The Role of the Portuguese Parliament: towards a legitimation institution

CRISTINA LESTON-BANDEIRA
Centre for Legislative Studies
University of Hull
Hull, HU6 7RX, UK

email: c.c.leston-bandeira@pol-as.hull.ac.uk
INTRODUCTION
The Assembleia da República has undergone deep changes since it was first elected in 1976: from a reflection of a chaotic scenario of revolutionary transition to democracy, it has evolved into a stable institution of a country fully integrated in the European Union. Yet, it has hardly been studied and the publications in the English language are limited to two studies: one by Walter Opello and one by Manuel Braga da Cruz and Miguel Lobo Antunes. These two publications (in particular the second one) have basically formed, until today, the only source for the comparative analyses referring to the Portuguese parliament.

Although providing us with notable information, these studies have two problems: they are limited to the first decade of Portuguese democracy and they strongly reflect the political instability existing at the time of the research. Opello’s study leads to an evaluation (dramatically negative) of ‘disinstitutionalisation, decay and breakdown’ of the Portuguese parliament. The second study, on the other hand, emphasises the disruptive features, neglecting the stabilising factors that were also present in the troubled Portuguese transition to democracy. As a consequence, there has been a reproduction, in the comparative studies published thereafter, of some misconceptions about the Portuguese parliament. This paper will try to overcome these misconceptions by extending the analysis of the Assembleia da República into its second decade of existence.

In order to carry out this evaluation, the Assembleia da República will be analysed under two main dimensions: policy-making and legitimation. The first one embodies the concepts developed by Michael Mezey and Philip Norton and aims at evaluating what power has the Assembleia da República had in the process of formulating and issuing legislation. The second one draws from Robert Packenham’s study on the Brazilian Congress and looks into the mechanisms the Assembleia da República has developed in order to give expression to the conflicts and pleas of society.

As part of a newly democratic country, the study of the Assembleia da República has to take into account two other primary dimensions: legal framework and change. These two dimensions are crucial in the understanding of a new parliament. The implantation of a new parliament demands a ruling framework (quite often defined in opposition to the previous regime) in order to guarantee indispensable institutional references which, in mature democracies, are somehow pre-existent by the very logic of long democratic practice. On the other hand, an institution in a new democracy tends to change a lot in a short period of time; what is more, a new parliament is more permeable to change. The dimension of change is often forgotten in comparative analyses and, yet, it constitutes a fundamental factor to understand the characteristics
of a new parliament. The analysis of the dimensions of policy-making and of legitimation will have a fundamental role in understanding how parliament adapted to political changes.

After a first section, where Portuguese politics and parliament are put into context, section two will look in detail at the alterations of the Assembleia da República’s legal framework, specifically the Rules of Procedures. The Rules of Procedure have been deeply altered since 1976, in particular in the last decade. The question of whether it was political change that determined the revision of the rules, or whether it was the revision of the rules that conditioned a change in parliament is of difficult resolution. However, in a new democracy the two are particularly closely linked; this is why this paper will dedicate a whole section to the revision of the Rules of Procedures. The subsequent two sections will look into the policy-making and the legitimation dimension, where the consequences of the alterations in the ruling will become visible in parliamentary practice.

1. THE ASSEMBLEIA DA REPÚBLICA IN CONTEXT

1.1 Portuguese politics since 1974

In April 1974 the carnations revolution put an end to nearly half a century of dictatorship. The revolution was planned and carried out by the military. Overall, though, it was a peaceful and welcome coup. The turmoil came after, when the structure and character of the Portuguese political system was being discussed at the same time as social tensions spread all over Portugal.

From 1974 to 1976 there was a provisional situation in Portugal characterised by a strong tension between two groups defending different models: one claiming a parliamentary democracy, even if transitory under the military surveillance, and the other supporting a revolutionary model, based on forms of direct political representation and under the dominance of a military rule; this controversy led to opposition between political parties, as well as sections inside the military. During that period, the military controlled political power and provisional governments were in place. Besides the Communist Party [PCP], other parties basically did not exist: they were formed in the days following the revolution and had to build a whole organisation and gather popular support. As major task as it may seem, the Portuguese parties did develop in an extraordinary way and did eventually play a crucial role in the transition to democracy as recently emphasised by Thomas Bruneau: ‘the importance of political parties in the political transition from dictatorship in Portugal cannot be overestimated’. 
One year after the carnations revolution, in the 25 of April of 1975, a Constituent Assembly was elected. This constituted the first free Portuguese elections based on a universal franchise. Despite of some claims for a blank vote (as a vote on the revolution), these elections represented a clear victory for those defending a representative democracy: there was a turnout of 91.2% and only 7% of the voters opted for a blank vote. What is more, the vast majority of the votes was already then shared by just four parties, the same ones that since then have dominated Portuguese political life: the Socialist Party [PS] with 37.9%, the Democratic Popular Party PPD (later referred to as PSD) with 26.4%, the PCP with 12.5% and the Social Democratic Centre [CDS] with 7.6%. The stability of the party system has been one of the main features of Portuguese democracy. This was guaranteed, among other aspects, through the prescription of important rules such as the conditioned loss of mandate if an MP would switch to a different party from the one he/she was elected for.

The constitution approved in 1976 had a fundamental characteristic that is often neglected: its transitory character. Although it established already then the major features that have been kept until today, it had some transitional provisions. Together with the sovereign political organs which have subsisted until today, the constitution predicted a Council of the Revolution, composed of military officers, which retained important powers of consultation and guarantee of the constitution, as well as legislative powers on military issues. However, this was prescribed as a transitory organ, which would disappear in the following revision of the constitution. Furthermore, the 1976 constitution determined that it would be revised in a term of five years, as well as that the first legislature elected would last four years (independent of resignation of governments).

The literature reporting on the Portuguese political system has often neglected these special provisions of the constitution which prescribed a transitory character to the years between 1976 and 1980. In some ways, it was those special provisions that made possible an effective consolidation of democracy. Instead, those first years of democracy have been seen as dominated by the military (with parliament playing only a very secondary role) and by political instability. Although there was some political instability, this was hardly a system with ‘strong non-party factionalism, rampant multipartyism, wide diffusion of power, fluid parliamentary majorities and frequent estrangement from the executive.’ In 1982, the constitution was revised as predicted. The Council of the Revolution was eliminated and its competences were re-distributed.

Transition to democracy was concomitant with the revolutionary period: from 1974 to 1976. During those two years, the old regime ruling was being substituted by a new political and legal framework. From then until 1985, the political system was experimenting itself. Political
instability prevailed and political power had to address primary economic and social problems. In 1983 a new agreement with the IMF was negotiated and austerity policies were put in place. This was the period of consolidation of democracy.

In 1985, the elections gave way to the IV legislature and to a PSD minority government. This legislature presented very singular characteristics, the main one being the unexpected appearance of a fifth party in the political system: the Democratic Renewal Party [PRD], that gathered 18 per cent of the votes. The PRD presented itself as a party above politics and not clearly defined in ideological terms. Political power was therefore well distributed; there was no clear focus of power. This legislature coincided with a major change in Portuguese political and socio-economic systems: the election of the first civil president of the republic, the election of Cavaco Silva as Prime Minister, who would stay in that post for the subsequent ten years and, most importantly, the entrance of Portugal into the European Economic Community. The IV legislature could be seen as the beginning of a new period. However, this was just a transitional period between two different cycles in Portuguese politics. The main change would come in 1987.

