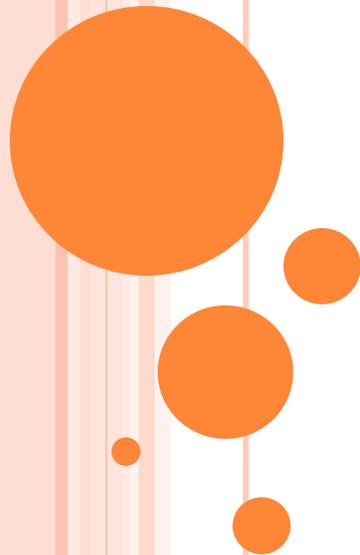


**POL 3107 COMPARATIVE
GOVERNMENT AND POLITICS**

**The Spanish Political
System**

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WHO GOVERNS IN SPAIN: ELECTIONS AND ELITES

- 1978 Constitution
- Semi-Federalism
- Political Parties and Elections
- The Executive and Legislative Powers



1978 CONSTITUTION



1978 CONSTITUTION

- Several aims:
 - a) To preserve capitalism within a new regime of liberal democracy
 - b) To preserve the alliance with the US-NATO
 - c) To preserve the privileges and immunity of former authorities
 - d) To distribute power among old and emerging elites in order to prevent instability and revolution
 - e) To make a difference with the democratic institutions of the II Republic
- Referendum in 1978: 67% turnout, approved by the 88%



1978 CONSTITUTION

- **Sovereignty** lies in the people and full recognition of human rights, universal suffrage and liberal democracy (pluralism)
- **Parliamentary (democratic) Monarchy**: re-legitimation of the King proclaimed by Franco in 1969 as his successor, with “symbolic” (not executive) powers above the President, the Parliament and the Army
- Historic *Nationalities* and Autonomous Regional Governments: **semi-federal and asymmetric state** with 3 regions enjoying more competences and own languages due to past nationalist movements and institutions (Basque country, Catalonia and Galicia)



1978 CONSTITUTION

- Nevertheless, a strong role of the **army** as a safeguard of the "territorial integrity" is recognised, which is used as a threat against pro-independence claims of the "historic nationalities"
- **Bi-cameral** system / Parliament: Congress ("Cortes" low chamber) and Senate (high chamber to increase regional representation), as a legacy of arrangements previous to the II Republic (with just one chamber)
- **Proportional electoral representation** according to universal suffrage in territorial constituencies in order to favour the configuration of a stable two-party system -instead of choosing the majoritarian rule in a single constituency

1978 CONSTITUTION

- Democratic **political parties** and **labour unions** are recognised, even the right to strike (business associations and other civic associations are also encouraged)
- Freedom, justice, equality, pluralism and participation are the basic values to be preserved
- **Rule of law** and normative hierarchy
- **Separation of powers** (Executive, Legislature and Judiciary) but there is a strong party control over the top judiciary bodies (CGPJ, *General Council of the Judicial Power* and TC, Constitutional Tribunal)... the Executive-led Government is under the control of the Congress 

1978 CONSTITUTION

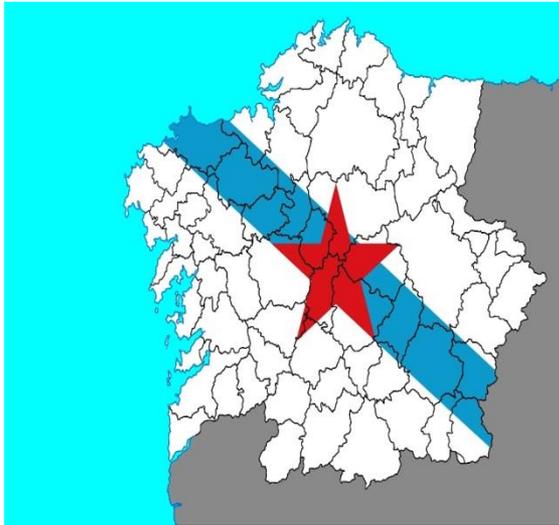
- Rigid procedure for modifying the Constitution: either majoritarian approval of 3/5 in each chamber or 2/3 of the Congress plus majority in the Senate + possible referendum... there was only a slight re-phrasing in 1992 of one article regarding the right to vote and a very **substantial change in 2011** regarding the “absolute priority for the payment of the public debt of the state”



