

THE RISE OF THE PRIME MINISTER WITHIN A SEMI-PRESIDENTIAL SYSTEM: PORTUGAL, 1976-2010¹

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Portugal initiated the third wave of democratization in 1974 (Huntington, 1994), after forty years of authoritarian rule. The “rules of the game” which were agreed to in 1976 largely reflect the historical and political circumstances of that period. The semi-presidential regime which was chosen at the time was a consequence of this historic critical juncture, characterized by a strong presence of the military in the political life of the country, and a need to give military officers a stake in the nascent democratic regime (Cruz, 1994). The constitutional revision of 1982 marks the official withdrawal of the military from politics, and a change from a presidential-parliamentary format to a premier-presidential one (Shugart and Carey, 1992). On that date, the President ceased to be able to dismiss the Prime Minister solely on political grounds. Thus, the survival of government became dependent only on the confidence of the Assembly. Since then, the constitutional conditions were present for the Prime Minister and the government to emerge as the central figures of executive power. This does not mean that Portugal is a parliamentary system, nor that the President has a residual role in policy-making.

The reason for maintaining that Portugal is semipresidential, both in dispositional terms, as well as in effective functioning, stems from the fact that the strengthening of the Prime Minister, which is indeed unequivocal since 1987, has not occurred at the expense of the President. The latter has kept - and wielded - important powers which make him at all times an important veto player in political decision-making (Amorim Neto and Lobo, 2009).

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Indeed, in the last twenty years, the Prime Minister has grown in importance in detriment of 1) the rest of his government; 2) his own party; and 3) other parties in Parliament.

Firstly, a reorganization of government, and a reorientation of resources to strengthen its centre has signified a much greater capability for Prime Ministers to coordinate their governments, and to have more visibility than Ministers.

Secondly, the main government parties, have become less important both for government policy, for government formation and even for the choice of leader. Both the Socialists (*Partido Socialista*) and the centre-right social democrats (PSD- *Partido Social Democrata*) have become governmentalised. That means that their top bodies include mostly members of government who control party activity. Thus, parties have become increasingly devoid of effective functioning outside elections or of capability of influencing government policy. The importance of “independents” in government, ie Ministers who do not belong to a party, attests to their residual role in constraining the head of government. Also, both these parties have altered their statutes so that the leader is now directly elected by militants. Although these are still party based elections, it is no longer the case that party leadership depends on winning over the party activists, who have been marginalized. To that extent, the direct election of party leaders contributes further to the latter’s autonomy from the party organization.

Thirdly, electoral behaviour shifts in the last twenty years have led the party system to evolve from a fragmented multipartism to a tendentially majoritarian system. As a result of this, alternation between the two major parties, as well as single party governments and absolute majorities has become a common occurrence. Given the high discipline of Portuguese parliamentary parties, ensured by the closed list electoral system, the Parliament has become a fairly inoffensive chamber for the Prime Minister and government. Put together, these factors (changes at the centre of government, within parties, and in Parliamentary majorities) have combined to make the Prime Minister the central

figure of policy-making, within a semi-presidential regime, ie sharing executive power with a directly-elected President with important legislative powers.

In what follows, we discuss the choice of semi-presidentialism and its main characteristics in Portugal both before and after the 1982 constitutional revision, especially in what regards Presidential powers. Then, we focus on the institution of government and the Prime Minister's growing importance in the political system. We analyse changes at the centre of government, within government parties, and in the party system, to show that the strengthening of the Prime Ministers is conjunctural or politically based, and does not decrease the role of the President, which has been maintained the use of his constitutional prerogatives throughout.

THE CHOICE OF SEMI-PRESIDENTIALISM

In the Portuguese case, the choice of a semi-presidential system is central to understand how executive power was conceived, and how it developed. Duverger defined this model of government as having a constitution with three main characteristics: a President elected by direct universal suffrage that has considerable powers, and a prime minister and ministers possessing executive and governmental powers and responsible to parliament (Duverger, 1980:166). 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. (Sartori, 1994; Elgie, 1999; Freire and Pinto, 2005). More recently, Elgie reformulated Duverger's criteria by eliminating that phrase. According to him, 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 which 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 (Elgie, 1999: 280-299). Next we shall analyse 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 a compromise document, agreed between the two main political actors, which had emerged from the revolutionary period of 1974-76, namely the military and the parties that competed to determine the shape of the workings of the state and government (Graham, 1992:287). In fact, the Constitution was drafted by a Constituent Assembly working under constraints imposed by the military (the Armed Forces Movement), thus crystallising a particular moment of Portuguese political history and conditioning the subsequent development of the polity (Moreira, 1977:76-83). When the Constitution was amended in 1982, the 1976 balance of forces had evolved considerably with the decline in the power of the military, of revolutionary activists and of the left more generally. 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 2nd 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 (Cruz, 1994; Lucena, n.d.:17).