The IV legislature came to an end with the approval of a motion of censure to the government. New elections were held in July of 1987, which led to the first absolute majority in Portugal of one single party, the PSD; again, this was an unexpected result as the Portuguese electoral system does not favour absolute majorities. As unexpected as it may have been, it would be repeated in 1991. The PRD decreased to a mere 5 percent in 1987 and disappeared altogether from parliament in 1991. For the first time, a four year period of a legislature was completed and, then, repeated. These two legislatures (V and VI) were followed by the 1995 elections, won by the PS who formed a minority government (VII legislature). This minority support was however close to an absolute majority and, furthermore, it presented a fundamental difference with the IV legislature: the absence of a distributed political power. Nowadays, the PS and the PSD attract together nearly 80 percent of the votes. The VII legislature, although based on a minority, is expected to complete its four years. The V legislature gave way, thus, to years of political stability. It could be argued that from 1987 on, there has been a process of maturation of democracy. Table 1 systematises Portuguese politics since 1974.
<table>
<thead>
<tr>
<th>Stage in Portuguese politics</th>
<th>Legislature</th>
<th>Type of Government</th>
<th>Prime Minister</th>
<th>President of the Republic</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Transition to democracy</strong></td>
<td>1974/75 - no elected assembly</td>
<td>Provisional governments</td>
<td>Provisional PMs*</td>
<td>Provisional PRs*</td>
</tr>
<tr>
<td>(revolutionary period)</td>
<td>1975/76 - Constituent Assembly</td>
<td>Provisional governments</td>
<td>Provisional PMs*</td>
<td>Provisional PRs*</td>
</tr>
<tr>
<td></td>
<td>1976/80 - I legislature</td>
<td>Minority, PS</td>
<td>Mário Soares</td>
<td>Ramalho Eanes</td>
</tr>
<tr>
<td></td>
<td>1976/80 - I legislature</td>
<td>Post-election coalition, PS/CDS</td>
<td>Mário Soares</td>
<td>Ramalho Eanes</td>
</tr>
<tr>
<td></td>
<td>1976/80 - I legislature</td>
<td>Presidential cabinet</td>
<td>Nobre da Costa</td>
<td>Ramalho Eanes</td>
</tr>
<tr>
<td></td>
<td>1976/80 - I legislature</td>
<td>Presidential cabinet</td>
<td>Mª de Lourdes Pintasilgo</td>
<td>Ramalho Eanes</td>
</tr>
<tr>
<td></td>
<td>1980/83 - II &quot;</td>
<td>Pre-election coalition, AD**</td>
<td>Sá Carneiro</td>
<td>Ramalho Eanes</td>
</tr>
<tr>
<td></td>
<td>1983/85 - III &quot;</td>
<td>Pre-election coalition, AD</td>
<td>Pinto Balsemão</td>
<td>Ramalho Eanes</td>
</tr>
<tr>
<td></td>
<td>1983/85 - III &quot;</td>
<td>Pre-election coalition, AD</td>
<td>Pinto Balsemão</td>
<td>Ramalho Eanes</td>
</tr>
<tr>
<td></td>
<td>1985/87 - IV &quot;</td>
<td>Post-election coalition, PS/PSD</td>
<td>Mário Soares</td>
<td>Ramalho Eanes</td>
</tr>
<tr>
<td><strong>Consolidation of democracy</strong></td>
<td>1985/87 - IV &quot;</td>
<td>Minority, PSD</td>
<td>Cavaco Silva</td>
<td>Ramalho Eanes</td>
</tr>
<tr>
<td><strong>Transitional period between two different cycles</strong></td>
<td>1987/91 - V &quot;</td>
<td>Absolute majority, PSD</td>
<td>Cavaco Silva</td>
<td>Mário Soares</td>
</tr>
<tr>
<td></td>
<td>1991/95 - VI &quot;</td>
<td>Absolute majority, PSD</td>
<td>Cavaco Silva</td>
<td>Mário Soares</td>
</tr>
<tr>
<td></td>
<td>1995/99 - VII &quot;</td>
<td>Minority, PS</td>
<td>António Guterres</td>
<td>Mário Soares</td>
</tr>
<tr>
<td><strong>Maturation of democracy</strong></td>
<td>1985/87 - IV &quot;</td>
<td>Minority, PSD</td>
<td>Cavaco Silva</td>
<td>Ramalho Eanes</td>
</tr>
<tr>
<td></td>
<td>1987/91 - V &quot;</td>
<td>Absolute majority, PSD</td>
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<td></td>
<td>1995/99 - VII &quot;</td>
<td>Minority, PS</td>
<td>António Guterres</td>
<td>Mário Soares</td>
</tr>
</tbody>
</table>

* The provisional Prime Ministers were Palma Carlos, Vasco Gonçalves and Pinheiro de Azevedo. The Presidents of the Republic were António de Spínola and Costa Gomes.
** The AD (Democratic Alliance) was formed by the PSD, the CDS and a small monarchic party, the PPM.
*** Mário Soares was elected in February 1986
**** Jorge Sampaio was elected in January 1996.
1.2 The Assembleia da República in a triangular system

Constitutionally, the Assembleia da República has important powers in the Portuguese political system. The political system is based on a triangular organisation, where power is shared between the president of the republic, parliament and government. Next to these institutions the Constitutional Tribunal also has fundamental powers as the organ responsible for the scrutiny of constitutionality. Since 1976, there were four revisions of the constitution: in 1982, 1989, 1992 and 1997; in all of these revisions the powers of parliament have been enhanced.

The 1982 revision primarily concerned political organisation, resulting from the elimination of the Council of the Revolution. The following one, although involving a wider range of areas, represented an important revision of the economic part of the constitution. The 1992 revision was basically an adaptation to the Maastricht Treaty. Finally, the last revision was done in the name of political reform and introduced important changes in the ruling of the electoral system.

The Portuguese political system has been defined as semi-presidential. It is, though, a much less presidential system than the French one. Three main reasons justify the semi-presidential character of the Portuguese system: the direct election of the president of the republic, the veto powers on legislation and the power to dissolve parliament (as well as to dismiss government) under some conditions. These last powers were slightly restricted in the 1982 revision of the constitution. Since 1982, the president of the republic can only dismiss government in order to guarantee «the regular functioning of the democratic institutions»; that is government stopped being politically responsible before the president. Besides this, a limitation was also introduced in the president’s power to dissolve parliament: this cannot happen on the first six months after the election of a new parliament, nor in the last six months of a president’s mandate.

The Assembleia da República plays a central part in the political system. Government is politically responsible before it and, constitutionally, has the duty to keep parliament well informed of governance decisions and public administration actions. In this context, the constitution prescribes with some depth a wide range of scrutiny powers, such as the Interpellations, Questions to the Government and Committees of Inquiry.

Parliament may cause the resignation of government by means of a motion of censure; that dismissal also happens if the government loses a motion of confidence. However, a cabinet team does not need an expressed vote of approval from parliament, nor does it have to derive from the elected parties in parliament. Between 1978 and 1979 three short term presidential
cabinets were actually nominated, although they did not survive: an executive team cannot govern against the will of the Assembleia da República. Once designated by the president of the republic (taking into account the electoral results), the government has to present its programme before parliament. Although the programme does not need to be approved, any parliamentary group may present a motion of rejection which, if approved by an absolute majority, prevents the government from taking office.  

