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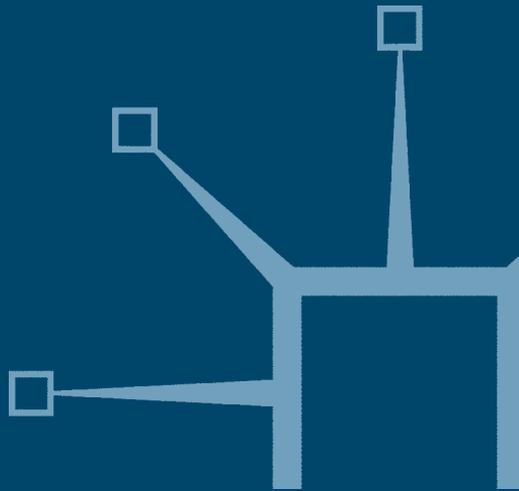
# Democracy and Institutional Development

Spain in Comparative Theoretical Perspective

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Edited by

Bonnie N. Field and Kerstin Hamann



# Democracy and Institutional Development

*Also by Kerstin Hamann*

ASSESSMENT IN POLITICAL SCIENCE (*co-editor with Michelle Deardorff and John Ishiyama*)

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## Spain in Comparative Theoretical Perspective

Edited by

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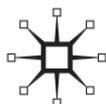
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*To my family and A.C.*  
Bonnie Field

*To Bruce, Kieran, and Ronan*  
Kerstin Hamann

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# Preface and Acknowledgments

This project emerged out of discussions with Spain specialists about how understudied and underanalyzed the Spanish case is in the comparative politics literature. This deficit was particularly apparent in the area of political institutions. Therefore we set out to gather a group of scholars who could shed light on Spanish institutions from a comparative theoretical perspective. We organized panels at professional conferences around this theme, on which earlier versions of various chapters in the volume were presented: two panels at the 2007 American Political Science Association conference, and a panel at the 2007 Midwestern Political Science Association conference.

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# 1

## Introduction: The Institutionalization of Democracy in Spain

*Bonnie N. Field and Kerstin Hamann*

Spain can boast remarkable accomplishments regarding its transition to democracy and 30 years of democratic governance. Spain stands out as a success story among countries that have transited from authoritarian rule since the mid-1970s. It has achieved democratic consolidation, economic growth and development, and international significance. Its ratings in the *Freedom in the World* listings have been consistently among the highest in the world since 1978, indicating a comparatively high degree of political rights and civil liberties (Freedom House, 2008). Spanish democracy has survived a number of severe challenges, including an attempted military coup, domestic and Islamist terrorist attacks, political scandals, the disintegration of former governing parties, general strikes against government policies, and multinationalism. This period of continuous and stable democracy has followed what many have considered a model transition to democracy, and these successes also occurred in a country with a history of very divisive politics, civil wars, military coups, and deep ideological and identity cleavages.

Despite its importance as a “model” case of transition and consolidation, Spain is largely absent from cross-national studies of advanced democracies; nor has existing comparative scholarship sufficiently analyzed the Spanish case in the posttransition period to determine what it can teach us about comparative politics. On the other hand, the macro successes of Spain’s democracy present an overly simplified depiction and prevent a more nuanced characterization of the trade-offs, strengths, and weaknesses of Spanish democracy, which are equally important for comparative politics research. This book seeks to partially fill these gaps by analyzing Spanish political parties and institutions in comparative theoretical perspective. The overarching aim of this volume is to evaluate party and institutional theories using the widely

praised, yet understudied, young democracy. After 30 years of democratic institutional development, the Spanish case is ideal for theory testing and advancement; its prolonged period of democracy among third-wave (Huntington, 1991) democracies allows for the evaluation of debates that are far more difficult in younger democracies where uncertainty remains high. It is a critical bridge case between nascent and long-standing democracies.

In broad strokes, Spain today is a constitutional monarchy with a parliamentary structure in which the Congress of Deputies, the lower and more important chamber, is elected through a modified form of proportional representation, and the upper chamber, the Senate, is elected through a combination of majoritarian electoral laws and indirect selection by the regional legislatures. It is a quasi-federal system with 17 regional governments, called autonomous communities. Much has been written about how the political institutions in Spain were chosen, particularly about the consensual decision making during the negotiations of the Constitution, but there has been less systematic analysis of the long-run consequences both of the way the institutions were chosen and of the specific effects of the institutional design.

These issues are reflected in the two themes that unite this book. First, *institutionalization* and the distribution of institutionalization in the polity. Weak institutionalization is endemic in many new democracies (Levitsky and Murillo, 2005; Mainwaring, 1998; Mainwaring and Scully, 1995); Spain stands out precisely because of the institutionalization of key political practices and organizations. The Spanish case is therefore critical to our understanding of institutionalization of new democracies. However, the often overlooked reality is that polities can be evenly or unevenly institutionalized; for example, the executive and regional governments could be institutionalized while parties and the party systems remain fluid. Uneven institutionalization also occurs in Spain, where major questions concerning political institutions remain. In this introduction, we argue that the type of transition consensus on institutions in Spain mattered for subsequent institutionalization; where consensus meant the resolution of key institutional issues, we are more likely to find earlier and stronger institutionalization. However, where consensus meant pushing resolution out to some future date, institutionalization took longer and has remained uneven after 30 years of democratic governance. The chapters in this volume also show that even where institutionalization occurred in Spain, the path to institutionalization was not always smooth. This is an important reminder to those analyzing contemporary cases of democratization.

Second, the book explores the relationship between *institutional design* and *representation*. The Spanish case is an important one for theoretical debates on the relative merits of majoritarian versus consensus or consociational democracy (Lijphart, 1977, 1999). With regard to institutional design, some authors conclude that the Spanish institutional arrangements have in the past provided or currently provide for weak representation of societal interests and/or weak channels for representation. However, as we will argue in the Conclusion to the volume, the arrangements also do not exclude any significant cleavages completely. The concluding chapter will also highlight the complex relationship between institutionalization and representation; in some instances, strong institutionalization can delay or prevent more representative politics.

The chapters cover a diverse, though not exhaustive, set of institutions in comparative theoretical perspective: political party organizations, parliamentary institutions, informal institutions of interparty competition, the national executive, industrial relations institutions, subnational regional governments, and subnational executive policy agencies. With regard to interest representation, the chapters speak particularly to the representation of women, labor, and territorial identities. Clearly, a number of other very significant institutions, interests, and identities exist and are worth scholarly examination, such as the judiciary, civil service, the media, the Catholic Church, immigrant populations, or social movements. However, we opted to focus this volume on just some pertinent and prominent institutions and interests, and the ones we selected are among the most salient in Spanish and indeed comparative politics.

The volume demonstrates that the Spanish case is still relevant for democratization studies and that lessons concerning institutionalization and representation can be drawn for younger democracies. While Spain remains a success story, this volume looks more closely at how these processes took place over time and in which areas institutionalization and representation have remained uneven. In addition, the volume places Spain solidly into the category of advanced democracy. The degrees of representation and institutionalization in Spain, while not unproblematic, are within the range of the longer-standing democracies, and therefore Spain should be used more frequently to advance theory. At the same time, comparative politics theories have broad relevance for the Spanish case and often provide useful frameworks to comprehend politics in Spain.

In adopting a 30-year perspective, the transition to democracy provides a logical starting point in any analysis of Spain's institutions since

many of the institutions were defined during the transition period. Descriptions and analyses of the transition exist in abundance; here, we summarize only some of the main events that led Spain from a dictatorship to elections under a democratic constitution just a few years after the death of the dictator General Francisco Franco, who had ruled the country from the end of the civil war in 1939 until November 1975. This introduction will subsequently develop the first thematic area mentioned above—institutionalization—and finally outline the volume chapters. The second theme, which explores representation and the links between representation and institutionalization, will be addressed in the concluding chapter, along with some comparative lessons derived from the Spanish case.

### **The transition to democracy**

The process of dismantling the institutions of the dictatorship began with the death of the dictator in late 1975, followed two days later by the inauguration of King Juan Carlos, Franco's successor, as head of state.<sup>1</sup> Other remarkable events included the replacement of Prime Minister Arias Navarro with Adolfo Suárez in July 1976; the approval of the Political Reform Law of November 1976, in which the sitting members of the Cortes, the legislative branch of the Franco dictatorship, basically voted themselves out of office and reinstated democratic principles into Spanish politics; and the legalization of all political parties and trade unions by the spring of 1977. Most political institutions, including a democratic constitution, were renegotiated after the first democratic legislative elections in June 1977, though many of the core features negotiated prior to the founding elections were maintained.

A common interpretation of the transition process posits that a limited number of political elite actors were responsible for making the decisions leading to the introduction of democracy in Spain.<sup>2</sup> According to this account, King Juan Carlos and Prime Minister Adolfo Suárez assumed pivotal roles in initiating democratic change, negotiating with military and political elites, and legalizing parties and unions. Although social pressures from below demanded democratic reforms, political change was initiated and directed from above, and secret behind-closed-door negotiations left little room for direct citizen and interest group participation. The strategy of negotiations therefore limited direct participation and political influence to selected political leaders, especially prominent party leaders, and facilitated compromise. The military's loyalty lay with the King as the head of state; yet some military leaders were

ambivalent about or opposed to the political changes in the country, and the military was an ever-present force and potential threat to the democratization process (Agüero, 1995). Furthermore, the impact of terrorist threats and attacks—by leftist and rightist extremists (Share, 1986, pp. 120–3) as well as by the Basque separatist organization *Euskadi Ta Askatasuna* (ETA)—should not be underestimated.<sup>3</sup>

Most political parties were free to register in July 1976; nonetheless, party organizations as such were still rudimentary (see Gunther, Sani, and Shabad, 1988). The formation and legalization of some political parties lagged behind; for example, Adolfo Suárez founded the *Unión de Centro Democrático* (UCD) only in the spring of 1977 (Gunther, Sani, and Shabad, 1988, pp. 93–100; Hopkin, 1999), and the *Partido Comunista de España* (PCE) gained legal status only in April 1977, on the eve of the first elections in June 1977. It has been reported that one of the reasons for the PCE's legalization was the Socialist Party's (*Partido Socialista Obrero Español* [PSOE]) insistence that a democracy without the Communist Party would not be legitimate (Payne, 1985, p. 26).

The electorate had a limited, though important, role in this first phase of the transition. The popular referendum to sanction the Political Reform Law entitled voters to approve or reject Suárez's program of democratic change. Similarly, the elections of June 1977 served to express the electorate's collective preference for democratic rule. Mass preferences for the installation of democracy were evident and provided additional—though maybe diffuse rather than organized—pressure for democratization on the decision-making elites. The political elites engineering the democratic transition faced an electorate that favored representative democracy and was ideologically oriented toward the center-left (Maravall, 1993; Heywood, 1996, p. 154; Gunther, Sani, and Shabad, 1988, p. 152). Organized labor, for its part, made a decisive contribution to foreclosing the pseudo reforms of President Arias Navarro (Marín Arce, 1997, p. 33). For instance, early 1976 witnessed a series of demonstrations and strike waves in both the public and private sector; the Arias government neither suppressed the demonstrations nor met their demands. During this first part of the transition, then, the circle of political decision makers was limited to political elites, mostly party leaders and Francoists; on the other extreme, the electorate had an important, yet limited, function in sanctioning and legitimizing the reform process. Few intermediary actors had systematic access to the decision-making process.

After the June 1977 election, democratically elected parliamentarians replaced the appointed Francoists in the Cortes and represented a wide array of parties, including Basque and Catalan nationalist parties,

communists and socialists on the left, and the AP (*Alianza Popular*), a far-right coalition of parties, led by a former minister in the Franco regime Manuel Fraga Iribarne. The UCD, which won the founding elections, was a multiparty alliance consisting of over a dozen smaller centrist and center-right parties ranging from social-democratic to conservative. Parliamentary activity was concentrated in committees and subcommittees (*ponencias*). The electorate had the opportunity to vote in the referendum on the Constitution and in the elections of 1979, and the legalization of the unions meant that they could act openly without the constant fear of repression.

Despite this formal opening of channels of participation, crucial policy- and constitution-making processes continued to be restricted to small circles of elites and to be conducted behind closed doors, sometimes outside the confines of parliament. Informal and formal negotiations among political elites persisted; for example, seven parliamentarians drafted core points of the Constitution in mostly secret and private meetings, and parliamentary party leaders negotiated the political and economic reforms contained in the Moncloa Pacts (*Pactos de la Moncloa*) of October 1977 outside of parliamentary institutions and procedures. This emphasis on elite negotiations can in part be explained by the need to build and maintain a “coalition of consensus” (Gunther, Sani, and Shabad, 1988, Ch. 4), a result of the uncertainty about other actors’ behavior and political outcomes, and was accentuated by the minority status of the center-right UCD government and by its internal factionalization.

The Spanish transition has been classified as a “transition by pact” (Karl, 1990), the “very model of an elite settlement” (Gunther, 1992) and a “transition through transaction” (Share, 1987), characterizations with which we largely agree. However, the frequently overlooked fact in the comparative democratization literature is that negotiation and consensus sometimes meant clearly defined resolutions; yet, at other times it meant simply that actors agreed to leave policies or institutional arrangements intentionally vague and undefined and to postpone their resolution to the future (Gunther, Sani, and Shabad, 1988, pp. 120–1; Heywood, 1995, pp. 51–4). While this does not undermine the above characterizations of the Spanish transition, the type of consensus had important implications for subsequent politics.

## **Institutionalization and consensus**

Two definitions of institutionalization are commonly used in the comparative literature. According to Huntington (1968, p. 12), institutionalization

is “the process by which organizations and procedures acquire value and stability.” According to Mainwaring (1998, p. 69), institutionalization is “the process by which a practice or organization becomes well established and widely known, if not universally accepted,” and once attained, these practices and organizations shape “expectations, attitudes and behavior.” This section makes three major claims about institutionalization in Spain that are relevant for comparative theory building and for understanding contemporary Spanish politics. First, the Spanish case stands out precisely because of the institutionalization of key political processes and organizations. However, despite being known for its successes, the Spanish polity is unevenly institutionalized. At the national level, Spain adopted, and has maintained in a largely similar form, the parliamentary system of government and electoral system. The political parties and party system have also institutionalized, though more slowly. However, territorial and industrial relations politics remain unevenly institutionalized.

Second, the type of transition consensus mattered; where consensus meant the resolution of key institutional issues, we were more likely to find earlier and stronger institutionalization. However, where consensus meant pushing resolution out to some future date, institutionalization took longer and has remained uneven after 30 years of democratic governance. Third, the path to institutionalization, where it has occurred, has not always been smooth. The analysis of the Spanish case also suggests that institutionalization in some areas occurred long after democracy became the only game in town, which is widely considered to have occurred by 1982 after the defeat of the *23-F* coup attempt in 1981 and the subsequent peaceful transfer of power to the opposition PSOE in 1982.

## **Areas of strong institutionalization**

Spain stands out among third-wave democracies in the degree to which the political system is institutionalized. This section explores some of the areas where strong institutionalization is most evident.

### **Electoral system**

The election system is highly institutionalized at the local, regional, supranational, and national levels. Spain has held eight municipal elections, seven or eight (depending on the region) regional elections, five European parliamentary elections, and ten general parliamentary elections. These elections have been held according to institutional dictates

and have been free and fair; the results have largely, if at times grudgingly, been accepted.<sup>4</sup>

The electoral laws for the national parliament have remained remarkably stable despite their disproportional and conservative biases (Baras and Botella, 1996; Gunther, 1989). Suárez's Law for Political Reform (1976) stipulated proportional representation with "correctives" to decrease fragmentation for the Congress of Deputies, and a majoritarian system for the Senate. Following consensual negotiations between the Suárez government and the democratic opposition, the electoral rules for the 1977 founding elections were set out in a government decree on 18 March 1977 (Gunther, 1992, p. 51; Gunther, Sani, and Shabad, 1988, pp. 44–5) and regulated the elections through 1982. In broad outlines, the characteristics of the original electoral law were subsequently maintained in the Electoral Law of 1985 and beyond, and, according to Montero and Lago (2007), the founding fathers of the Spanish transition and the vast majority of political leaders have been highly satisfied with the electoral law for the Congress of Deputies.<sup>5</sup>

The Congress of Deputies has 350 members that are directly elected from 50 multimember district lists (provinces) and two single-member districts. Lists are closed and seats are allocated using the D'Hondt highest average method of proportional representation with a minimum threshold of 3 percent of the valid votes at the district level. The law also guaranteed a minimum of two seats per multimember district. The average district magnitude is 6.7, and 39 of the districts have seven or fewer seats. The large number of districts and small district magnitude produce disproportionate outcomes. The electoral laws had a powerful effect on the party system and party behavior; they have reduced the number of parties in the system, encouraged party mergers and electoral alliances, and favored the two largest national parties and the largest parties in each district (Baras and Botella, 1996; Gunther, 1989).

The Senate is composed of 208 senators who are directly elected from provincial districts using a limited vote and plurality system<sup>6</sup> and a small proportion of the senators—about one-fifth—who are indirectly elected by the assemblies of the autonomous communities.<sup>7</sup> For the direct elections, each province elects four senators, and voters have three votes.<sup>8</sup> The exact number of indirectly selected senators varies as each community appoints one senator and an additional one for every million inhabitants in the region, and thus these appointments reflect both the regions' population size and the party composition of the regional assemblies (Newton with Donaghy, 1997, p. 47).<sup>9</sup>

## Political party organizations

Party organizations today are quite institutionalized, if we understand party institutionalization to mean that parties have relatively stable roots in society, that the major actors believe the electoral process and parties are legitimate, and that party organizations matter (Mainwaring and Scully, 1995, p. 5).<sup>10</sup> In important ways Spanish parties today resemble their European counterparts (see van Biezen, this volume).

Political parties initially were extremely weak due to almost 40 years of authoritarian rule. A variety of laws, regulations, and rules strengthened parties as parliamentary organizations and the party leaderships. In addition to the adoption of closed lists in elections for the Congress of Deputies, Spain also consensually adopted and maintained public financing of parties (Castillo, 1986, 1989), which Birnir (2005) finds contributed to party system institutionalization where adopted in Eastern Europe, the Baltics, and other former Soviet republics. Consensus was attained even though the public financing system reinforces the biases of the electoral laws (Castillo, 1986, 1989). Public financing includes state monetary subsidies for election campaigning and in-kind subsidies, such as television and radio time, space for posters and public meetings, and reduced postal rates, as well as funding for party organization. Parties were also given an extremely privileged role in the legislature (see Maurer, and Montero, this volume).

Also, political party leaders from the outset of democracy selected candidates for parliament with little input from a small or nonexistent base (Esteban and López Guerra, 1985; Field, 2006b; Gunther, Sani, and Shabad, 1988; Ramírez, 1977). This means that party leaders had substantial sanctioning power should Members of Parliament (MPs) defy the party line. Furthermore, while at first party discipline was not uniformly established in all parties, the Spanish parties today are considered among the most disciplined in Europe (see Sánchez de Dios, 1999). All of these choices meant that parties became strong institutions around which actors coalesced and “party” became a key explanatory variable in the study of Spanish politics.

While the parties remain hierarchically organized, they have all achieved leadership change, critical to party institutionalization (Mainwaring, 1998). The PP somewhat traumatically transferred party leadership from Manuel Fraga to José María Aznar in 1990<sup>11</sup> and subsequently to Mariano Rajoy in 2004. The PSOE also suffered a traumatic period of leadership transition after Felipe González stepped down in 1997, briefly replaced by Joaquin Almunia, and is now under

the leadership of José Luis Rodríguez Zapatero. Leadership has also changed in the *Partido Nacionalista Vasco* (PNV), *Convergència i Unió* (CiU), and *Partido Comunista de España/Izquierda Unida* (PCE/IU) (see Field, this volume, on effect of leadership change on institutional change).

The centrality of parties in Spanish politics, both at the national and regional levels, is undeniable, which is evident in all of the chapters. For comparative purposes, however, it is crucial to recall, and the chapters in the volume demonstrate, that the path to institutionalization was not smooth. Leadership turnover was traumatic—in fact the UCD did not survive the loss of Adolfo Suárez—personalism was extreme, and discipline was not uniform at the outset of democracy.