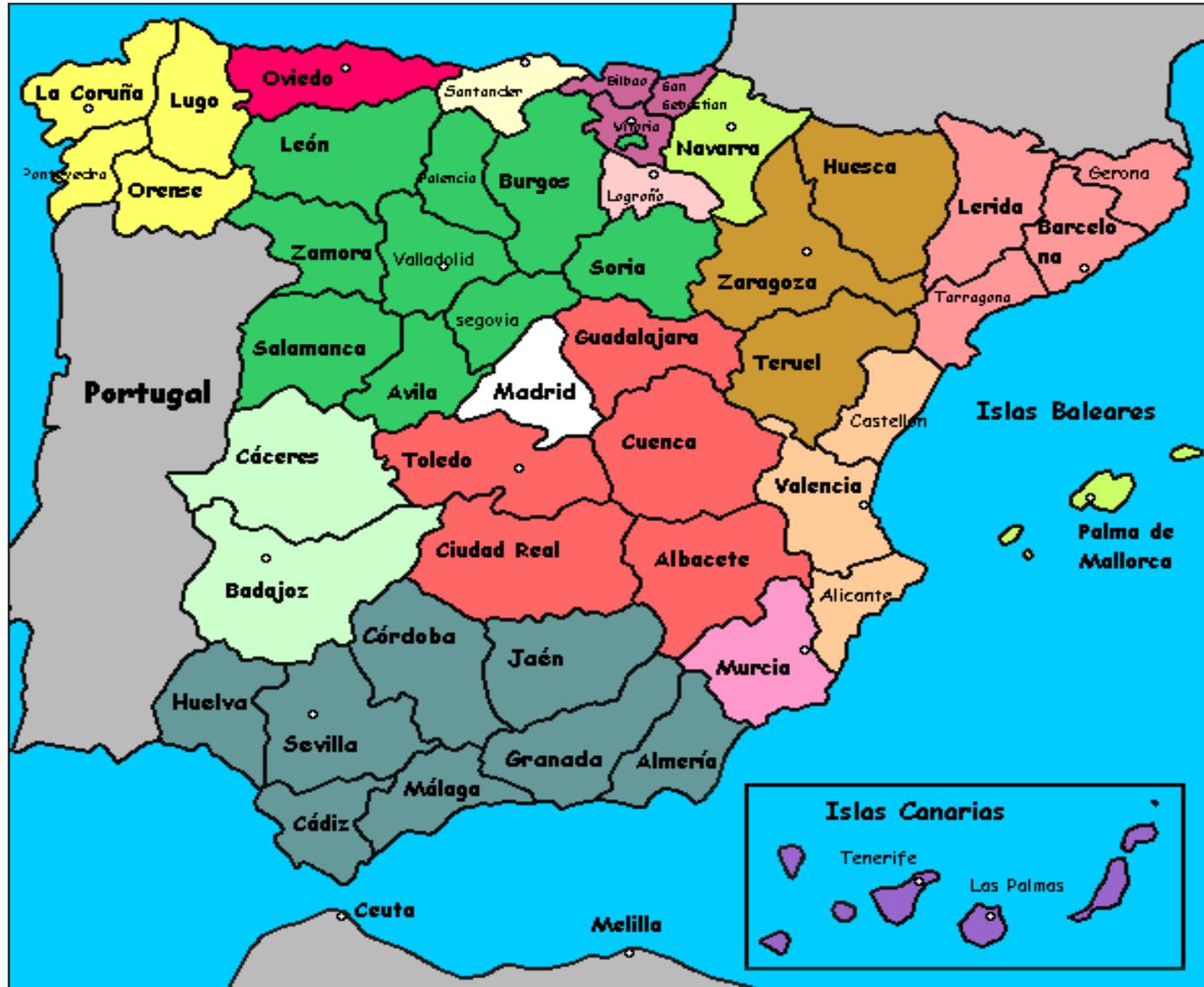
SPAIN: AUTONOMOUS COMMUNITIES



SPAIN: SEMI-FEDERALISM AND NATIONALITIES



AUTONOMOUS COMMUNITIES AND PROVINCES



SEMI-FEDERALISM

- The Spanish state is divided into 17 “**Autonomous Communities**” (Regional Governments) and “2 Autonomous Cities” (Ceuta and Melilla). AC are divided into provinces. Provinces are divided into municipalities.
- 3 AC enjoy greater powers than the other 14 AC because of their status as “historic nationalities”: **Basque Country, Catalonia** and **Galicia**.
- There is a long history related to the different kingdoms, regions and provinces in which the Iberian Peninsula was organised, but it was in the II Republic (1931-1939) when those three “historic nationalities” obtained an institutional recognition as “autonomous regions”. 

SEMI-FEDERALISM

- Each AC is ruled by an Executive Government checked by the Autonomous Parliament (**one single chamber**).
- Elections to the Autonomous Parliaments are based on a **proportional system of representation**.
- In general, there are special dates for the elections in the three historical nations, while the elections in the other 14 AC and the 2 Autonomous Cities overlap the elections at the municipal level.
- **Municipalities** and **Provinces** (more “administrative” instances) do not enjoy full legislative powers although they can launch and approve particular ordinances and plans in accordance to the AC government.

SEMI-FEDERALISM

- This territorial organisation implies a high degree of “**de-centralisation**” and a tendency to “**federalism**” but not a full “federal state” system.
- Why is not Spain a “federation”? Because the AC are not “independent states” freely united in order to conform a “federated state”. The Constitution does not mention the term “federation” either.
- However, all the AC enjoy some legislative and executive powers. Some are separate and some are shared with the central government. Every AC is ruled by a sort of **mini-constitution** (“*Estatuto de Autonomía*”) which determines those powers and the coherence with the *national* Constitution.

