

## **¿Gobiernos de mayoría y de minoría en España? Una clasificación engañosa y algunas consecuencias para un enfoque teórico.**

**Jordi Capó Giol. Universitat de Barcelona**

Se presenta a continuación un texto, cuya publicación se prevé inmediata en *The Journal of Legislative Studies*, que servirá de base para la comunicación oral en el Congreso. Este artículo proporciona los datos que me permiten sugerir que los parámetros normalmente utilizados para diferenciar los gobiernos de mayoría y los de minoría no resultan relevantes para el caso español. La estabilidad del ejecutivo, su control sobre la elaboración de las leyes, su situación ante el control parlamentario, por ejemplo, no son significativamente distintos en las legislaturas de mayoría y de minoría. La razón estriba en la peculiar posición de los partidos nacionalistas, pero apuntaríamos que no sólo en el Congreso de los Diputados, sino en sus parlamentos autonómicos. La idea de fondo es que más que analizar las coaliciones o su ausencia en un nivel (el estatal, el autonómico, etc.), el estudio debe tener en cuenta la existencia de una red –permítaseme esta expresión tan gastada- de parlamentos y gobiernos en la que unos escenarios influyen en otros. Pensado de esta forma, la teoría coalicional “clásica”, basada en la concepción de un juego a suma cero, se complica bastante; aquí hay un desafío para una aportación autóctona a la ciencia política.

**Spanish Parliament in a triangular relationship, 1982-2000**

JORDI CAPO GIOL

address: Jordi Capo Giol

Dpt. Dret Constitucional i Ciència Política

Facultat de Dret

Universitat de Barcelona

Diagonal 684

08034 Barcelona. SPAIN

status: Full Professor

University of Barcelona

Acknowledgements: We thank the CICYT's financial support –reference BS0200-0490-C03-02- for the research project “Parliamentary alliances and governmental coalitions in Spain (1977-2003)”

## **Spanish Parliament in a triangular relationship, 1982-2000**<sup>1</sup>

The 1982 elections have generally been considered to be the moment symbolising the end of the political transition. The socialist victory and the disappearance of the attempted coup d'état revealed the solidity of the Spanish political system, where it was possible to alternate between parties and the political institutions could work in a normal manner.

During the transition, the Cortes were the centre of political life. As the only institution legitimised by democratic vote, the Parliament was responsible for drawing up a Constitution and the House was the meeting place for practically the whole of the party elite to negotiate and transact on a consensual process leading to democracy.

With the Constitution in place and the consolidation of the normal political game of competitive elections, the Parliament soon stopped working in a consensual manner<sup>2</sup>. When the exceptional situation disappeared that had enabled the important function of the Parliament, it was limited to the role such houses play in other parliamentary systems: a forum of debate with a capacity to intervene in the decision-making process that depended on the relationship with the executive.

At the same time, the strong decentralisation of the State with the consolidation of the Autonomous Communities caused the appearance of new power centres. The autonomous parliaments and governments (also local governments) contributed to placing the parliament in a position of less hegemony than in the initial stages of the system, through their ability to appeal to the political elites and the creation of new elites, through the formation of specific issues, their legal powers and human, economic and administrative resources. On another level, the construction of the European Union was also a weakening factor for any old-fashioned conception of parliamentary sovereignty<sup>3</sup>.

The Cortes are thus one of many actors in a complex network where the functions are defined politically and constitutionally by the existence of other powers. In this sense, having overcome the exceptional nature of the transition to democracy, the Spanish Parliament does not seem very different from other parliaments in countries with greater democratic tradition.

Beyond the particular features derived from the respective standing orders, it is hardly surprising that the Spanish Parliament converge towards the European model, where parliamentary action is directed from the Government and controlled by the majority. Its legislative influence is thus reduced and the Parliament oscillates (depending on the political situation and issues under debate) between approaching the idea of a mere rubber stamp or having a greater ability to make changes. At the same time, the difficulty met by the opposition in decisively modifying bills is compensated by a strengthening of their control and scrutiny activities.

A comparison between parliaments clearly defining the significant variables would show the extent to which the Spanish parliament is more or less capable of influencing public policies than those of other countries. However, in any case, the differences would be more quantitative than qualitative, and so the Spanish political evolution placed the Cortes in a similar structural position and its analysis (the topical “parliamentary crisis”) would not be different from that of other systems. In relation to Spain, there would be no parliamentary specificity that could fit in the “post-transitional” and / or “southern Europe” categories.

However, despite this general similarity, Spain is still different and constitutes a case apart, because the end of the political transition (understood as the institutionalisation of the rules, procedures and values of democracy) did not bring about the definitive closing of one of its permanent historical conflicts. The constitutional recognition of a certain plurinational State character and the adoption of federal-type mechanisms by the creation of the Autonomous Communities eliminated neither the debate nor the tensions on the structure of the State. Between 1982 and 2000, it is not possible to analyse outside this profoundly conflictive axis, because it affects the whole structure of the two houses and the kind of relations that are established in the houses between the state political parties and the nationalist political parties.

In this way, the Spanish political system shares with other European governments the fact that its parliament is generally controlled by the government, but is exclusively characterised in the way that the parliament has to mediate with nationalist minorities and with materially federal decentralised areas. If, theoretically, federal type states have the Senate (Upper House) for this function, in Spain it is Congress (Lower House) where the nationalist parties are essential for governing. Thus, the relations between government and parliament acquire tendencies that possibly are not found in other democracies.

### **The Senate: a fearful reform.**

Any description of the Cortes rapidly discards the Senate as a significant actor. Within the general lack of empirical studies on the Spanish parliament there is the particular absolute absence of any important investigation on this house. This is proof of the common conviction of its limited political functions. In fact the Senate may not invest or censor the government and its legislative functions are highly limited by brief times for debate and a final position that depends entirely on the will of Congress.

This does not mean that the Senate has been unable to modify some laws through amendments. No matter how forgotten and small this function might be, there is no highly systematised data that indicate that negotiations pending from the lower house have been concluded in the Senate or, on the other hand, that manoeuvres have been made to the benefit of the government to restrict a greater debate such as that which takes place in the Congress. This is a subject that would deserve a more detailed investigation to overcome the commonplace of the irrelevance of the Senate. It is not unthinkable that it might be demonstrated that over the years the parties (with highly disciplined parliamentary groups in both houses) have progressively discovered the usefulness of the upper house for their parliamentary manoeuvres<sup>4</sup>. This is a question that cannot be dealt with here, although it is an interesting change in recent legislatures.

The basic question is another: the Spanish Senate is dysfunctional in a State which is materially federal in many respects but not in the characteristics of its bicameralism

because the electoral system and powers of the upper house are more related to the non federal systems.