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 importance of the military in the transition towards democracy was prolonged not only by the election in 1976 to the Presidency, General Eanes, but also via the creation of the Council of the Revolution (CR), presided by Eanes himself. This body was given relatively extensive powers. It had exclusive legislative powers concerning the organisation, functioning and

discipline of the Armed Forces, and could approve international agreements on military matters via decree laws (Art. 148- 1976 version). Art. 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, i.e. 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 not only were the revolutionary ideals not discarded but actively pursued after 1976. Linz and Stepan date the consolidation of Portuguese democracy from 1982, when this institution was dismantled (Linz and Stepan, 1997).

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 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*². Despite these powers, the 1976 Constitution placed the government at the helm of policy-making, and of Public Administration (Art.185-1976 version). Other institutions however, namely 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

² Until 1982 it was the Council of the Revolution which verified the constitutionality of the laws, whereas thereafter it was the Constitutional Court.

and competencies of the President, namely his role as constitutional guarantor, as head of the Armed Forces, and the representative of the nation (Pires, 1989: 293).

The President had the power to nominate the Prime Minister, (Art.136-1976 version) after considering the electoral results. This article 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 (Canotilho and Moreira, 1991:27). 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. 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 (Pasquino, 1995:277). The minority clause was introduced at the bequest of the PS which expected to win the elections but without a majority, and rejected the idea of coalitions (Sousa, 1992:63). 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 (art.198-1976 version). Although the government had to resign if its program was rejected by a simple majority in the Assembly, or 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 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, the most important change was that although the government was responsible to both the Assembly and the President, it was only *politically* responsible to the Assembly. This meant that in contrast to the original draft, the President could not dismiss the government, by invoking a lack of political trust, although he could still do so in 'exceptional' political circumstances. Article 136 was reformulated, limiting the President's powers to dismiss the government "to ensure the regular functioning of democratic institutions" (Art.195-1982 version). 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 (Art.175-1982 version)

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 (Siaroff, 2003). 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 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 Presidency, with lasted between 1986 and 1996 was almost wholly held in

cohabitation with a single-party majority government (Appendix A). 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 resignation, at the end of 2001, elections were held and a coalition right-wing 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 2002-2004 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.

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 centre parties has made single-party governments the norm since 1987, have served to strengthen the Prime Minister vis-à-vis the other institutions (Lobo, 2005a and 2005b). It is to those aspects of executive power which we now turn.

THE RISE OF THE PRIME MINISTER IN PORTUGUESE POLITICS

Indeed, within the framework of semipresidentialism, the role of the Prime Minister has been considerably strengthened (Lobo, 2005a and b). In what follows, we describe the constitutional powers accorded to him and discuss the changes which have underlied the change in prime ministerial power. According to our research, the role of the Prime Minister has become more important due to three factors: the reorganization of the inner workings of government to benefit the Prime Minister; the “governmentalization” of centrist parties which also serve to strengthen the head of government; the changes in the party system since 1987 which allowed government durability to increase and underlie the institutional changes mentioned.

Constitutional Powers of the Prime Minister

Just as the 1976 Portuguese Constitution is more specific (and cumbersome) than most on several other issues, so it is also quite detailed on “internal” aspects of government, defining its composition (art. 186), the government formation process (art. 190), its political responsibility (arts. 193 and 194) and competencies (arts. 200 to 204). In this respect, it is different from other European Constitutions, which “by and large, are relatively silent about the structure and operations of the executive”. According to article 185, the government conducts the country’s general policy and exercises leadership over the public administration, as its highest institution.