### National party system

Spain has institutionalized a moderate multiparty system with two large political parties (Linz and Montero, 1999). Mainwaring and Scully's first condition for party system institutionalization is "stability in the rules and nature of interparty competition" (1995, p. 5). As mentioned above, the rules have remained remarkably stable. Furthermore, the Spanish party system exhibits far lower electoral volatility than that of other newer democracies. Mainwaring and Zoco (2007) calculated electoral volatility in 47 old and new democracies; Spain's mean volatility from 1977 to 2000 was 17, which makes it one of only four third-wave democracies (along with Greece, Portugal, and Chile) in the study with a mean electoral volatility of less than 20 percent. Tellingly, Mainwaring and Zoco consider new democracies to be those that emerged post-1978, which excludes the Southern European democracies because these democracies "have become more alike in important respects to the older democracies of Western Europe than to the post-1978 democracies of Latin America and the post-Soviet region" (2007, p. 173, fn. 1).

Nonetheless, while institutionalized today, the Spanish party system experienced quite a bit of instability during the first decade or so of democracy. The governing UCD suffered a dramatic defeat in the third parliamentary elections in 1982, which was Spain's most volatile election, and subsequently disappeared in 1983. This changed the two dominant parties from the UCD and PSOE (1977–82) to the PSOE and *Alianza Popular/Partido Popular* (AP/PP) from 1982 to the present. Also, it took the remainder of the decade for the national right to consolidate as *Partido Popular* in 1989. Prior to this, center-right parties appeared and disappeared, split and merged. Furthermore, it was not until 1993 that the PP posed an effective challenge to PSOE dominance of the party system. Therefore, the path to party system institutionalization was not

a smooth one either. The Spanish case also illustrates that party institutionalization and party system institutionalization are not the same and may not necessarily reinforce each other (Randall and Svåsand, 2002); uneven party institutionalization, the PSOE compared to the political right, coexisted with relatively stable patterns of interparty competition in the 1980s.

The institutionalization of the Spanish party system did not mean strong nationalization; the party system remains quite regionalized, along with Switzerland, Belgium, Finland, and Germany in the European context (Caramani, 2005). Aside from the national leftist electoral coalition IU, whose largest component party is the PCE, the remaining significant parties are regional parties that attain consistent support in their regions and can act as formal or informal coalition partners when the above parties lack a majority, such as CiU, PNV, *Esquerra Republicana de Catalunya* (ERC), and *Coalición Canaria* (CC). The regionalized nature of the Spanish party system can certainly help us explain issue formation and public policy outcomes, as hypothesized in the literature (Jones and Mainwaring, 2003), yet Montero (this volume) calls into question hypotheses about its necessary effect on legislator behavior. While electoral outcomes are uncertain, the primary contenders are not; the main questions today are whether the PP or the PSOE will win and whether it will be a majority government or one that requires support of the smaller parties. Table 1.1 provides the election results for the Congress of Deputies.

### **Parliamentary government**

In Spain, broad consensus was reached on a parliamentary system with a strong executive (Capo Giol et al., 1990, pp. 100–1; Heywood, 1995, pp. 88–91). While the prime minister must be formally selected through an investiture vote in the Congress of Deputies, many aspects of the parliamentary system favor the executive. For example, only the prime minister is invested with political power; the Congress does not approve the rest of the government. The prime minister may be invested with only a plurality of the vote,<sup>12</sup> yet she or he can only be removed through absolute-majority support for a constructive motion of no confidence. Finally, the government is strongly favored in parliamentary procedures and the executive is central in the policy-making process (see Chari and Heywood, this volume).

Spanish national governments have alternated between single-party majority governments and single-party minority ones. At the national level, there has never been a formal coalition government. However, the

Table 1.1 Election Results, Congress of Deputies, Spain, 1977–2008

	1977			1979			1982			1986			1989		
	%Vote	#Seats	%Seats	%Vote	#Seats	%Seats	%Vote	#Seats	%Seats	%Vote	#Seats	%Seats	%Vote	#Seats	%Seats
UCD	34.4	166	47.4	34.8	168	48.0	6.8	11	3.1	—	—	—	—	—	—
CDS	—	—	—	—	—	—	2.9	2	0.6	9.2	19	5.4	7.9	14	4.0
PSOE	29.3	118	33.7	30.4	121	34.6	48.1	202	57.7	44.1	184	52.6	39.6	175	50.0
AP/PP	8.2	16	4.6	6.1	10	2.9	26.4	107	30.6	26.0	105	30.0	25.8	107	30.6
PCE/IU	9.3	19	5.4	10.8	23	6.6	4.0	4	1.1	4.6	7	2.0	9.1	17	4.9
PDC/CiU	2.8	11	3.1	2.7	8	2.3	3.7	12	3.4	5.0	18	5.1	5.0	18	5.1
PNV	1.6	8	2.3	1.7	7	2.0	1.9	8	2.3	1.5	6	1.7	1.2	5	1.4
Others	14.4	12	3.4	13.5	13	3.7	6.2	4	1.1	9.6	11	3.1	11.4	14	4.0
Total	100	350	99.9	100	350	100.1	100	350	99.9	100	350	99.9	100	350	100
	Minority Government: UCD (Suárez)			Minority Governments: UCD (Suárez; Calvo-Sotelo)			Majority Government: PSOE (González)			Majority Government: PSOE (González)			Majority Government: PSOE (González)		

	1993			1996			2000			2004			2008		
	%Vote	#Seats	%Seats	%Vote	#Seats	%Seats	%Vote	#Seats	%Seats	%Vote	#Seats	%Seats	%Vote	#Seats	%Seats
PSOE	38.8	159	45.4	37.6	141	40.3	34.2	125	35.7	42.6	164	46.9	43.9	169	48.3
PP	34.8	141	40.3	38.8	156	44.6	44.5	183	52.3	37.7	148	42.3	39.9	154	44.0
IU	9.6	18	5.1	10.5	21	6.0	5.5	8	2.3	5.0	5	1.4	3.8	2	0.6
CiU	4.9	17	4.9	4.6	16	4.6	4.2	15	4.3	3.2	10	2.9	3.0	10	2.9
PNV	1.2	5	1.4	1.3	5	1.4	1.5	7	2.0	1.6	7	2.0	1.2	6	1.7
ERC	0.8	1	0.3	0.7	1	0.3	0.8	1	0.3	2.5	8	2.3	1.2	3	0.9
CC	0.9	4	1.1	0.9	4	1.1	1.1	4	1.1	0.9	3	0.9	0.7	2	0.6
Others	9.0	5	1.4	5.6	6	1.7	8.2	7	2.0	6.5	5	1.4	6.3	4	1.1
Total	100	350	99.9	100	350	100	100	350	100	100	350	100.1	100	350	100.1
	Minority Government: PSOE (González)			Minority Government: PP (Aznar)			Majority Government: PP (Aznar)			Minority Government: PSOE (Zapatero)			Minority Government: PSOE (Zapatero)		

Note: UCD (*Unión de Centro Democrático*), CDS (*Centro Democrático y Social*), PSOE (*Partido Socialista Obrero Español*), AP/PP (*Alianza Popular/Partido Popular*), PCE/IU (*Partido Comunista de España/Izquierda Unida*), PDC/CiU (*Pacte Democràtic per Catalunya/Convergència i Unió*), PNV (*Partido Nacionalista Vasco*), ERC (*Esquerra Republicana de Catalunya*), CC (*Coalición Canaria*). Percentages at times do not add upto 100 due to rounding.

Source: *Ministerio del Interior*, Spain

main parties today have not had any difficulty finding legislative partners to govern; the PP and the PSOE have both relied on the parliamentary support of regional parties, and more recently the PSOE also relied on the leftist IU. The national governments have been very stable. The most recent minority PSOE government (2004–8) completed four years in power, and the two prior PP governments, both the minority (1996–2000) and majority governments (2000–4), lasted four years, in a system in which parliamentary elections must be held every four years. Average government duration (1977–2008) in Spain is over 36 months, and average government duration between 1982 (when most analysts consider Spanish democracy consolidated) and 2008 was over 42 months.<sup>13</sup> Both data points far exceed the European average of 24.8 months between 1945 and 1994.<sup>14</sup> Somer-Topcu and Williams (2008) calculate the mean cabinet duration in the new democracies in Eastern Europe (1991–2003) to be 582.5 days compared with 636.7 of 11 continuously democratic states in Western Europe, which Spain far exceeds.

Governments regularly attain the passage of their bills. Between 1977 and 2004, only 20 percent of government bills did not become law, typically due to their expiration, and over time the government success rate has increased, and reached 99 percent in 2000–4, and most laws, 86 percent between 1977 and 2004, start as government and not parliamentary bills (Field, 2005). The governing parties (UCD, PSOE, and PP) have also all subsequently lost elections and assumed their role as opposition parties. This has also occurred at the regional level with CiU in Catalonia but, at the time of writing, has not occurred with PNV in the Basque Country.

## **Areas of uneven institutionalization**

Uneven institutionalization is evident in the comparison of the above institutions to territorial and industrial relations politics. Tellingly, these issues are also among those that did not find an early consensus resolution during the transition, but instead the “consensus” involved vague compromises and reference to future laws settling the substantive conflicts.

### **Territorial politics**

Regional cleavages are profound and long-standing in Spain, thus distinguishing it from many other Western European countries, and have historically “posed serious obstacles to national and political integration” (Gunther, Montero, and Botella, 2004, p. 3). The contradictory preferences for a strong, unitary, centralized state—primarily preferred

by the central regions—versus those desiring high levels of regional autonomy have existed concurrently since the Spanish state was established in the fifteenth century and have spurred six civil wars (Gunther, Montero, and Botella, 2004, p. 4).

After Franco's attempt to suppress regional cultures, identities, and languages, the issue of regional autonomy stood out as one of the most contentious ones during the constitutional debate. Spain ultimately established a quasi-federalist system. Colomer (1999, p. 40) refers to Spain's State of Autonomies as "non-institutional federalism" because "political regionalization and state decentralization have been the result of party strategies, competition, and bargaining within a loose institutional framework." Several aspects of territorial politics are today quite institutionalized. First, Spain has 17 autonomous communities with substantial competencies and institutionalized elections, parliaments, and executives. With the exception of the autonomous community of Navarra and its relationship to the Basque Country, few debates occur on the number and boundaries of the autonomous communities. Second, several regional and regional-nationalist parties (also referred to as non-statewide parties) are institutionalized at the subnational level, and a smaller number are relevant in national politics. Third, the mechanism for devolving power to the autonomous communities, the statutes of autonomy approved by parliament, is highly institutionalized.

However, the difficulty of resolving questions of territorial politics produced a consensus that was incomplete and ambiguous. This meant that in some areas institutionalization took longer; in others, institutionalization remains weak. The initial compromises, particularly important for our discussion, did not stipulate the number of regions, provided only a vague distribution of competencies between the central government and the regions, and did not clearly stipulate the distribution of competencies across regions. Furthermore, the compromises provided a very weak institutional role for the regions as such (as opposed to regional parties) in the national parliament. Even today, the distribution of competencies between the central state and the autonomous communities and across autonomous communities remains fluid, leading to the frequent involvement of the Constitutional Court. The institutionalization of subnational units with only a weak institutional role of these units in national institutions may contribute to the centrifugal tendencies frequently observed in Spanish politics.

During the transition, there were intense preferences for regional self-government, particularly on the part of Basque and Catalan nationalists

based on their history of self-government and subnational identities. Yet there were equally intense preferences for a centralized and unitary state by some conservatives from the UCD and AP, who ultimately conceded some regional administrative decentralization. The socialists and communists, on the other hand, supported regional decentralization with special status for the Basque Country and Catalonia. Since no resolution was feasible during the negotiations of the constitution, the “consensus” meant that the parties “compromised on an ambiguous constitutional formula” while the details were to be negotiated subsequently (Colomer, 1999, p. 40). Gunther, Montero, and Botella (2004, p. 286) comment that “the constitution’s treatment of the regional issue was the one about which consensus was incomplete.”

Therefore, the Constitution in Article 2 refers to the “indissoluble unity of the Spanish nation, the common and indivisible fatherland of all Spaniards, and recognizes and guarantees the right of autonomy for all nationalities and regions of which it is composed.” (quoted in Gunther, Montero, and Botella, 2004, p. 283). Basque and Catalan nationalists did not embrace the idea of a symmetric decentralization where all regions would have the same level of autonomy. In practice, the system of 17 autonomous regions was introduced incrementally and unevenly, with some regions gaining autonomy earlier than others and some regions having more autonomous rights than others. As regions bargained with the government primarily in bilateral negotiations, the relationship among regions has often become competitive.

The Basque Country and Catalonia gained autonomy first, soon followed by Galicia and Andalucía. Thirteen additional regions followed the “slow route,” which was accompanied by a lower level of regional autonomy. The UCD government’s 1981/2 attempt to balance out the rights and privileges across the regions (*Ley Orgánica de Armonización del Proceso Autonómico* [LOAPA]) was vehemently opposed by the Basques and Catalans and was, for the most part, subsequently declared unconstitutional by the Constitutional Court. By 1983, autonomy statutes had been approved for all 17 of Spain’s autonomous regions. In the 1990s, the powers of regions were renegotiated and increased, and again in 2002, when they were broadened to include health and education. Many autonomy statutes were also renegotiated in Legislature VIII (2004–8). In sum, territorial politics, in this case decentralization, have been negotiated in a loose rather than rigidly structured institutional framework (Colomer, 1999) and have been subject to competitive party and regional politics.

Ambivalent consensus during the transition is also evident with regard to the Senate. It was ultimately decided to establish the Senate as

a chamber of territorial representation in Article 69 of the Constitution (Newton with Donaghy, 1997, p. 47), but to make it a weak institution. Only a small proportion of the senators—about one-fifth—are actually designated to represent their region's interest. This is in contrast to the German upper house (*Bundesrat*), members of which are appointed by the *länder* governments (Patzelt, 1999, p. 67) and thus represent the parties' varying electoral strengths in the *länder*. The Spanish Senate also has weak legislative powers, again in contrast to other upper houses in federal states, such as the German *Bundesrat*, which has absolute veto power for over half of all bills and a suspensive veto power for additional bills (Patzelt, 1999, p. 61), and the U.S. Senate, which must approve all bills before they become law. Therefore, while the Spanish Senate has become institutionalized in the sense that it has caused behavioral routinization (it is routinely ignored), it has not been institutionalized in the sense of being valued (Huntington, 1968; Levitsky, 1998). As a consequence of its comparative lack of importance and weak representation of regional interests, discussions about a possible reform of the upper house regularly occur, indicating that it might be less strongly institutionalized than the lower house of parliament.

Thus, on the one hand, many of the political rules within the regions, such as electoral processes and representative institutions, are firmly institutionalized. On the other, the distribution of the rights and powers of the regions have remained in flux and have been repeatedly renegotiated with the central government, and the actual institutional role of regions in the national Senate is weak.

This raises interesting questions concerning the interaction of the regional and national levels, and also raises issues concerning the policy processes within and across the regions. The authors explore the degree to which decentralization creates a new political arena (Hamann and Mershon, *Ortbals*, this volume) and whether a regional logic displaces a national one (Montero, this volume). Some authors argue that substantial, and increasing, autonomy of the Spanish regions has not compromised the centrality of the Spanish national executive (Chari and Heywood, this volume) or of political parties in the national legislature, where party is a far better predictor of individual legislator behavior than concerns for the representation of regional interests (Montero, this volume).

### **Industrial relations politics**

Since the institutionalization of the unions themselves and of the industrial relations system<sup>15</sup> came after most other institutions had been

defined in the new democracy, it is perhaps not surprising that the way in which unions participate in the policy-making process was not institutionalized as early as that of other political actors, such as parties.<sup>16</sup> The democratic labor relations system was institutionalized incrementally and unevenly; some aspects—such as the unions as organizations—were institutionalized during the early years of the democracy, other aspects concerning employment relations were institutionalized much later, and some aspects of the industrial relations framework remain formally undefined, particularly the role of labor unions and employers associations in the policy-making process. The consensus during the transition extended to granting unions democratic rights granted by the Constitution, but the specifics of these rights—including workplace representation or the inclusion of the unions in the policy-making process—were postponed or left unaddressed. Consequently, as the chapter by Hamann in this volume argues, unions as organizations were institutionalized early on, but the institutionalization of the unions' role in the political process lagged behind.

Unions gained full recognition as legitimate representatives of the interests of Spanish workers through constitutional guarantees and several laws regulating their rights. The unions' right to defend their interests is explicated in Article 7 of the Introductory Section of the 1978 Constitution. Individuals are free to join or not join a union (Article 28.1), and only members of the armed forces and the judiciary are denied the right to become a union member (Articles 28.1 and 127.1).

However, while the Constitution explicitly grants workers the right to strike (Article 28.2), the substance of the law was left open to be regulated by legislation. Likewise, the right to collective bargaining is addressed in Article 37 of the Constitution, but further legislation was necessary to give substance to the law. The details of the union presence in the workplace were not regulated until the 1980 Workers' Statute and the 1985 Organic Law of Union Freedom (LOLS), and the establishment of the Economic and Social Council (CES) was stipulated in the Constitution, but not founded until 1992. Many aspects of employment relations continued to be regulated by labor ordinances carried over from the Franco regime until they were repealed in 1995.

The inclusion of unions in the policy-making process has remained uninstitutionalized compared to other West European countries, such as Austria or Sweden, but resembles those of Portugal or Italy, where social pacts with unions are signed on some occasions but these processes are not regularized or institutionalized (Hamann and Kelly, 2008; Hamann and Martínez Lucio, 2007). For example, Spain's widely discussed

Moncloa Pacts, which outlined the transition government's economic, social, and political reforms and included wage ceilings, were signed by the parliamentary parties but excluded unions and employers. In return for the political reforms, the unions were expected to limit strike activity and refrain from excessive wage demands. While unions did have close relationships with leftist political parties and thus some indirect influence on the substance of the pacts, they were excluded from formal participation in the negotiations. This contrasts with a series of later social pacts, where one or both of the major unions, the socialist *Unión General de Trabajadores* (UGT) and the communist-leaning *Comisiones Obreras* (CCOO), signed a series of agreements with the government and/or employers' organization on issues such as wages, industrial relations, and unemployment in the early and mid-1980s.<sup>17</sup> However, the PSOE government subsequently passed similar policies without such pacts. The practice of social pacts was renewed in the mid-1990s but excluded wage policies. Prime Minister Aznar's conservative PP governments (1996–2004) continued the pacts particularly during their first term in office, when Aznar ruled with a minority government, but less so during the second, majority administration (see Hamann, 2001, 2005). Only since 2002 have yearly agreements on labor market policies and wage guidelines become the norm.

In sum, the degree of institutionalization in Spain stands out in comparison to many other new democracies, yet the polity is unevenly institutionalized. Some major questions remain concerning the rules of the game, such as the ongoing debate over the structure and identity of the Spanish state. In this regard, the type of transition consensus matters; where consensus meant the resolution of key institutional issues, we were more likely to find early and strong institutionalization. However, where consensus meant pushing resolution out to some further date, institutionalization remains uneven after 30 years of democratic governance. Uneven institutionalization can help us explain the locus of political power in the polity and patterns of contentious politics.

## Chapter outline

In the contributions that follow, each chapter takes a 30-year perspective on the Spanish case and confronts a particular theory (or set of competing theories) to evaluate the degree to which the theoretical expectations hold, and argues how lessons from the Spanish case may help strengthen

extant theories of political parties and institutions. In Chapter 2, Ingrid van Biezen analyzes whether patterns of party development in Spain show signs of convergence or divergence with the longer-established West European democracies and confronts the debate on whether Spanish parties have developed according to the logic of life cycle, generational, or period effects. In Chapter 3, Bonnie Field explores the relative impact of formal versus informal institutions on the rise and subsequent decline of collaborative interparty politics in Spain. Al Montero, in Chapter 4, examines whether decentralization creates incentives for legislators with subnational experience to represent territorial interests in the national Congress. In Chapter 5, Lynn Maurer examines the public policy-making influence of the committees in the Spanish Congress of Deputies to assess whether theory developed based on the longer-standing democracies can explain the Spanish case.