In fact, during the constitutive process, there was already the conviction that the regulation of the Senate was unsatisfactory. The need for a compromise between the right win parties (in favour of a more conservative second house) and the left win and the nationalist parties (with federalist pretensions) led the Senate to be placed in a state of “stand by”. It was to have a mixed composition and most of the senators (four per province) would be chosen via a corrected majority system, and the rest (approximately a fifth) by the autonomous parliaments. As the house was not federal, it could not have political powers that might be to the detriment of the more proportional Congress.

This was the political compromise, also facilitated by the fact that in the constitutive legislature, neither the map nor the autonomous power were clearly defined. However, from 1978, the solution adopted was severely criticised both in academic terms (the whole of the constitutional doctrine) and by the political leaders. As the autonomous system was generalised and consolidated, there was a more obvious need to reform the Senate for the central and autonomous elites, whether they were right or left wing or nationalists. Therefore, in 1989, the Senate itself approved a first motion insisting on the need for reform.

Nevertheless, there is a certain “sacralisation” of the Spanish Constitution. To reform the Senate means to modify a constitution drawn up in a consensual manner and to reopen an issue where the conflictive relations between the state and autonomous powers crossed on the question of the peripheral nationalisms. For these reasons, the solution adopted by the political elites was both imaginative and provisional. Without modifying the Constitution, in 1994 the Senate approved what would be the most important organisational reform (at least theoretically) of the Spanish Parliament since 1978; the creation of the so-called General Commission of the Autonomous Communities.

The importance of this reform lay in three aspects: its members, its symbolic elements and its functions. Its limitations lay in the fact that this new structure had to be balanced

against the limited senatorial functions at least until the constitution was reformed, although the commission was also conceived as a test for a possible future senate.

The General Commission of the Autonomous Communities seats in the Senate and its members are appointed by the parliamentary groups. The commission was formed exclusively by either provincial or autonomous senators, but its broad composition, which doubled the number of members in the remaining legislative commissions, was designed to give way to the largest possible number of autonomous parliamentarians. Furthermore, to reinforce this federalising character, all of the senators appointed by the Autonomous Parliaments could intervene in the debates, despite not being able to vote, even though they were not actual members of the commission. However, the most important, original aspect lay in the fact that, together with the members of the central government, the President and the ministers of the Autonomous Communities are also able to participate. There is not need to stress that this presence of the executive members of the regional governments is reminiscent participation of the lands in the German Bundesrat.

The commission was formed exclusively by either provincial or autonomous senators, but its broad composition, which doubled the number of the remaining legislative commissions, was designed to give way to the largest possible number of autonomous parliamentarians. Furthermore, to reinforce this federalising character, all of the senators appointed by the Autonomous Commissions could intervene in the debates, even though they were not actual members of the commission. However, the most important, original aspect lay in the fact that, together with the members of the central government, the President and the ministers of the Autonomous Communities are also able to participate. There is no need to stress that these are not parliamentarians, and that a kind of third house was being created which, in certain respects, would be reminiscent of the participation of the lands in the German Bundesrat.

As a symbolic element, the use was permitted alongside Spanish of the Catalan, Basque and Galician languages. For the first time in the constitutional history of Spain an organism of the central State left its monolingual nature, but as a result of a compromise on such a problematic issue, this authorisation was restricted to only one of the activities

of the commission, but doubtless the one with greatest political visibility: the annual debate on the state of the autonomies.

The list of functions described in the standing orders of the commission stresses the symbolic importance that they wanted to give it. This list is very long and exhaustive; however, a first impression of a strong commission would be misleading. In fact the commission doesn't have decisional powers and its functions are predominantly informative. The commission was conceived as a place for debate and communication between the State and the Autonomous Communities and not a decisional arena. It could not be otherwise without modifying the constitutional functions of the Senate.

It is therefore not surprising that this commission did not live up to the expectations; its functions have not meant a change in politics and the Senate is still in its marginal position. In fact, the failure of the attempted reform is shown by the absence of the compulsory annual debate on the "state of the autonomies", held by the government of the Partido Popular (PP) since 1998.

Given such a situation, the reform of the Senate is still present in political debate. The Partido Socialista Obrero Español (PSOE), Izquierda Unida (IU) and the nationalist parties (at least in their public declarations since their programs are aimed more at asymmetric relations than at a federal state) demand a reform of the Senate. The PP, with their parliamentary majority, successfully oppose these attempts from a conception of a new "constitutional" centralism which is expressed in not giving further powers to the Autonomous Communities, and particularly insofar as sovereigntist tendencies appear in them and nationalist terrorism has not disappeared.

This is not the place for a detailed discussion of this debate<sup>5</sup> or the tensions between Spanish and peripheral nationalisms. However, it was necessary to point out that the existence of an autonomous system is crying out for another kind of senate, while the confrontation between the centralist and autonomist positions make such a reform a difficult process.

Moreover, the attempts at federal reform having failed, the Parliament does not have the chance of a direct representation and compensation of the interests of the Autonomous

Communities, which are negotiated directly on executive levels in sectoral conferences and through bilateral contacts between the central government and some autonomous governments. When such agreements require parliamentary backing, this tends to happen basically in Congress, elected with partisan criteria of another nature. But surprisingly, although the lower house is not constitutionally the place to represent the autonomous communities, the presence of nationalist parties in the Spanish party system reintroduces the tensions and the complexity of the autonomous State, even over issues that do not have a territorial content in themselves. In other words, the typical bipolar relationship between the government and parliaments becomes a triangular relationship (government – parliament - autonomous systems) in Spain that crystallises in Congress.

### The Congress in a parliamentary network

TABLE 1  
ELECTORAL RESULTS AND COMPOSITION OF CONGRESS, 1982-2000

	1982		1986		1989		1993		1996		2000	
	%	seats	%	seats.	%	seats	%	seats	%	seats	%	seats
PP	26.2	107	26.1	105	25.6	107	34.8	141	38.8	156	44.5	183
UCD	7.1	11	--	--	--	--	--	--	--	--	--	--
CDS	2.9	2	9.1	19	7.8	14	--	--	--	--	--	--
PSOE	48.4	202	44.3	184	39.2	175	38.8	159	37.6	141	34.1	125
PCE/IU	4.1	4	4.6	7	8.9	17	9.6	18	10.5	21	5.4	8
CiU	3.7	12	5.0	18	5.0	18	4.9	17	4.6	16	4.2	15
PNV	1.9	8	1.5	5	1.2	5	1.2	5	1.2	5	1.5	7
CC	--	--	--	--	--	--	0.9	4	0.9	4	1.0	4
Others	5.7	4	9.4	12	12.3	14	9.8	6	6.4	7	9.3	8

Source: Junta Electoral Central / Ministerio del Interior.