The government’s inherent tensions, i.e. between the need for leadership and collective responsibility, are patent in the Constitution. The principle of collective responsibility is confirmed in article 192 where all ministers are made responsible for any decisions reached in the Council of Ministers. In parallel, the ascendancy of the Prime Minister vis-à-vis ministers is delineated in various articles. First, ministers are nominated by the President at the proposal of the Prime Minister (art. 190). Second, the resignation of the Prime Minister implies the resignation of all the ministers in his government (Art.189). Third, the Prime Minister’s function is to direct, co-ordinate and guide all ministerial actions and to direct the workings of government, establishing the general relations between

it and the other institutions (art. 204). Ministers are supposed to carry out the policies laid down for their Ministries. This ministerial function places them in an administrative context, as executors of policy that has been devised elsewhere, rather than as initiators of policy. However, the competence to regulate relationships between their Ministry and other institutions may overlap with the Prime Minister's role in determining this relationship, and may compromise the principle of collective responsibility shared by all members of Cabinet. Furthermore, the principle of Prime Ministerial leadership undermines the principle of collegiality, which may be necessary to ensure the principle of collective responsibility. Thus, the Constitution exposes rather than resolves the tensions within cabinet government. Their resolution depends on parliamentary arithmetic and the nature of the ruling parties themselves.

Beyond these stipulations, the Constitution attributes the government sole legislative competence in matters concerning its own organisation and working (art. 201). Therefore, once the government has been formed, a decree-law is issued outlining its organisation, which often includes creating new ministries, extinguishing others or simply renaming them, and/or transferring bureaucratic services from one ministry to another. These decree-laws reflect the internal balance of power in the Government, and specifically within and/or between the party/ies which compose it. Simultaneously, the government elaborates a *Regimento*, a rulebook, which sets out the procedures for the workings of government. This document lays down the rules governing policy-making from policy initiation to promulgation, instructing ministers on all the necessary requirements in preparing government bills.

The institution of government, though, does not only have a political role; it is also the highest public administration body. The state tradition in Portugal is particularly important because, it gives an idea of the potential importance of government in executive politics. The Portuguese state has historically been unitary and centralised. Moreover, there has been a sustained tendency for the state to increase its weight both economically, measured by state expenditures as a percentage of GDP, and in terms of employment. Since 1976, there have been attempts, (some times half-hearted) at countering these traditions, without

much success.³ The state tradition helps explain the importance of the government, because not only is the state preponderant in Portuguese society on numerous counts, but it is also highly centralised, making the government, at least potentially, extremely powerful.

Since democratisation the role of the state in expenditure terms has increased substantially almost doubling as a proportion of GDP in the last twenty years.⁴ 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. In fact, the provision of social services had been comparatively low until 1974 and it is only with democratisation that an effort was made to improve services and increase coverage of the population.

Therefore, in Portugal, as seen above, there remains a tendency for a highly centralised state which has not been mitigated since democratization, contrary to what has occurred in Spain. Furthermore, a considerable economic role has been taken up by the authorities as they have sought to eliminate the welfare gap between Portugal and the rest of the European Union members. Given the potential importance of governmental power, we now turn to the factors which we believe explain the strengthening of the Prime Minister in Portugal since 1987.

The Reorganization of Central Government

In this section the strengthening of resources at the centre of government since 1987 will be analysed. According to our research the strengthening of the centre of government had three facets: 1) the reorganisation of the Prime Minister's support structures 2) the reorganization and increase in staff at the Prime Minister's office, and 3) the nomination of Ministers without portfolio to oversee other Ministers' work. We shall discuss each of these in turn.

³ Regionalisation was rejected by electors in a 1998 referendum.

⁴ Of course, the role of the state in market intervention changed radically in 1974 with the nationalisations undertaken at the time, which have been partially undone since 1989. Here however, I refer only to the direct state expenditure in public bodies not in public companies.

An analysis of the resources spent in the Portuguese Cabinet Office - *Presidência do Conselho de Ministros* - the Presidency of the Council of Ministers (PCM), shows that there was an increase in spending geared towards political bodies, i.e. those freely nominated by the Prime Minister, within the PCM, to the detriment of bureaucratic structures: from 1989 onwards, political support has gained the upper hand in expenditure.

