Parliamentary Influence in a New Democracy: The Spanish Congress

LYNN M. MAURER

This study, based on elite interviews and quantitative data, examines the public policy-making influence of the Spanish Congress since the formation of its new democracy (1979-96). Three of the factors considered in this study are derived from previous comparative legislative studies: (1) the size of or absence of majority representation of the government party in the legislative body; (2) the degree of party unity and party discipline; and (3) the existence of a specialised committee system. In new democracies, we must also take into account the malleable circumstances of the new regime. In Spain, the following also appear to have an impact on parliamentary influence especially: (1) the special requirements of the process of democratic consolidation; (2) the nature of legislation; (3) the formal rules affecting parliament; (4) the impact of membership in the European Union; and (5) Spain’s asymmetric federal structure.

Legislatures vary in terms of their impact on public policy from transformative legislatures to those which simply serve as the arenas for debate among political actors, as set forth by Nelson Polsby.\(^1\) Many scholars have examined the level of legislative policy-making influence vis-à-vis the executive as well as the conditions under which that influence will be strong, particularly in the legislatures of long-standing democracies, such as the US Congress and the British House of Commons. However, we are just

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beginning to make inroads into understanding the development of legislatures in the early stages of a democracy when rapidly changing political and societal conditions are present.

One newly consolidated democracy may give us indications as to whether decision making in new democracies varies according to the same factors that it does in long-standing democratic regimes. Here, we determine the fluctuation in the level of public policy-making influence of the Spanish Congress of Deputies (lower house) during the five legislative sessions since the ratification of the democratic constitution (1979–96). We find that the Congress has during certain sessions asserted independence vis-à-vis the executive as a transformative policy-making body, while at other times it has operated as more of a rubber stamp chamber by approving executive initiative.

We then explore the degree to which the factors that affect this variation in policy-making influence are the same factors at work in long-standing democracies. As such, three of the factors considered in this study are derived from standard comparative studies on the legislatures of long-standing democracies: (1) majority or minority status of the executive party in the legislative body; (2) the degree of political party unity and party discipline; and (3) the existence of a specialised and powerful committee system. While these standard factors played a preponderant role in the development of legislative–executive relations in Spain, they do not fully explain the variations in the level of public policy-making influence of the Congress. A more revealing set of factors takes into account the peculiar circumstances surrounding the Spanish case, namely that the Congress of Deputies operates within a new democracy. These include: (1) the nature of the transition to and consolidation of democracy in Spain; (2) the fundamental nature of legislation; (3) the formal rules affecting parliament; (4) the impact of membership in the European Union; and (5) Spain’s asymmetric federal structure. Findings are based on qualitative analysis of 48 elite interviews which were carried out in two waves in 1991 and 1996, as well as quantitative data which were gathered from the Spanish Government and the Cortes (parliament). The article concludes that studies of legislative influence in new democracies must take into account circumstances that are not normally examined in established democracies.
minority centrist government of the UCD (Union of the Democratic Centre), dubbed the constituent legislature. Elites from all major political parties took part in the constituent process.

The UCD remained in power in the first post-constituent legislature of 1979–82, again with only minority backing in parliament (168 of 350 seats; see Table 1). This legislative session was also characterised by a large socialist opposition group (121 seats) and four smaller parliamentary groups. On the right, the small Popular Group or Popular Alliance (AP) had ties to the Francoist regime and, on the left, the Communist Party (PCE) made ideological concessions in order to participate in the new democracy. Located more closely to the centre were two regionally based nationalist groups, the Catalan coalition Convergence and Union (CiU or Convergència i Unió) and the Basque Nationalist Party (PNV).

In 1982, the Spanish Socialist Workers’ Party (PSOE) won the elections and remained in power throughout the remaining four legislatures examined here (1982–86, 1986–89, 1989–93, 1993–96). The 1982 elections not only gave rise to a new and powerful executive party, but they also left the parliamentary opposition in disarray. The centrist UCD completely collapsed, the Popular Alliance was suddenly inflated to 107 members in spite of its lack of organisational and programmatic strength, and the Communists were subsumed into the mixed group. The UCD was succeeded by the Democratic and Social Centre (CDS), which never regained its precursor’s political force and ultimately disappeared in 1993. The overwhelming majority of the socialists in 1982 (202 of 350), declined to 184 in the subsequent session and again to exactly one-half of the deputies in the fourth legislative session (1989–93).

The 1993 and 1996 elections have seen a return to minority governments. In the June 1993 elections, the socialist PSOE fell 17 seats short of a majority with 159 of 350 seats in the Congress. Until the last few months of the session (ending in March 1996), the socialist minority government depended on a parliamentary coalition with the CiU, with 17 seats and at times, on the support of the Basque PNV with five seats (see Table 1). In return, the regionalist parties bargained for modifications to the socialist bills.