Focusing now on the lower house, which, as printed out, is the one with greater decision-making powers, the working of the Parliament can not be understood without bearing in mind that the period analysed corresponds to a stage of profound restructuring of the party system<sup>6</sup>. In fact, in 1982, the Unión de Centro Democrático (UCD) (the party that had guided the political transition) practically disappeared as a result of the divisions caused by internal tensions, and was replaced in the government by the PSOE. Thus started a stage of absolute majorities for the PSOE (second, third

and fourth legislature between 1982 and 1993) which oscillated between 202 representatives and 175 in a house of 350 members, and fell electorally from 48% to 39%. On the right, the UCD was replaced by the PP. Its results left it far behind the PSOE (around 25% of votes) and with few more than a hundred representatives and, which is also important in considering its parliamentary behaviour, a great weakness in its programs that led it progressively to a reformulation, transforming its initial right wing positions into others of a more moderate kind.

It was not until the 1993 elections (beginning the fifth legislature) that the restructuring of the party system caused by the loss of the UCD was culminated. The attempts of Adolfo Suárez to form a new party, the Centro Democrático y Social (CDS) had failed and the changing of the old guard in the PP (Fraga) for new generations (Aznar), together with more moderate political pronouncements, allowed this party to compete successfully with the PSOE. The period of weakness in the political representation of the right electorate had come to an end.

However, the 1993 elections were still won by the PSOE, but now without an absolute majority. Felipe González formed a minority government to face the fifth legislature<sup>7</sup> supported by not in written agreements with the nationalist parties and particularly the Catalan group *Convergència i Unió* (CiU)<sup>8</sup>. This legislature was characterised by tense political confrontation. The PP used serious cases of corruption and dirty war against terrorism in a media, legal and parliamentary battle to delegitimise the socialist government. Furthermore, an additional factor to this political tension was the fact that the minority government was supported by the Catalan nationalist party and, to a lesser extent, the Basque nationalists. A large part of public opinion (encouraged by the rank and file of the PP) feared that regional parties, under the appearance of contributing to the stability and governability of Spain, could use their pivotal function to the benefit of their respective autonomous communities. In this hard political context, Felipe González finally brought forward the elections after CiU voted against the 1996 budget and withdrew the support they had given the government until that time.

The 1996 elections brought about the second alternation. The PP became the leading parliamentary power, but only with 156 of the representatives and therefore without an absolute majority, so Aznar had to pact (as the PSOE had previously done) with the

nationalist parties to give the minority government stability for the sixth legislature<sup>9</sup>. However, unlike in the previous legislature, the pact was formalised in writing, which gave greater clarity to the relationship between the minority government and its parliamentary partners, and also allowed public opinion to be offered a clear explanation of the terms of what was agreed upon<sup>10</sup>.

The elections in 2000 (which opened the seventh legislature still in progress) gave a new victory to the PP, which achieved an absolute majority facilitated by the electoral crisis of the PSOE. Thus the dependence of the government on the nationalist minorities disappeared.

This summarised explanation of the electoral changes and Spanish politics shows two situations that are considered by academic literature as variables which explain parliamentary behaviour. On the one hand, legislatures with a governmental parliamentary majority (1982-1993, the second, third and fourth legislatures of the socialist majority and from the year 2000, the seventh, with a majority for the PP) and, on the other, legislatures where the government has been in the minority (1993-1996, the fifth legislature with the socialist government and 1996-2000, the sixth legislature with the popular government). According to standard explanations adaptable to the Spanish case, when the government has a comfortable majority there is less parliamentary intervention, which, by contrast, increases when the government is in a minority.

However, this general explanation must be qualified in the Spanish case due to the specific aspect of the presence of autonomous nationalist parties in the game of parliamentary majorities. In fact the Organic Law on the General Electoral Regime (approved in consensus in 1985<sup>11</sup>) maintained all the disproportional traits that had been apparent since the decree-law of 1977 that had regulated the first elections. The electoral system, though technically proportional (d'Hondt formula), gives a notable electoral bias to the state large parties, and the nationalist parties are not arithmetically benefited. Nevertheless, the system favours them insofar as their votes are concentrated and they are not laminated like the centrist state parties (CDS) or IU, so their negotiation capacity grows in situations where the main party fails to gain the absolute majority<sup>12</sup>.

The support of the nationalist parties in minority governments has been considered the solution to a problem of governability or the expression of the same problem. The debate centred on the convenience of the majority and minority governments, the need and possibilities of electoral reform, etc. However, what is important to highlight here is that the pivotal position of the nationalist parties alters the conventional explanation of the strength or weakness of parliaments before the executive. Actually, the standard variable “legislature of majority or minority” has to be modified in the Spanish case introducing some factors that are originated in the autonomic arena.

In reality, the structure of opportunities offered by the Spanish party system for nationalist parties is strengthened or limited by the situation of these parties in their respective autonomous governments. Obviously –although until now not all of the analytical consequences of this have been drawn- the weight of the nationalist votes does not only depend on their being mathematically necessary for the stability of the government. Their negotiating capacity is seriously reduced if these parties also need one of the large state parties to consolidate their autonomous government.

For this reason we have earlier pointed out that the typical bipolar relationship between the government and the parliament becomes a triangular one in the case of Spain. Negotiations are not carried out in a single arena, the Spanish Congress, but in a multiple game where vote exchange (and sanctions) intervene in the central parliament and in the autonomous parliaments.

In this sense, the most important distinction does not lie between situations where one party has the absolute majority (the second, third, fourth and seventh legislatures) and situations where a minority party governs (fifth and sixth). It seems more significant (and this must be done on a double level, the Catalan and the Basque) to differentiate between the following four situations:

a.- central government with an absolute majority in Congress, which coincides with an autonomous government supported, in turn, by an absolute majority. In this case, the nationalist parties may not be belligerent in Congress. Collaboration with the parliamentary majority, which does not need them, facilitates the relationship between the central and autonomous governments.

b.- central government in a minority, supported in Congress by a nationalist party that has a majority in its autonomous house. This situation is the most critical in the central arena as the minority government depends on the nationalist parties. However, there are extraparliamentary reasons that might attenuate the conflict due to the constant need of the autonomous government to reach agreements with the central government.

c.- central government in a minority supported in Congress by a nationalist party that is also in a minority in its autonomous house. In this case, an exchange occurs and a non collaborating attitude from the nationalist group is immediately replied by the state party in the autonomous parliament. This leads to pacts of mutual stability between the two parties in the two parliaments.

d.- central government with an absolute majority in Congress coinciding with a nationalist party that is in the minority in its autonomy. Now the autonomous party is obliged to collaborate in Congress (although its votes are not necessary) because otherwise, the stability of the regional government would be endangered.

In a theoretical diagram, these possibilities might be expanded still further. The cases mentioned are the ones that have, for the moment, occurred in Spain. It would be too long for this article to comment on them in detail, and they are shown diagrammatically in the second table. A more thorough analysis would have to be point to the different involvement of the Catalan and Basque parties in the governability of Spain, the distortions created by terrorism and Basque sovereignty, etc. What is important to state here is that these are general lines.