This happened despite the fact that the secretariat-general of the PCM was modelled on the powerful *Secretariat General du Gouvernement* in France. A 1977 decree-law declared it was to function as the main support to the Council of Ministers, to become the depository of government work and to function as the “memory” of that institution for successive governments. Despite that decree-law, the secretariat-general of the PCM turned out very differently in practice. In fact, it has been persistently marginalised from giving technical or political support either to the Prime Minister or the Council of Ministers.

A state secretary to the PCM (SS-PCM) largely fulfilled these functions from 1976 onwards. S/he became responsible for organising the Council of Ministers’ meetings and overseeing the procedural flow of legislation within government. On the other hand, political support to the Prime Minister was provided largely by his *cabinet* and by members of government without portfolio (either state secretaries or ministers).

The analysis of expenditure in the PCM has shown that in fact, from the late 1980s onwards there was a conscious financial effort to direct resources to the Prime Minister’s support structures, namely his *cabinet* and ministers without portfolio. Within the Ministers without portfolio, a special coordinating role is attributed to the Minister of the Presidency (*Ministro da Presidencia*). The post was instituted in 1991, and has been followed ever since by all Prime Ministers. This Minister is supposed to coordinate all political support to the Prime Minister.

Within the PCM, the Prime Minister's *cabinet* is the only body specifically responsible for giving support to all Prime Ministerial actions. Its initial structure, nevertheless, was quite reduced especially compared to other structures in Western Europe. In 1977, a decree-law stipulated the number of advisors allotted to each governmental post. The Prime Minister was entitled to a maximum of ten advisors and four secretaries.⁵ A 1985 Report on the functions of the Prime Minister's *Cabinet* was sceptical on the competencies of that body stating that "given the information available, it is estimated that the Prime Minister's *Cabinet* has a very scant intervention in the legislative process. We do not know what kind of support the *Cabinet* provides for the purpose of preparing Council of Ministers' meetings; everything points however, that the *Cabinet* provides essentially personal and political support to the Prime Minister."⁶ Therefore, in the mid-80s, the *Cabinet* does not seem to fulfil the functions of policy advice to the Prime Minister.

From 1985 onwards, under Cavaco Silva, the number of personnel and the competencies attributed to the *Cabinet* increased. Thus, the *Cabinet* came to include a an extra twenty experts, to advise the Prime Minister on policy issues, divided among various portfolios. Each policy expert advised on specific areas, whereas there were three people employed to deal exclusively with the Prime Minister's relationship with the media. According to the *chef de cabinet* interviewed, those who advised Cavaco Silva were not senior PSD members because, the Prime Minister did not want to bring the "party" into his *cabinet*. It is important to note that even under Cavaco Silva, Prime Minister's *cabinets* were certainly not formidable structures of policy support. They were relatively small, were not partisan, and functioned at the margins of governmental activity. Still, the reinforcing of *cabinet* structures, since 1985 can be seen as an attempt by the Prime Minister to increase his autonomy from the party and from other

⁵ Decree Law no. 267, of 2nd July 1977, Art. 10. Ministers could employ up to three advisors and two secretaries. Junior Ministers could employ two advisors and two secretaries. Ministers of State, Ministers without portfolio, and Ministers for Madeira and Açores, were entitled to eight advisors each, and four secretaries, given the Prime Minister's permission. Further, Ministers and Secretaries of State could employ an extra three people.

⁶ Bragança, J. V., (1985), *Reorganização da Presidência do Conselho de Ministros*, Lisboa: PCM, May 1985, p.23. This is a confidential audit made by civil servants and a State Secretary to the Presidency of the Council of Ministers.

members of government. It is part of the goal of strengthening the position of the Prime Minister's but not based on party support, and thus amounts to presidentialisation.

In Portugal, Ministers without portfolio have been used by the Prime Minister to further their political power. These Ministers are seen as trouble-shooters for the Prime Minister, and thus are a reflection of his power to influence others. Those nominated were loyal party supporters of each Prime Minister, and in two cases replaced them as party leaders, with their blessing. When Mário Soares resigned as PS leader to run for the Presidency in 1985, he supported António Almeida Santos to take his place. A decade later, in 1995, Fernando Nogueira was chosen as PSD leader, to allow for Cavaco Silva's (failed) Presidential bid. Thus, it can be considered that ministers without portfolio are an indication of the personalisation of government leadership.