Recent election results indicate that the trend toward coalitions between major nationwide parties and regionalist parties will continue. In March 1996 the centre-right Popular Party won a plurality in national elections but fell 20 seats short of a majority (with 156 seats of 350). Like the Socialist Party, they have come to an agreement with the CiU (16 seats) in the form of a parliamentary coalition as well as agreements with the Basque PNV (five seats) and the Coalition for the Canary Islands (four seats) in return for support of the investiture vote. Thus, the role of the regionalists is as pivotal
THE SPANISH CONGRESS

TABLE 1
ELECTION RESULTS CONGRESS OF DEPUTIES, 1977-96
BY NUMBER OF SEATS

|------------------------|---------|---------|---------|---------|---------|---------|--------
| Communists PCE/IU-IC   | 20      | 23      | *       | *       | 17      | 18      | 21     |
| Socialists PSOE        | 118\(^b\) | 121\(^b\) | 202\(^a\) | 184\(^a\) | 175\(^a\) | 159\(^a\) | 141\(^b\) |
| Centrists UCD         | 165\(^a\) | 168\(^a\) | 11      | –       | –       | –       | –      |
| Centrists CDS         | –       | –       | 2       | 19      | 14      | –       | –      |
| Popular Group AP/CD/PP | 16      | 9       | 107\(^b\) | 105\(^b\) | 107\(^b\) | 141\(^b\) | 156\(^a\) |
| Catalan Nationalists CiU | 11      | 8       | 12      | 18      | 18      | 17      | 16     |
| Basque Nationalists PNV | 8       | 7       | 8       | 5       | 5       | 5       | 5      |
| Mixed Group           | 12      | 14      | 4       | 12      | 14      | 14      | 11     |
| TOTAL                 | 350     | 350     | 350     | 350     | 350     | 350     | 350    |

Notes: * In these two legislative sessions the Communists formed part of the mixed group with four and seven deputies respectively.
\(^a\): Executive party group.
\(^b\): Largest opposition group.


under the conservatives as it was under the socialists. The written agreement signed by the Popular Party and the Catalonians proposes even greater financial and administrative jurisdiction being transferred to the regions.

THEORETICAL CONSIDERATIONS AND MODEL FOR RESEARCH

Legislative influence will be defined here as the legislature’s ability to affect public policy substantially. Indicators of policy-making ability of the executive are established in accordance with conventional theory which views this influence in a zero-sum situation with the policy-making ability of the executive. The comparative categories developed by Polsby, Mezey, Norton, and Blondel for measuring the degree of policy-making power of
the legislature are presented in Figure 1. All of the schemes define greater parliamentary influence as the ability to change or preclude executive bills. Parliaments with a high degree of influence on policy are classified by Polsby as transformative legislatures, whereas legislatures that have no real policy impact merely serve as arenas for debate. Mezey places legislatures in three categories, strong policy-making power, the ability to modify and reject government bills; modest policy-making power, the ability to modify but not completely reject government bills; and little or no policy-making power, the ability to neither reject nor modify them. In order to distinguish between the US Congress and the less powerful British House of Commons, Philip Norton later breaks down Mezey’s strong policy-making power into two categories: policy-making legislatures ‘which cannot only modify or reject government measure but can themselves formulate and substitute a policy for that proposed by the government’; and policy-influencing legislatures that ‘can modify or reject measure put forward by government but cannot substitute a policy or their own’. In Blondel’s legislative power scheme, legislatures with high viscosity possess a greater ability to resist the legislative initiatives of the executive than do those with low viscosity.
In measuring parliamentary influence we must be cautious as to how we define parliament. In Spain the executive and parliament may overlap due to a parliamentary system in which party discipline is high and cabinet members may simultaneously serve as deputies. Modification made to executive legislation by backbenchers in the executive’s parliamentary group could represent either power of the backbenchers in opposition to the executive or the executive’s control of its well-disciplined parliamentary group. Thus, it is necessary to view parliament as made up of parliamentary groups considering the political context of their actions in order to determine if their influence in the policy process contributes to parliamentary power.

HOW INFLUENTIAL IS THE CONGRESS?

In this article parliamentary influence on policy making is measured in three ways during the five legislative sessions from 1979 to 1996. First, the ability of parliamentary groups to reject executive bills and to substitute their own legislation is considered. Second, the ability of parliamentary groups to influence the agenda is assessed. Last, the most revealing measure in parliamentary systems, the ability to modify executive legislation, is examined. In all, these three measurements indicate that parliament exercised its greatest ability to influence policy under the minority UCD government of 1979–82 and the minority socialist government of 1993–96. Parliamentary influence was at its lowest under the strong socialist majority government of 1982–86. Moreover, although there was a rise in general parliamentary influence on policy since 1993, the power of the regionalist groups far surpassed that of the other parliamentary groups.

Ability to Reject Executive Bills and Substitute Parliamentary Legislation

As in most parliaments, legislation tends to originate in the executive. Of the laws produced in the five legislative sessions, the executive introduced 76 per cent, 85 per cent, 88 per cent, 74 per cent, and 80 per cent respectively (see Table 2). Thus, the percentage of laws originating in the executive was at the lowest in the 1979–82 legislative session (76 per cent) under the centrist minority government (UCD) and in the 1989–93 legislative session (74 per cent) when the socialists enjoyed only one-half of the seats in the Congress. During these sessions, as well as during the 1993–96 session in which the socialists held a minority of seats, a greater percentage of laws (about 12–13 per cent) originated in the Congress. This is but a first-cut and rather crude measurement that must be complemented by more meaningful measurements. Interpreted with some caution this measurement indicates that the parliament may have been more influential
in policy making *vis-à-vis* the executive in 1979–82 and in the two sessions from 1989 to 1996.