The constitution ascribes to parliament a crucial role not only in political terms, but also in legislative ones. Parliament has an exclusive right to legislate in a wide range of areas, which has progressively extended at the same time as becoming more specific. It includes a set of 21 distinct areas of legislation, covering matters such as the electoral laws or the basis of the education system. There is another range of areas in which parliament has a relative right to legislate, meaning that it can confer a delegation of legislative powers to the government. Besides this, there has also been an enlargement of the list of bills requiring a qualified majority, which enhances parliament’s legislative power, since it makes it less dependent on a party majority. As the constitutionalist Jorge Miranda puts it, at least constitutionally, there is a primacy of the Assembleia da República in the legislative process.  

The government also has relatively large legislative powers. These are only conditioned by the reserved legislative power of the Assembleia da República, where government can in any case propose legislation. Furthermore, government has its own exclusive right to legislate on questions referring to its internal functioning and organisation. Legislation issued by the government is named of decree-law. Still, every decree-law (as long as it does not fall under government’s exclusive legislative area) can be called to parliament for consideration, which represents an important scrutiny power of the Assembleia da República. This consideration leads either to the confirmation of the decree-law (with, or without, amendments), or to the refusal to ratify. Another fundamental prerogative of parliament is, since the constitutional revision of 1982, the consideration and approval of the Budget, a crucial administration instrument.  

Hence, taking into account the constitution, not only does the Portuguese parliament have an important political and legislative role, but also this has been enhanced over the last two decades. Notwithstanding this, the practice shows that this role has become mainly an influential one, rather than a decisional one, depending on the party majorities. A look into the internal rules of procedures helps to clarify the way in which the Assembleia da República has adapted to political change.
2. THE RULES OF PROCEDURE AND POLITICAL CHANGE

The Assembleia da República is currently composed of 230 MPs elected through a proportional representation electoral system following the d’Hondt list method. The proportional representation logic is reproduced throughout parliamentary bodies and activity. As a result of this system, the parliamentary groups [PGs] form the primary core of the Portuguese parliament. There is strong party discipline and the PGs control most of the parliamentary agenda. An expression of this control is the Conference of the Representatives, where decisions are taken about the plenary agenda; the Conference is constituted by a representative of each PG and of the government, as well as by the President of the Assembleia da República.

Next to the chamber [Plenário] there is a system of permanent standing specialised committees. The exact number and areas of these committees is established at the beginning of each legislature. The number has varied between 11 and 19 and since 1991 it has stabilised at 12. Again, their composition follows the proportional representation of the parties, as does the distribution of the chairs.

The activity of the Assembleia da República is formally ruled by the Rules of Procedures [RP - Regimento]. Together with other statutes, the RP rules on most of parliamentary aspects and is an essential reference to understand the character of the Portuguese parliament, as well as the changes it has undergone. The first main revision of the RP was in the III legislature, between 1984 and 1985: then, the experience of ten years of parliamentary practice (somewhat snarled) expressed itself in a major revision of procedures. Some minor and isolated alterations were made before then and in 1982 a new edition of the RP was published, mainly as an adaptation to the new constitution numbering system.

It was only in 1985, though, that the political climate favoured a major revision: before then, other primary matters had to be attended to. Three more revisions followed the one of 1985, all during the period of the PSD absolute majorities: 1988, 1991 and 1993. During the VII legislature no coherent attempt has been made to revise the RP.

The 1985 revision had two main effects: firstly, regulation of many aspects of parliament activity and, secondly, a first hint of rationalisation of parliamentary procedures. The 1988 revision would personify, though, a much stronger move towards rationalisation of parliamentary activity. The main change of the 1991 revision was the regulation and enhancement of the process of presenting petitions to parliament. Finally, the 1993 revision was thought of as a ‘reform of parliament’ and its main effect was opening parliament to the outside world. All of these
revisions had an important purpose in strengthening the regulatory framework of parliamentary procedures, which brought organisation to the activity of parliament.

2.1 From a chamber dominance to an empowerment of the committees

The 1976 Assembleia da República was a parliament dominated by the debates of the chamber. All of the legislative proceedings took place, by rule, in the chamber and the committees had little autonomous competence. Since then, parliamentary activity has been re-distributed between chamber and committees and their functions have been re-arranged. The re-arrangement of functions resulted from, on one hand, a reduction of the time and competences attributed to the plenary debates and, on the other, an enhancement of the committees role.

A clear difference between the 1970s chamber debates and the ones of today is their length in time. Then, a first reading debate could last three days, nowadays it will be confined to one day. The rationalisation of the time spent in the chamber has been the result of two procedures: reduction of explicit time prescribed for a particular type of debate or referral to the Conference of the Representatives of the decisions managing the time to be spent in each debate.

The 1985 revision was the first one to proceed to this rationalisation. It introduced the rule ascribing to the Conference of the Representatives the power to decide on the general time to be spent in a plenary debate, and it also reduced some of the timings explicitly prescribed in the RP. Before 1985 the RP did not foresee a limit for the overall time to be spent in a chamber debate.

The rationalisation move was extended in the 1988 revision: not only timings were reduced even further but, most importantly, in a few particular debates the timings were withdrawn and therefore referred to the Conference of the Representatives. Among others, it was the case of the motions of censure, the urgency deliberation of a bill and the interpellations.

The decline of the chamber’s predominance was followed by a transferral of competences to the committees. In the first decade of the Portuguese parliament, committees could not meet (by rule) at the same time as the Plenum. In 1985, the committees were granted that possibility and, in 1988, the second reading was ascribed to them. The committees role in the legislative proceeding has therefore been considerably enhanced. What is more, in 1993, strong emphasis was put on the prior referral, which until then was a mere formal stage.

The committees have progressively been ascribed the power to carry on studies and to contract research assistants. The RP revision of 1991 gave more autonomy to the committees’ decisions, exempting them from the specific authorisation of the president of parliament on some
matters. Furthermore, since 1993 most of the committees meetings are open to the media (unless otherwise decided) which has granted more visibility to their work.

In parallel with the transferral of legislative competences to the committees, the revisions of the RP have progressively introduced new spaces for debate in the chamber; these provide a forum to discuss current and polemic issues. Both the 1991 and the 1993 revisions represented a clear move in that direction: three new special debates were created and existent possibilities for debate were strongly regulated.

In 1991 the Urgency Debate was introduced in the RP and has been widely used since: its purpose is to discuss unexpected polemic issues in an expeditious way. In 1993, another important type of debate was introduced: the Debate on the Nation State (O Estado da Nação), which aims at evaluating the political year at the end of each legislative session. The Estado da Nação has gathered huge attention from the media since it was first put into practice, in July 1993, and has centred around the intervention of the prime minister.

There has been, thus, a clear rearrangement of functions between the chamber and the committees. Originally identified with the Plenum, the legislative function has become more and more a Standing Committee responsibility. In the first years of Portuguese democracy, the idea of deciding through discussion was extremely important. This explained the prominence of the Plenum in the legislative process. The democratic practice has emphasised, though, the need for effective decisions. On the other hand, the absolute majorities experience gave way to the need for more opportunities to discuss current issues in a public way. As a result the Plenum has tended to fulfil a legitimation function, rather than a legislative one.

2.2 Reproduction of the majority control over the agenda

Another characteristic of the rationalisation process has been the way majoritarian criteria have increasingly substituted consensual ones in the distribution of rights and responsibilities. Parliamentary rights such as the number of questions to put to the government or the right to interrupt a plenary session have clearly become more favourable to the PGs with larger numbers.