Whereas ministers without portfolio have always been a tool for Portuguese Prime Ministers throughout democracy, Cavaco Silva resuscitated a post which had been created during the dictatorship, namely that of Minister of the Presidency, *Ministro da Presidência* which may have contributed to the presidentialisation of the Prime Minister. This is due to the fact that the Minister of the Presidency insulated the Prime Minister specifically from procedural and political matters that originated in the Presidency of the Council of Ministers. At the same time, the creation of this post added to Prime Ministerial power since the incumbent was loyal to the Prime Minister and a facilitator. Therefore, at once the Prime Minister became more powerful but also more autonomous from the rest of government.

Concerning the resources available to the Portuguese Prime Minister, thus, it is clear that there has been a strengthening of the Prime Minister's support structures, with an increase in resources spent on these types of support. From 1987 onwards there are some changes that may be considered an attempt by the Prime Minister to both become more powerful and more autonomous from the rest of government. In particular, the increased resources devoted to the

Prime Minister's *cabinet*, and the creation of the post of Minister of the Presidency are examples of this attempt by Cavaco Silva.

The Growing Irrelevance of Parties

Two indicators are illustrative of the degree of autonomy which Prime Ministers hold vis-à-vis their parties, as well as the degree of governmentalisation of parties. These are 1) the number of independents in government, and 2) the number of members of government in the party's top national bodies. The first denotes Prime Ministerial autonomy in government formation, given that it shows that when composing an executive, the chief of government does not feel obliged to select personnel from his own party. The second shows the extent to which the party functions merely as a sounding board for the government.

In Portugal, when considering government formation, it is clear that power does not reside in the party on the ground, nor in its leadership bodies. Instead, it is the prime minister who holds discretion on this issue, and the relative irrelevancy of parties can be measured by the number of independents who are invited to become ministers. Non-partisan ministers have controlled important portfolios both in minority as well as coalition governments (Table 1). It is necessary to distinguish between nominations of independents as ministers (*Ministros*) or junior ministers (*Secretários de Estado*). In the 1970s and 1980s, the number of independents in the Council of Ministers averaged 30 percent. In the latest cabinet chosen by Prime Minister José Sócrates, half of the Ministers do not have a party affiliation.

Table 1: Non-Partisan Ministers in Portuguese Governments

Cabinet (begin date)	Parties	Share of Non- Partisan Ministers)
Mário Soares Jul 1976	PS	27.8
Mário Soares Jan 1978	PS and CDS	12.5
Nobre da Costa Aug 1978	N. A.	100
Mota Pinto Nov 1978	N. A.	100
Lurdes Pintassilgo Jul 1979	N. A.	100
Sá Carneiro Jan 1980	PSD, CDS and PPM	7.1
Pinto Balsemão Jan 1981	PSD, CDS and PPM	11.1
Pinto Balsemão Sep 1981	PSD, CDS and PPM	6.7
Mário Soares Jun 1983	PS and PSD	5.9
Cavaco Silva Nov 1985	PSD	20.0
Cavaco Silva Aug 1987	PSD	5.9
Cavaco Silva Oct 1991	PSD	16.7
A. Guterres Oct 1995	PS	42.1
A. Guterres Oct 1999	PS	22.7
Durão Barroso Apr 2002	PSD and CDS/PP	20.0
Santana Lopes Jul 2004-Mar 2005	PSD and CDS/PP	34.8

Source: Lobo (2000), Guedes (2000); Amorim Neto and Lobo (2009)

Thus in Portugal, parties are not gatekeepers to the office of government. This clearly is cause and consequence of their unimportance, and has served to underlie the Prime Minister's autonomy from his party when forming a cabinet. Moreover, in recent years, first the PS and then the PSD moved to elect their leaders directly by militants. Although this party reform was done in the name of party democracy, its effect may have been to further enhance the power of the leadership within the party, as it has reduced the power of party middle-ranking militants, who no longer have a direct say in the choice of party leader, even though they still do vote for lists to form the top national bodies.