A second cut at quantitatively measuring parliamentary influence – while also rather crude – renders similar results in that the parliament shows more law-making influence in the same legislative sessions. This simple indicator is derived by comparing the percentage of executive bills introduced that actually become law to the percentage of private member bills introduced that become law for the five legislative sessions in question, so that:

\[
\text{Executive bills introduced} \quad \frac{\text{Executive bills that become law}}{\text{Executive bills}} = \text{Executive Success Rate}
\]

\[
\text{Private member bills introduced} \quad \frac{\text{Private member bills that become law}}{\text{Private member bills}} = \text{Parliamentary Success Rate}
\]

These comparisons are shown for all legislative sessions in Table 3. Two indicators are seen here of the parliament’s ability to reject executive bills and substitute parliamentary legislation. First, in looking at the success rate of executive bills, we can see to what degree the parliament was successful in preventing executive bills from becoming law. Second, in considering the success rate of private member bills, we have some indication of their success in passing legislation independently of the executive. Considering first the executive success rate, the minority executives were least successful in seeing their bills become law in 1979–82, with 72 per cent,
TABLE 3
SUCCESS OF GOVERNMENT AND CONGRESSIONAL BILLS, 1979–86

<table>
<thead>
<tr>
<th>Origin</th>
<th>1979–82 UCD</th>
<th></th>
<th>1982–86 PSOE</th>
<th></th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Introduced</td>
<td>Passed</td>
<td>% Passed of Bills Introduced</td>
<td>Introduced</td>
</tr>
<tr>
<td>Executive</td>
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<td>207</td>
<td>72.0</td>
<td>200</td>
</tr>
<tr>
<td>Exec. party group</td>
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<td>5</td>
<td>33.3</td>
<td>5</td>
</tr>
<tr>
<td>Opposition</td>
<td>185</td>
<td>28</td>
<td>15.1</td>
<td>103</td>
</tr>
<tr>
<td>All parl. groups</td>
<td>200</td>
<td>33</td>
<td>17.0</td>
<td>188</td>
</tr>
</tbody>
</table>


TABLE 4
SUCCESS OF EXECUTIVE AND CONGRESSIONAL BILLS, 1986–93

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Introduced</td>
<td>Passed</td>
<td>% Passed of Bills Introduced</td>
<td>Introduced</td>
<td>Passed</td>
<td>% Passed of Bills Introduced</td>
</tr>
<tr>
<td>Executive</td>
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<td>108</td>
<td>86.0</td>
<td>128</td>
<td>101</td>
<td>78.9</td>
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<tr>
<td>Exec. party group</td>
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<td>3</td>
<td>50.0</td>
<td>11</td>
<td>6</td>
<td>54.5</td>
</tr>
<tr>
<td>Opposition</td>
<td>133</td>
<td>6</td>
<td>4.5</td>
<td>143</td>
<td>10</td>
<td>7.0</td>
</tr>
<tr>
<td>All parl. groups</td>
<td>139</td>
<td>9</td>
<td>6.4</td>
<td>154</td>
<td>16</td>
<td>10.3</td>
</tr>
</tbody>
</table>

*Sources:* Memoria de la III Legislatura and official data from Congress of Deputies 1993 and 1996 (Direcció'n de Estudios y Documentación). Author’s percentages.

and in 1989–93, with 78.9 per cent. An explanation of the higher executive success rate of 86 per cent in 1993–96 would be the support by the regionalist groups (especially the CiU) of the minority socialist government. In an almost converse fashion, private member bills enjoy more success in the 1979–82, 1989–93, and 1993–96 legislative sessions in which 17 per cent, ten per cent and 12 per cent of their proposed legislation became law. As with the first measurement, the Congress appears more influential in policy making in 1979–82 and 1993–96 and least influential in 1982–86.

Yet a third indication of the parliament’s policy-making influence through its ability to reject executive bills would not consider overall success rates at all, but the significance of individual cases. In a parliamentary system, one of the most powerful expressions of
parliamentary influence on policy would be the rejection of the executive’s annual budget which occurred in Spain in 1996, after the CiU had broken the parliamentary coalition with the socialist government. Although such an instance is anecdotal, it corresponds to the quantitative measurements which indicate that Congress was highly influential in 1993–96.

Thus, the Spanish Congress has at times demonstrated the ability to reject executive bills and to pass opposition legislation. However, since this is not the case at all times, we cannot classify it as a transformative legislature or one with strong policy-making ability. Nonetheless, in the first legislative session of 1979–82 and in particular in the most recent session from 1993 to 1996, certain legislative groups in the Congress have exercised the capacity of restricting executive laws.

**Ability to Influence Legislative Agenda**

In reality, party groups in parliamentary systems have more potential to modify the executive’s platform and policies than they do to reject it or to pass legislation that originates in parliament. The first possibility is to influence the executive’s agenda. The next opportunity, modification to bills, is assessed in the following section. Ability to set the agenda can also be seen in a zero-sum trade-off between the executive and legislature. In a parliamentary system, the agenda is largely set by the executive, yet both formal and informal situations determine the degree to which the executive agenda is limited by the legislature. In a comparison of the formal agenda setting rules of 18 western European countries, Döring creates a seven-point continuum ranging from full executive control of the agenda to full legislative competence. The formal rules affecting the Spanish Congress determine its placement in the middle of the continuum described by Döring as: ‘Consensual agreement of party groups sought in President’s Conference [bureau] but right of the plenary majority to overturn the proposal.’ In addition to those indicated in Döring’s measurement, there are other formal methods through which the Congress may affect the agenda. For example, through a non-legislative motion, the opposition can induce the government to present a bill on a given topic within a certain time frame. Within these formal boundaries, there is room for the legislature to influence the agenda. However, the category created by Döring defines these boundaries and is static; that is to say that it is useful in comparing the potential agenda-setting capacities of legislatures of different countries, but not in determining the actual variation in that influence within one country’s legislature.