In Chapter 6, Kerstin Hamann and Carol Mershon assess the analytical leverage of government formation arguments originally evaluated in cross-national studies for the governments in Spain's 17 regional autonomies. Candice Orbals, in Chapter 7, examines whether Spanish decentralization feminized political parties and the state—a question unresolved in the decentralization literature—by focusing particularly on women's policy agencies at the subnational level. In Chapter 8, Kerstin Hamann analyzes the trajectory of labor unions and industrial relations in Spain and argues that the institutionalization of democratic industrial relations has been delayed, incremental, and uneven. In Chapter 9, Raj Chari and Paul Heywood explore the importance of historical institutionalism for explaining policy-making patterns and highlight the institutional continuities underlying the policy-making process—in particular, the centrality of the power of the executive. Finally, Bonnie Field and Kerstin Hamann, in Chapter 10, conclude by addressing the volume's second theme, which links issues of representation to institutionalization. By summarizing the main chapter findings it also reflects on the lessons learned from the Spanish case for theories of comparative politics.

## Notes

1. These dates are not meant to suggest that no changes occurred before Franco's death. Clearly, this was not the case; the development of a democratic opposition, the liberalization of the press, and many other changes occurred before Franco's death. Yet, open debate over institutional changes and the actual restructuring of the political order were widely conducted only after the death of the dictator.

2. Proponents of this elite-centered approach include Diamandouros (1997); Gunther (1992); Karl and Schmitter (1991); Linz and Stepan (1996); Maravall (1993); Medhurst (1984); Preston (1986); Share (1986); and Stepan (1986). For critical assessments of this interpretation and alternative frameworks, see, for example, Bermeo (1997); Collier (1999); Collier and Mahoney (1997); Drake (1996); Edles (1998); Fishman (1990); and Foweraker (1989). Maravall (1985, p. 135) concludes that in Spain, without pressure from below, reforms from above might not have succeeded. See also Maravall (1982, p. 3) and Tarrow (1995).
3. Between 1960 and 1975, ETA was responsible for 43 deaths; 65 people were killed in 1978, and in 1979, ETA violence accounted for 78 deaths, escalating to 96 in 1980 (Linz and Stepan, 1996, p. 99).
4. This is particularly the case of the PP loss of the parliamentary elections to the PSOE in 2004 following the terrorist attacks on commuter trains in Madrid.
5. Recent signs suggest that the PP is dissatisfied with the electoral law and has proposed its revision as part of its 2008 electoral program (*El País*, 27 November 2007). This echoes Field's (this volume) argument on the recent decline of interparty consensus on institutions in Spain.
6. In the limited vote system, the voter casts one less vote than the seats available, and the seats are allocated according to who receives the most votes. The voters cast their votes for individual candidates, not for the entire party list (Lijphart, López Pintor, and Sone, 1986, p. 156).
7. The King appointed 41 senators in the founding elections. Appointments by the King were subsequently abandoned beginning with the 1979 elections.
8. The island communities have a slightly more complicated system; for details on this as well as for Ceuta and Melilla, see Flores Juberías (1999, p. 268) or Senado (2008).
9. The total number of the appointed senators has varied from 46 in the second and third legislative periods to 51 in the seventh legislature (see Senado, 2008).
10. Party and party-system institutionalization are clearly interrelated; however, we agree with Randall and Svåsand (2002) that they are not the same. Here, we discuss three of Mainwaring and Scully's conditions of party system institutionalization as indicators of party institutionalization. We discuss their fourth condition of party system institutionalization below: "stability in the rules and nature of interparty competition" (Mainwaring and Scully, 1995, p. 5).
11. This followed a brief period during which Antonio Hernández-Mancha led AP and whose leadership did not consolidate.
12. An absolute majority of the vote is required in the first round, but only a simple majority in a second-round vote.
13. Calculated by the authors using data in Gunther, Montero, and Botella (2004, p. 228); data for the 2004–8 PSOE government from the authors.
14. Calculated by the authors using data in Lane, McKay, and Newton (1997, p. 123).
15. By industrial relations, we mean the system that represents workers in the workplace rather than in the political sphere with the actors being primarily "hierarchy of managers and their representatives in supervision, a hierarchy

of workers (non-managerial) and any agents, and specialized governmental agencies concerned with workers, enterprises and their relationships” (Dunlop, 1993, pp. 47–8), thus excluding government as a major actor in industrial relations.

16. The same argument could be made for employers. However, here we focus on the representation of labor rather than capital.
17. For different interpretations of the origins and meaning of social pacts in the context of the concept of corporatism, see e.g., Encarnación (1997) and Royo (2002).

# 2

## Party Development in Democratic Spain: Life-Cycle, Generation, or Period Effect?

*Ingrid van Biezen*

As a commonly admired model of a consensual transition and rapid democratic consolidation, Spain is perhaps better researched than any of the other European “third-wave” democracies. Despite significant theoretical and empirical progress on the transition to democracy, democratic consolidation and institution building, however, the literature on post-Franco Spain continues to suffer from several weaknesses. Research on political parties in particular, while rich in empirical detail and wide in theoretical range, has thus far led to contradictory conclusions, or is at least inconclusive on a number of counts. Above all, there is a lack of consensus about the extent of variation that exists between parties in younger democracies and whether patterns of party development relative to the longer established Western European democracies should be seen in terms of convergence or divergence.<sup>1</sup>

This chapter seeks to clarify existing ambiguities by first offering some theoretical contours for the study of party formation and development, for which it provides three possible scenarios: a life-cycle, a generational, and a period effect. The paper then empirically evaluates the organizational development of two of the main parties in the post-Franco period, the *Partido Socialista Obrero Español* (PSOE) and *Alianza Popular/Partido Popular* (AP/PP). The Spanish case is ideally suited to test the question of which of these scenarios best applies, because the relative stability of the party system in the post-Franco era allows for a detailed cross-sectional and longitudinal assessment of the patterns of party development. The analysis shows that a period effect has encouraged parties in Spain to adopt an organizational style which is largely similar to that of their counterparts in the older democracies today. However, a generational difference persists, as the path of party development of the older democracies, whereby parties emerge as strong

movements of society as opposed to agents of the state, is historically unique and unlikely to be repeated in a different period and a different institutional context.

## Scenarios of party development

In Western Europe, the trajectory of party development runs, broadly speaking, from cadre and mass parties into catch-all and cartel parties. The first embryonic “cadre parties” that appeared in the eighteenth century were elite parties and cliques of local notables (Duverger, 1954). In the late nineteenth century, on the eve of the introduction of universal suffrage, “mass parties” emerged from within the ranks of civil society. Emerging under conditions of mass democracy, these parties were based on tightly organized and permanent party structures with extensive networks of local branches and high levels of membership mobilization (Duverger, 1954). The post-war period witnessed a shift from mass parties to “catch-all parties,” whereby parties started to dilute their ideological identity, reducing the emphasis on their core constituencies in an attempt to attract as many voters as possible, and shifting from a bottom-up to a centralized top-down party structure, with the party elites playing an increasingly important role at the expense of the ordinary party member (Kirchheimer, 1966). Most recently, the emergence of the “cartel party” suggests a strong interpenetration of party and state to compensate for the weakening linkages between party and society, as well as a pattern of interparty collusion rather than competition. In the era of the cartel party, the main parties work together and take advantage of the resources of the state—such as public subsidies, state-regulated media access, or party patronage—to ensure their collective survival (Katz and Mair, 1995).

How do the processes of party formation and party development in newer democracies such as Spain compare with those in the established Western European democracies? Broadly speaking, we can identify at least three possible scenarios. These can be distinguished on the basis of the relevance of the external environment at the moment of party creation, on the one hand, and the extent to which external factors rather than internal dynamics condition further party development, on the other (see van Biezen, 2005). The first is the “life-cycle” scenario, where the external environment of a party is largely exogenous to both party formation and development. In this scenario, all parties share similar characteristics at birth, by virtue of their “newness,” and follow a similar process of development as a consequence of a largely endogenous

process of organizational institutionalization.<sup>2</sup> The life-cycle approach thus perceives party organizational formation and adaptation as a more or less uni-directional process of institutionalization in which different stages of party development correspond to the different ages of the party. In this view, party development is similar—short of dying perhaps—to the ageing and maturation of living organisms (Hellmann, 2007).

The life-cycle scenario would suggest that, over time, parties in newer democracies develop along similar lines as those in the older ones. We would therefore expect that parties in more recently established democracies such as Spain would follow a similar trajectory of organizational development as in the older European democracies. However, the available empirical evidence suggests that this is an implausible scenario. Moreover, although the argument itself may serve an important heuristic purpose, there are good reasons to dismiss this scenario also on theoretical grounds, as the life-cycle scenario effectively ignores the structural environment in which parties compete. It is in fact likely that party formation and the nature of the emerging linkages between parties, citizens, and the state are shaped by exogenous factors such as the nature of the previous regime and other historical legacies (Kitschelt, 2001), the cleavage structure of society or contingent factors such as access to the mass media and the availability of state subsidies (Katz and Mair, 1995), or the sequence of development, and particularly the timing of party formation vis-à-vis the establishment of responsible government and the introduction of universal suffrage (Daalder, 2001; see also van Biezen, 1998).

A second, and more plausible, scenario would signal a “generation” effect. This approach largely draws on the work of Panebianco (1988), who argued that the conditions in which a party first emerges largely determine the internal party structure and intraparty power configurations, and that the organizational characteristics of a party ultimately depend on how the party originated and consolidated. In this view, the genetic structure of a party continues to persist throughout the party’s existence, and subsequent processes of internal development and external adaptation prove to be only marginal adaptations of the original format. The genetic structure of the party determines—and constrains—the freedom of maneuver that party elites enjoy for organizational reform. In other words, similar to living organisms, the degree and direction of party organizational development is limited by the available gene pool (Hellmann, 2007).

If a generation effect were to be predominant, significant similarities would prevail between parties which were created in the same context and era of democratization, whereas substantial differences would exist

between parties which emerged out of different contexts and in different periods. Hence, parties in the older democracies in Western Europe that emerged during the “first wave” of democratization in the late nineteenth and early twentieth centuries would share many resemblances with one another, but would have little in common with those that emerged out of the “third wave” in Southern Europe in the 1970s, in Latin America in the 1980s, or in Eastern Europe in the 1990s. According to this scenario, commonalities within, and variation between, each of the waves is likely to constitute the norm. In this view, therefore, the typical development of parties in Western Europe, from mass and cadre parties into mass to catch-all and cartel parties, would be a historically unique experience, which is unlikely to be repeated in different environments and different periods of democratization.

A third scenario would signal a “period” effect on party formation and development. According to this approach, parties today are competing in increasingly similar environments and under nearly identical conditions—in which they have broad access to the mass media, for example, and in which they receive public funding—which are of such critical importance that they have an overall homogenizing effect and compel parties to converge to a more or less universal type. While this approach thus shares an emphasis on the causal importance of the party’s environment with the generation approach, it takes a different view on the changes in the party’s immediate environment, which it sees as superseding the relevance of the genetic origins. From this perspective, the pressure of shared exogenous circumstances encourages convergence towards similar styles of party. The underlying assumption here is that under a certain set of external conditions, some types of party organizations are more effective than others. Taking a Darwinian perspective on the evolution of parties, their constant adaptation to the environment can be understood as a struggle for the survival of the fittest, where parties that fail to adjust sufficiently or appropriately will suffer in the electoral arena and possibly face extinction (Hellmann, 2007).

If the period effect were to be the most prevalent, we would expect a large degree of similarity between parties in contemporary democracies, regardless of the stage of the democratization process in which they can be found or the period in which they first emerged. This implies that synchronic comparisons would reveal significant resemblances between parties in the older and newer democracies. From this scenario it follows, therefore, that parties in the newer democracies would skip the earlier stages of party development in Western Europe such as cadre,

mass, or even catch-all, but would make what Smith (1993, p. 8) has called an “evolutionary leap” over previous stages of organizational development and converge towards more contemporary models, such as the cartel party.

The organizational strategies of parties are shaped by both the institutional context and the historical setting in which they operate, which sets the parameters for the opportunity structure of the strategies of political mobilization and organization (cf. Aldrich, 1995). The following sections will analyze in more detail how the context of democratization has shaped the process of party development in post-Franco Spain, with a special emphasis on the PSOE and AP/PP. The focus will first be on the relationship between parties and society, concentrating in particular on the anchoring of parties in civil society through their membership organizations. Secondly, the paper will analyze the degree of centralization and personalization of the Spanish parties. Thirdly, it will examine the nature and strength of the linkages between parties and the state. The final section concludes.

### **The parties and society**

In all of the younger Southern European democracies, the process of democratization required a wholesale restructuring of the polity and the very creation of a democratic and inclusive system of public contestation and political participation. This implied that not only the democratic system itself but also the political parties operating within it had to be built virtually entirely from scratch. Indeed, many of the parties contesting the first democratic elections after Franco’s death had been created shortly before or during the transition. The centre-right UCD (*Unión de Centro Democrático*) was an ideologically heterogeneous electoral coalition hastily put together shortly before the 1977 elections. On the far right of the political spectrum, the *Alianza Popular* (AP) emerged in October 1976 as an alliance of seven small parties of prominent politicians of the Franco regime, headed by Manuel Fraga, a former Interior Minister. Even parties with their roots in the pre-authoritarian period, such as the Socialist Party (*Partido Socialista Obrero Español* [PSOE]) and the Communist Party (*Partido Comunista de España* [PCE]), effectively lacked the opportunity to organize until the first democratic elections, as they had been forced underground during Franco’s rule. Efforts to maintain the party organizations within Spain had been frustrated by the repression of the regime and were further complicated by the physical separation of the leaderships in exile from their constituencies.

As a consequence, Spain offers few examples of the sort of externally created mass parties that we find in the West—that is, parties that began as organized movements outside parliament and created a coherent extra-parliamentary organization before they competed in elections and before they acquired parliamentary or governmental representation. Most parties in Spain started out with a very limited presence on the ground, as the particular path towards democracy allowed for relatively little time to expand the extra-parliamentary party organization prior to the first competitive elections. The AP provides perhaps the clearest example of an internally created party, initially consisting primarily of a small group of national elites and having originated within parliament rather than having been built up in the society. For a long time, the party appeared more or less confined to a parliamentary existence and lacked an established organizational structure extending much beyond these offices (see Field, this volume).

The context of democratization also provided few incentives to build strong popular organizations after the transition to democracy had been completed. In post-Franco Spain, in contrast with many of the externally created parties (in particular socialist ones) in late nineteenth and early twentieth-century Western Europe, strong membership organizations were not regarded as an “organizational necessity.” Assisted by the widespread access to the modern mass media, parties in Spain were more inclined directly to turn to the electorate at large. Strategies of electoral mobilization were generally perceived as more efficient for the creation of alignments with the electorate and as the most effective strategy to enhance the chances for party survival. The availability of public subsidies created a strong financial dependence of parties on the state which removed a key incentive to establish more structural (financial) linkages with society.

The difficulty of creating a strong sense of partisan belonging was further enhanced by the generally negative or hostile attitudes towards political parties that developed after decades of authoritarian rule. This created what Rose and Monro (2003, pp. 54–9) have referred to in the post-communist context as “a legacy of distrust.” This made political parties among the least trusted of the new democratic institutions, creating a further obstacle for the organizational penetration of society. For all these reasons, and perhaps not surprisingly, the party organization on the ground tends to be very weakly developed. Party membership in Spain is relatively low, with the ratio falling substantially below the levels recorded for contemporary Western European democracies. Spanish parties clearly do not engage citizens the way their counterparts in the

longer established democracies once did. In early 2000, the level of party membership expressed as a percentage of the electorate recorded for Spain stood at 3.4, clearly falling below the mean of almost 5 percent—which in itself represents a significant decline from the hey days of mass mobilization—recorded for European democracies (Mair and van Biezen, 2001).

It should also be noted, however, that Spain is one of the few new democracies where party membership has increased substantially with time. Spanish parties, and the two main parties, PSOE and PP, in particular, have grown continuously since the onset of democracy and now have considerably more members than 20 years ago. In relative terms, the membership ratio in Spain has increased more than tenfold over the course of the post-Franco era, from 0.3 in 1976 to 3.2 in 2005 (see Bosco and Morlino, 2006, p. 333), although this spectacular increase should be qualified by underlining that it started from an extremely low base at the outset of the transition, as the parties had to build their organizations more or less from scratch. Nevertheless, with continuously increasing membership levels, the Spanish PSOE and PP deviate from the near universal trend of membership stagnation and decline across the old and new democracies in Europe.

Figure 2.1 displays the membership trends for both parties in more detail. The PSOE followed a strategy of mass mobilization similar to that of the Communists on its left during the first stage of party

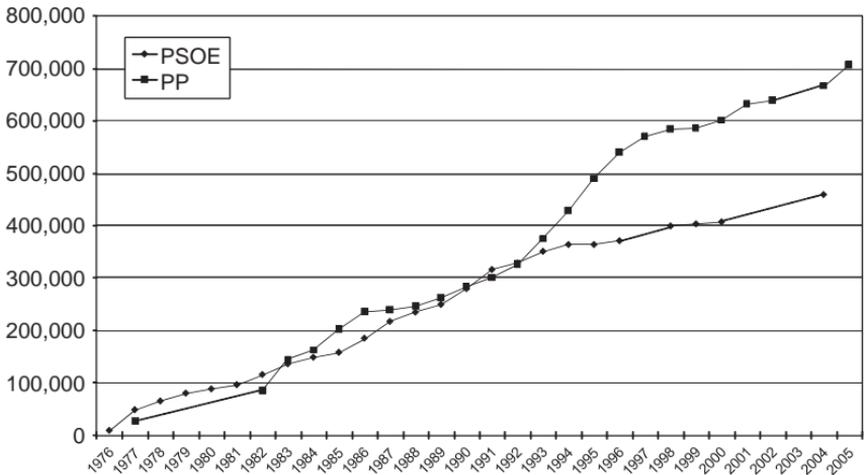


Figure 2.1 Membership Development, PSOE and PP, 1976–2005

Sources: Méndez Lago (2006) and Astudillo and García-Guereta (2006).

reconstruction. From the start of the democratic transition until its electoral victory in 1982, it aimed at the expansion of its membership organization and rapidly improved its territorial implantation to an almost complete geographical coverage (Tezanos, 1989). Membership continued to increase steadily thereafter, thereby gradually adding organizationally to the party's electoral consolidation as the predominant political force of the left. However, organization building could hardly keep pace with the party's increasing political relevance at the institutional level, as indicated by the relatively low levels of affiliation to the party relative to the size of the electorate, as well as low levels of membership density, with the highest member to voter ratio reaching just over 5 percent in 2000 (see Méndez Lago, 2006). After winning the elections in 1982, the resources that became available from access to the spoils of office and patronage diminished the need to invest in the party organization on the ground. The party thus made fewer efforts to recruit and retain members (Méndez Lago, 2006, p. 429).

In contrast to the PSOE, the AP scarcely paid any attention to the development of the extra-parliamentary organization in its early years. Membership mobilization was a low priority until the early 1980s, when the party revised its organizational strategy. It adopted a stronger emphasis on territorial expansion and membership mobilization, as the party leadership saw the reinforcement of the party organization and its geographical implantation primarily as vehicle for electoral growth (García Cotarelo and López Nieto, 1988). Consequently, membership began to be significantly promoted and affiliation to the party considerably expanded in the following years. Membership has continued to grow ever since, at a higher pace and to a higher level than in the PSOE.

On the one hand, the relatively low levels of party membership in Spain confirm that the particular context in which parties emerged is not one that is conducive to the building of mass organizations. Subsequent experiences of organizational development further underline the importance of the need to adapt to the exigencies of the competitive environment. After a few years in office, for example, the Socialist Party underwent various changes to its basic model of party organization, which originally had shown some of the genetic imprints of a classic mass party (such as a formally bottom-up party structure, participatory duties of the membership, or close linkages with affiliated organized interests). First of all, in the mid-1980s, the relationship with the historically closely related trade union *Unión General de Trabajadores* (UGT) started to deteriorate, with both union and party beginning to distance themselves from each other. The PSOE started to manifest itself explicitly

as an open and heterogeneous party, abandoning its traditional working class appeal and replacing the indirect mode of organization in favor of a more direct linkage with society. These changes signal a significant change in the internal conception of party organization and serve to indicate the increased “catch-allness” of the PSOE.