Looking at the composition of top national bodies in parties themselves, a Europe wide trend has been observed (Katz and Mair, 1994:12): a growing proportion of those who belong to the party-in-office, be it members of parliament or members of government, are also included in the top party organs. In Portugal, the governmentalisation of the two main parties has largely occurred. First the centre-right PSD, governing alone between 1987 and 1995, and then the Socialist PSD, governing alone between 1995 and 2001 and since 2005 have been accused of losing touch with the party-on-the-ground. For instance, at the end of the PSD's second mandate, one senior figure of the party complained that "the problem is that the party is subordinated to the government, when it should be the government that executes the policy laid out by the PSD.

Governmentalisation is an important phenomenon for several reasons. First because it indicates the relative importance of the party-in-government within the party, at the expense of all other organizational components of the parties, namely the party-on-the-ground, and militants. Second, it points to the growing power of the Prime Minister who is also party leader. The state resources at hand which the Prime Minister has to control other members of government, also serve to control the party, if Ministers or junior ministers also constitute the majority in the party top organs. For data on the number of members of government please consult Lobo, 2005: 172). The data show that "governmentalisation" has increased from 1976 to the mid-1990s. Whereas both the PS and the PSD had few members of government in their top bodies in the

1970s (a third), in the 1990s this percentage reaches between 70 and 90 per cent. These percentages have been maintained in the executives of the 2000s.

Thus, since 1987 there has been a growing control of the government on its own party, and as a result of this, an increasing irrelevance of the party as a societal organization. The centrist parties have ceased being a transmission belt between the electorate and the government, and have become instead, a mere mirror of government opinions.

The “taming” of Parliament (A majoritarian turn in the party system)

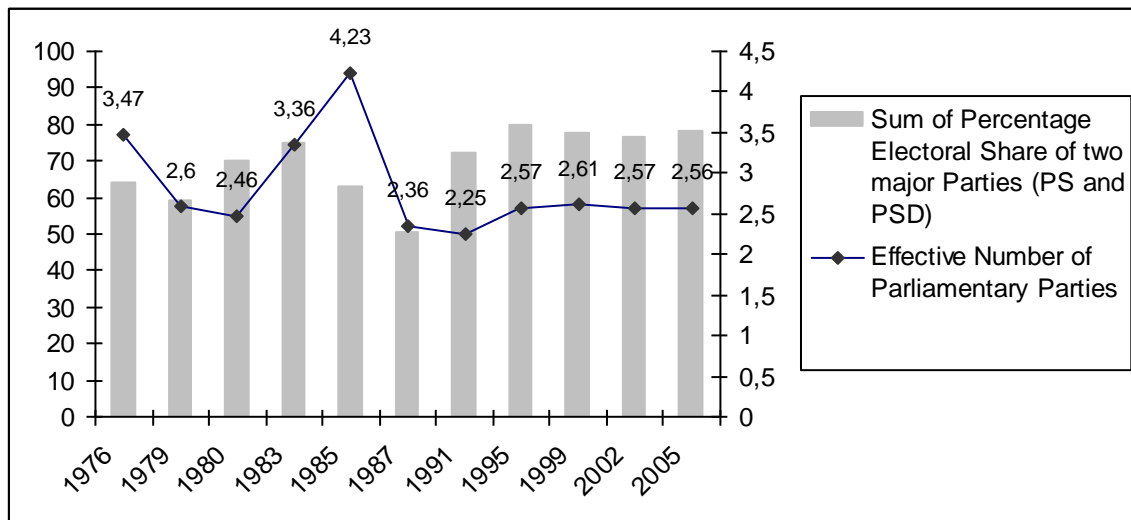
As explained above, the growth in Prime Ministerial power has been underpinned by changes in central government that benefit the head of government, changes in the internal organization of parties to the benefit of the party leader, and the “taming” of Parliament. In this section we analyse the latter. In order to do so, we first present electoral changes which occurred from 1987 onwards when voting behaviour shifted to the centrist parties. Then we present some data on parliamentary bills in order to demonstrate the degree to which Parliament became a mere sounding board for the government.

Figure 1 below shows the degree of party system fragmentation from 1976 until 2005. Until 1980, the number of effective parliamentary parties (ENP) decreased from 3.47 to 2.46.⁷ 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. The AD coalition was undone before the 1983 elections, leading the ENP to increase to 3.36. In the following legislative elections the effective number of parliamentary parties reached its peak value in the period, 4.23, thanks to the entry of the new centre-left party of General Eanes, the PRD, which took left-wing votes, and was the main cause of this increased parliamentary fragmentation.