The two most emblematic changes concerned the Conference of the Representatives decision rule and the right to set plenary agenda. Until 1985, there was no prescribed decision rule of the Conference of the Representatives; the revision of the RP introduced the majority rule: that is, since then, decisions are taken by majority when a consensus has not been achieved. The 1985 revision also introduced a fundamental majoritarian criteria: to regulate the distribution of
parliamentary rights according to the size of the PG, besides the fact of belonging, or not, to the government; until then, only this second criteria was considered.\[\text{33}\]

In 1988, the majoritarian criteria were reinforced and, although membership of the government was considered, the PG size actually became the key factor; this is particularly clear in the right to set a plenary agenda. Originally, the agenda setting right was thought of as a guarantee of the right of the opposition factions to schedule their own bills in a plenary session, regardless of the size or ‘colour’ of the majoritarian PG(s); who had, in any case, a decisive word in the Conference of the Representatives where most of the plenary agenda is determined. The revision of 1988 challenged this concept and, since then, the larger a PG is, the more meetings it is entitled to. \[\text{Table 2}\] expresses this change.\[\text{34}\]
TABLE 2
NUMBER OF PLENARY MEETINGS ACCORDING TO DIFFERENT RULES OF PROCEDURES

(shaded cells refer to the party(ies) represented in the government)*

<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td></td>
<td>II</td>
<td>III</td>
<td>IV</td>
</tr>
<tr>
<td>PSD</td>
<td>4</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>PS</td>
<td>6</td>
<td>4</td>
<td>6</td>
</tr>
<tr>
<td>PCP</td>
<td>6</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>CDS</td>
<td>4</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>PRD</td>
<td>-</td>
<td>-</td>
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</tr>
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</tr>
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</tr>
<tr>
<td>PSN</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

* The I legislature has not been considered because it included several changes of government, which would raise difficulties in the tabular representation. The independent MPs have not been considered for the same reason.
Table 2 shows that the changes in the 1988 revision favoured mainly the two larger PGs and, in particular, the ones represented in the government. Conversely, the number of meetings for the smaller opposition PGs decreased; which may be considered as being contradictory with the very concept of opposition right [Direito Potestativo]. On the other hand, an overlook of the three models of RPs clearly indicates how, under the original ruling, plenary activity could be brought to a halt: the concern to safeguard the opposition PGs led to a reproduction of their rights regardless of their size. The number of plenary meetings shown in Table 2 may be compared with Table 3 which shows the number of MPs per each PG, putting things in perspective.

**TABLE 3**

NUMBER OF MPs PER PARLIAMENTARY GROUP

(Shaded cells refer to the party(ies) represented in the government - percentages are in proportion to the total number of seats in parliament)

<table>
<thead>
<tr>
<th>Parliamentary Groups</th>
<th>II</th>
<th>III</th>
<th>IV</th>
<th>V</th>
<th>VI</th>
<th>VII</th>
</tr>
</thead>
<tbody>
<tr>
<td>PSD</td>
<td>82</td>
<td>32.8%</td>
<td>75</td>
<td>30%</td>
<td>88</td>
<td>35.2%</td>
</tr>
<tr>
<td>PS</td>
<td>66</td>
<td>26.4%</td>
<td>94</td>
<td>37.6%</td>
<td>57</td>
<td>22.8%</td>
</tr>
<tr>
<td>PCP</td>
<td>39</td>
<td>15.6%</td>
<td>40</td>
<td>16%</td>
<td>35</td>
<td>14%</td>
</tr>
<tr>
<td>CDS</td>
<td>46</td>
<td>18.4%</td>
<td>30</td>
<td>12%</td>
<td>22</td>
<td>8.8%</td>
</tr>
<tr>
<td>PRD</td>
<td>-</td>
<td>-</td>
<td>45</td>
<td>18%</td>
<td>7</td>
<td>2.8%</td>
</tr>
<tr>
<td>PPM</td>
<td>6</td>
<td>2.4%</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>ASDI</td>
<td>4</td>
<td>1.6%</td>
<td>3</td>
<td>1.2%</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>UEDS</td>
<td>4</td>
<td>1.6%</td>
<td>4</td>
<td>1.6%</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>MDP / ID</td>
<td>2</td>
<td>0.8%</td>
<td>3</td>
<td>1.2%</td>
<td>3</td>
<td>1.2%</td>
</tr>
<tr>
<td>UDP</td>
<td>1</td>
<td>0.4%</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>PEV</td>
<td>-</td>
<td>-</td>
<td>1</td>
<td>0.4%</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>PSN</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Total</td>
<td>250</td>
<td>100%</td>
<td>250</td>
<td>100%</td>
<td>250</td>
<td>100%</td>
</tr>
</tbody>
</table>

* Some of these PGs were elected together in a joint list.
** The constitution revision of 1989 reduced the number of MPs from 250 to 230.

The 1985 revision was an answer to this lack of efficacy in the organisation of parliamentary resources. The 1988 one, on the other hand, was a direct response from the majoritarian PG to the domination of the opposition PGs during the IV legislature. It should be remembered that the right to set the plenary agenda is a mere example of a process which affected other rules of the RP.
3. THE ROLE OF THE ASSEMBLEIA DA REPÚBLICA IN POLICY-MAKING

3.1 A partial supremacy in policy-making

The Assembleia da República played a fundamental role in the first years of democracy in establishing a new legislative framework for the democratic system. Some of that work had to be done in the immediate months after the revolution (laws on freedom of association, political parties, etc.) and was carried out by the provisional governments. However, a lot was left to be done when the Assembleia da República was elected. Many of the basic laws structuring the political and socio-economic system of the democratic regime were issued by parliament; after 1982, some were actually brought under parliament’s reserved area of legislation. Lobo Antunes quotes a list of such primary laws: electoral system, Constitutional Tribunal, national defence, local finances, re-structuring of property, rural reform, the basis of the education system, the national health service, etc.35 Besides this, some of the fundamental laws require a qualified majority for approval, ascribing necessarily an important role in policy-making to parliament. Amongst these are: the revision of the constitution, the finances of the autonomous regions and regulation of political associations.36 Even if some of the negotiations between PGs actually happen between the party leaders, it is the symbolic significance of the parliamentary arena that ascribes those parties with the legitimacy to negotiate; in the name of the people who elected them.

As the primary legislative framework of the democratic regime was established, the role of parliament in policy-making in some ways diminished, at the same time as the need for more specific and regulatory legislation increased; a typically governmental competence. Nevertheless, the Assembleia da República does seem to have still nowadays an important part in the process of issuing law, although all the more dependent on the party majority.

Any analysis of the bills of the Portuguese parliament has to take into account the large number of municipal bills, such as those promoting a town to a city. As explained elsewhere, these have to be separated for three main reasons: first, the municipal bills consist of oversimplified texts; secondly, they involve a very simple deliberative process and, thirdly, the final volume of municipal bills passed results from a general agreement between the PGs.37

A first remark to be drawn from an overlook of the outcome of parliament bills is the highest proportion of bills reaching the stage of first reading. Table 4 shows the proportion of
MPs bills not discussed at first reading during these last two decades. Since the information available on the I and II legislatures do not allow municipal bills to be separated, the data referring to that period includes all MPs bills.