Secondly, the introduction in 1998 of party primaries for the selection of the prime ministerial candidate for the 2000 elections is an example of organizational innovation of formal empowerment of the individual membership which encourages a style of participation that bypasses the traditional extra-parliamentary party channels. Although the new mode of candidate selection did not escape the control of the party elites entirely (Hopkin, 2001), party leaders thus elected receive a direct and personal mandate from the party rank-and-file, thereby potentially enhancing their autonomy vis-à-vis the party apparatus. More recently, the creation of a new category of non-dues paying member (*simpatizantes*) as well as the lowering of barriers for new entrants serve to further reinforce the moves towards a direct model of party organization in which the membership is increasingly individualized, at the expense of the organized party on the ground. Many of these organizational changes correspond to those also widely employed elsewhere in Europe, and generally imply a weakening of the organized party on the ground and a blurring of the boundaries between members and non-members.

On the other hand, and despite the relevance of the external environment at the moment of creation, internal party dynamics can in principle make a difference for subsequent organizational development. This is clearly illustrated by the case of the PP, in which a strategy of membership mobilization was adopted deliberately in the mid-1980s as a vehicle for electoral expansion. This is not to suggest that the PP embodies a modern version of the mass party. In fact, and despite having the largest membership organization of all Spanish parties, the PP stands out for the reduced role assigned to the membership within the party organization as a whole. In contrast to the PSOE, for example, as well as many of the parties in the established Western European democracies, there has been no process of empowerment of the membership in the PP by increasing their involvement in internal candidate selection or the elaboration of electoral platforms (Astudillo and García-Guereta, 2006, p. 407).<sup>3</sup> The relative unimportance of the membership organization is not only reflected in the minimal participatory rights of the party members, but also in its limited relevance for the selection of delegates to the national party congress: While the PSOE continues to follow the principles of the classic mass party by establishing the number of congress delegates in relation

to the size of the membership organization, the PP uses a combination of membership size and level of electoral support. Rather than deriving from a conception of popular sovereignty, the membership organization of the PP principally serves as a vehicle for electoral expansion and represents the electoral rather than partisan orientation of the party. In this sense, the PP is a good example of a party adjusted to the demands of a modern environment of electoral competition.

### **Centralization and personalization**

As a result of the generally weak membership organizations, party officials and paid professionals rather than members constitute the nucleus of the party organization and perform the core party functions of communication and electoral mobilization. In Spanish politics, more generally, the image of the party leaders has come to assume a prominent role in campaigning and party politics tend to be highly personalized. This personalization of politics is a product of the combined impact of relatively weak party organizations and the pervasiveness of television. In the context of a newly democratizing polity and weakly institutionalized parties, the role of party leaders is already likely to be extremely important, because in the early phases of democratization the identity of the party has often not yet materialized, such that it stands above its leader (cf. Sartori, 1968). The high degree of personalization is thus in part a function of the inability of the weak party organizations to fulfill their traditional role of supporting and constraining the party leadership.

The high level of personalization is furthermore a consequence of the wide availability of modern means of communication and the professionalization of campaign techniques. Parties that lack the human and financial resources to engage in labor-intensive and long-term mobilization of social support tend to focus instead on more short-term and capital-intensive means of attracting voters. Moreover, as the levels of party identification and interest in politics remain comparatively low, a large proportion of votes are at least potentially "up for grabs," accentuating the importance of electoral campaigns. These campaigns, given the organizational limitations mentioned above, tend to imply a heavy use of television, which is amenable to a high degree of personalization of the political battle. With the media accentuating the role of party leaders by encouraging voters to see the election as a choice between the various leaders, parties mobilize their electorates by reaching beyond traditional cleavage boundaries on the basis of a very personalized appeal. The mass media thus make a critical contribution to the process by enhancing the

public exposure of the party leaderships and encouraging the creation of personalized (charismatic or clientelistic) linkages between parties and their voters rather than programmatic ones (Kitschelt, 2001).

In Spain, the weakness of the party organizations in the early stages of the transition enabled the party leaders to monopolize the public image of their parties, and electoral campaigning has been highly personalized from the very beginning of the transition period (Pasquino, 2001). This personalization of electoral politics has remained broadly constant throughout the post-Franco period. The success of Suárez's and González's highly personalized campaigns in 1977 established a precedent: All the major parties began to focus on leadership image. Party leadership was all the more important because of the low degree of ideological and political awareness of the Spanish electorate during the transition period, in which the majority of voters failed to identify strongly with any political party and tended to bunch around the centre of the left-right ideological scale (Linz, 1980). This was an ideal context for electoral competition around personalities rather than ideological or programmatic issues.

This emphasis on highly personalized leaderships, channeled through the modern mass media, continued in the period of Socialist dominance. Indicative is the statement of deputy leader and main election strategist Guerra, that he preferred "10 minutes of television [broadcasting] to 10,000 militants" (quoted in Gillespie, 1989, p. 366). González was keen to exploit his popular image for electoral purposes (Amodia, 1990, 1994), and the Socialist administration was equally reluctant to relinquish its political control of the state television network *Radio Televisión Española* (RTVE) (Heywood, 1995, p. 172). As well as confirming the bias towards the incumbent party, RTVE broadcasting in the Socialist period contributed decisively to the personalization of electoral campaigning, focusing attention on national party leaders even during regional and local electoral campaigns (Gunther, Montero, and Wert, 2000, pp. 82–3, n. 42). This leader-oriented style of political competition culminated in the adoption in 1993 of televised debates between the two main party leaders during the election campaign, further encouraging voters to see the election as a choice between the two leaders (Rospir, 1996, pp. 164–5). Media coverage of politics has thus continued to accentuate the role of party leaders at the expense of other representatives of the main political forces.

The high levels of personalization in electoral politics have allowed the party leaderships to play a predominant role in their respective party organizations, in part because the image and popularity of the party leaders is of critical importance for the party's electoral fortunes.

This has resulted in Spanish parties being highly centralized top-down organizations dominated by their leaderships (see also chapters by Field, Maurer, and Montero, this volume). The PSOE, for example, has traditionally been a centralized and hierarchical organization, with strong oligarchic tendencies, which concentrates power at the highest echelons of the party in the hands of a small elite. For most of the post-Franco period, the strategy of the Socialists was geared towards an intense concentration of power in the hands of the party leaders, Felipe González and deputy secretary-general Alfonso Guerra, and aimed at maintaining a high degree of internal cohesion and control, with the importance of party discipline prevailing over any other organizational concern (Méndez Lago, 2005, p. 175). Throughout virtually the entire post-Franco period, González maintained a firm control over the party, with the backing of his deputy Guerra. The dominance of Felipe González in Spanish politics during his 14 years in office was such that it spawned the term "*felipismo*," and his predominance within the PSOE was such that it enabled him to make the party embrace positions it had previously opposed, such as when he threw in his weight to persuade the party to abandon its anti-NATO stance almost overnight in 1986.

The PSOE under González can be seen as an example of a personal leadership based on a personal mandate of the party leader, which he derived from considerable and longstanding electoral success. With the electoral victory of the Socialists in 1982, the Socialists acquired a comfortable parliamentary majority, which made González's governments more or less immune to parliamentary blackmail. González further centralized decision-making mechanisms in order to ensure cohesion in executive-parliamentary group relations, with the effect of crushing internal opposition without threatening the authority of the prime minister (Capo Giol et al. 1990, pp. 107–10). The sustainability of this strategy was heavily dependent on the electoral appeal of the party leader, and his ability to control internal party structures through his deputy Guerra. Even under the pressure of a hostile public opinion and a difficult parliamentary arithmetic after 1993, González still maintained considerable authority within his government and the party as a whole, indicating the degree to which his power as party and government leader rested on his own personal charisma and appeal.

Intraparty party dynamics in the PSOE thus underscore the high degree of internal centralization of the party organization and the hegemony of the internal party oligarchy. They also show that control over the party organization remained contingent upon the cohesion of the dominant coalition. In the PSOE, the first ruptures in the dominant

coalition emerged in the 1990s, with Guerra resigning as deputy prime minister and the subsequent escalation of the internal disputes between the *guerristas* and *renovadores*. The unexpected resignation of González in 1997 left the party in complete disarray and created a leadership vacuum that culminated in the clashing “dual leadership” after the 1998 party primaries. Under Zapatero the PSOE seems to have regained its focus, forward momentum, and internal cohesion.

The opposition AP/PP, first under Fraga, and then under the renewed leadership of Aznar, placed similar emphasis on leadership image (Pasquino, 2001, p. 195). The PP’s political strategy in the first half of the 1990s was equally focused on personalities, clearly oriented towards undermining Felipe González’s image with accusations of corruption and dishonesty, while presenting the modest tax inspector José María Aznar as an unspectacular but honest alternative. Aznar contributed to the personalization of the political debate by directly inviting González to resign—“váyase Señor González” (Aguilar, 2000, p. 190).

“Presidentialism” was already an essential characteristic of the PP’s predecessor, the AP (García Cotarelo and López Nieto, 1988). It was reinforced with the party’s “refoundation” as *Partido Popular* in 1989 and the consolidation of a unified party structure (García-Guereta, 2001). The predominance of the leader in the party’s early years was in part the result of the informal and highly personalized networks surrounding the party president. Clientelism and personal ties with the party president were important in establishing the territorial structures of the party, and internal party conflicts tended to be dominated by a high level of personalization. This initially hindered the institutionalization of the party and produced an excessive dependence on its charismatic leader and founding father Fraga, which continued until his resignation (Montero, 1989, p. 516). The party structure has varied little since the election of Aznar as party president. Despite lacking the personal charisma of Felipe González, or Suárez in his first governments, Aznar was able to control both government and party effectively, and there were few serious challenges to his authority.

Unlike González, the authority of Aznar rested in part on his institutional position as party leader. The presidential structure of the PP is codified in the party statutes, for example, through the institutionalization of a personal leadership of the national president (as a separate “unipersonal” party office) with a privileged position and extensive formal powers. The president chairs all the national party decision-making bodies, in which he has a decisive vote. Furthermore, the party president can personally appoint additional members to the Executive Committee and

has the exclusive authority to choose the members of the Permanent Executive. The subordination of the Executive Committee to the party president is explicitly recognized by authorizing the president to discharge and replace the members elected by the party congress. Moreover, the authority of the party president has tended to increase over time. The deputy presidencies, which had traditionally been a source of challenges to the authority of the party leader, were abolished in 1990. For similar reasons, the deputy secretaries-general were eliminated in 1993 (Astudillo and García-Guereta, 2006, p. 410). In 1993, furthermore, the party leader acquired the *ex officio* leadership of the parliamentary groups in the lower and upper chamber as well as the European parliament, thus extending his reach over both parliamentary and extra-parliamentary arenas of party activity, even at the supranational level. In other words, Aznar, with his closest collaborators, reinforced the centralized and presidentialist party structure that concentrates all the party's resources into the hands of the leadership and awards the party leader an extraordinary range of powers (Balfour, 2005, pp. 149–50).

In addition to these formal principles, another important explanation for the dominant position of Aznar within the PP lies in his renewal of the party leadership and the implications of this renewal for electoral success (Astudillo and García-Guereta, 2006, p. 409). From 1989 onwards, until its defeat in 2004, the PP made successive gains in each election. Moreover, after two decades of electoral failure, Aznar brought his party to government. His contribution to this electoral success is recognized by internal party rivals and reinforced his power. Part of his strength, of course, also lay in the weakness of the Socialist party in opposition, with the unity of the PP government and the party contrasting sharply with the disunity and the disarray of the PSOE (Balfour, 2005, p. 156).

In sum, the institutional and organizational context of political communication favors high levels of personalization, as can be demonstrated by the fact that politics and electoral campaigning in much of post-Franco Spain has been dominated by the party leaderships, such as the charismatic González of the Socialist Party and the youthful Aznar of the PP. They were in charge of hierarchical and top-down party organizations with strong oligarchic tendencies, characterized by a high concentration of power in the hands of a small elite at the highest echelons of the party, located at the intersection of the extra-parliamentary party and the party in public office (van Biezen, 2000). What is more, the importance of these party leaders was such that it enabled them to frequently govern past their parties and indeed past the most important

social forces that support them. Poguntke and Webb (2005) in this context speak of the presidentialization of politics, which signals a development in modern democracies—regardless of whether they are long-established or have only recently been created—towards increasing power, resources, and autonomy of the party leadership as well as increasingly leadership-oriented electoral processes. In the case of Spain, there clearly are significant tendencies towards the presidentialization of party politics and electoral campaigns (van Biezen and Hopkin, 2005). In comparative terms, therefore, the degree of centralization and leadership autonomy in the two main Spanish parties corresponds to trends also found elsewhere, implying a convergence of organizational styles brought on by a period effect.

### **The parties and the state**

As Katz and Mair (1995) have pointed out, the development of party organizations in the established democracies reflects a weakening of their linkages with society and a strengthening of their linkages with the state. This also implies that, as parties are losing their representative (or societal) functions, they become increasingly defined by their procedural (or institutional) roles (Bartolini and Mair, 2001). In the more recently established democracies such as Spain, parties generally started out with strong linkages with the state. Although parties subsequently have expanded their organizations beyond the confines of state institutions and reached out towards society, their entrenchment in society continues to be weak. The strong relationship with, and dependence on, the state can be seen in at least three respects: Parties are heavily dependent on the state, especially in financial terms; they are closely managed by the state, in that their activities and organization have become ever more dependent on public laws and regulations; and the parties themselves penetrate and take control of the state, using public resources to their own advantage through practices of clientelism, patronage, and corruption (van Biezen and Kopecký, 2007).

In Spain, public subsidies to political parties have been available since the first democratic elections of 1977, with the decree-law regulating the democratic electoral norms approved three months before the first general elections laying down the principles and conditions for the financing of parties and election campaigns. Subsequently, state funding of election expenditures came to be regulated by the electoral law *Ley Orgánica del Régimen Electoral General* (LOREG), approved in 1985. Subventions for routine activities were established shortly after the first

elections, by the 1978 law on political parties, and subsequently came to be prescribed by the law on the financing of political parties, which was approved in 1987. In addition to direct state financing of routine activities and electoral campaigns, Spanish parties receive various forms of in-kind and indirect subsidies, such as free radio and television broadcasting, the free use of public halls, and a reduced postal rate (see Castillo, 1989).

The available empirical evidence suggests that, as in many other newly created democracies, the state plays a critical role in the financing of Spanish parties (see van Biezen, 2003, Ch. 8). Formally at least, the state is clearly the single most important contributor to the total income of the parties. With state subsidies contributing on average almost 80 percent of their total annual income, and to nearly 90 percent of the cost of election campaigns, public funding has made Spanish parties virtually entirely dependent on public money. Resources from society, including membership fees and private donations, are relatively unimportant. Moreover, a noticeable characteristic of the Spanish system of public funding is its bias towards the larger parliamentary parties, since the method of allocation of money intensifies the disproportional tendencies inherent in the electoral system. With a combined 65–76 percent of the vote and 80–85 percent of the seats, for example, the PSOE and PP collected between 82 and 87 percent of the electoral subsidies between 1986 and 1996 (van Biezen, 2003, p. 181). As the main beneficiaries of the system of public funding are the major parties, public funding in Spain has thus encouraged the cartelization of the party system (see Gillespie, 1998, pp. 81–4): Not only have state subventions become a principal financial resource for modern parties, but also the system of public funding acts to freeze the *status quo* of the party system, making it difficult for outsiders to enter.<sup>4</sup>

A second dimension of the party-state linkage concerns the extent to which parties are regulated by the state. The activities, behavior, and organization of parties in contemporary democracies are to a growing extent subject to regulations and state laws, to the point that, as Katz (2002, p. 90) has argued, party structures have become “legitimate objects of state regulation to a degree far exceeding what would normally be acceptable for private associations in a liberal society.” Many of these regulations and party laws were first introduced, or were substantially extended, in the wake of the introduction of public funding for parties, as the provision of state subventions inevitably demanded a more codified system of party registration and control. Controlling party access to the public broadcasting media has also required the introduction or extension of the system of regulation, which again acts

to codify the status of parties and their range of activities. From having been largely “private” and voluntary associations which developed within society, parties have therefore increasingly become subject to a regulatory framework which has the effect of according them a (quasi-) official status as part of the state: By giving them a legal status, political parties are granted explicit recognition to the institutional importance of democracy (Avnon, 1995, p. 298). As the internal life and the external activities of parties become regulated by public law, and as party rules become constitutional or administrative rules, the parties themselves become transformed into public service agencies or public utilities (van Biezen, 2004), with a corresponding weakening of their own internal organizational autonomy (Bartolini and Mair, 2001, p. 340).

Party law, or the body of state-based regulations that determine the legal status of political parties and that specify how parties may operate, must organize, or should be funded, may take a variety of forms. In the Spanish case, the most significant sources of party law are the 1985 electoral law, which replaced the 1977 decree law establishing the principles of democratic elections; the 2002 law on political parties, which replaced the 1978 law; and the 1987 law on the financing of political parties. In addition, in Spain the relevance of political parties for democracy is also enshrined in the country’s constitution. As in many recently democratized countries, the Spanish Constitution, adopted in 1978, clearly attributes a pivotal role to political parties in the new democratic polity, by stating that “political parties express political pluralism, contribute to the formation and the manifestation of the popular will and are the fundamental instrument for political participation” (Article 6). It thus defines the political parties as important for democracy by attributing them with key democratic principles, such as electoral competition, political participation, or the representation of the will of the people. The explanatory preamble to the 2002 law on political parties further underlines their key institutional role: Even though parties are not constitutional organs but private entities, they form part of the essential constitutional architecture and perform functions of a primary constitutional importance.

In sum, as in all contemporary democracies, a growing body of legislation regulates the behavior and functions of parties in Spain, including the regulation of party activity, party financing, as well as aspects of their organization, through public law (including the constitution). While the state in a liberal democracy would traditionally not intervene in the internal affairs of political parties, this underscores the general tendency in modern democracies by which parties have become legitimate objects

of state regulation. The regulation of parties is evidently part of a process by which parties are increasingly influenced by the state. In this sense, parties in Spain, as nearly everywhere else, have become incorporated into the public domain and have come to be defined more and more obviously in terms of their institutional roles.

A final dimension of the relationship between parties and the state concerns the extent to which parties themselves use their privileged access to the resources of the state to their own advantage. In this context, the most striking contrast with the parties in the longer-established democratic polities in the West relates to the timing of party development vis-à-vis state formation: Patronage, clientelism, and corruption in modern democracies appear linked to a sequence in which political parties dependent on mass electorates were established while the central state was generally weak, as a result of which effective checks on executive power and mechanisms of bureaucratic accountability are relatively poorly developed. In most of the longer-established democracies of Europe, in contrast, the historical processes of state-building generally limited the opportunities for large-scale penetration of the state by political actors. The prevalence of practices of party rent-seeking within the state is thus related to the institutional and structural context in which political parties emerge (also see Shefter, 1977).

Forms of party rent-seeking are difficult to investigate, and corruption and especially patronage still badly need researching on a systematic cross-national basis. However, the conventional wisdom appears to be that the Spanish case is notorious for the relatively high levels of corruption (e.g. Heidenheimer, 1996). Illicit financing in Spain was first uncovered through the Filesa affair in 1989 and other scandals rapidly followed suit, in particular affecting the Socialist Party during its last term of office and decisively contributing to the electoral victory of the PP in 1996. Practices of patronage are even more under-researched, even on a case study basis. We do know, however, that all parties in Spain resorted to patronage once they were in office. For the PSOE, for example, Méndez Lago (2005, p. 179) notes that access to government also implied access to the resources of the state, and the power meant making patronage-driven appointments. The PP equally filled the civil service where and when it could with party members and sympathizers. While much of the scope and dynamics of this phenomenon still need to be uncovered by further systematic research, party patronage in Spain seems to have contributed to a strong party-state linkage. Balfour (2005, p. 155), for example, with particular reference to the PP, speaks of an emerging "symbiosis between party and the state." From a comparative

perspective, the strong linkages between parties and the state through public subsidies and regulation indicate that a period effect has encouraged the overall convergence of party organizations in old and new democracies. The stronger tendencies towards party patronage in Spain, however, suggest that the different trajectories of democratization might be responsible for a residual generational difference.