TABLE 2  
GOVERNMENTS IN SPAIN, CATALONIA AND VASC COUNTRY, 1979-2001

Spain	Catalonia	Basque Country
1979-1982 UCD minority	1980-1984 CiU minority	1980-1984 PNV
1982-1986 PSOE	1984-1987 CiU+ERC	1984 PNV 1985-1986 PNV+PSOE
1986-89 PSOE	1987-88 CiU	1986-90 PNV+PSOE
1989-1993 PSOE	1988-92 CiU	1991 PNV+EA+EE 1991-94 PNV+EE+PSOE
1993-1996 PSOE minority	1992-1995 CiU	1995-98 PNV+PSOE+EA
1996-2000 PP minority	1995-99 CiU minority	1998 PNV+EA
2000... PP	1999... CiU minority	2001... PNV+EA+IU

In the table it can be seen that between 1982 and 1993, the PSOE not only had the absolute majority in Congress, but could also be assured the collaboration of the PNV (because it formed a coalition government with the Socialists in the Basque Country), and also CiU, for the reasons noted previously on the relationship between the two governments, which control their respective houses.

The two minority legislatures present a different scenario. In the fifth, the position of the Catalan nationalist party was stronger because it had the majority in its autonomous parliament, whereas the PSOE was governing in a minority and the votes of the CiU could not mathematically be replaced by those of the PNV. This led to a not in written pact of collaboration by which the government ensured itself a parliamentary majority. In the sixth legislature, however, both the PP and CiU were in the minority, which led to the written collaboration despite the hard confrontation between the two parties in the electoral campaign. By contrast, the PNV has been able to develop a policy on sovereignty because since 1998 they have managed to make their government independent from the state parties. In the current legislature, the PP has a comfortable

majority in Congress, whereas CiU depends on the votes of the PP in the Catalan house, which forces them to collaborate with the government in the central Parliament.

These are very brief notes to describe a complex political process, however, this had to be mentioned as it indicates that the definition of a majority in government and the factors that drive state and nationalist parties to collaborate are not only developed in Congress. In this sense, for instance, a typical description would indicate that the fifth and sixth legislatures are of minority; on the contrary, in our opinion, the two legislatures are structurally very different, even though in both of them there has been an agreement between the governing party and the Catalan parliamentary group.

But our observation is also intended to be more explanatory. The interrelation of the processes of different parliaments means that the analysis of the Spanish parliament is not accurate if we fail to consider that it forms part of a parliamentary network. In the period under consideration, the Catalan and Basque scenarios have been significant in this network, but it must be remembered that in the future it is possible that other parliaments might be incorporated, such as those of Galicia or the Canary Islands.

In this way it becomes clear a function of Congress in Spain (which requires further detailed study), which consists of articulating the majorities (and minorities) of government between the State and the Autonomous Communities. The electoral results of Congress do not only determine the possibility of the participation of the nationalist parties in the state government, but also the direction of the alliances in the autonomous parliaments<sup>13</sup>.

In a quasi-federal State, with a fragmented party system and no territorial uniformity, Congress is the political instance of mediation between the state electoral results and those of the Autonomous Communities. In the same way as the central political arena is influenced by the presence of nationalist parties, the autonomous parliaments can not do without the strength of the groups in Congress. The function of articulation, the mediation function, is essentially a political function. The relations between the state and the nationalist parties that direct regional governments are established through a parliamentary network where negotiation in Congress is a resource for the autonomous policy and vice versa; strength in the autonomous parliaments is an instrument for

politics in the centre. Although in the heat of the discussion and in the tensions between centre and periphery this fact has hardly been observed, Congress does not play an irrelevant role in binding by political means what otherwise would only be maintained as a juridical, constitutional and statutory relationship.

### **The surprising legislative consensus**

The fact that the Spanish Parliament cannot be understood without a general view of the State of the Autonomies is not, however, an excuse to ignore an analysis of the bilateral relations established between the central executive and Congress. These relations allow us to consider the location of the Parliament in the well-known categories of “transformative legislatures” or “arena”<sup>14</sup>. In this sense, the consolidation of the democracy and the end of the constituent legislature led to the abandonment of the consensual orientation by the political elites and a majority type mechanism where the government controls parliamentary activity through its party. Therefore, the stages of absolute majority are viewed as legislatures of parliamentary subordination, whereas in periods of minority government, the parliament would take on a more important role.

However, the fifth and sixth legislatures present a double character. On one hand, the government is in a minority, which gives a greater chance for the intervention of the Parliament. On the other hand, for the reasons above mentioned, the government is assured by a loyal support from the Catalan nationalist minority (CiU) and Coalición Canaria (CC) (and the PNV too in the fifth legislature); therefore the government may act before the house as though it had a parliamentary majority.

TABLE 3  
LEGISLATIVE ACTIVITY, 1977-2000

	Government's bills		Parliamentary Groups' bills		others	decrees-laws	TOTAL PASSED
	submitted	passed	submitted	passed			
Const. 1977-79	174	111 63,8 60,5	71	9 12,6 4,9	--	63 -- 34,4	183
I session 1979-82	342	237 69,2 64,5	193	28 14,5 7,6	--	102 -- 27,7	367
II session 1982-86	205	183 89,2 76,5	106	13 12,2 5,4	3 -- 1,2	40 -- 16,7	239
III session 1986-89	125	108 86,4 76,5	141	10 7,0 7,0	3 -- 2,1	20 -- 14,1	141
IV session 1989-93	128	101 78,9 68,2	154	16 10,3 10,8	1 -- 0,6	30 -- 20,2	148
V session 1993-96	130	112 86,1 66,2	83	14 16,8 8,2	3 -- 1,7	40 -- 23,6	169
VI session 1996-2000	192	172 89,5 60,5	283	22 7,7 7,7	5 -- 1,7	85 -- 29,9	284

Sources: *Memorias de las Legislaturas, Congreso de los Diputados, Madrid.*

Notes: the first percentage refers to the number of bills submitted, the second to the total passed.

In fact, table 3 shows how the government has constant control of the legislative activity both in majority and minority legislatures. Therefore, the bills submitted by the government become law (from the second legislature) in percentages of between 86% and 89%, except for the fourth legislature, where the percentage falls to 79%. Therefore legislation is essentially a governmental initiative.

It can also be seen that in the two minority legislatures, the first (UCD) and the fifth (PSOE) (but not the sixth, PP), the percentage of bills from the parliamentary groups increases with respect to the others. In the period that concerns us, from 1993 to 1996, the parliamentary groups manage to approve almost 17% of their proposals as laws, a much higher figure than that of the other stages.