**TABLE 4**

**PROPORTION OF MPs BILLS NOT DISCUSSED AT FIRST READING**

(Percentages in relation to the total number of MPs bills proposed in each legislature)

<table>
<thead>
<tr>
<th></th>
<th>I</th>
<th>II</th>
<th>III</th>
<th>IV</th>
<th>V</th>
<th>VI</th>
<th>1st / 2nd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total MPs bills</td>
<td>71.3%</td>
<td>80.4%</td>
<td>49.7%</td>
<td>65.1%</td>
<td>40.1%</td>
<td>40.9%</td>
<td>35%</td>
</tr>
<tr>
<td>MPs bills, excluding the municipal ones</td>
<td>n.d.</td>
<td>n.d.</td>
<td>73.3%</td>
<td>61.9%</td>
<td>47.2%</td>
<td>45.9%</td>
<td>35%</td>
</tr>
</tbody>
</table>


Table 4 shows that nowadays a bill has a much greater chance of being scheduled at first reading. This is particularly clear once the municipal bills have been excluded. In the first decade, a large majority of the bills would not reach the first reading and would never be discussed. In spite of the restrictions introduced in the right to set the agenda of plenary meetings, the rationalisation of procedures has had visible effects and nowadays, independent of the actual outcome of a bill, PGs have potentially a greater chance of discussing a bill and putting forward their arguments in the chamber.

On the other hand, though, nowadays more bills are rejected at first reading. Table 5 shows that the rate of rejected bills has increased, becoming closer to the western model. The decrease in the present legislature is understandable before its minoritarian character and does not contradict the above comment; if compared with the other minoritarian legislature, the IV, it reinforces the idea of an overall increase in the rate of rejected bills. At the same time, though, the MPs bills have more or less maintained (if not actually increased) their approval rate at final vote, only depending on the variations between majoritarian and minoritarian legislatures. This is indicative of some dominance of the legislative process by the Assembleia da República.

**TABLE 5**

**OUTCOME OF MPs’ BILLS**

(Percentages in relation to the total number of MPs bills proposed in each legislature)

<table>
<thead>
<tr>
<th></th>
<th>I</th>
<th>II</th>
<th>III</th>
<th>IV</th>
<th>V</th>
<th>VI</th>
<th>1st / 2nd</th>
</tr>
</thead>
</table>

15
Proposed, total.................... | 537 | 368 | 296 | 331 | 451 | 431 | 282
Proposed, average per year..... | 134.3 | 122.7 | 148 | 165.5 | 112.8 | 107.8 | 141
Rejected at first reading....... | 8% | 7.9% | 5.7% | 4.2% | 18% | 23.4% | 13.8%
Approved at final vote**........ | 20.7% | 11.7% | 9.8% | 24.5% | 20.4% | 18.3% | 22.7%

Notes: * The figures for the I and II legislatures refer to all MPs bills; those for the subsequent legislatures exclude the municipal bills.
** The rate of bills approved at final vote, includes cases in which a bill has brought, in some way, a contribution to the final law approved, even if it was not the single origin bill of that law. The same applies to Table 6.

Still, government bills do have a more successful legislative outcome than MPs bills: a higher proportion reaches the first reading and is approved at final vote, and a smaller number is rejected (Table 6). Furthermore, the experience of the absolute majorities actually indicated that this type of bill had attained the 90 per cent level of approval. However, in the present minority legislature government bills have actually been rejected (although in a smaller proportion than in the IV) and, up to the second legislative session, just over half of them had been approved at final vote. It is difficult to assess, without the completed data on the VII legislature, what significance these values have. If anything, the appreciation in parliament of government bills does seem to be taking longer, suggesting that more attention is being given to the committee stage. Still, the proportion of approved government bills is, for now, higher than it was in the other minority legislature, the IV.

---

**TABLE 6**

OUTCOME OF GOVERNMENT’S BILLS

(percentages in relation to the total number of government bills proposed in each legislature)

| | I | II | III | IV | V | VI | 1<sup>st</sup> / 2<sup>nd</sup>
|---|---|---|---|---|---|---|---|
| Proposed, total..................... | 382 | 141 | 103 | 44 | 176 | 118 | 128
| | | | | | | VII |
Proposed, average per year..... | 95.5 | 47 | 51.5 | 22 | 44 | 29.5 | 64  
Not discussed at first reading. | 45.3% | 51.8% | 25.2% | 15.9% | 2.3% | 6.8% | 29.7%  
Rejected at first reading......... | 2.9% | 0 | 0 | 9.1% | 0 | 0* | 4.7%  
Approved at final vote.......... | 51.8% | 48.2% | 68% | 34.1% | 94.9% | 88.9% | 57%  

Notes: * Although no government bill was rejected at first reading, there was one (a Basis bill) rejected at Final Vote. This constitutes a surprising exception, though: the majoritarian PG did not gather enough MPs to guarantee a qualified majority, necessary to approve that particular bill.


An important proportion of government bills are requests for a delegation of powers to legislate on matters falling under the relative reserved legislative area of parliament. These bills represent therefore an extension of parliament legislative power and are required to be clear and precise about the new legislation to be issued. During the absolute majorities the government was widely criticised by the opposition MPs for a lack of definition in its delegation of power bills. What is more, as Table 7 shows, these bills represented an increasing proportion of the bills put forward by government. This was seen by the MPs as emblematic of government’s power in the legislative process. In the following legislature, though, the proportion of delegation of powers bills has decreased considerably. From a level of 52 per cent, the proportion of delegation of powers bills has decreased to 24 per cent of the total government bills proposed in the VII.

### TABLE 7

PROPORTION OF DELEGATION OF POWERS BILLS

(Percentages in relation to the total number of government bills proposed)

<table>
<thead>
<tr>
<th></th>
<th>I</th>
<th>II</th>
<th>III</th>
<th>IV</th>
<th>V</th>
<th>VI</th>
<th>1st/2nd/3rd</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>64%</td>
<td>46.6%</td>
<td>25%</td>
<td>44.9%</td>
<td>51.7%</td>
<td>24.2%</td>
<td>VII</td>
</tr>
</tbody>
</table>

17
Sources: I and II legislatures: W. Opello, ‘Portugal’s Parliament: an organizational analysis of legislative performance’, *Legislative Studies Quarterly*, XI, 3, (1986); p.312, (Opello does not present the full information concerning that period; the author just mentions, in his text, an overall percentage of 64% of delegation of powers bills).
Legislatures III to VII: own data file built from the Assembleia da República’s archives and from its Activity Reports published annually since 1985.

These data show that the role of the Assembleia da República in the policy-making process is important, although varying considerably according to government’s support in parliament. However, this potential dominance of the Assembleia da República is only partial. As said above, government does have powers to issue legislation outside the proceedings of parliament. Most of the decree-laws issued by government are regulatory statutes and derive, in one way or another, from legislation issued by parliament; still, they do form a great part of current policy-making and are, in practice, unmanageable by parliament.

José Magalhães shows that between 1977 and 1993 the number of decree-laws was nearly seven times higher than the number of laws. As seen above, the Assembleia da República can call decree-laws for a new consideration in parliament. However, only with some difficulty would the Assembleia da República be able to scrutinise this volume of decree-laws. The ratification procedure has been widely used since 1976, but it can hardly claim to be an effective way to control government legislation. Besides, more than a genuine intention to amend a decree-law or to refuse its ratification, this procedure has been mainly seen by the PGs as a way to publicly counter-argue the government on a particular issue. Every opportunity to speak in the chamber became valuable, in particular during the absolute majorities when the time available was reduced considerably and dominated by the majoritarian PG.