## **Conclusion**

In general, the Spanish PSOE and PP are best characterized as strong top-down and hierarchical parties, which, however, are weakly institutionalized as membership organizations. In many respects they resemble an organizational model that also characterizes the parties in contemporary Western Europe as well as the parties in many of the other recently established democracies. This can be seen from the weak partisan linkages, the weakness of the organized membership on the ground, the predominance of professionals and party leaderships, the importance of public funding and state regulation, and the parties' strong assimilation with the state. From a broader comparative perspective, therefore, the types of party in Spain can be understood in terms of convergence towards those in other contemporary democracies. However, it should be underlined that parties in Spain have arrived at this stage by setting off from a different point of departure than those in Western Europe, which emerged as strong movements of society and with time migrated to the safety of the institutions of the state. This trajectory has not been repeated in newer democracies such as Spain. In terms of the scenarios outlined above, therefore, parties are clearly not subject to the same life-cycle of development. Rather, parties seem to have been influenced by their political and institutional environment, which proves of vital importance for understanding their organizational decisions and trajectories of development (Méndez Lago, 2005, p. 170; Balfour, 2005, p. 164). In this sense, there seems to be a period effect, with contingent factors such as the parties' access to the mass media and the availability of state subsidies driving the nature of organization building.

At the same time, it should also be underlined that some important differences exist between the Spanish on the one hand, and their counterparts in the older established democracies on the other. These differences lie, for example, in the lower levels of party membership compared to the Western European average, the parties' higher financial dependence on the state than in many of the long-established democracies, as well as a presumably greater degree of symbiosis between parties and the

state through practices of patronage and corruption.<sup>5</sup> In this sense, Spanish parties are representative of an organizational style that is typical for many of the newer democracies. Although they have also begun to characterize parties in the older European democracies, these modes of party organization are generally more forcefully present in the context of newly established democracies. These dissimilarities underscore that parties in old and new democracies have followed different organizational trajectories and can be explained by the path dependency of organizational adaptation, in which the original genetic format of the party conditions subsequent development. In other words, while a period effect compels parties to convergence, the residual differences between parties in old and new democracies can be best explained by a generation effect (see also Webb and White, 2007).

To be sure, to some degree the extent of similarity and difference between parties lies in the eye of the beholder. What seems evident is that parties in old and new democracies together can be seen to represent a mode of party organization which is clearly different from early post-democratizing Western Europe. However, we should not necessarily interpret party development in new democracies in terms of “evolutionary leaps” towards the models of the older liberal democracies. Although they can be seen to converge, it seems more likely that the parties in the Western European polities are developing towards the standard currently set by the new democracies, rather than the other way around.

## Notes

1. See, for example, the contradictory conclusions arrived at by the various authors in the collection of essays edited by Diamond and Gunther (2001).
2. One well-known example of a life-cycle approach is Michels’ (1962 [1911]) law of oligarchy. For another example, see Harmel and Svåsand’s (1993) analysis of “entrepreneurial issue” parties in Scandinavia.
3. One possible explanation might lie in the organizational and ideological traditions of the party, which have always emphasized the hierarchy of the party structure and the predominance of the party leader. Another might have to do with the fact that the PP has never experienced the kind of membership loss that has tended to prompt parties in Western Europe to give more power to their members (Ramiro Fernández, 2005, p. 220).
4. In addition, the cartelization of the Spanish party system can also be observed from the fact that the PP and PSOE very much resemble each other in terms of their electorates, policy agendas, goals, and styles, all of which are indicative of the cartel-like behavior signaled by Katz and Mair (1995). Balfour even suggests a more overt strategy of collusion on behalf of the PP, pointing out

that the model of politics that the party has repeatedly conjured is that of the two-party system of the *"turno pacífico"* set up by Cánovas in 1875, based on a fictitious electoral contest which guaranteed the alternation in power of the two main parties. To ensure the stability of the state against the disintegrative demands of regional nationalism, one of the PP's intellectuals effectively called for a policy of *"neocanovismo"* through a pact between the PP and PSOE (Balfour, 2005, p. 151).

5. In the 2006 report of Transparency International, for example, Spain is placed well below (23rd) most other Western European countries.

# 3

## Interparty Politics in Spain: The Role of Informal Institutions<sup>1</sup>

Bonnie N. Field

One of the most striking differences between contemporary Spanish politics and the transition politics of 30 years ago is the style of interparty relations. If *consensus politics* was the catch phrase of the transition years, *polarized politics* best captures today's interparty relations. One cannot pick up a Spanish newspaper without noticing the extremely acrimonious political atmosphere. In fact, Whitehead (2007, p. 19) asserts "the political climate is as polarized and embittered as at any time since the death of longtime dictator Francisco Franco in 1975." While there are divisions among all the political parties, the most venomous division is between the conservative *Partido Popular* (PP) and the rest of the parties, and the PP's opposition to the *Partido Socialista Obrero Español* (PSOE) government of Prime Minister José Luis Rodríguez Zapatero (2004–08) was fierce.

As outlined in the introduction to this volume, Spain experienced a consensual transition by pact from authoritarian rule to democracy in the mid-1970s. O'Donnell and Schmitter (1986, p. 37) define a pact as "an explicit, but not always publicly explicated or justified, agreement among a select set of actors which seeks to define (or, better, to redefine) rules governing the exercise of power on the basis of mutual guarantees for the 'vital interests' of those entering into it." The distinguishing characteristic of pacted transitions is inter-elite negotiation and compromise on vital political, economic, and/or social issues. As Julián Santamaría aptly put it, Spain's transition was based on "a series of pacts, first, between different sectors from the Franco regime, later, between the reformists of the regime and the opposition and, once the Cortes was constituted, between left and right, centralists and autonomists, in which all made concessions" (*El País*, 18 May 2007).<sup>2</sup>

Pacts can take different forms and encompass different formal and informal practices and institutions. The formal institutions that were

negotiated among the key political actors and implemented in Spain are a combination of majoritarian and consensus institutions (Lijphart, 1999). The Congress of Deputies is elected using an extremely disproportional proportional representation system and the Senate is elected using a majoritarian system. Though bicameral, parliamentary power is concentrated in the Congress of Deputies, which selects the prime minister and can ultimately pass legislation without the approval of the Senate. The Spanish executive has a central role in the policy-making process (see Chari and Heywood, and Orbals, this volume) and substantial formal powers vis-à-vis parliament. Furthermore, the political parties adopted very hierarchical party organizational structures (see van Biezen, this volume). With the exception of decentralization (see Hamann and Mershon, and Montero, this volume), in many ways, the formal institutions concentrate rather than disperse political power.

Similarly, the Spanish pacts did not set up an elaborate system of formal institutional guarantees of interparty consensus, such as those found in consociational democracies (Lijphart, 1977). Proportionality was distorted; a formal minority veto did not exist; and there were no requirements of grand coalitions. While Spain eventually and quite dramatically decentralized political power to 17 autonomous communities (and therefore the institutional arrangements provide a degree of group autonomy characteristic of consociational democracies), this occurred over time rather than at the outset of democracy (see Chapter 1, this volume).

Therefore, the nascent Spanish democracy was a case of consensual practices without being a clear case of formal consensual or consociational institutions, which makes it a very important case study for theory-building in the area of institutional design and democratization. This chapter seeks to help explain the decline of collaborative interparty politics in Spain. While the formal institutions in place today are compatible with competitive interparty politics, they cannot explain the more collaborative politics found during the early years of democratic governance. This chapter argues that in part polarized interparty politics in recent years is due to the unraveling of the informal institutions (Helmke and Levitsky, 2006) that had governed interparty competition and had previously secured Spain's transition to democracy. The Spanish case suggests that an exclusive focus on formal institutional design may be inadequate, and that informal institutions, which are perhaps more difficult to establish or historically contingent, may be transformed more easily. Therefore, informal institutions, while sticky, may present less of a barrier to democratic transformation than formal institutions.

The chapter is organized into five sections. First, it reviews the parliamentary elections that have occurred since the transition to democracy in order to identify the key actors. Second, it identifies three informal institutions of interparty politics in Spain. Third, it employs a dataset of 30 years of voting in the Spanish Congress of Deputies to demonstrate the rise of adversarial politics on public policy and to demonstrate that political party divisions in the most recent legislature (2004–08) are in some ways distinct from prior ones. Fourth, it explores why the informal institutions have unraveled. The conclusion summarizes the findings and outlines the comparative and theoretical lessons.

## Elections

Spain has held ten general parliamentary elections since democracy was re-established in the founding elections of June 1977 (see Table 1.1, Chapter 1, this volume).

In 1977, the center-right *Unión de Centro Democrático* (UCD) with Aldofo Suárez as its candidate for prime minister won the elections with 34.4 percent of the vote and 47.4 percent of the seats in the Congress of Deputies. The center-left PSOE became the principal opposition party under the leadership of Felipe González with 29.3 percent of the vote and 33.7 percent of seats. Two additional state-wide electoral formations, the *Partido Comunista de España* (PCE), on the left, and *Alianza Popular* (AP), subsequently renamed *Partido Popular*, on the right, gained 9.3 percent and 8.2 percent of the vote, respectively. However, due to the disproportional electoral laws this only translated into 5.4 percent (PCE) and 4.6 percent (AP) of the seats.

Regional parties, which represent the significant regional-nationalist cleavage in Spain, also performed well. *Pacte Democràtic per Catalunya* (PDC), later *Convergència i Unió* (CiU), and the *Partido Nacionalista Vasco* (PNV) won 11 and eight seats respectively. While the vote and seat shares changed somewhat in 1979, the overall party system remained the same. During both the Constituent (1977–9) and the first post-constitutional (1979–82) Legislatures, the UCD formed single-party minority governments under Suárez and later Leopoldo Calvo-Sotelo without a formal commitment from other parties on a governing program.

While the PSOE, PCE, and the regional parties came clearly out of the opposition to the Franco regime, the UCD and AP were formed, at least in part, by members of the Francoist political class. The UCD organized around the figure of Suárez, who was the last president of the prior authoritarian regime, and also attracted figures from the moderate

opposition to the regime. The rightwing AP organized around the figure of Manuel Fraga and was unable to attract many moderates or aspiring politicians from the opposition. It was therefore more tainted by its Francoist origins.

The party system changed considerably in 1982. The UCD suffered a striking defeat and subsequently disappeared from the political scene in 1983 (see Hopkin, 1999). The PSOE won the elections with close to a majority of the vote (48.1 percent) and an absolute majority of seats. While the PSOE's vote and seat share declined over the period, González governed with an absolute majority until 1993.<sup>3</sup> AP (re-named *Partido Popular* in 1989) dramatically increased its vote share to 26.4 percent in 1982, but its electoral support remained stagnant through the 1989 elections. The *Centro Democrático y Social* (CDS), a new party founded by former Prime Minister Adolfo Suárez, was also an important parliamentary party during this period, attaining as much as 5.4 percent of the seats in 1986. The PCE, CiU, and PNV remained significant small parties, though the PCE's importance declined vis-à-vis the 1977 to 1982 period.

With the second appearance of José María Aznar as the PP's candidate for prime minister, replacing Manuel Fraga, the PP increased its vote share to 34.8 percent in 1993. However, this was not enough to defeat the PSOE, which won 38.8 percent of the vote and 45.4 percent of the seats. The 1993 elections thus ushered in a new period of single-party minority governments. The PSOE and González relied on parliamentary support from the regional-nationalist CiU and PNV.

In 1996, the PP with Aznar as the prime ministerial candidate won the elections for the first time with a slight edge in the popular vote over the PSOE (38.8 vs 37.6 percent) and governed in minority until 2000. During this period Aznar and the PP relied on the parliamentary support of *Coalición Canaria* (CC), a conservative regional party, CiU, and, for part of the legislature, from PNV. The 2000 elections, which were the first fought without the charismatic González as PSOE party leader and candidate for prime minister, registered increased support for the PP. The PP won 44.5 percent of the popular vote, which meant 52.3 percent of the seats in the Congress—the first absolute majority administration for the PP and Aznar.

The 2004 elections took place three days following the devastating terrorist attacks on commuter trains in Madrid. The PSOE under the new leadership of José Luis Rodríguez Zapatero won an unexpected victory with 42.6 percent of the vote and 46.9 percent of the seats. Support for the PP, also under the new leadership of Mariano Rajoy, declined to 37.7 percent and, for the first time in the current democratic period,

a party went from controlling an absolute majority government to the opposition. Another significant aspect of this election was the dramatic increase in support for *Esquerra Republicana de Catalunya* (ERC), which increased its seats in the Congress from one in 2000 to eight in 2004. ERC is a leftist, Catalan-independence party. The PSOE formed a single-party minority government and often relied on the parliamentary support of ERC and *Izquierda Unida* (IU), which is an alliance of leftist parties dominated by the PCE. In 2008, the PSOE again won the elections but did not obtain an absolute majority of the seats.

### **Informal institutions of interparty politics in Spain**

Helmke and Levitsky (2006, p. 5) define informal institutions as “*socially shared rules, usually unwritten, that are created, communicated, and enforced outside officially sanctioned channels*.” By contrast, formal institutions are rules and procedures that are created, communicated, and enforced through channels that are widely accepted as official.” The classic literature on the Spanish transition to democracy did not use the language of informal institutions; nonetheless a number of informal institutions were created out of elite strategic interactions to govern interparty competition. These informal institutions of interparty politics facilitated a consensual style of interparty politics and acted as a constraint on polarization.

According to Helmke and Levitsky (2006, p. 7), violations of informal institutions, unlike other behavioral regularities, generate an external sanction. In the Spanish case this external sanction was initially the military. The military was left intact during the Spanish transition to democracy. It was one of the pillars of the Franco regime and saw itself as defending Spain’s national unity. Spain’s transition was not initiated by the military but rather by civilians within the regime. Divisive politics could have triggered the military’s entry, a possibility widely recognized by Spanish political elites and society (Agüero, 1995). It is widely viewed that collaborative interparty politics facilitated democratization. Here I explore three informal institutions that governed interparty competition and initially encouraged collaborative politics: reaching supermajorities on issues of state, the pact to forget and centripetal alliance strategies.

First, at the outset of democracy, political leaders established an informal institution to reach supermajorities that included as many of the parliamentary parties as possible on issues of state. Issues of state included the constitution; laws that were meant to last ten, 20, or 30 years,

such as those that regulated the institutions of the state; and the state's fight against domestic terrorism. This expectation is emphasized by senior political leaders in the interviews conducted by Richard Gunther during Spain's transition (Gunther Archive). This practice was not encouraged by the formal institutions. When the UCD won the elections in 1977 without a majority, it was possible to form what was called at the time a 'mechanical majority' with the rightwing AP and exclude the leftist and regional nationalist parties.

The formation of and the negotiations within the subcommittee charged with drafting a constitution provides an example of the informal institution of supermajorities (Gunther, 1992, pp. 57–8). Initially, the seven-man subcommittee was to be formed by representatives of the UCD (three representatives), PSOE (two), and one each from the PCE and AP. This, however, would have left the regional-nationalist parties without a representative. The Socialists gave up one of their seats in order to include a representative of the Catalan nationalists. This left the following distribution of seats: UCD (three), PSOE (one), PCE (one), AP (one), and PDC (one). However, a minimal majority of the national right, the so-called mechanical majority, was possible (UCD and AP).<sup>4</sup> In fact, this was the initial strategy employed in developing a draft constitution. However, the strategy was denounced by the opposition and ultimately abandoned by the UCD in favor of negotiations between the UCD and PSOE, a strategy previously agreed to by the PCE and PDC (Gunther, 1992, pp. 59–60).

My own analysis of 192 floor votes on the Spanish constitution (which includes approved articles and amendments) shows that 92 percent passed with the support of the UCD and PSOE parliamentary groups. Ninety-one percent passed with the support of at least five of the seven parliamentary groups. Only three votes passed with so-called mechanical majority of the center-right and right (UCD and AP). Furthermore, of the 14 votes that generated less than an 85 percent favorable vote, only five generated a substantial "no" vote;<sup>5</sup> the remaining nine generated a substantial "abstain" vote but not outright opposition. The style of politics during this period thus became known as consensus politics. This practice extended to the approval of organic laws, which have semi-constitutional status, in the Congress between 1979 and 1982 (Field, 2005, 2006a). A full 95 percent of these laws passed with the support of the governing and main opposition party. Therefore, outcomes were not to be based on simple majorities but rather supermajorities that encompassed the key political actors. Interparty collaboration on organic laws, while it declined from the immediate post-transition

period, was frequently and consistently attained between 1986 and 2004. On average 73 percent of organic laws in each legislative period were passed with the collaboration of, at least, the two largest political parties (Field, 2005).<sup>6</sup>

Second, the *Pacto del Olvido* or *Pacto de Silencio* (Pact to Forget/Pact of Silence) was an informal, tacit agreement to let bygones be bygones. In effect, it prohibited stirring up the ghosts of the past, investigating, and/or punishing past injustices or human rights violations committed during the Spanish Civil War (1936–9) or the Franco regime (1939–75). It was based on “a consensus across the political spectrum that there was no space for revenge or the settling of old scores, for fear of opening up the old wounds and renewing the bloody conflict” (Rigby, 2000, pp. 76–7). In the documentary, *Rejas en la Memoria* (Bars in the Memory), Santiago Carrillo, general secretary of the PCE during the transition years, explains that “the governing right gave up power to share it in democracy, while the PCE . . . gave up the demand for compensation for the repression and the historical restitution of the defeated” (*El País*, 17 October 2004).

The agreement included making minimal reference to the Franco period; no purge and no attempt to address injustices or seek retribution; a reinterpretation of the civil war as a collective tragedy; and the creation of new symbols that only unevenly replaced symbols of the dictatorship (Rigby, 2000). It is not uncommon 30 years after the transition to see street signs or statues honoring Franco or the uprising against Spain’s first democracy, the Second Republic (1931–6). There were not to be victors and vanquished as had occurred under the dictatorship. This meant that Spain, often considered a model transition to democracy, did far less in the area of transitional justice than oft-mentioned cases of dictatorial regime impunity, such as Chile, which has accomplished far more in the area of transitional justice in the comparatively short life of its democracy (1990–present) than Spain has in 30 years.

Third, there was an unwritten rule of centripetal alliance strategies. This meant that the principal parties, when necessary, sought alliance partners in the center of the political spectrum. Despite the incentives of the electoral laws for party mergers and alliances, the UCD did not ally with the AP on the political right, and the PSOE did not ally with the PCE on the political left for the Congress of Deputies elections.<sup>7</sup> While this may not have been electorally wise at all times given the centrist Spanish electorate, the UCD also refused to form an electoral alliance with the AP, even when it might have been in its electoral benefit to do so. Between 1979 and 1982 the UCD experienced a severe

internal crisis and multiple leaders left the party to form new parties or join other existing parties. The UCD faced startlingly low prospects in the 28 October 1982 elections: Polls in September indicated the UCD would receive only 7 percent of the vote and in October only 5 percent (Gunther, 1986, p. 484, n. 43). A CIS poll indicated that the UCD alone would receive 24 deputies (versus 100 for AP and 180 for the PSOE); however, a common UCD/AP ticket would receive 130 to 140 seats versus 160 to 170 for the PSOE (Alonso-Castrillo, 1996, p. 532). Despite this and AP's offer of a 50/50 distribution of candidacies between the UCD and AP, the UCD did not agree to form joint lists except in a few provinces (Ibid.).

In the early years of democracy, the PSOE and the PCE also did not ally in elections for the Congress of Deputies. During the years of PSOE majorities (1982–96) there was little need to worry about alliance strategies. However, after both the 1993 and 1996 elections, the PSOE and PP, respectively, had to rely on multiparty support or acquiescence to form governments and pass legislation. The first PSOE minority government relied on center-right nationalist parties, CiU and PNV. The PSOE did not choose an alliance with the leftist and PCE-dominated alliance IU, despite the fact that this would have given the Spanish national-left a parliamentary majority of 177 seats. The national political right since 1993 is united and thus the PP was left with little option but to adopt a similar alliance strategy when it won the elections in 1996 without a majority. It formed alliances with CiU, CC, and PNV.