However, this is a very weak indicator for deducing a larger parliamentary influence. On one hand, the proposals of the groups are also rejected at times of minority government like in the sixth legislature, when these figures fall to 7%, and it does not seem that the percentage differences are so large between legislatures as to turn them into a particularly explicative parameter. Furthermore, the content of the proposals is usually of very little importance.

It seems more important to us to note what may be more significant, both in terms of the content of the rules and the special relationship established between the government and the parliament: the approval of the decree-laws.

The decree-law is an emergency legislation, approved by the government and which must be accepted (without alterations) or rejected by Congress. A weak government may find great difficulty in achieving such acceptance, but this is not the case. The table shows that in the fifth and sixth legislatures, the number of accepted decree-laws rose. Both the PSOE, and much more so the PP (85 decree-laws), have more frequently made use of this emergency legislation.

The reason for this is that as the government is in a minority, decree-laws avoid the parliamentary discussion of ordinary laws. One more thing, in the Spanish constitutional system, decree-laws (once accepted by the Congress and therefore in force) may be discussed as bills on the request of some parliamentary group, and on the acceptance of the house. Note that in minority sessions, over 75% of these decree-laws were not dealt with later as bills and that those that were discussed always received the consent of the party in power for this new discussion.

The double character of the fifth and sixth sessions is therefore obviously clear. As there is no majority, the government seeks to avoid the parliamentary debate but, at the same time, is sure that it has the majority for its decree-laws. They are neither rejected nor accepted and submitted to a further debate. This leads to a rather surprising conclusion: it is not entirely true that the Parliament has more chances to take part in minority sessions<sup>15</sup>. Although this is true in theory, the reality is that in these legislatures so-called of minority the government had always been supported by some nationalist

parties. On the other hand, the space for the opposition might be increased in these situations although the government has always mechanisms (decree-law, for instance) to block and obstruct the parliamentary intervention. Therefore it does not seem evident - against the most usual explanations- that legislatures of minority are correlated with a more powerful parliament. It could be just the contrary. A weak government in arithmetical terms would compensate its feebleness reducing the participation of the legislative power in the policy making.

TABLE 4  
OVERALL AMENDMENTS BY PARTIES

	II legislature.	III legislature.	IV legislature.	V legislature.	VI legislature.
AP/PP	71	46	51	21	0
PDP/DC	--	17	--	--	--
UCD	14	--	--	--	--
CDS	7	26	--	--	--
CiU	26	15	11	0	0
PNV	27	15	14	2	3
CC	--	--	--	7	1
PSOE	0	0	0	0	43
PCE/IU	26	19	30	34	50

Sources: Author's calculations from Diarios de Sesiones (1977-2000) and Memorias del Congreso. (partially published in Capo, J., "Oposición y minorías en las legislaturas socialistas", *Revista Española de Investigaciones Sociológicas*, 1994, 66. p. 99).

Coming back to the empirical analysis, a great deal of data shows that the legislative activity was relatively comfortable for the government. As the table 3 shows if laws from government and its decree-law are added, governmental legislative activity has oscillated in all sessions between 89 and 93%, no matter whether the situation is one of majority or minority.

Further on, it may be seen in the next table that not all laws are rejected out of hand by the opposition groups, which would be expressed as overall amendments. In the fourth table, it can be seen, for instance, that the PP has reduced the number of its overall amendments and in the fifth legislature (socialist minority and therefore with a greater chance of success for the opposition) its overall amendments were minimal. One reason for this is possibly the progressive moderation of this party on its way to power, which

would also be combined with the presentation of moderate bills by the PSOE in compromise with the pivotal nationalist groups, which at no time could be understood as having formed part of the opposition<sup>16</sup>. However, beyond this explanation of party strategies, the most important thing in the understanding of the dynamics of the government and the parliament is that normally, parliamentary transformation must be limited to partial amendments and not the total rejection of the content of a law.

TABLE 5  
AVERAGE OF VOTES PER BILLS BY LEGISLATURES

	const.	I	II	III	IV	V	VI
pro	229	237	208	210	202	224	244
contra	7	24	39	33	47	42	51
abst.	12	12	16	14	19	23	11

Source: our calculations from Diarios de Sesiones, 1979-2000. (partially published in Capó, J., “Oposición y minorías en las legislaturas socialistas” p. 96)

If it is surprising that the legislative success of the opposition does not grow in minority legislatures (table 3) and nor does the total, though symbolic, rejection of laws (table 4), more surprising still is the number of favourable votes received by the laws. It has been stressed that the constituent legislature was a period of consensus; maybe it has been hardly stressed that in the Spanish Parliament, the laws received (on average) more than 200 votes in favour and very few against or abstentions<sup>17</sup>. Even in the fifth and sixth minority legislatures, the legislation of the PSOE gained 224 votes in favour and only 42 against and 23 abstentions, and that the PP, 244 votes in favour, 51 against and 11 abstentions.

This data indicate various things. It may be seen how the number of the voting MPs has increased in these last two legislatures as a result of a parliament without a majority and therefore with greater value placed on each vote, which demands the presence of the representatives in the house. But at the same time, the government may be seen to pass its laws with ease and there is a high degree of agreement in the legislative texts.

The reasons for this great agreement must be sought in a qualitative analysis<sup>18</sup> as there are laws that receive almost unanimous voting and others that face strong opposition. In

general it could be said that routine laws, or those with little capacity to transform, cause practically no debate; however, it is not only these. Laws concerning European integration and presence in international organisations also receive the consensus of the two main parties and the nationalist forces. Likewise, laws related to the increased powers of the Autonomous Communities (reforms of Statutes, economic concerts, delegation of powers, etc.) also receive the favourable vote of all groups as all direct some autonomous government. Even many organic type laws that develop rights and freedoms are voted massively and in the economic field, certain “liberalising” laws are shared by the PSOE, the PP and the nationalist parties.

The gross figures of the table, despite being spectacular, do not clearly define the agreement reached insofar as, obviously, the strength of the majority party may explain the variations in votes. In order to correct this distortion, we have established a “weighted consensus index”<sup>19</sup> according to the following formula:

FIGURE 1  
WEIGHTED CONSENSUS INDEX

votes in favour

$$\frac{\text{No. representatives governing party} \times \text{total votes}}{350}$$

---

Author's elaboration

In observance of this formula, the data was obtained and is shown in the following table:

TABLE 6  
WEIGHTED CONSENSUS INDEX BY LEGISLATURES

constituent	1.95
first	1.80
second	1.37
third	1.55
fourth	1.50
fifth	1.72
sixth	1.80

---

Source: Author's calculation

(partially published in Capo, J., "Oposición y minorías en las legislaturas socialistas", *Revista Española de Investigaciones Sociológicas*, 1994, 66. p. 97)

And so the parliamentary consensus grew while the socialist majority was falling. The PSOE in the second legislature (with its maximum force of 202 members) sought little the support of other groups (index: 1.37). The third and fourth legislatures saw a growing understanding with other parliamentary forces (1.55 and 1.50) and in a minority situation (fifth legislature) they reached their highest level of parliamentary agreement (1.72). The PP, also in a minority in the sixth legislature, surpasses this figure with an index of 1.80.