With the goal of determining the level of congressional influence and variation in that influence over the five legislative sessions, a series of questions was designed to determine congressional influence on the agenda. Respondents addressed the degree to which ministers consulted with leaders
of other parliamentary groups, with members of their own parliamentary group, and the degree to which the agenda was determined by the ministers' anticipation of support or opposition in the Congress. Specifically, the executive may alter its agenda due to the anticipation of strong opposition. This alteration would be based on the executive's perception, not on actual negotiations. Again, respondents ranged from centrist and socialist ministers to leaders and backbenchers of all major parliamentary groups. Respondents were specifically asked to make comparisons among the legislative sessions.

Ministers from the 1979–82 UCD centrist minority government reported that the opposition regularly influenced the agenda. Interestingly, the members of the opposition did not perceive this influence. The socialist governments from 1982 to 1993 based their priorities largely on their own electoral platform. Nonetheless, the agenda in 1993–96 was also determined by agreements made with the regionalist groups. The tacit agreement on the agenda between the government and the regionalist parties may explain the increase in executive bills becoming law (from 78.9 per cent in 1989–93 to 86 per cent in 1993–96). This trend may increase in the present legislative session because the pacts the popular government has signed with the regionalist groups are in writing, unlike the socialist–regionalist agreements.

Respondents reported that they were also able to affect governmental priorities indirectly by proposing their own legislation in all legislative sessions. Although the opposition bills were usually rejected, the initiatives served to sensitise the executive to the necessity of dealing with the issue. Subsequently, the executive often introduced legislation on the topic, but it tended to reflect the executive's position not the opposition's.

In all, within the limits of the formal agenda-setting rules that largely favour the executive, the opposition and coalition groups, as well as the executive's parliamentary group, have some manoeuvrability in their potential to influence the agenda. In the five legislative sessions in question, this influence was greatest from 1979 to 1982 and 1993 to 1996 and least from 1982 to 1986. Thus, the findings through this indicator of congressional influence on policy making corresponds to the congressional ability to reject executive bills and substitute parliamentary legislation.

**Ability to Modify Executive Legislation**

Opposition influence was most evident through the third measure, modifications made to executive legislation. Instead of arbitrarily classifying modifications to executive legislation to determine legislative influence, the respondents interviewed were asked to give examples of important laws that were substantially amended in each legislative session.
They were also asked in great detail about the phase of the legislative process in which the changes took place and the form of the amendments, as well as the degree to which ministers and opposition leaders consulted during the drafting stage of executive bills.

An alternative quantitative measurement would be to calculate the percentage of amendments accepted out of the total presented by the party group for each legislature. This measure would be inadequate. First, a lack of data gathering in the new democracy has resulted in this information only being available for the last three of the five legislative sessions. Unfortunately, even the data available would give us an inaccurate story by not reflecting the substance of the amendments and, hence, little about the actual influence of the Congress.

Respondents from all parliamentary groups reported a greater ability to modify executive legislation under the centrist minority government of 1979–82. This view was shared by the centrist ministers. Subsequently, in spite of the relative inability of the opposition groups to modify legislation under the majoritarian socialist governments after 1982, by the 1989–93 session the ability of the regional parties to modify executive legislation increased, but reached unprecedented heights in the 1993–96 session. It is also important to note that all opposition groups— including the largest opposition party, the Popular group—experienced more success in modifying executive bills in the 1993–96 period, but none to the extent of the Catalanian group and to a lesser extent the Basque PNV. (It appears this influence may be surpassed in the current session, which began in May 1996.) In addition, widespread consensus (among all major parties) was often sought and obtained on important pieces of legislation, especially the penal code and the jury law, both passed in 1995. Respondents reported that modifications to bills occurred in three major ways: before presenting the bill to the parliament in executive–coalition partner or executive–opposition secret negotiations, or during the parliamentary process either through outright amendments or through negotiated amendments between the executive and the opposition or coalition partner.

In sum, in these three quantitative and qualitative measurements based on standard comparative theory, legislative influence is seen in a zero-sum trade-off with the executive. Applied to the case of the Spanish Congress, they indicate that parliament exercised its greatest ability to influence policy in 1979–82 and 1993–96 and the least ability in 1982–86.

WHAT AFFECTS THE INFLUENCE OF THE SPANISH CONGRESS?

The variation in level of influence of Spain’s parliament raises many questions. What circumstances and events are responsible for making the Congress strong at some times and weak at others? Was the fluctuation due
to factors that determine the role of any legislative body? Or was it perhaps due to the newness of Spain’s democracy?

Given the difference in political factors between a new democracy and a well-established one, it is likely that the characteristics of a new democracy will influence its institutions. New democracies are faced with the formation of a political party system, inexperience of the political leaders, a historic memory, varying conceptual schemes of the new system, as well as a range of ideologies represented by both the elite and the citizens.