Several factors likely contributed to informal institution building. First, there is strong evidence that Spanish political elites learned from the country's history of divisive politics (Aguilar Fernández, 1996), including contentious inter-elite relations during the Second Republic, a coup against which led to a bloody civil war and a long period of authoritarian rule. Second, fear of the reversal of democratization certainly helped create these institutions. Spanish democratizers faced a very strong veto player in the Spanish military. Third, learning during the transition helped create and maintain the informal institutions. Successful interparty collaboration on the terms of the transition likely provided an "early felicitous experience" (Helmke and Levitsky, 2006, p. 21) that helped future negotiations on issues such as the socio-economic accords (Moncloa Pacts) and the constitution (Field, 2006a). Also, a period of divisive politics preceded a coup attempt in 1981 in which the Civil Guard took over the in-session Congress of Deputies. This is what Helmke and Levitsky refer to as "highly visible (if infrequent) episodes of rule-breaking and sanction" (Helmke and Levitsky,

2006, p. 21). Gunther (1992) also found that negotiations among a small group of elites, such as those that took place between political party leaders in Madrid restaurants during the transition or on the seven-man subcommittee responsible for writing a draft constitution, facilitated consensus decision making, and therefore likely helped in the emergence of the informal rules of interparty politics.

## **Interparty politics in the Congress of Deputies**

This section asks two empirical questions about polarization: To what degree is adversarial interparty politics manifested in legislative behavior? Has political party polarization in the law-making process increased since 2004? Unlike Chari and Heywood (this volume), this study does not analyze the institutional continuities that underlie the policy-making process, but rather the actors' willingness or ability to collaborate on the passage of laws.

This study measures interparty consensus (division) using votes in the Spanish Congress of Deputies. It extends a prior study of all laws passed in the Congress of Deputies between 1977 and 2004 (Field, 2005), which found three empirical patterns relevant to the present analysis. First, political party collaboration on the passage of legislation declined during the 27-year period of the study (except for a one-time increase).<sup>8</sup> Second, as mentioned above, interparty collaboration on organic laws, while it declined from the immediate post-transition period, was frequently and consistently attained between 1986 and 2004. Third, ordinary laws passed with significantly less cross-party collaboration than organic laws between 1993 and 2004. The below analysis includes new data and analysis of the VIII Legislature (2004–08).

### **Dataset**

The dataset includes all organic and ordinary laws with recorded votes passed between the founding elections in June 1977 and the March 2008 parliamentary elections.<sup>9</sup> It does not include international treaties or royal decree laws. However, royal decree laws are often subsequently processed as ordinary laws; all ordinary laws with recorded votes are included. Organic laws have semi-constitutional status and regulate the development of fundamental rights and liberties and approve the regional government statutes of autonomy, the electoral laws, and many other laws that regulate the institutions of the state (Spanish Constitution of 1978, Article 81). All other laws are ordinary laws. Ordinary laws in some cases can be passed in committee and do not

require a floor vote. The dataset includes laws passed in committee and on the floor. *All laws* or *laws* in this study refer to all organic and ordinary laws. During this 30-year democratic period, parliament passed 1573 laws. This study includes those laws with recorded votes—1544 or 98 percent.

For each law, I collected deputy votes from the Congress of Deputies cast during the first consideration of the bill. In other words, it does not include Senate votes or votes on amendments from the Senate. Organic laws require the favorable vote of an absolute majority of the members of the Congress and a final vote on the entire bill. Ordinary laws require a favorable plurality of the vote and do not require a final vote on the entire bill. Therefore, votes can be taken on articles, partial articles, amendments, and so forth, which for any one bill can range from a single vote to hundreds of votes.

Each deputy may cast three types of vote: in favor, against, or abstain. Vote totals are recorded in the congressional record (*Diario de Sesiones*). In the *Diario*, vote results are presented as aggregate numbers (total votes, number in favor, number against, number abstain) and do not indicate the names of legislators or votes by party. Absent legislators are not included in the study. The unit of analysis is the degree of support for each law. Therefore, votes on ordinary laws must be aggregated. In order to do so, I average all votes on approved articles and amendments, in effect the approved content. Since a final vote is required on the entire bill in the case of organic laws, I use the final vote totals.

### Aggregate party consensus/dissent

Was party politics more polarized in the 2004–08 parliamentary session compared to prior ones? To answer this question, I use two measures. First, I average the degree of support for all of the laws passed in each legislative period to acquire a period average. Second, since the prior measure does not take the partisan distribution of seats into consideration, I identify laws that passed with *substantial collaboration* (Field, 2005, 2006a). Laws that attain a percentage of votes in favor of the legislation that is equal to or greater than the combined percentage of seats held by the governing party and the principal opposition party are categorized as substantial collaboration.<sup>10</sup> In essence, this is an indirect indicator of the degree of collaboration or conflict across, at a minimum, the two principal political parties. Substantial collaboration in some instances indicates collaboration across all parties.

Analyzing all laws for the entire period (1977–2008), a greater portion of legislation passed with substantial collaboration during minority

governments (68.1 percent) than during majority ones (61.2 percent).<sup>11</sup> Laws passed on the floor of the chamber less frequently attain substantial collaboration (62.9 percent) than those passed in committee (70.3 percent) (see Maurer, this volume).<sup>12</sup> Unsurprisingly, government-initiated laws (62.4 percent) less frequently attain substantial collaboration than other types of laws (81.5 percent).<sup>13</sup> There is no statistically significant difference in the portion of laws passed with substantial collaboration during PSOE (61.6 percent) or PP (58.2 percent) governments.

Table 3.1 show that the laws passed during Legislature VIII (2004–08) received the lowest average percentage of favorable votes. The average favorable vote for the entire democratic period is 86 percent and ranges from a high of 92 percent during the Constituent Legislature (1977–9) to a low of 82 percent in the most recent parliament. While the percentage of abstentions are at the period average (6 percent), Legislature VIII (2004–08) has also produced the highest percentage of votes against legislation (12 percent) compared to an average of 8 percent and a low of 4 percent. Therefore, fewer legislators in the most recent parliament have voted in favor of the laws and more are actively indicating their opposition than during any other legislative period.

The percentage of laws passed with substantial collaboration also indicates greater polarization. Only 50 percent of the laws passed with substantial collaboration in Legislature VIII (2004–08). This is the lowest percentage of the entire democratic period.<sup>14</sup> Legislature VIII is also an outlier—despite being a period of minority government, there is less collaboration during this period than during any other legislative period. The possible importance of informal institutions is illustrated by the fact that the minority UCD administrations generated far greater collaboration than subsequent ones. However, the overall degree of collaboration on all laws does not differ greatly from the prior Legislature VII (2000–04) during which only 52 percent of laws passed with substantial collaboration.

On an aggregate level, the data indicate five distinct periods with regard to collaboration: 1977–82, 1982–6, 1986–93, 1993–2000, and 2000–08. In this periodization, the data indicate a statistically significant decline in substantial collaboration for the 2000–08 period vis-à-vis the prior 1993–2000 period. Only 51 percent of laws passed with substantial collaboration between 2000 and 2008 versus 64 percent during the 1993 to 2000 period. This compares to 72 percent (1986–93), 57 percent (1982–6), and 81 percent (1977–82) of laws that passed with substantial collaboration in prior periods.<sup>15</sup> Overall, therefore, the data show that the past two legislative periods (2000–08) are the most polarized to date,

Table 3.1 Political Party Collaboration, Spain, 1977–2008

Legislature	Governing Party/ Main Opposition	Government Strength	Average Support (all laws)			Substantial Collaboration			Cases		
			% For	% Against	% Abstain	All Laws	Ordinary Laws	Organic Laws	N All Laws	N Ordinary	N Organic
Legislature C (1977–79)	UCD-PSOE	Minority	92%	4%	4%	86%	86%	—	107	107	—
Legislature I (1979–82)	UCD-PSOE	Minority	90%	5%	5%	79%	**76%	95%	250	212	38
Legislature II (1982–86)	PSOE-AP/PP	Majority	86%	8%	6%	***57%	***62%	***36%	210	168	42
Legislature III (1986–89)	PSOE-AP/PP	Majority	88%	6%	6%	***71%	72%	**71%	119	102	17
Legislature IV (1989–93)	PSOE-PP	Majority	87%	7%	6%	72%	73%	67%	135	111	24
Legislature V (1993–96)	PSOE-PP	Minority	86%	7%	7%	65%	*61%	76%	147	109	38
Legislature VI (1996–2000)	PP-PSOE	Minority	84%	8%	8%	63%	60%	78%	218	178	40
Legislature VII (2000–04)	PP-PSOE	Majority	84%	11%	5%	**52%	**47%	73%	191	150	41
Legislature VIII (2004–08)	PSOE-PP	Minority	82%	12%	6%	50%	48%	58%	167	134	33
Entire Period			86%	8%	6%	65%	64%	69%	1544	1271	273

Sources: Elaborated by the author based on votes published in the *Diario de Sesiones*, Congress of Deputies, Spain.

Notes: Substantial Collaboration refers to the percentage of laws that passed with substantial collaboration during the legislative period. Asterisks on the Substantial Collaboration data refer to the statistical significance from the previous legislative period. Statistical significance was determined by the Pearson Chi-Square test.

\* Statistically significant at the <.10 level;

\*\* Statistically significant at the <.05 level;

\*\*\* Statistically significant at the <.01 level.

and that the aggregate level of polarization in the law-making process did not increase during Legislature VIII (2004–08).

### **The breakdown of the informal institutions of interparty politics**

This section demonstrates that while aggregate polarization in the passage of legislation did not increase between 2004 and 2008, divisions were distinct in kind from prior ones. This section argues that increased polarization beginning in 2000 and that division was different in kind during Legislature VIII (2004–08) are in part due to the breakdown of the informal institutions that governed Spanish interparty politics for much of the democratic period.

#### **Issues of state**

In recent years, the practice of reaching supermajority consensus on issues of state has decreased. This can be seen regarding the struggle against *Euskadi Ta Askatasuna* (ETA) terrorism where the opposition PP viscerally attacked the PSOE government (2004–08) for its attempt to negotiate a peace with ETA terrorists, which the PP had also attempted when in government. It is also evident in parliamentary behavior on a broad range of issues of state. Using the dataset, this can be assessed in two ways. First, I analyze support for ordinary and organic laws (see Table 3.1). Recall that organic laws have semi-constitutional status. In Legislature VIII (2004–08) only 48 percent of ordinary laws passed with substantial collaboration compared to 58 percent of organic laws. Therefore, cross-party consensus on organic laws is still higher. However, while caution is appropriate due to the small number of cases, perhaps the most interesting finding is the 15-point drop in the percentage of organic laws passed with substantial collaboration compared to the prior legislative session during which 73 percent of organic laws passed with substantial collaboration.<sup>16</sup> This large decline contrasts with the slight 1-point increase in support for ordinary laws.<sup>17</sup>

Table 3.2 categorizes all organic laws according to policy area during the past two legislative sessions. The level of cross-party support for legislation dealing with Regions/Autonomy Statutes is the only area where collaboration increased. Education and Budgeting has remained the same; however, consensus has declined on issues of Law & Order, the European Union, Defense, Political Parties & Elections, and Rights & Liberties. In contrast with Legislature VII (2000–04), there are in effect no policy areas that enjoy consistent cross-party consensus. The three

Table 3.2 Substantial Collaboration, Organic Laws by Subject, Legislatures VII and VIII

	Legislature VII (2000-04)			Legislature VIII (2004-08)		
	Total #	# SC	% SC	Total #	# SC	% SC
Law & Order	17	12	70.6	11	5	45.5
Regions/Autonomy Statutes	4	3	75.0	6	5	83.3
European Union	5	5	100	3	2	66.7
Foreign Affairs (non-EU)	2	2	100	—	—	—
Education	3	0	0.0	2	0	0.0
Defense	3	3	100	2	1	50.0
Political Parties & Elections	2	2	100	2	1	50.0
Budget	1	0	0.0	1	0	0.0
Rights & Liberties	4	3	75.0	3	2	66.7
Other	—	—	—	3	3	100
	41	30	73.2	33	19	57.6

Notes: Categorization based on the predominant content of the legislation. SC=Substantial Collaboration.

most conflict-ridden laws, measured by the percentage of the opposition parties' support, were Organic Law 6/2006 on the Reform of the Statute of Autonomy of Catalonia, Organic Law 5/2005 on National Defense, and Organic Law 2/2006 on Education. Despite a legislative period dominated by division over the Catalan Autonomy Statute, which indeed registered in the Congressional vote, regional issues enjoy the highest degree of consensus within organic laws. Issues related to Catalonia and the Basque Country are unique in Spain due to their strong national identities and the PP's fortification of Spanish nationalism (Astudillo and García-Guereta, 2006).

A second means of assessing the degree to which the practice of reaching supermajority consensus on issues of state exists is to categorize all laws (organic and ordinary) according to six policy areas. The categorization is primarily based on the committee that examined the legislation. However, a few laws were not sent to committee; these were categorized based on the law's substantive content. *Government Institutions* includes laws examined by Constitutional, Defense, Justice, Interior, and Public Administration committees.<sup>18</sup> *Economic Policy* includes legislation examined by the committees on Agriculture, Fishing, and Alimentation; Economy and Taxation; and Industry, Tourism and Commerce.<sup>19</sup> *Social Policy* includes laws examined by the committees on Education and Science; Work and Social Issues; Culture; Health and Consumption; and

Housing and Urban Development.<sup>20</sup> *Environmental Policy, Budgeting, and Foreign Policy* include those laws examined by single committees of the same names.<sup>21</sup>

Table 3.3 presents the results. An analysis of Legislatures VII and VIII combined reveals that Environmental Policy generates the least cross-party consensus (22.2 percent SC) followed by Economic Policy (46.8 percent SC). Over a majority of laws pass with substantial collaboration on Social Policy (51.4 percent SC), Budgeting (53.3 percent)—however, no General Budget law passed with substantial collaboration in either legislative period—and Government Institutions (55.8 percent). All laws in Foreign Policy passed with substantial collaboration. This latter finding should be interpreted with extreme caution as little foreign policy is dealt with in this manner. In fact, Gillespie (2007) finds a decline in consensus on foreign policy since 2000.

The longitudinal patterns of laws passed with substantial collaboration are very interesting.<sup>22</sup> Only 45 percent of Government Institutions laws passed with substantial collaboration in Legislature VIII (2004–08) compared to 66.7 percent in Legislature VII (2000–04), which is a 21.7-point drop. In Legislature VIII (2004–08) there is essentially no difference in the level of support for Government Institutions or Economic Policy. No other policy area experienced a decline. Substantial collaboration on Environmental Policy (17.5 points) and Social Policy (29.9 points)<sup>23</sup> *increased*, while collaboration on Economic and Foreign Policy remained constant.

Consensus on Government Institutions in Legislature VIII (2004–08) stands out compared to every other legislative period. Substantial Collaboration on Government Institutions laws reached 88 percent in Legislature C (1977–9), 91 percent in Legislature I (1979–82), 77 percent in Legislature III (1986–9), 76 percent in Legislature IV (1989–93), 74 percent in Legislature V (1993–6), 73 percent in Legislature VI (1996–2000), and 67 percent in Legislature VII (2000–04). The only legislative period that approaches the degree on conflict on Government Institutions is Legislature II (1982–6) when only 48 percent of laws passed with substantial collaboration.<sup>24</sup>

In sum, a fundamental change in Spanish politics in recent years is greater division on issues of state. There are policy areas that exhibit greater division, but issues of state are increasingly polarized. While cross-party conflict has progressively increased over Spain's 30-year democratic history, with one exception, until recently conflict on issues of state has been muted (Field, 2005; Mújica and Sánchez-Cuenca, 2006). This is no longer the case.

*Table 3.3* Substantial Collaboration, All Laws by Policy Area, Legislatures VII and VIII

	Environmental Policy			Economic Policy			Social Policy		
	Total #	# SC	% SC	Total #	# SC	% SC	Total #	# SC	% SC
Legislature VII	8	1	12.5	62	29	46.8	32	11	34.4
Legislature VIII	10	3	30.0	47	22	46.8	42	27	64.3
Total	18	4	22.2	109	51	46.8	74	38	51.4

	Budgeting*			Government Institutions			Foreign Policy		
	Total #	# SC	% SC	Total #	# SC	% SC	Total #	# SC	% SC
Legislature VII	26	16	61.5	60	40	66.7	3	3	100
Legislature VIII	4	0	0.0	60	27	45.0	4	4	100
Total	30	16	53.3	120	67	55.8	7	7	100

SC = Substantial Collaboration

\* None of the General Budget laws passed with SC in either legislative period. A number of supplementary budget laws passed during Legislature VII, which did not occur in Legislature VIII.

### **Pacto del Olvido/Pacto de Silencio**

The informal agreement to let bygones be bygones has disintegrated. In recent years, there has been growing public consciousness and increasing civil society organization and activity pressing issues of historical memory dealing with the military uprising against the Second Republic in 1936, the Spanish Civil War, and the Franco regime (Blakeley, 2005). Among the issues are morally rehabilitating the victims of the Civil War and the Franco regime; dealing with the still existing symbols of the dictatorship; compensating property, financial, and personal losses; revisiting the summary trials (*juicios sumarísimos*) of the Franco regime; identifying and excavating mass graves; identifying and honorably burying the dead; and establishing the facts surrounding the deaths. The emphasis of civil society groups in Spain has been on recovering historical memory, public acknowledgement, and recognition rather than revenge (Blakeley, 2005).

These issues were stirring during the PP government of Aznar, which hoped to definitively close the issue with a 2002 parliamentary resolution that for the first time condemned the military uprising against the Second Republic. The subject however did not go away and was one of the focal points of the Zapatero government (2004–08). The administration coincided with the upcoming and then actual anniversaries in 2006 of the proclamation of the Second Republic (75th anniversary) and the beginning of the civil war (70th anniversary). Despite promising a bill on historical memory early in the parliamentary session, the Zapatero government repeatedly delayed its presentation because of the controversy it generated. In fact, the IU and ERC both presented parliamentary bills on the issue to force the government to act.

All parliamentary groups except the PP agreed on the need for a historical memory law. Manuel Atencia, the PP's spokesperson on this issue, stated that his group will vote against all of the historical memory proposals because "they are against the constitutional pact, try to impose an official truth, revise the transition to democracy, divide the Spanish people and reopen old wounds" (*El País*, 27 April 2006). PP leader Mariano Rajoy promised: "When I get to government, this about historical memory is over." He also stated that he trusts an executive that "looks to the future and not to the past or to prehistory" (*El País*, 10 July 2007).

The parliamentary groups that favored a historical memory law tended to see the legislation as strengthening Spain's democracy and necessary for reconciliation. PSOE spokesperson Ramón Jáuregui stated: "memory

can't be obviated" and "the transition confused pardon with forgetting" (*El País*, 27 April 2006). IU leader Gaspar Llamazares stated that no one is seeking "revenge or to reopen wounds, but rather to repair memory so that forgiving and reconciliation are effective" (*El País*, 8 February 2006). Josu Erkoreka (PNV) stated that the law complements "what couldn't be done or wasn't wanted during the transition" (*El País*, 14 December 2006). However, among the supporters of historical memory legislation there was ample disagreement on content. The government finally presented what many critics believed to be a watered down bill at the end of 2006. The government was caught between those who thought the bill did too little (ERC and IU) and those who thought there should be no historical memory legislation at all (PP). The government ultimately reached a compromise agreement with a variety of smaller parties and the legislation (Law 52/2007) passed without the support of ERC and PP.

Parliament passed two additional conflict-ridden laws that deal with historical memory on a smaller scale. Law 24/2006, which declared 2006 the Year of Historical Memory, was one of the laws that obtained the least amount of support from the opposition. Law 21/2005, which returned documents seized in the Civil War and housed in the General Archive of the Spanish Civil War in Salamanca to the Catalan Generalitat, also generated great controversy. These documents were taken from Catalonia to provide the Franco regime with information on its enemies (*El País*, 16 April 2005). Therefore, in addition to the weakening of the previous practice of reaching supermajority consensus on issues of state, extremely divisive issues that were previously left off the political agenda, particularly those dealing with the contentious past, have been placed center stage.<sup>25</sup>

### **Centripetal alliances**

Beginning in 2000, centripetal alliance strategies were also abandoned. The PSOE faced a leadership crisis following its electoral defeat in 1996 and the loss of Felipe González. González had been general secretary since 1974 and the prime minister between 1982 and 1996. The party's new leader, Joaquín Almunia, faced dubious legitimacy which was even further questioned after losing the party's first primaries in 1998 to select the candidate for the prime minister. Josep Borrell defeated Almunia in the primary, but subsequently stepped down, apparently due to a corruption scandal, and Almunia replaced Borrell as the party's candidate for prime minister in the 2000 elections. Almunia sought an alliance with IU, also under the new leadership of Francisco Frutos.