This means that the weaker the government, the more votes in favour are gained by their laws. This fact, which may seem a paradox, may receive an explanation that must necessarily be pluricausal. In a state of majority, the government is able to legislate freely, on the other hand, in times of minority, the government has to anticipate the reactions of the other groups and especially those of their nationalist allies. Moreover, the progressive moderation of the PP also had an influence (as we saw before in their total amendments) in search of a more centrist electorate that would allow them to enter government. Finally, there was a certain exhaustion of the socialist program, which led them in the final legislatures to present fewer innovative laws. With respect to the minority popular legislature (1996-2000), it must be remembered that part of the party's program was put off until the seventh legislature when they had a majority.

In other words, the fact that a government is in the minority does count, but relatively because the government does not lose control of the legislation (legislative initiative, emergency legislation, essential content, etc.) but rather simply has to seek procedures

to permit it to avoid confrontation with the opposition. A suitable interpretation of Spanish parliamentary activity would be to say that when the government wanted (even in the fifth and sixth legislatures), it was able to work as though it had a majority because this was guaranteed by the nationalist parties; but the need grew to find parliamentary agreement.

TABLE 7  
PARTIAL AMENDMENTS, V LEGISLATURE

	total	passed	%
amendments	15,845	3,794	23.9
excluded budgets	11,786	3,516	29.8
PSOE presented	2,413	2,249	93.2
other group presented	13,432	1,545	11.5

Source: Memoria de la V legislatura, Congreso de los Diputados, Madrid, 1997 p. 545-671. Author's calculation.

Unfortunately, little data is available to observe the forms of negotiation between parliamentary groups. The Congress reports have only published the result of the amendments in the fifth legislature. According to this information, nearly 25% of the amendments were accepted and somewhat more, 30%, if the budgetary law is excluded. However, it must be said that even in a minority situation, the PSOE managed to approve 93% of the amendments it presented<sup>20</sup>, whereas the other groups only managed 11%, even though these represented 40% of the total amendments accepted. There is data to indicate that CiU intervened in the modification of the budgets in 1994 and 1995, whereas the other parties failed to approve their amendments, but the budgets were hardly altered<sup>21</sup>.

The Spanish Parliament therefore transforms the texts presented by the government, but it may be said that the government never loses control of this transformation. In the context of high party discipline, the amendments of the first party are negotiated and accepted by the executive and the amendments of the opposition may be rejected with the support of the parliamentary allies. In fact the government has always been in a

position to decide which bills could be modified by the Parliament and which, on the other hand, would not be altered despite parliamentary debate.

And one thing more, laws are processed with relative speed. According to our calculations, in the last two minority legislatures, from the time a bill was presented to its final approval by the two houses, only six months passed in real time (discounting the periods of parliamentary inactivity). This coincidence between fifth and sixth legislature –in a very different political context for the governments of PSOE or PP– indicates a highly institutionalised procedures for debate that have a relatively autonomy of the external constraints.

In the description we are making we would insist that both majority and minority governments control the legislative activity while assuring a broad majority support. How is this interpretation compatible with the opinion of the Spanish political elites on the weakness of minority governments? In this sense, a telling example would be that Felipe González failed to manage to approve the budgets of 1996 due to the contrary vote of his ally CiU, and had to call elections a few months later (although the dissolution had already been announced).

The explanation lies more in the particular situation than a situation applicable to all minority legislatures. In fact, the same kind of problems were not posed in the following legislature, when the PP did not have an absolute majority either. In the fifth legislature, the weakness of the government was political and electoral. Serious cases of economic corruption and the dirty war against ETA were being investigated by the press, the parliament and the courts. In such a situation, CiU, with its electoral calculations, withdrew its support for Felipe González even though they did agree with the economic orientation of the budget. But the debate and the battle to down the government were occurring in another area. It was not in the public policies or the legislation where the opposition made its criticism, but rather in the creation of parliamentary committees of inquiry. The Parliament was not belligerent in the laws, but rather in the control mechanisms, the minority government had a majority to legislate, but not to avoid being investigated, when public opinion had turned against them.

### **The expansive control.**

The committees of inquiry are just the tip of the iceberg, an extreme case of general control activity that seems to be gaining more relevance. Over the years, the Spanish Parliament has increased its rate of work. Although the data is incomplete because it refers only to the last legislature, the table 8 shows the number of meetings and the time put in, to which it is necessary to add the work performed by the many sub-committees and study committees that are not expressed here. All this would therefore seem to point to the existence of an active parliament, although public opinion seems to believe the contrary.

TABLE 8  
MEETINGS, VI LEGISLATURE

	meetings	hours
Plenary	271	1354
Permanent. Council	13	
“Mesa”	238	335
Board of Spokespeople	115	121
Committees	1082	3585

Source: Memoria de la VI Legislatura, Congreso de los Diputados, Madrid, 2001.

In this context of increased performance, special attention must be drawn to the spectacular growth in the activities of orientation and control. Both the initiatives that take a position on an issue (proposals and motions) and those that serve for scrutiny and control (interpellations, questions and requests for reports) have taken on greater importance. The use of either form has varied with the legislatures, but the growth tendency is undoubtable. At the same time, the presence of the government and the senior civil servants before the house or the committees to give explanations is more and more frequent.

TABLE 9  
CONTROL ACTIVITY BY LEGISLATURES, 1977-2000<sup>22</sup>

	const.	I	II	III	IV	V	VI
non legislative proposals	114	662	224	501	786	953	2.240
motions	37	75	37	102	145	108	175
interpelations	129	389	210	214	225	142	203
verbal questions	131	1,157	1,828	3,103	4,467	3,475	4.941
written questions	304	3,820	9,200	19,458	15,309	14,886	32.719
appearances before the plenary	7	9	10	26	58	34	46
appearances in committees	184	612	906	2,247	3,656	3,678	4.605
requests for reports		133	732	1,928	4,957	3,168	2.588

Source: *Memoria de la VI legislatura del Congreso de los Diputados, Madrid, 2001, p. 187*

In this way, the scrutiny function of the Parliament has been consolidated, although it may not be said that this is due only to the fact that the government was in the minority. In some of these aspects, the activity was even greater in the fourth legislature than in the following two. The increasing control would therefore seem more a general tendency than an element linked to a political situation of minority although this was relevant to consolidate this trend.

It would not be unheard of either for the representatives to be broadly engaged in controlling the government (or posing questions where the government may come into its own) insofar as they are granted a higher degree of autonomy than legislative production, highly subject to the supervision of the parliamentary group and the party. In this way, through this activity, they become representatives of specific interests that may become a useful option for developing a political career that is not going to end in Parliament<sup>23</sup>.