Parliamentary influence on policy was affected by two commonly considered standard variables: executive party support (majority or minority), and degree of party unity. In the Spanish case, however, the committee system had little effect on policy-making influence. Four factors specific to the Spanish case were found to be not only influential but also indicative of a trend in parliamentary influence that was not readily accounted for in standard literature on comparative legislatures. These are: (1) the nature of the transition to and consolidation of democracy in Spain; (2) the fundamental nature of legislation; (3) formal rules affecting parliament; and (4) the asymmetric federal structure of the state. A fifth, European Union membership, was found to have a potential effect on parliamentary influence, but evidence of such in these sessions was not significant.

Executive Party Strength and Party Unity

Two factors derived from standard literature on parliaments were found – not surprisingly – to contribute to the variance in parliamentary influence and to co-vary strongly: majority or minority status of the executive’s party and degree of party unity, especially voting discipline. We would expect that parliament’s independent power vis-à-vis the executive will be most limited when the executive enjoys a unified majority backing in the parliament. In such cases, the executive can act independently of opposition parliamentary groups and its own parliamentary group serves as a transmission belt to propel influence to the executive. An executive which possesses unified parliamentary group support but holds only a minority must obtain the support of one or more opposition groups to pass legislation. An executive which holds a non-unified majority will have to bargain within its own group for votes and/or with opposition groups. And, last, the executive party which holds only minority backing and cannot count on its support will have to bargain with both its own parliamentary group and one or more opposition groups. This position is the one of greatest stress on the government, lending the greatest potential for influence on policy for both the opposition and executive’s parliamentary groups.

In Spain from 1979 to 1996 all parliamentary groups were strongly unified and displayed high voting discipline except for the UCD
parliamentary group in 1979–82. In that session, the executive held only a minority and had to bargain on virtually every vote, not only with opposition groups, but also within its own divided membership. Not surprisingly, this was one of the two legislative sessions during which parliament exercised considerable influence on policy. Nonetheless, these two variables do not go far enough to explain the nature of decision making during that time. Although the executive could have negotiated support to pass its policy with a majority (or in the case of fundamental legislation with a qualified majority), the UCD group actually sought to surpass the necessary majority and thus received close to 90 per cent support for their policies. The next section explains the impact of two contextual factors, the *consensual nature of the transition* and the *nature of the legislation*, on the search for broad consensus instead of the necessary majority.

The relevance of the executive's parliamentary status and party unity continued throughout the socialist governments. Throughout the 1982–89 period when the socialists held a unified majority, the practice of forming broad consensus disappeared. Consequently, parliament's power increased as the socialist backing in parliament declined. This was evident in 1989–93 when the socialists held just half of the congressional seats and in 1993–96 when they won only a minority and resorted to passing their policies through a parliamentary coalition with the Catalonians. This arrangement resulted in executive concessions to the Catalonians and at times, the Basque PNV. Although overall parliamentary strength was high during these sessions, it is important to note that this was more true for the regionalist parties than it was for the other main opposition parties, the Popular Party and the communist coalition, the United Left (IU). The Popular group remained relatively isolated in terms of votes according to Capo Giol,14 and in interviews members of other parties saw the Popular group as maintaining a stance of 'no for the sake of no'.

Most inter-party relations entailed formal and informal bargaining and negotiations to construct the necessary majorities. Nonetheless, for a few fundamental pieces of legislation (discussed below), consensus among all parliamentary groups was sought and obtained even after democracy was well established in 1993–96.

**Committee Strength**

Another factor considered in standard literature on comparative legislative influence is that of the *committee system*. Legislative influence has been found to be enhanced by a strong, independent and decentralised committee system.15 In the Spanish case, this partially explains the high degree of parliamentary influence of the 1979–82 legislative session but did not contribute to the Congress's influence from 1989 to 1996. In the first post-
constituent session, fundamental legislation was often modified in the committee meetings, even though the members did not possess expertise in their issue areas. Since that legislative session, committees have become weak arenas for bargaining modifications to bills. Even though some amendments are accepted in committees, virtually all amendments are now negotiated informally among the parliamentary group leaders, party leaders and the executive. In sum, the variation in parliamentary strength from very weak in 1982 to influential in 1993–96 cannot be explained by the nature of the committee system which remained weak throughout.

CONTEXTUAL FACTORS PERTAINING TO THE NEW DEMOCRACY

The Nature of the Transition to Democracy

While it has been determined that studies of new parliamentary regimes do not call for the use of a model separate from those used for long-standing regimes, the contextual factors affecting the role of these parliaments vary drastically from those of older democracies. New democracies share certain contextual factors that affect their parliaments and other political institutions, such as drastic regime change, political crisis, and the accompanying task of legitimising democratic institutions – yet the processes of democratisation differ from country to country. Each country approaches democratic transition with a different set of historical lessons. The solutions arrived at in an attempt to avoid future repetition of past obstacles and crises will help mould the path of democratisation taken by that country and, thus, the role played by parliament both during and after the transition.