⁷ The effective number of parliamentary parties is derived from the following formula: $N = 1 / \sum s_i^2$ In which s_i is the proportion of Assembly seats won by the i th party. This formula was developed by Laakso, M. and Taagepera, R., (1979), op. cit.

After that, the ENP 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 vote, but only marginally, winning exactly half of the seats in Parliament (115 seats).

Figure 1: The Effective Number of Parliamentary Parties in Portugal and the Sum of Percentage Electoral Share of Two Major Parties, PS and PSD, 1976-2005



Thus, both in the first and second decades of democracy in Portugal, the ENP reached relatively low levels (around 2.5). However, there are two fundamental differences between the two decades. In the first decade, the ENP was low for a comparatively limited time period (1979-83), thanks to an alliance, the AD; whereas in the second decade of democracy, it has been a characteristic of the whole period (1985-99), thanks to the domination of the Assembly by two large parties alternatively in government or opposition, the left-centre PS and the right-centre PSD. These developments in the ENP mirror and explain changes in the composition and durability of Portuguese Cabinets, as can be seen in Appendix A.

The increase in government stability from 1987 onwards has had important consequences for legislative activity, and for the government's control of parliament. Table 3 below compares the number of laws of parliamentary origin (*proyectos de lei*) with the number of laws of government origin (*propostas de lei*) between 1976 and 1999. Looking first at parliamentary laws, it seems 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%, even under absolute majorities. This sets the Portuguese apart from the majority of western parliaments where only about 10% of Parliamentary laws are approved (Freire, et. al., 2001: 66). Notwithstanding these figures, the data concerning the government diplomas do show that since 1987 until 1999, 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%" law became applicable to the Portuguese *Assembleia da República*. Between 1987 and 1999 on average 88% of laws presented by the government were approved in the final vote (Freire et. al, 2001).

Table 2: Legislative Output of the Portuguese Parliament, 1976-2002⁸
(average per year in each legislature; % in relation to the total number of MP's/ Government bills proposed)

	I (1976-80)	II (1980-83)	III (1983-85)	IV (1985-87)	V (1987-91)	VI (1991-95)	VII (1995-99)	VIII (1999-2002)
Parliamentary Laws Presented	78,5	79,7	148,0	165,5	112,8	107,8	117,8	179,3
Rejected (%)	14,6	13,0	5,7	4,2	18,0	23,4	15,7	16,7
Approved in Final Vote (%)	31,5	13,0	9,8	24,5	20,4	18,3	37,6	35,7
Government Laws Presented	83,0	43,7	51,5	22,0	44,0	29,5	65,5	37,3
Rejected (%)	3,3	0,0	0,0	9,1	0,0	0,0*	3,8	0,9
Approved in Final Vote (%)	54,4	49,6	68,0	34,1	94,9	88,9	81,3	70,5

Not only have stable 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 (Freire et. al. 2001). Further, the government has traditionally also used decree-laws extensively and increasingly which do not require Parliamentary approval.

⁸ Values referring to MPs bills do not include municipal bills. As explained elsewhere, municipal bills need to be excluded in order to have an adequate understanding of the legislative output of the Portuguese Parliament. See also, Leston-Bandeira, (2001:145).

CONCLUSIONS

In this paper we have tried to show the way in which Portuguese semi-presidentialism has evolved in the last 35 years. In order to do so, we first explained what lay behind the choice of this hybrid regime in 1974, rather than a parliamentary system, as occurred in Spain. Next, we identified the constitutional revision of 1982 as a crucial moment. This revision ensured that the military were institutionally extricated from power, and reduced the powers of the President, so that he no longer could dismiss government by invoking a lack of political confidence in it. Yet, as has been shown (Amorim Neto and Lobo, 2009), the President retains important legislative and non-legislative powers, and all those who have held that office have used their powers widely. This Presidential activism has not precluded the rise of the Prime Minister as a central figure in political and policy-decision making. The rise of the Prime Minister, which began from the mid-1980s onwards was based on a reorganization of government structures to benefit him, a governmentalisation of parties, and through the gradual “taming” of Parliament, as explained above. Nonetheless, these changes can be reversed. Absolute majorities, a mainstay of the second decade of democracy seem more difficult. In the 2009 elections, for the first time since the early 1980s, the two major parties control less than seventy per cent of the vote. The winning Socialist party decided to form a minority government. As a result, Parliament is no longer the submissive institution it once was, and the government, still centred on the Prime Minister has found it harder to make himself heard in this new party context. From the results gathered in other elections it seems clear that the two-party’s grip on the electorate is weakening. Thus, the grounds are set for a new equilibrium to emerge within the semi-presidential regime, one where the Prime Minister becomes less important vis-a-vis Parliament.