SEMI-FEDERALISM

- There is a **strong asymmetry** concerning the powers or competences granted to every AC which creates rivalry among them, in addition to demands of higher self-government or autonomy –even referendums of independence in the historical nations.

 - The semi-federal structure of the state does not satisfy all the political forces and it is a continuing source of conflicts:
 - a) **Conservatives** prefer a centralist state, merely divided into provinces and municipalities
 - b) **Nationalists** prefer full independent states or, at least, state associations with equal rule share
 - c) **Leftist parties** stand for a federal state with equal power for all the regions
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SEMI-FEDERALISM

- In practice, the process of **de-centralisation goes slower or is halted** when a single party (PP or PSOE) wins the majority in the Parliament (PSOE 1982-93 and PP 2000-4). When there are governing coalitions with nationalist parties, the de-centralisation goes faster and deeper (UCD 1978-82, PSOE 1993-6, PP 1996-2000...).
- This entails a conflictive, dynamic and endless process of de-centralisation (Colomer 1998).



QUIZ !!!

- How is the relationship between the Catalan Government and the Spanish Central Government?
- Why is not possible to call for a legal and binding referendum on the independence in Catalonia?
- What are the limits to reform the Spanish Constitution in order to consider the feasibility of independence for an Autonomous Community?



SEMI-FEDERALISM

Catalan President, Artur Mas, calls for an “illegal referendum” (prohibited by the Central Government) on the independence of Catalonia on 9 November 2014

<https://www.youtube.com/watch?v=ft8IkoCdV1w#t=85>
(1'52”) [<http://www.cataloniavotes.eu/revelant-actors/>]

Catalonia's quest for statehood (Al Jazeera 8 Nov. 2014)

<https://www.youtube.com/watch?v=sGsdUwlecgE>
(0-9'30”)

And the results of the referendum (more than 2 million votes and no police enforcement of the prohibition) (Al Jazeera 9 Nov. 2014)

https://www.youtube.com/watch?v=dLiSm_nn6X4 (2'24”) 