In Spain, the informal norms and values which developed in the effort to carry out successful democratic transition and consolidation affected the relations in parliament and, ultimately, its impact on public policy. Specifically, consensus among elites from across the political spectrum was key to the peaceful nature and success of the Spanish transition. Gunther stresses the importance of elite efforts and the inclusion of all ‘politically significant’ elites, stating that ‘successful democratic consolidation in Spain was primarily the product of a profound transformation of Spain’s political elites from disunity into consensual unity’. In addition, the degree to which parliament is used as a central arena in setting up the constitution and other fundamental laws during the transition and consolidation period will affect the policy-making influence of the parliament during that period (although not necessarily afterwards). In both Italy and Spain, the constitutions were elaborated by consensual means principally – though not exclusively – in the parliament. They were not, as was the case in Greece and Portugal, elaborated outside the parliament and approved by a parliamentary majority.
The practice of consensual decision making in writing the Spanish constitution carried over in modified form into the next legislative session (1979–82), when parliamentary influence on policy was high. However, the prestige and respect gained by parliament through its involvement in the constituent process declined when the socialist majority took power in 1982, and consensual decision-making rules were virtually eradicated. This shift from consensual to majoritarian decision-making rules siphoned policy influence away from the parliament and into the government via the Socialist Party.

Respondents were asked to describe the nature of decision-making rules in the 1979–82 UCD legislative session, in which all parliamentary groups were able to affect legislation. The overwhelming response from members of all parties was that consensus prevailed, although somewhat less than in the constituent legislature. Particularly, certain laws were either difficult to pass or were never approved because of disagreements both between parties and among UCD factions. Although one might be tempted to attribute the constant search for votes to the minority status of the government, the nature of the transition was reported to be a key determinant of the consensual decision-making rules applied throughout this session and helps explain the government party’s search for broad consensus. In the words of one UCD deputy and parliamentary leader:

> It was the spirit of the transition. It was due to the subject matter and the fact that each one of us there ended up being part of the process. The UCD had to be in constant negotiations, consensus, in search of agreements. It was also because Spanish society was very demanding. It was because the press, the media vehemently defended human rights. It was a UCD Government, and political party that made a banner out of freedom. From the first moment, there was a desire to collaborate – if not, we would not have been able to do it. I think that even if the UCD had had an absolute majority, they still would have pursued consensus.

Certain respondents, however, maintained that the era of consensus was extended for too long. By the end of the 1979–82 session, agreements were becoming more difficult to reach and certain laws were either rewritten many times or were never passed.

The socialist government that took power in 1982 was subject neither to the purely mathematical need to piece together votes for passage, nor to the demands of the transition process. Spain’s democratic regime can be considered to have been consolidated by about 1982 or 1983 (almost simultaneously with the PSOE’s ascendance) by the time that the instigators of the attempted coup of 23 February 1981 were put on trial. The socialist
government was generally in a position unilaterally to implement its platform. During the 1986–89 and 1989–93 legislative sessions, the socialists gradually backed down from pure majoritarian decision-making rules. Before the 1993 coalition, the instances in which the government negotiated appeared to vary by subject matter and to include the two major regionalist parties more than other parliamentary groups.

The most recent session saw a return to negotiating agreements. Such negotiations between the executive and its coalition partners were due to the executive's minority status, whereas broader consensus that included all parliamentary groups reflected the fundamental nature of the legislation.\(^\text{23}\) This is closely linked to the democratisation process. Most laws passed in the 1979–82 session (as in the previous constituent legislature) were basic in nature – cornerstones of the new regime. Respondents reported that this also affected the search for broad consensus because the executive was aware that fundamental legislation establishing the basics of the regime needed to be passed by an overall consensus in order to avoid reversal of these policies should an opposition party (such as the socialists) subsequently come to power. Hence, the opposition parties were able to bargain modifications to the content of basic legislation in return for their vote of support in this period of high parliamentary influence.

Consensus was sought and parliamentary influence on policy was higher in 1979–82 due to the nature of the transition and the fundamental nature of bills. In the other two periods of high parliamentary influence, 1989–93 and 1993–96, majorities were sought and obtained (through parliamentary changes to bills and agenda) due to two factors. The first (a standard factor) is that the socialists lacked a majority for the passage of ordinary legislation in 1993–96; in 1989–93, although the government held half the seats, they pursued support from the regionalists (CiU and PNV) in anticipation of the possibility of being a minority government in the future. The second factor is contextual; on fundamental pieces of legislation, such as the penal code, the government made concessions in the content of bills in order to ensure more enduring policy. For these cases, support larger than the majority was obtained, thus leading to the influence of groups other than the CiU and PNV parliamentary coalition partners.

**Formal Rules Affecting the Parliament**

As in all legislative bodies, parliamentary influence also proves to be a function of formal rules – in this case, the electoral law, the constitution, and the standing orders of the parliament. The net effect of these three sets of rules has been to protect minority governments, bolster majority governments, and allow for the influence of regionalist parties on a national level. The specific purpose of examining formal laws here is to determine
the degree to which they affected parliamentary influence. Although the formal laws remained constant throughout the five legislative sessions, their interaction with other factors led to variation in parliamentary influence. Parliamentary influence was higher when minority governments were in power and negotiations were necessary among the many parties – especially the regionalist – represented at the national level. This rise in influence was bolstered by the formal rules.

Electoral law. The electoral law for the National Congress of Deputies establishes a modified proportional representation system in which a minimum of two seats is allocated to each of 50 provinces regardless of population, and the remaining seats are distributed by the Hare method. Electoral lists are developed by each of the parties placing their candidates in rank order. In reality, the number of seats per province ranges from three seats to over 30 seats. Within these multi-member districts, more than one party tends to gain representation.

