See M. Gallagher and M. Marsh, *Candidate Selection in Comparative Perspective: the Secret Garden of Politics* (London: Sage, 1988); J. M. Carey and M. S. Shugart, "Incentives to Cultivate a Personal Vote: A Rank Ordering of Electoral Formulas," *Electoral Studies* 14, (1995): 417-439; and P. Norris, "Legislative Recruitment," in *Comparing Democracies: Elections and Voting in Global Perspective*, ed. L. LeDuc, R. G. Niemi, and P. Norris (London: Sage, 1996), 184-215.

43. See M. B. Cruz, *Instituições Politicas e Processos Sociais* (Venda Nova: Bertrand, 1995); and A. Freire, *Recrutamento Parlamentar: os Deputadoes Portugueses da Constituinte á VIII Legislatura* (Lisbon: STAPE, 2001).

44. Refer to W. C. Opello, "Portugal's Parliament: an Organizational Analysis of Legislative Performance," *Legislative Studies Quarterly*, 11 (1986); Montabes and Ortega, "Candidate Selection" (1999); and C. Leston-Bandeira, *Da Legislação á Legitimação: o Papel do Parlamento Português* (Lisbon: ICS, 2002).

45. In the 2002 election, the PCP ran in a coalition with the Green Party, the PEV (*Partido Ecologista- Os Verdes*), which is entitled CDU (*Coligação Democrática Unitária*). The Green Party is a micro-party which exists essentially due to Communist organizational and political support.

46. T. Bruneau and A. Macleod, *Politics in Contemporary Portugal* (Colorado: Lynne Rienner, 1986), 87.

47. T Bruneau, *Political Parties in Portugal* (Oxford: Westview, 1997).

48. A. Bosco, "Four Actors in Search of a Role: The Southern European Communist Parties," in *Parties, Politics, and Democracy in the New Southern Europe*, ed. P. N. Diamandouros and Richard Gunther (Baltimore: Johns Hopkins University Press, 2001).

49. See also Annex 2 for legislative election results between 1976 and 2005.

50. The effective number of parliamentary parties is derived from the following formula: $N = 1/\Sigma \, s_i^{\,2}$ In which s_i is the proportion of Assembly seats won by the ith party. This formula was developed by M. Laakso and R. Taagepera, (1979), op. cit.

51. A. Freire and Maria Costa Lobo, "The Portuguese 2005 Legislative Election: Return to the Left," *West European Politics* 29, no. 3 (2006): 581-588.

52. See Marina Costa Lobo, (1996); and Pedro C. Magalhães, "Elections, Parties and Policy," (2003).

53. Gunther and Montero, "The Anchors of Partisanship: A Comparative Analysis of Voting Behaviour in Four Southern European Democracies," in *Parties, Politics, and Democracy in the New Southern Europe* (Baltimore: Johns Hopkins University Press, 2001).

54. A. Freire et al., *O Parlamento Português: Uma Reforma Necessária* (Lisbon: ICS, 2002).

55. See Maria Costa Lobo, "The Role of Parties in Portuguese Democratic Consolidation," *Party Politics* 7, no. 5 (2001); and Freire and Pinto, *O Poder dos Presidentes* (2005).

56. Freire et al., *O Parlamento*, (2002), 66.

57. Freire et al., *O Parlamento*, (2002).

58. Marina Costa Lobo (2005a, 2005b).

59. M. Schmidt, "The Impact of Political Parties, Constitutional Structures and Veto Players on Public Policy," in *Comparative Democratic Politics*, ed. H Keman (London: Sage, 2002), 174.

60. Refer to Arendt Lijphart, *Comparing Democracies* (New Haven: Yale University Press, 1999); George Tsebelis, *Veto Players: How Political Institutions Work* (New York: Princeton University Press, 2002); and Manfred Schmidt, "When Parties Matter: A Review of Possibilities and Limits of Partisan Influence on Public Policy," *European Journal of Political Research* 30 (1996): 155-183.

61. Tsebelis, *Veto Players*.

62. See the original work in 1996— Schmidt, "When Parties Matter"; and also Schmidt, "The Impact of Political Parties," 178.

63. Schmidt, "The Impact," 174.

64. Amorim Neto and Costa Lobo, "Portugal's Semi-Presidentialism."

65. Pedro C. Magalhães, "Elections, Parties and Policy..." 199-200.

66. Refer to E. Serrano, *As Presidências Bertas de Mário Soares: As Estratégias e o Aparelho do Comunicação do Presidente da República* (Coimbra: Minerva, 2002); A. Araujo, "El Presidente de la República en la Evolución del Sistema Político de Portugal," in *Portugal: Democracia y Sistema Político*, ed. A Barreto, Gomez Fortes, and Pedro C. Magalhães (Madrid: Siglo Veintiuno, 2003): 145-175; and Maria Lobo (2005a, 2005b).

67. D. S. Lutz, "Toward a Theory of Constitutional Amendment," *American Political Science Review* 88 (1994): 363.

68. The other countries which form part of the same group as Portugal include: Austria, Botswana, Brazil, Germany, India, Kenya, Malaysia, New Zealand, Papua New Guinea and Samoa. According to the same author, the size of the majority needed does not have an impact on the amendment rate of constitutions in his sample (thirty-two democracies with a written constitution).

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69. See G. Esping-Andersen, "Budgets and Democracy," *Developing Democracy—Essays in Honour of Jean Blondel*, ed. I. Budge and D. McKay (London: Sage, 1994); J. S. Lopes, "A Economia Portuguesa desde 1960," in *A Situação Social em Portugal*, ed. A. Barreto and C. V. e Preto (Lisboa: ICS, 1996); and Maria Costa Lobo, (2005a and 2005b).

70. Of course, the role of the state in market intervention changed radically in 1974 with the nationalizations undertaken at the time, which have been partially undone since 1989. Here however, we refer only to the direct state expenditure in public bodies not in public companies.

71. M. R. Sousa, *História (Política) da Revisão Constitucional de 1997 e do Referendo da Regionalização* (Lisboa: Bertrand, 1999), 36.

72. See J. S. Lopes, *Portugal and EC Membership Evaluated* (London: Pinter, 1991); and P. Lains and Maria Costa Lobo, *Em Nome da Europa: Portugal e Mudanca 1986-2006* (Cascais: Principa, forthcoming).

73. Pedro C. Magalhães, "The Institutional Framework of the Transition to Democracy in Portugal," in *The Transition to Democracy in Spain, Portugal, and Greece Thirty Years After*, ed. M. Minotos (Athens: Konstantinos G. Karamanlis Foundation, 2006).

74. See Shugart and Carey, *Presidents and Assemblies* (Cambridge: Cambridge University Press, 1992), 24.

75. Pedro C. Magalhães (1995).

76. Pedro C. Magalhães, C. Guarnieri, and Y Kaminis, "Democratic Consolidation, Judicial Reform, and the Judicialization of Politics in Southern Europe," in *Democracy and the State in the New Southern Europe* (Oxford: Oxford University Press, 2006)

77. Magalhães, "Elections, Parties and Policy-making."

78. See Cruz (1998); Freire et al., *O Parlamento Português*; and Freire et al., (2008).

79. Magalhães, "Elections, Parties and Policy-making"; and N. Sampaio, *O Sistema Eleitoral Português: Crónica de Uma Reforma Adiada* (Lisbon: Alethea, 2009).