Appendix A: Presidents and Governments in Portugal (1976-2006)

President and his Party	Cabinet (begin date)	Parties	Size of Legislative Support (1)	Type of Cabinet
Ramalho Eanes (Military Officer, Non-partisan)	Mário Soares Jul 1976	PS	40.7	Minority
	Mário Soares Jan 1978	PS and CDS	56.7	Majority
	Nobre da Costa Aug 1978	N. A.	0	Minority
	Mota Pinto Nov 1978	N. A.	0	Minority
	Lurdes Pintassilgo Jul 1979	N. A.	0	Minority
	Sá Carneiro Jan 1980	PSD, CDS and PPM	51.2	Majority
	Pinto Balsemão Jan 1981	PSD, CDS and PPM	53.6	Majority
	Pinto Balsemão Sep 1981	PSD, CDS and PPM	53.6	Majority
	Mário Soares Jun 1983	PS and PSD	70.4	Majority
Mário Soares (PS)	Cavaco Silva Nov 1985	PSD	35.2	Minority
	Cavaco Silva Aug 1987	PSD	59.2	Majority
	Cavaco Silva Oct 1991	PSD	58.7	Majority
Jorge Sampaio (PS)	A. Guterres Oct 1995	PS	48.7	Minority
	A. Guterres Oct 1999	PS	50.0	Minority
	Durão Barroso Apr 2002	PSD and CDS/PP	51.8	Majority
	Santana Lopes Jul 2004-Mar 2005	PSD and CDS/PP	51.8	Majority

Sources: (Adapted from Amorim Neto and Lobo, 2009)
 (1) Magalhães (2003); Gunther and Montero (2001).
 (2) Freire and Lobo (2006).

Appendix B: Legislative Elections in Portugal 1976-2009, % votes and seats

Part y/Year		1976	1979	1980	1983	1985	1987	1991	1995	1999	2002	2005	2009
UDP(PSR)	% vote	1.7%	2.1%	1.3%	1.1%	1.3%	1.2%	1.1%	0.57%				
	Seats	1	1	1	0	0	0	0	0				
BE	% vote									2.4	2.7	6,4	9,8
	Seats									2	3	8	16
PCP/APU/CDU	% vote	14.6%	19.0	16.9	18.2	15.5%	12.2	8.8%	8.61%	8.9	6.9	7,5	7,9
	Seats	40	47	41	44	38	31	17	15	17	12	14	15
PS (+ allies)	% vote	<u>35.0%</u>	28.1	28.0	<u>36.3</u>	20.8%	22.3	29.25	<u>43.85</u>	<u>44.1</u>	37.8	<u>45,0</u>	<u>36,6</u>
	Seats	<u>107</u>	74	71	<u>101</u>	57	60	72	<u>112</u>	<u>115</u>	76	<u>121</u>	<u>97</u>
PRD	% vote					17.9%	4.9%	0.6%					
	Seats					45	7	0					
PSD	% vote	24.4%			<u>27.0</u>	<u>29.8%</u>	<u>50.1</u>	<u>50.4%</u>	34.0%	32.3	<u>40.2</u>	28,8	29,1
	Seats	73			<u>75</u>	<u>88</u>	<u>148</u>	<u>135</u>	88	81	<u>105</u>	75	81
CDS	% vote	16.6%			12.4	9.8%	4.3%	4.4%	9.08%	8.3	<u>8.7</u>	7,3	10,43
	Seats	42			30	22	4	5	15	15	<u>14</u>	12	21
AD coalition	% vote		<u>42.2</u>	<u>47.1</u>									
	Seats		<u>121</u>	<u>126</u>									
PSN	% vote							1.7%	0.21%				
	Seats							1	0				

Source: STAPE

Underlined indicates the party(parties) which formed government following the elections.

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