Initial negotiations were ambitious, and included the IU withdrawing congressional candidates in 34 of 52 electoral districts to facilitate the left vote going to the PSOE and thereby taking advantage of the disproportional electoral laws that favored the largest parties (Colomer, 2001). In exchange the IU was to gain viable candidacies in the weaker Senate. Ultimately, the agreement was much less ambitious; the two formations agreed to a “progressive” government program and candidate coordination in the Senate. The IU did not withdraw its candidates in any congressional districts. Nonetheless this was the first time that the alliance strategy of one of the principal parties at the national level was centrifugal.

Following the disastrous results of the 2000 elections, Almunia stepped down and Zapatero was ultimately elected PSOE general secretary. The PSOE with Zapatero as its candidate for prime minister won the parliamentary elections in 2004 without a majority and opted for collaboration with IU and ERC. ERC is a Catalan leftist party with a more clearly independence-oriented political stance than CiU. ERC had entered into the tripartite regional government in Catalonia (PSOE-PSC, ERC, and IC) in 2003, which for the first time ousted CiU from power in Catalonia. It also increased its seats in the national Congress from only one seat to eight after the 2004 elections. Nonetheless, the PSOE was not without alliance options. CiU and PNV represented possible alliance options, despite the regional government in Catalonia.

In sum, three of the informal institutions that governed interparty politics for much of the democratic period and that facilitated consensual decision-making—informal supermajorities on issues of state, the pact to forget, and centripetal alliance strategies—had weakened by 2000 and crumbled by 2004. The breakdown of these informal institutions helps account for the rise of more adversarial politics in contemporary Spain and the differences in kind from prior divisions.

## **Explaining informal institutional change**

This section suggests hypotheses for why informal institutions change. Helmke and Levitsky (2006, p. 22) consider changes of formal institutions, of the underlying distribution of power and resources, and of shared beliefs and collective experiences explanations of informal institutional change. In the Spanish case, the macro formal institution arrangements have experienced little change in recent years and therefore cannot explain informal institutional change. However, changes in the underlying distribution of power and resources, and of shared beliefs

and experiences likely played a role in the Spanish case. Particularly important were the establishment of civilian supremacy over the military, which altered politicians' expectations of the military as a veto power, and generational changes at the highest levels of the party organizations.

The first key piece of the explanation is the fact that Spanish democracy has long been consolidated. Civilian control of the military was established in the first Socialist administration (Agüero, 1995), which partially accounts for why there was a drop in cross-party collaboration after 1982 (Field, 2005). However, this occurred in the early to mid-1980s and cannot explain the most recent unraveling of the informal institutions of interparty politics. The fact that many of the informal institutions that governed interparty politics survived long after the establishment of civilian control of the military suggests that informal institutions are sticky. A change in the external sanctioning power of the military weakened but did not completely undo the informal institutions of interparty competition.

A better understanding of the transformation of the informal institutions of interparty politics in Spain must look at the political parties themselves and their leaderships. Changes in leadership are particularly significant in Spain due to the centrality of parties in the political system and the parties' hierarchical organization (see van Biezen, this volume), and, when a party controls the executive, the centrality of the executive in the policy-making process (see Chari and Heywood, this volume). The key party leaders (Suárez of the UCD, González of the PSOE, Carrillo of the PCE, and Jordi Pujol of PDC/CiU) and their teams that were responsible for bringing forth the transition have either retired or left the front lines of national politics. This is also true of those party leaders who were less apt to participate in the consensus politics of the transition period, including Manuel Fraga of AP/PP.

The renewal process began with Suárez but was only completed with the recent renovation of CiU and PSOE leaderships. Suárez stepped down as prime minister in 1981, and abandoned the UCD to form the CDS in 1982. He was elected to parliament in 1982; however the CDS never attained the success of the original UCD and Suárez left the presidency of the CDS in 1991. Santiago Carrillo, whose moderate and consensual stance contributed much to the success of the pacted transition, stepped down as leader of the PCE in 1982 after its dismal performance. He eventually left the PCE in 1985 and founded the *Partido de los Trabajadores de España* which dissolved in 1991.

Key to our analysis, Felipe González stepped down as general secretary of the PSOE in 1997 following the PSOE's 1996 defeat by the PP. A central

question in the debate on leadership succession at the 35th Party conference in 2000 was whether it was time to transfer power from the generation that had carried out the transition to democracy to a new generation (Méndez Lago, 2006). The young Zapatero, born in 1960, was only a teenager during the transition. While a member of the PSOE since 1979 and deputy in the Congress since 1986, he first won a seat on the party's executive committee in 1997, and his first ministerial post was as prime minister in 2004. Substantial renovation of the Federal Executive Committee also occurred with Zapatero's election as general secretary (*Ibid.*).

Leadership of the Catalan alliance, CiU, has also changed. Jordi Pujol, leader of the CDC and head of the CiU, announced in 2001 that he would not be a candidate for the presidency of the Catalan regional government again, and in 2003 he left the presidency after 23 years of governing. While Pujol still remained CDC party president, Artur Mas became the general secretary of CDC in 2000, the CiU president in 2003, and the CiU candidate for the president of the Catalan regional government in 2003 and 2006.

## **Conclusion**

This study demonstrates the progressive increase of adversarial interparty politics over the 30 years of Spanish democracy. Adversarial politics has not only increased but is also different in kind from prior political party division. Polarization is in large part due to increasing division on issues of state. This is a departure from prior empirical patterns of interparty collaboration which show relatively high and constant cross-party support for organic laws passed between 1986 and 2004. Recent polarization, and in fact interparty politics during the 30 years of Spanish democracy, cannot be adequately understood without analyzing the rise and fall of the informal institutions that governed interparty competition. Supermajorities on issues of state, the pact to forget, and centripetal alliance strategies that were so important to Spain's successful democratization have unraveled in recent years.

This explanation does not contradict another prominent explanation based on elite strategic choices. A report put out by *Fundación Alternativas* (2007) argues that polarization is a deliberate PP strategy to polarize politics on territorial issues and domestic terrorism. It argues that the left in Spain would win elections on the basis of welfare state issues, but if issues that are not clearly left-right in nature are used by the PP, it has a better chance of winning elections. The argument

advanced here is complementary. The demise of the informal institutions permits exactly the behavior this explanation highlights.

However, an explanation based on informal institutions explains more; it explains not only PP behavior but interparty dynamics more broadly. The left's return to power in 2004 is also significant. Though there are clear indications that the weakening of the informal institutions began under PP governance beginning in 2000, the PP with an absolute majority government (2000–04) was able to keep issues such as revising the Catalan Autonomy Statute and historical memory largely off of the political agenda. The informal institutions that governed interparty politics represented in many ways a veto by the national political right and acted as a break on the demands of leftists and regional nationalists.

In comparative perspective, the Spanish case suggests that full-fledged formal consensual or consociational institutions are not necessary to generate consensual practices. However, we cannot take this assertion too far. Spain is also not a clear case of majoritarian democracy either; both the left and the right and regional nationalist parties have a secure place in the political system. In fact, while the electoral laws are biased, they do not harm regional parties, such as the CiU and PNV, when they are dominant in their regions.

While formal institutions may be designed to encourage or compel collaboration across political parties in delicate transitions, as occurred in Colombia or other consociational democracies (Lijphart, 1977), they also have the potential disadvantage of freezing political relations and producing extra-institutional conflict if key actors are left out of the arrangements or new actors emerge. The Spanish case illustrates that informal institutions, while perhaps more difficult to establish or historically contingent, may be transformed more easily. Therefore, informal institutions, while sticky, may present less of a barrier to democratic transformation than formal institutions.

This analysis clearly highlights the importance of analyzing the institutionalization of informal behavioral patterns during democratic transitions. An exclusive focus on the formal institutions of Spanish politics would miss a key piece of the puzzle which in fact better explains interparty relations, and also helps explain democratic consolidation. In part, the successful consolidation of Spanish democracy was due to the informal institutions which attenuated the majoritarian characteristics of the formal institutions. Spain could provide some important insights regarding the breakdown of informal institutions that facilitated democratization, particularly in countries with strong parties, such as

Chile (see Siavelis, 2006). Informal institutions may weaken when the transition generation of political leaders retires from the front line of politics. Where democracy is consolidated, this may permit more competitive and representative democratic governance. However, where consolidation has not occurred, the breakdown of informal institutions may present a challenge to democratic governance.

This analysis also speaks to the relationship between institutions and representation. While the informal institutions that regulated interparty competition contributed to successful democratic transition and consolidation in Spain, those same institutions limited interparty competition and excluded certain issues from the policy-making agenda, and therefore inhibited the representation of distinct societal interests. Spanish parties' representation of distinct policy positions has clearly increased over time. While this has entailed extremely acerbic interparty relations, it is also a sign of democratic deepening and an illustration that Spain can clearly be considered a mature, competitive democracy.

## Notes

1. The author thanks Richard Gunther, Kerstin Hamann, Richard Katz, Steven Levitsky, Ignacio Sánchez-Cuenca, and Mariano Torcal for their comments on previous versions of this chapter.
2. Autonomist refers to those that supported decentralization of power to regional governments, which in Spain are called autonomous communities. The *Cortes* is the Spanish Parliament. All quotes from newspaper articles are translated by the author.
3. Between 1989 and 1993 the majority was de facto.
4. The subcommittee did not include a representative of the Basque Nationalist Party (PNV). On the importance of not including the PNV, see Gunther (1992, 2007).
5. Only two of these votes passed with the exclusive support of UCD and AP. Two passed with the support of UCD, AP, and Catalan parliamentary groups, and one passed with the support of these three groups and the Basque parliamentary group.
6. The Mújica and Sánchez-Cuenca (2006) study of organic laws comes to a similar conclusion—69 percent of organic laws passed with consensus between the two largest parties. This study appears to use a different methodology to categorize laws passed with consensus; however, the methodology is unclear.
7. There are a few exceptions to this regarding electoral lists in the Basque Country.
8. This differs from Capó's findings (1994, 2003), which show an increase in political party collaboration between 1993 and 2000.
9. For a complete explanation of the data collection and the methodological choices, see Field (2005).

10. For laws passed in committee, the portion of committee seats is used.
11. Statistically significant at the  $p < .01$  level.
12. Statistically significant at the  $p < .01$  level.
13. Statistically significant at the  $p < .001$  level.
14. Using the Pearson chi-square test for statistical significance, the differences between Legislature VIII and Legislatures C, I, III, IV, V, VI are significant at the  $p < .01$  level. The differences vis-à-vis the prior Legislature VII (2000–04) and Legislature II (1982–6) are not statistically significant.
15. All changes between all periods are statistically significant at the  $p < .01$  level, except 1982–6 vis-à-vis 2000–08 ( $p = .20$ ). Statistical significance was determined by the Pearson Chi-Square test.
16. Regarding organic laws, the differences between Legislature VIII (2004–08) are statistically significant at the  $p < .01$  level vis-à-vis Legislature I, at the  $p < .10$  level vis-à-vis Legislatures II, V, VI, and not statistically significant at the  $p < .10$  level vis-à-vis Legislatures III, IV, and VII.
17. Regarding ordinary laws, the differences between Legislature VIII (2004–08) are statistically significant at least at the  $p < .05$  level vis-à-vis all other legislative periods except Legislature VII (2000–04).
18. Justice and Interior was a single committee in Legislature VII.
19. The committees were somewhat different in Legislature VII: Agriculture, Livestock, and Fishing; Economy and Taxation; and Infrastructure.
20. Legislature VII: Education, Culture, and Sports; Social Policy and Employment; Health and Consumption; Science and Technology.
21. International treaties are not considered organic or ordinary laws, therefore they are not included in this analysis.
22. Budgetary laws are excluded from the longitudinal analysis. There were a number of supplementary budget laws passed in Legislature VII, which did not occur during legislature VIII—this could account for the longitudinal difference rather than an actual increase in conflict in this area.
23. This masks great discord on social policy with post-materialist content, which generated great cross-party division: the new law that permits gay marriage and adoption; the sweeping gender equality act; the law that permits transsexuals to change their name and sex in the national registry; the law that makes divorce easier; and a new education law that removes religion as an obligatory course.
24. Regarding Government Institutions laws, the differences between Legislature VIII (2004–08) are statistically significant at least at the  $p < .05$  level vis-à-vis all other legislative periods except Legislature II (1982–6).
25. Law 50/2007, which modifies Law 43/1998 to make it easier to compensate political parties for their losses due to the application of legislation from the 1936–9 period regarding political responsibilities, did not attain substantial collaboration but was not as controversial as the other laws.

# 4

## Speaking for Place or for Party? Territorial Representation and the Legislative Behavior of Deputies in the Spanish Congress

*Alfred P. Montero*

Democratic Spain has evolved political institutions and practices that reflect both centralizing and decentralizing forces. The major political parties are highly disciplined national organizations, and deputies (MPs) in the parliament (the *Cortes*) answer directly to their party leaders and whips throughout the legislative process. By contrast, the evolution of the regional autonomy system (*Estado de las Autonomías*) has been driven by intergovernmental conflicts and ambiguous political institutions that have decentralized major areas of the administration of policy, shifting power to subnational political actors such as regional presidents, mayors, nationalist parties, and the regional offices of the statewide parties. Yet even as it is poised at the interplay between national and subnational political society, the *Congreso de los Diputados* (the governing lower house of the *Cortes*) hardly reflects these tensions. Regional issues are among the most salient in Spanish politics but among the least apparently divisive in the Congress. Mújica and Sánchez-Cuenca (2006, p. 100) find in their study of constitutional legislation during the first six legislatures that 91 percent of territorial organic laws received the support of both government and the main statewide opposition party.<sup>1</sup> Spain remains a democracy in which territorial cleavages shape most of the major questions of policy and legislation that emerge in the Congress, but the centralizing tendencies of partisan discipline reinforced by parliamentary rules favoring the power brokers of the major parties, mute territorial interests in the legislative process.

The institutional weakness of the Senate, the upper house, undermines further the representation of territorial interests in the *Cortes*. Based on the 1978 Constitution, the Congress was meant to represent population and the Senate was, by Article 69.1, to be the representative body of the regions following the German Bundesrat or the original

American Constitution of 1787. In practice it falls well short of this aspiration. It may rule on issues of intergovernmental import, but if its decisions contradict the Congress it can be overruled by that body with an absolute majority vote. The Senate is a second reader of legislation which can make technical changes to bills without the consent of the Congress, but more substantive changes require the assent of the lower house. The Congress remains the essential parliamentary body of the *Cortes*.

The seemingly weak representation of territorial interests in the *Cortes* in Spain contradicts what many observers of European political parties and legislatures predict is the growing "territorialization" of decentralized, "composite" democracies. Some scholars predict that decentralization will cause organizational power within parties and legislatures to shift from national to subnational levels, so that subnational actors (party leaders and subnational governments) will increasingly influence rules and practices as well as positions on policy choice (Panebianco, 1988; Maor, 1998; Hopkin, 2002; Harmel, 1981). In some cases, regionalization causes subnational party branches to gain autonomy from national leaders and activists (Putnam, 1993; Geser, 1999, pp. 18–19; Downs, 1998). Lancaster (1999) argues that federalism (the existence of overlapping yet autonomous jurisdictions) and multiple levels of political self-identification combine to cause party systems to adapt by creating formulas of compounded representation. Greater territorialization of representation should cause parties to reconfigure their internal rules, allowing for greater diversity of subnational interests and experiences within the organization (Tuschhoff, 1999). The importance of addressing subnational interests is also reinforced in advanced industrial democracies by the growing volatility of party electorates and the related tendency to democratize candidate selection (Pennings and Hazan, 2001). Under such conditions, national party leaders have little choice but to listen to as well as advance the careers of their subnational co-partisans lest they lose a significant share of the vote in the next national election (Van Houten, 2003, p. 9; Geser, 1999, p. 19; Hopkin, 2002, p. 8).

Some recent work on the Spanish case suggests that territorial representation in the Congress is indeed strong. The electoral success of regionalist parties underscores the importance of the territorial cleavage in Spanish politics. Supported by voters in both historically nationalist regions (the Basque Country, Catalonia, and Galicia) as well as non-nationalist cases (e.g., Cantabria, Valencia, Andalusia, the Canary Islands), regionalist parties have consistently captured significant shares of votes and seats in regional parliaments and even in the Congress (Pallarés, Montero, and Llera, 1997; Hamann, 1999, p. 119). Eight of

Spain's regions have had regionalist parties gain seats in the Congress, with Catalonia, the Basque Country, and Navarra having done so consistently since 1977. Thus empowered, several of these regionalist parties have traded their support to governments for greater decentralization of policy authorities and resources (Heller, 2002; Boix, 1998). It is therefore not surprising that some scholars have found evidence that Spanish deputies' careers are shaped by their ability and interests in representing their regions (Stolz, 2001, 2003).

On an institutional level, the Spanish polity, despite being one of the most decentralized in Western Europe, does not entirely fit these expectations. The apparent contradiction between a decentralizing state and centralized and disciplined national parties in the Congress is mediated by what is in reality a dual system of partisan representation. Parties and their MPs interact in the Congress in ways that allow for territorial concerns regarding decentralization to be addressed even as the statewide parties maintain internal discipline around a national legislative agenda. On one level, Spanish parties are "parliamentarized," in that they are led by political elites focused on winning majorities and forming a government (van Biezen, this volume; Sánchez de Dios, 1999; Gunther, 1989). Reinforced by electoral institutions such as closed lists, 50 voting districts with an average magnitude of six, and the d'Hondt rule for translating votes into seats, the system evinces strong majoritarian tendencies despite proportional representation.<sup>2</sup>

Yet the parties, including the statewide organizations, face some incentives to integrate the preferences of subnational party offices. Although party leaders determine placement of candidates on national electoral lists, only the top few positions are filled this way. Most candidates are nominated by local party offices and placed under subnational and national notables selected by the leadership (Montero, 2005, pp. 66–7). National party leaders must approve all candidates to seats in the Congress, but they do so sensitive to the fact that these MPs must represent the party to a local constituency. The salience of these preferences in candidate selection is reflected in the growing number of MPs with some previous experience in subnational appointed or elected office that have been chosen by their parties to sit in the Congress. This regional cohort has increased from 41.1 percent in the third legislature (1986–9) to over 59 percent of all MPs in the seventh (2000–04) (Montero, 2007, p. 582). Individual deputies are conduits for their parties in listening and responding to constituent demands at the electoral district level. These practices have become commonplace as the local offices of the main parties coordinate weekly visits by most deputies and

transmit concerns back to the national office. These concerns have been shown to influence the decision-making of national party leaders regarding legislation and spending based on analyses of overall spending patterns in the regions (Boix, 1998, pp. 142–5; Grau i Creus, 2000). However, no studies have uncovered the systematic mechanisms of subnational influence *within* the legislative process.

Scholarship on regional influences on national legislation has tended to analyze interparty ties, particularly the role of nationalist partners in minority governments (e.g., Heller, 2002). The governments that formed in the 1990s, for instance, were alliances between one of the two statewide parties and a combination of nationalist or regionalist parties (PSOE from 1993–6 and PP from 1996–2000 with CiU, PNV, and CC). Between 2004 and 2008, the PSOE maintained a slim majority due to its ties with Catalanian nationalists. However, the pattern of decentralization does not overlap neatly with the incidence of minority government, nor have the nationalist parties in the Congress been consistent in advocating decentralization to the regions they supposedly represent, let alone to all regions (Montero, 2005, pp. 70–1). It might also be argued that the incentives the statewide parties face even during periods of absolute majority to cultivate relations with nationalist parties is more permanent since these parties consistently act as the “hinge parties” (*partidos bisagra*) with whom the national parties must ally to form a majority.<sup>3</sup>

Determining how the duality of centralized and decentralized dynamics in the party system in Spain influences the legislative process in the Congress requires that the unit of analysis be the MP rather than the parliamentary group (party). If some of the primary channels of subnational influence occur within parties and not just between them, then the behavior of subparty agents must be analyzed (Morgenstern, 2004). Comparing intraparty factions is one alternative, but these groupings are not consistently coherent within the Congress and not all parties are so divided (Field, 2006b, p. 91). Moreover, the turnover rate for deputies is high, most serving only one to two terms (Morán, 1989, 1996; López Nieto, 2001). That undermines the coherence of subparty groupings, leaving the individual MP herself as the best unit of analysis for determining how territorial concerns are articulated within the legislative process of the Congress.