Thus, even if important, the role of the Assembleia da República in policy-making is only partial, taking into account the government’s own legislation. This becomes even more relevant if one considers the European legislation affecting Portuguese ruling.

### 3.2 The consideration of the budget: an indicator of the role of parliament in policy-making

A closer look into the legislative work done in parliament provides a clearer image of how the role of the Assembleia da República in policy-making has evolved. In this context, the consideration of the budget is an excellent indicator as it allows a more thorough evaluation of the legislative activity. Values such as the ones displayed above in Table 5 and Table 6 only take into account the generic stages of the legislative proceedings; they do not take into consideration the committee stage. Plus, the values of the bills approved at final vote are somewhat misleading: a
bill is considered as approved at final vote, as long as it has contributed in some way to the ultimate text issued from the committee stage to the chamber. Although it is important to take into account all the bills that have contributed to a law, these values are bound to overestimate the real contribution of the MPs bills to the legislation issued by parliament.

The analysis of the budget consideration, as an indicator on parliament’s legislative activity, gives access to information regarding the committee stage. This is one of the only bills where the entirety of the second reading is recorded and published. What is more, the budget bill is discussed every year, thus, allowing a comparative view over the years. An analysis based on all of the votes taken in the consideration of the budget, from 1983 to 1995, shows that the Assembleia da República moved towards a ‘legislature with little-or-no-policy impact’; that is, according to Philip Norton terms, a legislature that not only does not issue policy on its own, but also cannot reject nor modify government’s proposals.

In the face of a loss of decisional power, the MPs found new ways to influence the policy decisions of the government. PGs saw the act of proposing amendments to the budget mainly as an opportunity to publicise their own policy options, rather than a genuine attempt to ameliorate the government proposal. In some occasions, MPs justified the presentation of an amendment as a political scope in itself; there was little doubt about the decisional outcome. This explains why, although the rules evolved in the sense of referring most of the votes to the committee, in reality more votes tended to take place in the chamber, the most public arena of parliament; in particular in the years preceding elections.

On the other hand, even if amendments were not proposed, the debate was used as a way of putting forward to the government claims and criticisms on specific matters. This was particularly clear from the MPs of the majority PG during the V and VI legislatures. Although integrated in a highly cohesive PG, a number of these MPs questioned the government recurrently on issues linked (mainly) to their constituencies, often expressing dissatisfaction with government’s actions.

It is in this context that, at the beginning of the 1990s, the Assembleia da República developed parliamentary features focused on the legitimation function. More emphasis was put onto the creation of public debates and on reinforcing the informative means of parliament.
4. THE ASSEMBLEIA DA REPÚBLICA AS A LEGITIMATION INSTITUTION

4.1 The classical scrutiny institutes

The Assembleia da República of 1976 was mainly thought of as a legislative institution. Emphasis was put on the legislative proceedings and provision on the few control instruments was scarce and imprecise. Scrutiny was identified with ultimate control institutes such as the motions of censure or the interpellations. These consisted of solemn and sporadic debates which aimed fundamentally to question the very existence of government, rather than scrutinising ordinary government policy and public administration actions. To some extent, the control function was seen as a guarantee of democracy, rather than a practice of democracy.

This assumption has changed through these last two decades, as parliamentary practice evolved and new legal provisions were foreseen. The 1985 revision of the RP institutionalised the procedures of both the questions to the government and the written questions (requerimentos). It was only then that the habit of booking a specific meeting to put questions to the government became formalised. In 1993, the revision aimed again at reinforcing the scrutiny capacity of parliament. This was particular clear in the case of the committees of inquiry.

Table 8 shows that control activity has become more of a routine, at the same time that it has lost some of its solemnity. Not only the use of control devices has changed, but the very character of scrutiny has altered. A representative example of this trend is the case of the interpellations. As shown elsewhere, an interpellation used to require the participation of the prime minister; now this is not even mentioned. What is more, restrictions were introduced in 1988 on both the introductory and the concluding speeches, as well as in the length of time available. As a consequence, an interpellation during the IV legislature lasted, on average, 10.05 hours, whereas in the V it lasted 6.30 hours. On the other hand, though, it was only after 1987 that the PGs made full use of the possibility of proposing two interpellations in each legislative year.

An important part of the RP changes have focused precisely on the scrutiny instruments. Still, the major factor altering the character of the control function of the Assembleia da República was the very practice of parliamentary activity under two subsequent absolute majorities.

TABLE 8
CLASSICAL PARLIAMENTARY CONTROL INSTRUMENTS IN
THE PORTUGUESE PARLIAMENT
(average per legislative session, in each legislature)
<table>
<thead>
<tr>
<th></th>
<th>I</th>
<th>II</th>
<th>III</th>
<th>IV</th>
<th>V</th>
<th>VI</th>
<th>1st / 2nd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interpellations....................</td>
<td>1.25</td>
<td>3</td>
<td>3.5</td>
<td>2</td>
<td>5.5</td>
<td>6.25</td>
<td>5.5</td>
</tr>
<tr>
<td>Meetings for:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>questions to the government</td>
<td>n.d.</td>
<td>n.d.</td>
<td>3</td>
<td>2.5</td>
<td>9.5</td>
<td>8</td>
<td>9</td>
</tr>
<tr>
<td>Proposals of</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>committees of inquiry............</td>
<td>0.5</td>
<td>5.7</td>
<td>8</td>
<td>4</td>
<td>5.75</td>
<td>8.3</td>
<td>3</td>
</tr>
<tr>
<td>Requerimentos</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(written questions)...............</td>
<td>628.25</td>
<td>865.3</td>
<td>2307</td>
<td>2388.5</td>
<td>1175.3</td>
<td>1250.5</td>
<td>1514.5</td>
</tr>
</tbody>
</table>

Sources: I to III legislatures: information from the Division of Documentation of the Portuguese parliament, kindly granted by Professor Manuel Braga da Cruz. Legislatures IV to VII: Activity Reports of the Assembleia da República.

Table 8 shows that two things happened in the first absolute majority legislature (V): a sharper increase in the use of most control instruments and a decrease of the requerimentos. All through the first democratic decade, there had been a steady expansion of the control function, but this is clearer after 1987. However, this only happened with the devices involving public discussion: interpellations, questions to the government and proposals of committees of inquiry. A requerimento has no public visibility, unless the proponent publicises it to the media. Again, the parliamentarians saw the chamber as a privileged site to affirm their comments and criticisms on government’s actions. Before 1987 this need was not so well marked.

What is more, up to the second year of the VII legislature, this pattern has not changed. Slightly more requerimentos have been sent to the government, but not as many as one might expect under a minority government. The figures referring to the VII are, in fact, closer to the absolute majority period than to the IV legislature.

In any case, these control devices have been the object of wide spread criticism, in particular during the V legislature when the rationalisation move of the 1988 RP revision had been put in place and no new forms of debate had yet been foreseen. The stronger criticism has centred on the questions to the government. These are considered too irregular, too infrequent and too ineffective; what is more, the government may choose the questions it wishes to answer. The main criticism of the requerimentos has focused on the low (as well as slow) rate of answers from the government. The interpellations, on the other hand, consist of broad debates on a particular area of government policy and are still privileged as such by the PGs. However, the constitution restricts their use (each PG may propose only two interpellations per year) and they do not allow an expeditious answer to unexpected polemic issues.
Finally, although the proposals of committees of inquiry became very popular in the V and VI legislatures, for the publicity it got in the media, the actual inquiries were strongly criticised by the opposition MPs. This criticism was mainly due to the dependence of the committees’ proceedings on the majority will. Although the Portuguese committees of inquiry do enjoy wide powers of inquest, most of these are in fact dependent on a majority decision. In 1993, improvements were made so that the development of an inquest would not depend so much on a majority. Only a new absolute majority will enable the assessment of whether these alterations are adequate.