In practice, the law over-represents large national parties while it under-represents or eliminates small national parties. Nonetheless, small geographically concentrated parties fare well. As the party system took shape, these effects became evident. After the anomalous governmental party, the UCD, disappeared in the third national elections of 1982, the only large national party remaining, the socialists, benefited by winning a congressional majority. The small and organisationally weak Popular group took it upon themselves to develop their image and viability in order to become a second large national party. As the party system consolidated, these two large national parties came to share the political spectrum with smaller national and regional parties. The necessity to form coalitions helps explain the rise in parliamentary influence in the 1989–93 and 1993–96 sessions. The conditions of 1982 that led to a majority government (and low parliamentary influence) may not easily return; at that time, there was only one large organised, programmatic national party. In short, the decreased parliamentary influence under the majority socialist governments (1982–89) may prove to be exceptional now that the effects of the electoral law on the party system more fully reflect a multi-party system in which the two largest parties must form coalitions with smaller parties.

The constitution and standing orders of the parliament. With a minority government in power after the first parliamentary elections, formal rules established by the new constitution and parliamentary standing orders protected the executive in order to ensure stable governments and the passage of legislation. The drafters of the provisional Standing Orders of Congress of 1979 were motivated by the belief that minority governments
would prevail in the new democracy, as well as the historical memory of the fragmented parliament of the failed democracy of the 1930s.

According to the constitution, the *investiture vote* and *questions of confidence*, both measures of support for the executive, reinforce governmental stability by requiring only a simple majority. On the other hand, a *motion of censure* against the government requires an absolute majority and must be constructive (requires a proposed replacement for the prime minister). According to the standing orders, ordinary legislation requires only a simple majority for passage and *organic laws* require an absolute majority. Under a minority government this ensured that the executive would need to seek agreement with other parliamentary groups to pass fundamental legislation, but that it would not have its hands tied on ordinary legislation.

Whereas these rules helped to balance parliamentary–executive relations under the minority UCD government of 1979–82, the 1982 nosedive in parliament's policy-making influence was largely due to their application with an absolute majority in the executive. Yet for the majority socialist government of 1982–86 (and to a lesser extent of 1986–89), it permitted the executive to 'steam-roll' their legislation into law, squashing most legislative initiative from the opposition.

Formal rules that protect minority governments, coupled with a lack of precedence concerning the resignation of the executive, permitted the minority socialist government of 1993–96 to remain in power much longer than we would expect in a parliamentary system given the political circumstances. From mid-1994 on, a series of political scandals plagued the socialist government. Faced with the plummeting image of the socialist government, its coalition partners in parliament found themselves in a precarious yet weighty position. Both the Basques and the Catalonians had to distance themselves in order not to be brought down with the PSOE. In early September 1995, the Catalonians formally broke their pact with the socialists. In October came what would be the final blow to most parliamentary governments when the Congress rejected the executive's budget for 1996. Despite repeated calls for them to step down, the socialists hung onto the last of their 14 years in government, and did not call for elections until after their turn of the rotating European Union presidency had ended in December 1996. Elections were not held until 25 March 1999. Thus, formal rules protecting minority governments resulted in the socialists remaining in power longer than usual in a parliamentary regime. The Congress, though powerful in blocking executive action, was faced with limitations. Little policy making ensued during these months.

On the one hand, the effect of formal rules has been to strengthen the executive by allowing minority governments to function. On the other hand,
it has led to the importance of regionalist parties on the national level. For the most part, their importance has limited the executive’s agenda and platform and given parliamentary groups the ability to influence public policy, especially in the 1989–93 and 1993–96 legislative sessions.

Membership in international organisations. Membership in the European Union, while enhancing economic and political status of a new democracy, could have directly affected the power of the parliament by transferring specific areas of national jurisdiction to a supranational level. According to the information and opinions shared by the interview respondents, Spain’s entry into the EU appears to have already had some effect on the Congress of Deputies and may have affected the balance of power between the executive and the legislature. For example, in 1992 the Spanish parliament, spurred by the government, unanimously approved its first amendment to the 1978 Constitution in order to correct an inconsistency with the terms of the EU’s 1991 Maastricht Treaty.

The siphoning of national decision-making power in specific jurisdictional realms to supranational organisations can affect not only the legislature but also the executive, ultimately altering the relationship between the two national branches of government. In the case of a new democracy, where this relationship was not yet institutionalised, supranational supremacy is likely to affect the original development of the legislative–executive relationship in setting policy. Among the respondents there was a sense that parliament’s role may have already been diminished by EU membership, but there was some disagreement as to whether the Spanish executive’s influence has been diminished or enhanced by membership. It is difficult at this time to draw a direct link between the fluctuation in parliamentary influence found in this study and Spain’s entry into the EU, yet its potential impact cannot be discounted.