POLITICAL PARTIES AND ELECTIONS

izquierda regional



derecha regional

Espectro político
Partidos con representación
en Congreso y Senado
(31/07/2011)



izquierda nacional

derecha nacional

POLITICAL PARTIES AND ELECTIONS

- The electoral system is based on a **proportional method** (D'Hondt Law) with “closed lists” in order to prevent party fragmentation which ends up in one-party governments or coalitions with nationalist parties.
 - Side effect: **minor parties** are excluded from Parliament or get less seats proportionally to their votes (and a compensatory effect applies in the historical nationalities)
 - Dominant **one-party** in Central Government (in practice, a **two-party system**):
 - UCD (1977 to 1982) [centre-right]
 - PSOE (1982 to 1996) [centre-left / social-democratic]
 - PP (1996 to 2004) [right / conservative-liberal]
 - PSOE (2004 to 2011) [centre-left / social-democratic]
 - PP (2011 to present) [right / conservative-liberal]
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POLITICAL PARTIES AND ELECTIONS

- Spanish **political parties** are very hierarchical, top-down organised, with oligarchic tendencies and a **strong personal leadership** internally and over the electoral campaigns which anticipates “presidentialism”. “Open primary elections” of their candidates have been almost not practiced until recently (CUP, Podemos, IU: left-wing parties).
- Once party’s candidates are elected as members of the Parliament (“*diputados*” and “*senadores*”), they conform “**parliamentary groups**” (5 seats minimum) in the Legislature and the leader of the most voted one is elected as the President/Prime Minister.



POLITICAL PARTIES AND ELECTIONS

○ Major “national” political parties:

- PSOE (Partido Socialista Obrero Español): center-left wing party (social-democratic and liberal)
- PP (Partido Popular): right-wing party (conservative and liberal)
- IU (Izquierda Unida): federation of left-wing parties (communist, socialist and green)

○ Major “nationalist” political parties:

- CIU (Convergència i Unió): Catalan liberal and christian-democratic coalition
 - ERC (Esquerra Republicana de Catalunya): Catalan pro-independence and centre-left wing
 - PNV-EAJ (Euzko Alderdi Jeltzalea): Basque christian-democratic
 - BNG (Bloque Nacionalista Galego): Galician nationalist coalition
 - CC (Coalición Canaria), Chunta Aragonesista and others...
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POLITICAL PARTIES AND ELECTIONS

- Features of the Spanish party system (Gunther et al. 2004: 198-237):
 - **Bi-partisan alternate**: PSOE and PP
 - **Electoral volatility** (net difference between the results obtained by parties in two successive elections, 0-100%): low except in 1979-82 (42%) (Lago and Martínez 2011):
 - a) 1977-9: 18.27%
 - b) 2000-4: 11.98%
 - c) 2004-08: 6.28 %
 - **Party fragmentation**: “moderately fragmented”; low nationwide, high regionally; many parties in Parliament (for instance, 12 in 2000)



THE EXECUTIVE



THE EXECUTIVE

- The **King** is the “head of the state” with specific symbolic and ceremonial roles in order to endorse the bills signed by the Government. He behaves as a President without real power. The Crown enjoys a generous public budget, diplomatic and judicial immunity, in addition to conduct private businesses. Only males are granted with that right. Abdication in 2014: from Juan Carlos I to Felipe VI
- Functions of the King set out in the Constitution (art.62):
 - *To sanction and promulgate the laws.*
 - *To summon and dissolve the Cortes Generales (Congress) and to call for elections under the terms provided for in the Constitution.*
 - *To call for a referendum in the cases provided for in the Constitution.*
 - *To propose a candidate for President of the Government (Prime Minister) and, as the case may be, appoint him or her or remove him or her from office, as provided in the Constitution.*
 - *To appoint and dismiss members of the Government on the President of the Government’s proposal.*
 - *To issue the decrees approved in the “Council of Ministers” (Executive Council), to confer civil and military positions and award honours and distinctions in conformity with the law.*
 - *To be informed of the affairs of state and, for this purpose, to preside over the meetings of the Council of Ministers whenever he sees fit, at the President of the Government’s request.*
 - *To exercise supreme command of the Armed Forces.*
 - *To exercise the right of clemency in accordance with the law, which may not authorize general pardons.*
 - *To exercise the High Patronage of the Royal Academies.*