4.2 Scrutiny reinvented: making the bridge with the outside

Overall, these classical control devices have proved unsatisfactory and, during the absolute majorities, complementary means to scrutinise government and public administration were developed. This happened mainly through two means: promoting public debate and reinforcing the informative function of parliament; the ascription to the committees of a more active role was also an important factor in this development.

The chamber debates have provided, since the times of the Constituent Assembly, a primary site for commenting on and criticising government’s actions. As both Miguel Lobo Antunes and Jorge Miranda show, although the Constituent Assembly did not have political or legislative powers, its MPs strongly conditioned political life by taking full advantage of the so-called PAOD (Período Antes da Ordem do Dia). The PAOD consists of the first part of each plenary session, where current affairs are dealt with, as well as internal affairs of the assembly; this precedes the main part of a plenary session, the consideration of legislation. Thanks to the possibility to intervene in the PAOD, the PGs had an active role, during the period of the Constituent Assembly, in the criticism of political life. According to Lobo Antunes, through this continuous criticism the Constituent Assembly was able to counterpoint its democratic legitimacy (as the only elected organ in power) to the revolutionary legitimacy. As seen in the first section, the struggle between these two types of legitimacy was a fundamental factor in the Portuguese transition to democracy.

Furthermore, the criticism made on the floor of the chamber has been seen as a major cause of the breakdown of governmental coalitions such as the AD or the Central Block (PS/PSD, 1983-1985). This tribunitial function of the chamber debates had a main characteristic: the inputs derived from the political system itself and the outcome aimed at the same political system.
Notwithstanding this, with the absolute majorities, the *tribunitial* function of the chamber has progressively opened to other spheres of society.

It is in this context that the extraordinary increase of the special debates must be understood. Table 9 shows how popular it has become to promote a special debate. The main bulk of the special debates are urgency debates, an answer to a particular polemic issue arising in society. The issues vary considerably, from ‘mad cow’ disease to the government’s response to floods. To call for a special debate on a particular issue is a way of the PG ascribing to it the seriousness it ‘deserves’. The recognition of a particular problem will, naturally, be welcomed by the affected actors.

**TABLE 9**

SPECIAL DEBATES IN THE PORTUGUESE PARLIAMENT

(average per legislative year)

<table>
<thead>
<tr>
<th></th>
<th>IV</th>
<th>V</th>
<th>VI</th>
<th>1st / 2nd VII</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of special debates...</td>
<td>2.5</td>
<td>3.75</td>
<td>7.75</td>
<td>24</td>
</tr>
</tbody>
</table>

The special debates are also used by the government as a means to publicise its own policy. A considerable number of the debates proposed by the government fall on European Union affairs, but they have also been used as a way to promote a new policy. Besides this, the Prime Minister António Guterres has promoted the practice of what he has called of a *prime-ministerial monthly debate* in parliament. This comes as a response to one of the main criticism directed at the former Prime Minister, Cavaco Silva: his rare intervention in parliament’s debates. Although the present Prime Minister has indeed participated in more debates than his predecessor, it should be said that the so called monthly debates only happened twice in each of the first years of the VII legislature.

The promotion of public hearings has also been an expanding feature of the Assembleia da República. This has accompanied the strengthening of the committees role. In 1988 the power to take evidence was recognised in the RP and, in 1993, it was formally recognised that the auditions could take place publicly. As committees proceedings became more open to the media, calling for a public hearing has also become more popular. To a much lesser extent, public hearings have also been promoted by the PGs themselves.

Again, the topics have varied enormously, but they usually are integrated in the process of considering legislation. Note that since 1976 the Assembleia da República is constitutionally
compelled to hear a number of associations whenever particular legislation is being discussed. Typically, this involves the trade unions and workers committees (labour legislation) and the autonomous regions (legislation affecting those regions). However, the obligation to consult other agents has expanded and the latest version of the RP specified the compulsory consultation of the associations representative of the local councils when respective legislation is being discussed.

It is difficult to assess exactly how many public hearings have been taking place as the information available is not very clear. Besides, this information has only been included in the annual reports of the Assembleia da República since the beginning of the VI legislature. However, the committees are more aware of the usefulness of this device, just as the PGs are. The media have also taken an interest in reporting some of the public hearings.

The development of public hearings as a means to gather information on a particular bill has been accompanied by greater care taken with the preparation of reports informing legislation. The 1993 revision of the RP introduced rules throughout the legislative proceedings in order to guarantee a more informative framework for the legislation under consideration. It is in this context that the prior referral has provided parliamentarians with a much more integrative and informative preparation of a particular legislation. In the same way it has also reinforced the need for more precise information as a requirement for the proposal of delegation of powers bills. In this sense, it could be argued that the influence of parliament on government’s decisions might have increased.

In the VII legislature the annual reports have also included information on all sorts of extra-parliamentary debates and seminars that parliament has organised (through the promotion of its President, PGs or committees). This is another indicator of the importance given nowadays to the concern of transforming parliament as a bridge between the outside inputs and the political process. These activities have involved interest groups, experts and ordinary citizens.

Since the VI legislature, there has also been a concern with narrowing the distance that separates parliament from citizens. The Portuguese system is characterised by a very weak relationship between MPs and their constituencies. However, the topic of strengthening the links with citizens has been at the top of political agenda and timid initiatives inside parliament have been attempted. For example, since 1993 the RP specifically foresees the dedication of part of an MP’s time to meet his or her constituents. The last revision of the constitution, in 1997, revised the ruling of the electoral system and actually introduced a provision making possible the existence of single-member constituencies. Attempts to revise the electoral law in this way have failed though until now.
5. CONCLUSION

The Assembleia da República of the 1990s is very different from the one elected in 1976. The main characteristics of the political system have not changed and, importantly, the party system has remained stable. However, the political situation has changed enormously and there is a case to say that the Assembleia da República has adapted to a new role.

The centrality of parliament in the Portuguese political system was defined as the very essence of the democratic regime. In a period of tension between a revolutionary model and one defending a representative democracy, the Constituent Assembly emerged as an affirmation of the parliamentary ideal gathering strong support from the population. At that time, it did not possess substantive legislative powers but it played a fundamental role as a forum where continuous oversight and assessment of political activity was carried out. This was the period of transition to democracy, when the revolutionary process was still active (see Table 1).

In the following stage, consolidation to democracy, parliament was experimenting itself. The constitution ascribed strong legislative and political powers to the Assembleia da República and political forces were testing the system. There was no political stability and parliamentary practice had little efficacy. It was a time, though, when the media gave attention to parliamentary matters. The parties, independent of their size, had a voice in the assembly and used it as often as they could. At the end of this period there was a chance to rationalise parliamentary procedures and this was done through the revision of the RP in 1985.

In the IV legislature (1985 to 1987) several specific features contributed to making it a singular parliament, where the opposition had decisional power. It was, in many respects, as a reaction to the specificity of this legislature that, first, the people elected an absolute majority in the subsequent election and, secondly, the new majoritarian party reinforced a rationalisation of procedures.