Structure of the state: federal vs. unitary. Parliamentary jurisdiction may be absorbed not only from a supranational level but also from within the nation-state in the form of regional or state governments. Thus, in a new democracy, the question of the structure of the state – unitary or federal – will be fundamental to the degree of power developed by the national legislature. In new democracies, distinct cultures or nationalities which may have been severely suppressed under an authoritarian regime may strive to obtain and protect regional rights by demanding a federal state structure or devolved powers. Federalism will involve varying degrees of separate decision-making bodies, fiscal competence, historical and cultural rights, and regional or state involvement in both its own decision making as well as in central decision making.
Spain's traditional struggle between centre and periphery was mitigated by the 1978 Constitution establishing three separate routes to gaining regional autonomy. By 1987, 17 regional executives and parliaments were functioning with varying degrees of jurisdiction over regional political and fiscal matters. Peaceful and gradual implementation of this asymmetric federalist structure, Nathan argues, represents 'an effort ... to avoid political disintegration' and, therefore, represents one of the great successes of the Spanish democratic transition. Yet the devolution of powers is far from complete.

The degree to which parliament serves as a centre of decision making regarding an issue as important as the state structure can affect its policy-making influence. In the early period, as the regional autonomy statutes were being worked out, negotiations largely took place outside the parliament among regional and state-level executives; as such, the post-constitution development of the state structure did not contribute to the high parliamentary influence of 1979–82. However, respondents reported that the rising importance of the two major regionalist groups in the Congress in the 1989–93 and 1993–96 sessions – as well as the current session – led to a rise in parliamentary influence (in modification of executive bills and influencing the agenda) due to concessions made to the Basque PNV and the Catalan CiU in return for support of executive bills in matters such as taxation and education. Note that although the necessity of coalitions with any parties would mean a rise in parliamentary influence, in Spain, the electoral laws have favoured the centre-right regionalist parties. In turn, the structure of the state has been high on the agenda. Increased jurisdiction gained by the regional governments has not meant a decline in the national parliamentary jurisdiction, even when it has meant a transfer of state bureaucratic powers. The rather brief conclusions drawn here concerning the effect of state structure on parliamentary influence indicates that more in-depth studies would be well worth the effort, perhaps comparing the Spanish case to other countries in which devolution, or even independence, has been an issue, for example, in long-standing democracies such as the United Kingdom as well as newer democracies such as the 1993 break-up of Czechoslovakia.

LESSONS FROM SPAIN: A CALL FOR MORE INCLUSIVE MODELS

In considering legislative influence on public policy in new democracies we need to take into account factors other than standard ones (majority or minority governments, party unity, committees). In any given legislature, factors will vary in importance; moreover, conditions in the transitional years of a new democracy may be more volatile. This study of Spain has
shown the importance of the nature of the transition to democracy, the fundamental nature of legislation, new formal rules, the developing state structure, and the entrance into the European Union. These conditions not only vary in importance but also co-vary strongly.

In other newly democratic countries, scholars must be knowledgeable about the country's conditions in order to tap into important contextual variables affecting the legislature. Some areas other than those considered here might include the degree to which authoritarian values are prevalent among the elite, and ethnic or other politically salient conflicts. Comparative studies can help reveal the importance of factors specific to new democracies and possible trends among legislatures and their policy-making influence.

NOTES

2. The Senate will not be studied in depth here as the Congress has developed as the centre of legislation, with only minor activity taking place in the Senate. The 1977-79 Constituent Legislature is excluded, as its principle task – to elaborate the constitution – is not easily comparable to its functions after 1979.
3. The 40 interviews conducted with deputies and ministers in 1991 covered the four legislative sessions from 1979 to 1991 (session ended in 1993). The eight interviews carried out with deputies in May 1996 following the end of the 1993–96 session focused on that session in order to update the data base. All major party groups were represented in these interviews; however, we have not yet been able to obtain subjective information from the Communist IU-IC (Izquierda Unida-Iniciativa per Catalunya) for the 1993–96 legislative session.
4. The conservative group, originally named Popular Alliance (AP), underwent a name change in 1988 to Popular Party (PP), as well as organisational change. In the 1986–89 legislative session its parliamentary group included other small parties under the blanket name of Popular Coalition (CP).
5. The mixed group is made up of all groups who do not have the five deputy minimum necessary to form their own parliamentary group.
12. Mezey, Comparative Legislatures, pp.25–6; Blondel, Comparative Legislatures, p.199.
13. Although formal rules that affect parliamentary power exist in all democracies, we have classified this variable as a contextual rather than a standard factor for two reasons. First, these particular formal rules are specific to Spain. Second, they were formulated in such a fashion as to reflect the newness of its democracy, particularly in that the disproportionate powers accorded to the executive demonstrate the founders' desires to create a stable democracy and to avoid the instability of the failed Second Republic, 1931–36.
22. F. Aguero, 'The Assertion of Civilian Supremacy in Post-Authoritarian Contexts: Spain in Comparative Perspective' (Ph.D. diss., Duke University, 1991). This follows the concept set forth by Higley and Gunther that a 'consolidated democracy is a regime that meets all the procedural criteria of democracy and also in which all politically significant groups accept established political institutions and adhere to democratic rules of the game' (Higley and Gunther, Elites and Democratic Consolidation in Latin America and Southern Europe, p.3).
23. The Popular Group actually abstained on penal code vote. Although it had 59 of 388 proposed amendments accepted outright and respondents claimed to be generally pleased with the final draft, the group protested a few provisions.
26. The Maastricht Treaty calls for the right of EU nationals to be eligible to vote and to be elected in local elections in other EU states, yet the Spanish Constitution reserved these rights for Spanish citizens.
28. Although by no means were these centre-periphery issues eradicated by the constitution. In fact, a major Basque regionalist party in the parliament, the PNV, abstained from the constitutional vote.