THE EXECUTIVE



Adolfo
Suárez
(1977-81)

Leopoldo
Calvo-
Sotelo
(1981-2)

Felipe
González
(1982-96)

José M.
Aznar
(1996-
2004)

José L. R.
Zapatero
(2004-11)

Mariano
Rajoy
(2011-
present)



THE EXECUTIVE

- The **President of the Government** is nominated by the King after consultation with the representatives appointed by the political groups with parliamentary representation, after every general election.
- The candidate to President of the Government must submit his or her political programme for government to the Congress and seeks its **confidence**. Confidence is gained by an absolute majority on a first vote or a simple majority in a second vote.
- The President is enabled to coordinate and direct the government, name and sack ministers as well as dissolving the Parliament. In practice, s/he enjoys more power than the King, so s/he is the higher authority.

THE EXECUTIVE

Zapatero Government (equal number of male and female members) 2004-11



Rajoy Government (4 female + 10 male members) 2011-



THE EXECUTIVE

- The Executive Cabinet of Government or **Council of Ministers** is formed by members appointed and dismissed by the King at the President's proposal.
 - Below the Council of Ministers there is a second layer of political appointments as **Secretaries of State** (or Bureaus).
 - The Government structure is also comprised of two additional layers of administrative appointments as **Sub-secretaries of State** and **General Secretaries**. These may be removed from the governmental structure once the Cabinet changes, but they are not expelled from the administrative career since they are civil servants – unless the rest of members of the government.
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THE LEGISLATURE



THE LEGISLATURE

- The Parliament is divided into the **Congress** (350 seats in 2011) and the **Senate** (266 seats in 2011).
- The Parliament checks and balance the Government activity. The latter is accountable to the Parliament and, in particular, to the Congress. The Government is not elected independently from the Parliamentary general elections.
- Conclusion: **Parliamentary system and not a Presidentialist one**, although the President and the Cabinet enjoy a great discretion (for instance, to promulgate decree-laws without parliamentary debate).



○ **Bi-cameral** parliamentary system

- Congress (low chamber)
- Senate (high chamber)

○ **Congress:**

- It decides and confirms the formation of the Government
- It controls and can remove the Government
- It is more powerful than the Senate
- It can initiate the legislative process
- It debates and gives the first approval of bills (not decrees-laws)
- It is divided into permanent and non-permanent committees
- It confirms or rejects amendments or veto from the Senate to the bills
- It nominates members of the top Judiciary Tribunals
- Members of the Congress represent district electorate (province) and Spanish population as a whole
- 4 years mandate

THE LEGISLATURE

- Congress can affect legislation through **agenda setting**
 - Formally, through non legislative motions
 - Informally, through informal negotiations
 - Congress drives the **legislation process**
 - All parliamentary groups enjoyed great ability to affect bills in 1979-82
 - Nationalist parties were more able to affect legislation in periods such as 1993-96
 - 1995 saw important organic law reforms where consensus was sought (i.e. Penal Code)
 - Major variables affecting **Congress-Executive dependence**
 - Simple or absolute majoritarian representation of the Government's party –if the latter, Congress is only a “rubber stamp” (Maurer 1999)
 - Negotiations with historical nationalities and AC
 - Rules set by the Constitution and the Parliament
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o Senate:

- It is weaker than the Congress who holds the final say
- It represents regions (AC)
- It gives consent to most important legislation initiated by the Congress
- It nominates members of the top Judiciary Tribunals\
- It checks foreign policy
- It has an equal say along with Congress to confirm international treaties
- It is divided into special committees
- Members of the Senate are directly elected by provinces and also designated by the AC parliaments
- 4 years mandate
- It is dissolved by the King after proposal by the Government (the same for the Congress)



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