In fact, little more may be said about the control activity because there is not a sufficient empirical study to be able to advance solid interpretations on this issue. It is necessary to be more aware of the individual and party interests that direct this control, the preferential issues and the sectors affected, etc. Therefore we do not know to what point all of these parliamentary initiatives truly pressurise the government or may lie in the

performance of a certain ritual that allows a majority – opposition game with a wink at public opinion.

In any case, it would also be necessary to highlight that in the scrutiny activity, like before in the legislative activity, the government has a broad margin for movement. Therefore, the government only attends on 52% of the occasions that it is requested and the senior officials little more than 70%. This already indicates that the opposition is unable to force the executive to appear, but perhaps even more telling is the fact that during the budget debates only 3% of the ministers appear and less than 50% of the other members requested.

These figures, however, do not reduce the importance of the control activity. In fact, one of the issues where the effects of the minority legislatures have been visible was the successful attempt not to increase the control of the government. This, by contrast, shows the importance that this function is supposed to have but at the same time the executive's strength. In fact, during the fourth legislature a reform of the 1982 standing orders was consensually prepared, which broadened the possibilities of the opposition; however, it was not approved and in the two following legislatures (minorities), both the PSOE and the PP blocked the reform that could go against their interests

## **Conclusions**

At the end, the Spanish Parliament still seems dependent on guidelines and practices that were formulated during the period of the political transition and the difficulty of the Senate reform is obvious proof of this, as well as the fact that there has been no modification of the electoral law or the standing orders of Congress that serves to give representatives greater autonomy with respect to their parliamentary groups or the party leaders. Thus, the parties are the true actors that structure a Parliament which was constitutionally designed to facilitate the action of the government in situations of majority (obviously) and minority and, at the same time, allow the opposition to enforce some control.

In this sense, the Parliament is not only the house echoing the government, but a space that the government can control through its party and with the essential support of the nationalist groups, depending on the needs of the autonomous governments. In this way, the house has been working on an essentially majority basis which allows it to run regularly and produce an output in accordance with the political drive of the government. However, at the same time, the need for pacts to overcome minority situations, the possibility and practice of alternation, the continuity in the democratisation process of a State that had not concluded with the approval of the Constitution, the importance of European integration or devolution to regions also facilitate the existence of negotiations and agreements within the limits set by the governing party.

Nevertheless, if the Senate has serious shortcomings in the federal conception of a State, through Congress, the Parliament manages to relate state political dynamics to those of the autonomous parliaments directed by nationalist parties. The Congress is the house where nationalist peripheral parties gain an asymmetrical power to that of other autonomous communities governed by state parties, though at the same time, it is a centre of attraction that influences parliamentary alliances in the communities governed by these nationalist parties.

Therefore the Parliament has been functional. It serves the government, the nationalist minorities and the opposition. It has sufficiently flexible characteristics so as not to be identified with a rubber stamp or a governmental roller. However, at the same time, it is still dominated by the majority. It is not a federal parliament, Congress, however, expresses the territorial asymmetry of a State with significant nationalist parties in some autonomous communities. The control mechanisms do not prevent the executive from running the agenda and the public policies, but these, especially in exceptional situations, become a useful tool of the opposition in the face of public opinion.

This functionality and flexibility were consciously sought in the preparation of the constitution, and the continuity of the parliamentary procedures in the brief history of Spanish democracy is hardly surprising. The constituents wanted to create a Parliament that would facilitate government, but which would not have a marginal role in the political process. The constituent consensus made the Parliament receive the influx of

many theoretical conceptions on its powers and functions, creating an amalgam of all of them<sup>24</sup>.

Therefore, any category we use to conclude the description of the Spanish Parliament must be left wide open to include nuances. There is a space for paradoxes. Its bicameralism must be defined as non-federal but the complexity of the State of Autonomies has been incorporated in the Congress by the pivotal presence of nationalist parties. At the same time, these parties by its special pivotal position misled the concept of legislatures of minority although the concept could not be absolutely neglected. The former leads onto the consequence that the Cortes have usually been working as if there was a clear majority for the government, but the later reduces the typical explanatory power of the theories of the declining power of the parliament and of its limited rubber stamp position.

The Parliament is neither consensual nor majoritarian but it could be understood as a negotiating House where a balance (sometimes unstable) among the strengths and weaknesses of the parties that run the Spanish government and the Catalan and (to a less extent) Basque ones was reached. The idea of a negotiating parliament makes it possible to explain why the governmental control of the parliamentary work could be achieved in a majoritarian way measured it by the conceptual introduction of the non to be forget intervention of other parliamentary parties.

---

<sup>1</sup>.- Acknowledgement: SEE FRONT COVER.

<sup>2</sup>.- J. Capo et al., "By Consociationalism to a Majoritarian Parliamentary System; the Rise and Decline of the Spanish Cortes" in U. Liebert, and M. Cotta, (eds.), *Parliament and Democratic Consolidation in Southern Europe* (London: Pinter, 1990) pp. 92-130. We don't insist now in the actual article in aspects that were analysed 20 years ago.

<sup>3</sup>.- M. Cienfuegos, "Las Cortes españolas ante la integración europea" in C. Closa, (ed.), *La europeización del sistema político español* (Madrid: Istmo 2001) pp. 197-221.

<sup>4</sup>.- This does not mean that the formal model given by G. Tsebelis, G. and J. Money, *Bicameralism*, (Cambridge: Cambridge University Press, 1997) was applicable to Spain. The weak institutional force of the Senate and the fact that the parties unify the conduct of the

---

parliamentary groups in both houses mean that negotiation in Congress is not carried out thinking of a possible different vote from that of the upper house.

<sup>5</sup> .- On the Senate reform with a constitutional focus, VV.AA., *Ante el futuro del Senado*, (Barcelona: Institut d'Estudis Autònoms, 1996); Pau, F. (ed.), *El Senado, cámara de representación territorial*, (Madrid: Asociación Española de Letrados Parlamentarios y Tecnos, 1996); Visiedo, F.J., *La reforma del Senado: territorialización del Senado; Comisión General de las Comunidades Autónomas* (Madrid: Senado 1997).

<sup>6</sup> .- J.J. Linz, and J.R. Montero, "The Party Systems of Spain: Old Cleavages and New Challenges", (Madrid: *Estudio/Working Paper*, Nº 138 (1999) pp. 1-121, Centro de Estudios Avanzados del Instituto Juan March de Estudios e Investigaciones).

<sup>7</sup> .-On the development of the fifth legislature, Guerrero, E. *Crisis y cambio en las relaciones Parlamento-Gobierno (1993-1996)* (Madrid: Tecnos, 2000).