The election of an absolute majority marked the beginning of a new cycle in the Portuguese parliament. Procedures were rationalised, more competences and power were transferred to the committees and, simultaneously, time and competences of the chamber were restricted. Legislative work became more effective and a lack of support resources was somewhat ameliorated. However, as the loss of decisional power in policy-making (reinforced by the cohesive PSD majority) became evident there was a prevailing idea that parliament did not matter. The media lost interest in parliament’s proceedings and, at the end of the VI legislature,
there was a flow of pejorative news about MPs; typically addressing questions such as MPs privileges and their absences from parliament work.

This decline in the image of parliament led, at the end of the absolute majorities, to the strengthening of the actors claiming for an enhancement of the role of the Assembleia da República. It was in this context that the 1993 revision of the RP came. This revision prescribed some crucial elements that have opened the way to an adaptation of the Portuguese parliament to a new role. Namely, it ascribed requirements demanding the treatment of more information in the legislative proceedings, it institutionalised the special debates and it opened and reinforced committees work. In some ways, there has been a concomitant development of characteristics of an arena legislature and of a transformative one.

The practice since then has shown that parliament has been responded in a much more immediate and direct way to society’s inputs. It is in this sense that one can say that the Assembleia da República has developed its role as a legitimation institution. This does not mean that parliament has undermined its role in policy-making. Constitutionally its powers have increased and it can play a predominant role in the absence of a government majority. However, the experience of parliamentary practice under eight years of one single majority led to the development of mechanisms external to the policy-making process in itself.

In some ways, it could be argued that the Assembleia da República is a stronger institution today as it has developed its legitimation role. Still, the enhancement of its legitimation role has not been followed by a reinforcement of resources (either human or physical). Compared to other legislatures, the Assembleia da República has a huge lack of resources. These have not developed in line with the attention given to devices such as public hearings, preparation of legislative reports, etc. This could lead to a retreat in the capacities of parliament. However, any mention of increasing politicians resources is usually damned by public opinion. Political culture has probably not developed in the same way as political institutions and professionalisation of politics in Portugal is still a long way from reality.

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This remark does not invalidate the fact that the second study is a very good insight into the Portuguese parliament. Curiously, the Portuguese version of this project does not reflect so much that remark; the individual text by Miguel Lobo Antunes actually emphasises the stabilising factors and sees the military dominance as a necessary way to an effective transition to democracy (M. Lobo Antunes, ‘A Assembleia da República e a consolidação da democracia em Portugal’, *Análise Social*, vol. 100, 1, (1988), p.77-95).


A noteworthy exception is U. Liebert, ‘Parliaments in the consolidation of democracy - a comparative assessment of Southern European experiences’, in U. Liebert and M. Cotta, (eds.) *Parliament And Democratic Consolidation In Southern Europe*, (London: Printer Publishers, 1990), p.249-272. U. Liebert integrated this dimension of change in her classification of the south European legislatures, according to Weinbaum’s types of parliaments. However, not only did that classification reflect some misconceptions about the Portuguese parliament, but also Weinbaum’s criteria defining each type are not absolutely clear.


According to Gallagher, Laver and Mair, *Representative government in western Europe*, (New-York: McGraw-Hill, 1992), the PS is a socialist/social democrat party; the PSD (*Partido Social Democrata*), is a right liberal party; and the CDS is a christian democrat, catholic, party.


13 Several authors date the end of the consolidation of Portuguese democracy at the 1982 constitutional revision. However, that conception neglects two aspects: first the conditioned and predicted character of that revision and, secondly, the character of the political situation which only suffered a major change after 1985.

14 According to Gallagher, Laver and Mair, Representative government in western Europe, a left liberal party.


16 On this respect see P. Coutinho Magalhães and A. Araújo, ‘A justiça constitucional entre o direito e a política: o comportamento judicial no Tribunal Constitucional português’, Análise Social, vol. XXXIII, 145, (1998), p.7-53; it shows the political role the Constitutional Tribunal has played, rather than just juridical.

17 Constituição da República Portuguesa, [CRP - the articles numbers refer to the 1997 version, unless otherwise stated], (Portuguese Constitution), 1982, art. 136.º and 198.º.

18 CRP, 1982, art. 175.º.

19 CRP, arts.156.º, 178.º and 180.º.

20 Note that the 1976 constitution required the approval of two motions of censure in order to dismiss government. The 1982 revision reduced it to just one motion. For the three types of motion: CRP, art. 180º, and 192.º to 195.º.

21 CRP, art. 164.º.

22 CRP, art. 165.º.


24 Note that there is a third organ with legislative powers: the legislative assemblies of the two autonomous regions of the Azores and Madeira. The regional assemblies detain exclusive power to legislate on issues of specific interest for the autonomous regions (CRP, art. 227.º).

25 The nomenclature of the ratificação was changed in the constitution revision of 1997; it is now referred to as apreciação parlamentar (parliamentary appreciation); CRP, arts. 162º and 169º.

26 Other ordinances include the Statute of the MPs, the Committees of Inquiry Law and the Petitions Law; all of which were part of the RP but were subsequently individualised in an autonomous statute. There is also the Lei Orgânica da Assembleia da República, prescribing on parliament’s internal organisation from an administrative point of view.

27 Parliament Reform was the title given to both the ad-hoc committee responsible for revising the RP, and the publication edited by its chairman, Fernando Amaral, about the proceedings of that committee (F.
Amaral (ed.), *A Reforma do Parlamento - reflexões, documentos, reflexos*, (Lisbon: Assembleia da República, 1993)).


29 The parliamentary legislative proceedings comprehend four stages: prior referral (only recently acknowledged as such) by the committees; first reading [*Generalidade*], in the chamber - general debate and vote on the broad statements of a bill; second reading [*Especialidade*], normally in the committees - discussion and votes of the individual articles of a bill; final vote [*Votação Final Global*], in the chamber - final overall confirmation of the bill as amended after the second reading.


31 Most of the plenary agenda is determined by the Conference of the Representatives. However, the RP guarantees to the PGs some rights on this matter.

32 RP, 1985, art.21.º.

33 The only party dimension restriction was the case of PGs with one single MP (see Table 2 and Table 3).

34 Note that the equivalent table published in C. Leston-Bandeira, ‘The Portuguese Parliament in the Cavaco Era’ was based on an incorrect interpretation of the rules governing the rounding of the number of meetings.


37 C. Leston-Bandeira, ‘Relationship between Parliament and Government in Portugal: an expression of the maturation of the Portuguese parliament’, in P. Norton (ed.), *Parliaments and Governments in Western Europe*, (London: Frank Cass, 1998), p.149. In the VII legislature a few of these municipal bills have stood out, though, and have caused strong polemics. It was the case of the creation of the council of Vizela [concelho].

38 This number increased considerably, though, from the first legislative session to the subsequent ones: 4 (1st), 24 (2nd) and 17 (3rd). The low number of delegation of powers bills in the first session was probably a reaction against the criticised practice of the absolute majority government.


P. Norton, ‘Parliament and Policy in Britain: The House of Commons as a Policy Influencer’, p.200; Norton’s typology re-defines Mezey’s three levels of policy-making power: ‘strong’, ‘modest’ and ‘little or no’.

The difference between the two is that the *requerimentos* are used for more detailed and technical matters, whereas the questions to the government aim broader issues and are formulated at the chamber.


This has actually become more of a common practice during the VII legislature.


Besides the very important fact of drawing the constitution, of course.