<sup>8</sup> .- J. Marcet, J and J. Argelaguet, "Nationalist Parties in Catalonia: Convergència Democràtica de Catalunya and Esquerra Republicana" and B. Acha, and S. Pérez-Nievas, "Moderate Nationalist Parties in the Basque Country: Partido Nacionalista Vasco and Eusko Alkartasuna" in L. de Winter and H. Türsan, *Regionalist Parties in Western Europe* (London: Routledge/ECPR, 1998) pp. 70-86 and 87-104.

<sup>9</sup> .- For the study of the parties that led to the formation of minority and not coalition governments, both in 1993 and in 1996, J.M<sup>a</sup> Reniu, *Las teorías de las coaliciones políticas revisadas; la formación de gobiernos minoritarios en España, 1977-1996*, CIS-Siglo XXI, 2002.

<sup>10</sup> .- The party debate in C.R. Aguilera de Prat, "Los socialistas ante los pactos de gobernabilidad de 1993 y 1996", *Revista de Estudios Políticos*, Nº 111 (2001) pp. 9-43 and "Convergència i Unió ante los pactos de gobernabilidad de 1993 y 1996", *Sistema*, Nº 165 (2001) pp. 99-129. For an analysis of the positions of the electorate, J. Capo, "El bucle de la gobernabilidad: opinión pública y pactos en las elecciones de 1996" in J. Matas (ed.), *Coaliciones políticas y gobernabilidad*, (Barcelona: Institut de Ciències Polítiques i Socials, 2000) pp. 241-266.

<sup>11</sup> .- 239 votes in favour, 2 against and 2 abstentions. J. Marcet, "Consenso y disensos de doce años de ley electoral", *Revista de las Cortes Generales*, Nº 41 (1997) pp. 201-215.

<sup>12</sup> - There is an abundance of academic literature on the Spanish electoral system. As it is impossible to quote all quality works, we refer simply to two recent publications with a broad reference to the existing bibliography: J. Montabes, (ed.), *El sistema electoral a debate. Veinte años de rendimientos del sistema electoral español (1977-1997)*, (Madrid: Parlamento de Andalucía y Centro de Investigaciones Sociológicas, 1998) and J. Capo, "Sistema electoral y gobernabilidad española", *Revista Española de Ciencia Política*, Nº 1 (1999), pp. 55-80

---

<sup>13</sup> .-The minority CiU government is currently supported by the PP in the Catalan Parliament. Coalición Canaria forms a government with the PP in its community. It is not hard to think that this relationship would change if the PSOE governed in Spain.

<sup>14</sup> .- J. Blondel, *Comparative Legislatures*, (Englewood Cliffs: Prentice-Hall, 1970); M. Mezey, *Comparative Legislatures* (Durham: Duke University Press, 1979); P. Norton (ed.), *Legislatures* (New York: Oxford University Press, 1990); N. Polsby, "Legislatures" in Norton, *Legislatures*.

<sup>15</sup> .- The explanation moves partly away from that proposed by L.M. Maurer, "Parliamentary Influence in a New Democracy: The Spanish Congress" *The Journal of Legislative Studies*, Vol 5, N° 2 (1999), pp. 24-45. On the basis of this discrepancy, the whole of this article reflects our different interpretation about legislatures of minority. However, it is worth stating a point that could lead to confusion for anyone comparing the two articles. Maurer refers to the so-called legislative-decree (decretos-legislativo), which is a decree that follows from parliamentary delegated law. We refer to the decree-law (decreto-ley) that is a law elaborated by the government and accepted by the Congress. The particular procedure of the decree-law indicates very well to what extent the government may be considered weak or strong. For more details on these two kinds of rules, see the Spanish Constitution, articles 82 to 86.

<sup>16</sup> .- A more systematic analysis of the data presented here in J. Capó, "Oposición y minorías en las legislaturas socialistas", *Revista Española de Investigaciones Sociológicas*, N° 66 (1994), pp. 91-113.

<sup>17</sup> .- It must be remembered that this data only affects the bills which, in principle, are more significant due to their content or the debate they cause. Approximately one third of the bills are like the Italian "leggine" discussed exclusively in commission, and do not receive a total vote in the Plenary.

<sup>18</sup> .- We have attempted a quantitative and qualitative approximation in J. Capó, *La legislación estatal en la España democrática. Una aproximación politológica* (Madrid: Centro de Estudios Constitucionales, 1990).

<sup>19</sup> .- The meaning of this index is as follows: the more the result obtained surpasses the unit, the greater the capacity to add votes of the opposition around the majority party. If, on the other hand, the results should coincide with this unit, the governing party will only receive its own votes. Finally, if the figure were under one, it would indicate that the majority group would not even receive its own votes (for instance, the loss of dissident representatives).

<sup>20</sup> - Although many of these amendments are "transactional", that is, they present a text negotiated with the amendments of the remaining groups.

<sup>21</sup> .- J. Calvet, "Minority Governments and Parliamentary Agreements: the Case of Spain" (Quebec: Congress of the IPSA, 2000).

22 . As the bills presented by the parliamentary groups are called "proposiciones de ley" the other resolutions submitted by parliamentary groups are "proposiciones no de ley". In fact, this "non legislative proposals" could be understood as motions. The difference lies in that for the Spanish Parliament the word "motion" is more related to a previous parliamentary activity (for

---

instance, a motion could be presented after an interpellation). An interpellation is a kind of question addressed to the government that produces a general debate in the Plenary with the participation of all parliamentary groups, whereas a verbal question reduces the debate to the Minister and the MP in the committee. By “appearances” we mean the presence of the members of the executive and high civil servants in the hearing.

<sup>23</sup> .- In the sixth legislature (electoral continuity) 52% of the representatives were new and throughout the legislature over one sixth of the representatives were replaced according to our calculations. Therefore, there has been no change in the steps indicated by M<sup>a</sup>. L. Morán, “Un intento de análisis de la clase parlamentaria española: elementos de renovación y permanencia (1977-1986)”, *Revista Española de Investigaciones Sociológicas* N° 45 (1989) pp.61-84. See also J. Linz et al. “Spanish Diputados: From the 1876 Restoration to consolidated democracy” in H. Best and M. Cotta (eds.), *Parliamentary representatives in Europe 1848-2000. Legislative recruitment and careers in eleven european countries* (Oxford, Oxford University Press, 2000) p. 371-462. For the consequences on the parliamentary work, see Capó, *La legislación estatal en la España democrática. Una aproximación politológica*, pp. 113-127. One explanation of this strong renovation lies in the abundance of political positions and posts in the senior administration offered by the highly decentralised Spanish political system, which, combined with the routine and the party discipline of the parliamentary work, leads representatives to possibly prefer the extraparliamentary possibilities, and the parties, when they decide to renew their electoral lists, might offer compensation to the outgoing representatives.

<sup>24</sup> .- J. Capó, *La institucionalización de las Cortes Generales*, (Barcelona: Universidad de Barcelona, 1983).