Acquiring data on individual MP motivation is difficult. Roll-call data is virtually meaningless given the high degree of unity in votes during much of the period under study, although such interparty collaboration has been in decline since the early 1990s (see Field, 2005, and in

this volume). Surveys of deputies are few and inconsistent in design and results across time. Filtering out individual motivations from behavior that can be the result of partisan loyalty and the effects of discipline is complicated by the fact that most MPs operate within the established parties. According to the rules of the Congress, individual MPs are prohibited from acting independently. If they leave their party they do not lose their seat by law, but must join an amalgam—"mixed group"—(*Grupo Mixto*) that functions only nominally as a single party.

Given that regional influences in the legislative process, if they occur at all, filter in earlier than final votes on bills, the study of individual MPs' behavior in parliamentary debates is a good indicator for uncovering how the centralizing and decentralizing dimensions of the Spanish political system are mediated in the Congress. Delgado (2000) finds that one of the only kinds of data available on MP behavior is questions asked in committee and in plenary sessions of the Congress. Although committee delegates answer to their party leadership, they also have various opportunities for integrating the interests of groups in their electoral districts into the legislative process through deliberations on specific pieces of legislation. Even opposition deputies can affect the agenda of the governing majority by introducing bills that compel the government to address an issue (Maurer, 1999, p. 33). The parties themselves retain incentives to listen to individual MPs who transmit potentially useful information back from their electoral districts. To what extent, then, do territorial interests shape what deputies say in plenary sessions, the positions they hold on standing committees and within their respective parties, and their overall pattern of legislative activity? The present study addresses these primary research questions.

The following sections will take up these questions. First, I outline how MPs are agents in the legislative process in the Congress. Then I address the question of whether there is a "subnational cohort" of politicians with regional and local experience and whether these deputies use a subnational frame to address legislative issues in plenary sessions. The following section details the operationalization of the main explanatory and dependent variables in the statistical portion of the study. The final section offers some conclusions based on the empirical analysis.

## **MPs as agents in the legislative process**

Political parties have analytical pride of place in the study of the Spanish legislative system, and for good reason. They are the agents that according to the Standing Orders of the Congress are charged with organizing

all parliamentary work. The parliamentary parties exert the greatest influence on the rules of procedure, the content of the legislative docket, the process of considering government- versus opposition-initiated bills, and the composition of permanent and temporary committees (Oñate, 2000). MPs that violate party dictates can be punished according to the internal regulations of each parliamentary group (Field, 2006b). But despite all of this, politicians have sufficient opportunities to influence legislation. In plenary and committee sessions, individual MPs can ask oral or written questions and submit reports on legislation that represent the interests of groups in their electoral district. My own interviews of the general and organizational secretaries of statewide and nationalist parties in seven regions verified that MPs with the strong backing of subnational party offices exert this influence regularly (Montero, 2005).

Interventions in plenary sessions (*el Pleno*) provide the best bird's eye view of the legislative process and how individual deputies as well as parties stand on the content of bills. The plenary is the chief legislative body of the Congress, the final arbiter of all laws and motions, and the body that determines who sits on its primary administrative commissions, including the presidency of the chamber, the committee of parliamentarians (*la Mesa*) which oversees formal procedures, and all of the standing and ad hoc committees (Oñate, 2000, pp. 74–5; Sánchez de Dios, 1995). To be sure, the standing committees retain prerogatives over the drafting and authorization of legislation, most of which is initially considered and voted in committee (Paniagua Soto, 1997, p. 412).<sup>4</sup> Bills are passed on for debate and a final vote in the plenary except for legislation on which the *Pleno* has agreed to delegate this power to the standing committee (*competencia legislativa plena*, see Sec. 5, Art. 148 of Title V, Ch. 3 of the Standing Orders of the Congress). This contingent authority that committees have over legislation can go the other way as the plenary can take responsibilities for drafting a law away from a standing committee. The likelihood of this happening can be predicted by the type of law under consideration. The legislative process operates through two major forms of bills: (1) parliamentary bills (*proposiciones de ley*) and (2) government bills (*proyectos de ley*). The rules of procedure give government initiatives priority, obviating the need to go through a formal proposal process in committee, so these kinds of bills dominate in the plenary. Parliamentary bills are usually the product of non-government parties, but they can also be submitted by regional parliaments, popular petitions, the Senate, and no fewer than 15 MPs. These pieces of legislation are most often composed and debated in committee than are

government-initiated bills. Being products of the opposition, parliamentary bills that survive the committee process must be addressed in the plenary. Consequently, these are the parliamentary initiatives most likely to reflect the priorities of both government and opposition. Taken as a whole, then, the legislation addressed in plenary sessions is a representative mixture of both government- and opposition-initiated proposals.

Committees can be circumvented altogether if a government-initiated bill is expedited. The executive can use emergency powers to issue decree laws that can be converted into government bills in short order. Legislation can garner an “urgent procedure” or be required to issue a single reading prior to a vote. The plenary can also delegate that a standing committee expedite a bill. Such procedures can cut the time needed to turn a bill into a law by half (Sánchez de Dios, 2006, p. 560). In her study of the Congress, Maurer (1999, p. 37, and this volume) asserts that most amendments to bills are negotiated informally among party leaders, circumventing committee debate. Therefore, despite the plenary’s preeminent role in the legislative process, committee activity represents a major part of deputies’ work. Even with expedited review and plenary votes on organic laws and decrees that do not go to standing committees, over a majority of all bills are reported in committee and more than a third of all laws are approved through committees (Sánchez de Dios, 2006, p. 571; Oñate, 2000, p. 86). This makes standing committees in the Congress a key area for interparty negotiation and compromise. Nevertheless, the more important of these actions are eventually delivered and debated in the plenary, so deputy interventions at this level reflect a broader range of legislative projects than what committees address.

One aspect of committee life that is relevant for the influence that individual MPs may enjoy in plenary debates is the position they hold within the committee structure. Depending on whether a deputy has a rank of authority within the committee or a legislative function, some deputies exert greater voice than others on matters of importance that reach the plenary. In practice the composition and responsibilities of committees are the result of the extant balance of partisan forces in the plenary. Each party has votes on committees commensurate with their share of seats in parliament (*voto ponderado*). But given the role of the opposition in proposing bills and exercising a measure of control over the government through oral and written questions in the plenary, even the deputies of the smallest parties can attain a position of some significance in the committee system. Without a formal position, the voices

of individual MPs can be easily overwhelmed by that of others since there is an average of 41 members on standing committees. Large committee memberships make those in positions of political importance particularly influential (Arce Janáriz, 1994, pp. 283–4).

The *portavoces* are the whips of the legislative process, and ultimately, the sources of partisan power within the assembly. They govern both the composition of the standing committees and the distribution of work within them. This includes control of the process of submitting projects of law and amendments to extant legislation (Sánchez de Dios, 2006, p. 554). In effect, no piece of legislation can be debated if it is not approved by the *portavoz* of the party of the bill's author.<sup>5</sup> *Portavoces* also limit motions for debate and oral questions, which MPs can ask by right, but the whips limit by number (Sánchez de Dios, 1999, p. 151). Party leaders and whips coordinate their actions on legislation in a rules committee known as the *Junta de Portavoces*. This entity is composed of the leaders and whips of each of the major parties and the president of the chamber. The *portavoces* are the elected representatives of their parties and only they are empowered by the standing orders of the Congress and the Constitution to negotiate with other parties.<sup>6</sup> In this way, the *Junta de Portavoces* effectively organizes parliamentary life.

*Portavoces* on legislative committees play a key role in selecting an author or producing a report themselves on each bill. The reporter (*ponente*) presents his study and not the piece of legislation itself for debate in plenary sessions. Even if a *portavoz* is not a member of the *Junta de Portavoces*, she may have substantial influence over legislation, although party whips and leaders will have a final say.

Apart from the *portavoces*, the governing positions on standing committees have some influence over the docket of legislation. Like the *Mesa* of the plenary, each standing committee has its own body of parliamentarians composed of one president, two vice presidents, and two secretaries. The president is usually a member of the majority party but the vice presidents and the secretaries may be members of other parties, including the chief opposition party. As an entity, the leadership of the committee determines the order of the legislative docket, but all of its priorities follow closely the explicit preferences of the *Mesa* of the plenary. Consequently, MPs that are presidents, vice presidents, or secretaries of standing committees have a greater measure of influence than mere members (*vocales*), but they are not as politically powerful as *portavoces*.

Even with all of these constraints, individual MPs can still exert some influence in the midst of parliamentary debate. They can control the

content of their questions, and if they are referred to as individuals in the course of a parliamentary debate (*turno por alusiones*), they may respond without any restraint imposed by their *portavoz*. In plenary sessions, where the terms of the party's position on legislation are more defined than in committee debates, we can expect individual MPs to tow the party line, but they are relatively free to spin their questions and requests for information in a way that highlights an issue of importance to their electoral district or region. Queries made in plenary sessions are often used by MPs of the opposition parties to express opinions on government-initiated legislation or procedure. But they have also been used by members of governing parties to express exceptions or new information designed to influence the legislative process. As suggested above, party leaders have incentives for their backbenchers to frame issues in these terms if it will play well back in the electoral district. For example, many interventions by Catalanian Socialists appeal to regional interests as a means of undercutting the arguments of the Catalanian nationalists (CiU) who, until recently, governed in the region. In this way the logic of electoral campaigns filters into the routine practices of parliamentary life.

Individual MPs have some opportunities to express an interest that reflects priorities in the electoral district in which they were elected. This interest need not be contrary to the wishes of their party or the governing whips, but may play right into the electoral or legislative priorities of the parliamentary group. Deputies with positions of some authority—standing committee presidents, vice presidents, secretaries, and whips—may be uniquely placed to give these statements resonance. What remains to be demonstrated is that they have the necessary *motivation* to speak for place.

### **The subnational cohort and speaking for place**

Spain's democratic institutions were forged at the same time that the state was decentralized into a system of 17 autonomous regions. Both processes occurred during the years following the transition to democracy in 1977–8. The autonomy-creating process was asymmetrical as it was initiated by and first favored the devolution of administrative responsibilities and fiscal resources to the historically nationalist regions of Catalonia, Galicia, and the Basque Country, that had their original statutes of autonomy abrogated by the dictator Francisco Franco following the Spanish civil war. The democratic Constitution of 1978 expanded this process allowing 14 other regions to join the State

of the Autonomies. Manuel José Terol Becerra (1999) calls this the “Constitutional Big Bang” in which the Constituent Assembly set down general parameters for an autonomy *process* with no clearly defined end point. Decentralization in Spain then expanded due to the persisting weakness of the minority UCD government and nationalist and non-nationalist pressure from below (Colomer, 1998). While policy-making has remained centralized overall, major areas such as health, education, and industrial policy shifted to the Spanish regions in the years following the transition to democracy (Heywood, 1998). By 1983, all 17 regions had signed autonomy statutes guaranteeing them constitutionally protected authority over the administration of social and economic policy.

The career trajectories of the Spanish political class were fundamentally altered by the autonomy process since it expanded greatly the number of elected and appointed offices available to ambitious professional politicians (Morán, 1989). By the beginning of the eighth legislature in 2004, more than 60 percent of all MPs were politicians with subnational experience. The average number of years served in elected or appointed subnational office also increased, almost doubling between the third legislature (2.18 years) and the seventh (4.26 years). Even as service to national party offices remained a strong predictor of longevity and the acquisition of leadership positions in the Congress, most Spanish politicians dedicated themselves to serve local party offices that maintained more influence over electoral lists for the regional parliaments (Montero, 2005).

If there are any MPs that will tend to articulate the interests of regional and local agents it is deputies with extensive professional and personal ties to the subnational level, and particularly the electoral district that elected them. But the extent to which territorial identification is a valid predictor of the motivations of MPs in the Congress remains unclear. Available survey data gathered by the Centro de Investigaciones Sociológicas (CIS) and analyzed by Delgado (2000) and Martínez and Méndez-Lago (2000, 2002) provide some support for a link. These studies find that MPs give a higher priority to representing the interests of their electoral district constituencies than their parties. This may be especially true in small electoral districts where the average number of MPs is low (Maurer 2000, pp. 86–7). But other survey data contradict these claims. For example, Uriarte (2000), who bases his findings on an independent poll of 212 MPs, finds that such concerns are outweighed strongly by universalistic ideas such as “serving society” and “generating social change.” Such responses are vague if not entirely vacuous, or they are simply self-serving and counter-intuitive given all that is

known about partisan discipline in the Congress. This makes the available survey data of deputies insufficient and unreliable.

The study of career trajectories provides an alternative source of empirical data, and in this regard, several aspects of the career patterns of Spanish MPs favor their articulation of subnational interests in the legislative process. First, the aforementioned regular constituency service that deputies do often at the behest of national party leaders creates incentives to speak publicly on matters of importance to local bailiwicks (Sánchez de Dios, 1995, p. 97). Second, most deputies end their political careers after their stints in the Congress, with a small (11.8 percent) and declining number deciding to pursue elected office at the subnational level afterwards (Montero 2007, pp. 584–5). On the one hand, this tendency to top-off political careers in the Congress provides some degree of cover from party whips if these deputies wish to speak on issues of local importance or frame questions in a way that will play well in the electoral district. On the other hand, given their disinterest in pursuing future political offices at the local level, MPs may be disinclined to make the effort. The extent to which deputies' designs on returning to private life after serving in the Congress interact with these opportunities is unknown, but the situation allows MPs some measure of impunity from party leaders who, after all, cannot take away a sitting member's seat.<sup>7</sup>

Alternatively, it may be that deputies with subnational experience are *less likely* to be very active in the legislative process, let alone to speak on behalf of regional interests. Deputies with extensive subnational experience, particularly in local government, may become especially frustrated with the vacuity of the MP's routine role as a mouthpiece for partisan directives. This contrasts strikingly with what many deputies in the subnational cohort report in surveys as the rewarding closeness to constituents that they treasured in their former lives as mayors, municipal councilors, and MPs in regional parliaments (see López Nieto, 2000; Delgado, 2000). The present study of legislatures V–VII (1993–2004) provides some support for this view. Counting the number of interventions<sup>8</sup> made by each MP per term served during the period as an indicator of the degree of legislative activity, and comparing the differences in means between those in the subnational cohort and those without subnational experience, I found a lower average activity level (16.9 interventions) for MPs in the former group than deputies in the latter cohort (18.3).<sup>9</sup>

This last point may be less important if deputies with regional experience achieve positions of leadership in the legislative process. Thus

empowered, they may have more incentive and opportunity to be more active and to use regional frames when they do speak. During legislatures V–VII (1993–2004) more deputies with subnational experience (186) gained leadership positions—presidents, vice presidents, and/or secretaries—on the standing committees than those without such experience (118). Broken down by committee leadership role, more presidents (48 vs. 35), vice presidents (98 vs. 70), and secretaries (122 vs. 79) belonged to the subnational cohort. The same was true of all standing committee whips during the same period, 55 percent of whom had subnational experience. Even on the all-powerful *Junta de Portavoces* a small majority of members (16 of 29) had subnational experience.

Regardless of the degree of legislative activism or leadership profile, some percentage of MPs do make references to regional or local issues or arguments when they speak in plenary sessions. These references can be thought of as a “frame” for organizing ideas. Following the use of this term by collective action theorists (e.g., Tarrow, 1998), I employ this concept to code instances of MPs referring to their own region or locality to justify or dignify an argument or position on a particular piece of legislation.<sup>10</sup> Separate interventions on the same matter were coded as distinct interventions. Of the 28,872 interventions available for coding during legislatures V–VIII (1993–2008), 3,700 or 13 percent of the total used a regional or local frame.<sup>11</sup> Of 752 deputies for which we have both biographical and intervention data during legislatures V–VII (1993–2004), 31 percent (231) used a regional frame at least once.<sup>12</sup>

Were members of the subnational cohort more likely to use territorial frames than other MPs? Using an independent sample t-test that divided all 752 MPs in the V–VII (1993–2004) legislatures into the subnational cohort and a control group, I found that the difference in the mean number of regional frames used was statistically insignificant ( $t = 1.390$ ,  $p = .165$ ). However, more robust tests using multiple regression techniques are necessary to draw out the causes of MP behavior. This study organizes these tests around three research questions that stem from what we know concerning MPs as agents, their career profiles, and the tendency to employ regional frames in debates during plenary sessions of the Congress:

- 1 Are MPs with subnational experience more active in the legislative process than those without subnational experience?
- 2 Do members of the subnational cohort achieve positions of leadership on standing committees to a greater extent than those without subnational experience?

- 3 Do these MPs interject a regional or local frame into their interventions in plenary sessions more than deputies without subnational experience?

## The study

The present study uses MPs in the fifth (1993–6), sixth (1996–2000), and seventh (2000–04) legislatures as the unit of analysis. Assessing the behavior of the agents of the legislative process requires more than a consideration of their voting patterns. The Congress's partisan discipline, which most scholars concede was high during the period under study, makes unpacking the preferences of individual deputies based on roll-call votes impossible. Instead, I design a number of variables based on biographical data detailing each deputy's career trajectory before their stint in the Congress, their terms in the lower house, their committee service record, and the nature of their interventions in plenary sessions to explain patterns of MP behavior. The biographical and service data were gathered from the archives of the Congress and a who's who-type study done by Menéndez Gijón and Fontes (2002). MP interventions in plenary sessions of the Congress were available through online files organized by deputy and based on sections taken from the *Diario de Sesiones* and the *Boletín Oficial de las Cortes* (Congress of Deputies, 2008).

Using the three research questions listed above as a guide, this study regresses three dependent variables on a core explanatory model. The first dependent variable is legislative activity in plenary sessions, specifically the number of interventions for each deputy. This number is divided by the number of terms served by the deputy during legislatures V to VII. The most common type of intervention is oral and written questions (31 percent or 7024 of the total 22,735 interventions). Statements on *proposiciones de ley*/parliamentary bills (5703, 25 percent), *proyectos de ley*/government bills (5089, 22 percent), *mociones urgentes*/urgent motions (2437, 11 percent), *interpelaciones urgentes*/urgent questions (1540, 7 percent), and *real decretos*/royal decree laws (957, 4 percent) are the other types. The second dependent variable is the number of *portavoz*/spokesperson appointments on standing committees the MP held per term. Only 20 percent of all deputies in the V–VII legislatures were *portavoces* on legislative committees, so this is a distinct indicator of leadership. Committee *portavoces* are in a privileged position in moving reports on bills through their committee and in transmitting them to the plenary. Finally, the third dependent variable measures the number of regional frames used in interventions in plenary sessions per deputy-term.

The core model used in the study specifies two measures of subnational experience prior to the MP serving in the Congress. The first is a scale variable for the years the deputy spent in an elected or appointed office. Subnational experience was determined based on whether the MP had previously served in the regional parliament, as mayor, as a city council member, as president of a region, or was appointed to head a regional chancellery (subnational ministry) or some other significant position in the subnational bureaucracy below the chancellor level. Since data for the years of experience variable is the most difficult to acquire, the number of cases fell from a total of 752 records to 646.<sup>13</sup> The second subnational experience variable focuses on party service. It measures the number of years the MP worked for the subnational office of the party.<sup>14</sup> This experience may have overlapped with the deputy's service in elected or appointed subnational office. I also include service to the national party by employing a dummy for whether the MP previously held an executive position in the national party. Depending on which variable was regressed, the model includes a control for either overall legislative activity or regional framing activity per term. Another control run in all specifications was the number of terms previously served in the Congress. This factor by itself may explain patterns of activity since experience facilitates how MPs can manage the legislative process (López Nieto, 2000; López Nieto et al., 2003). Leadership may also be tied to number of terms served since parliamentary longevity and attaining leadership positions are strongly correlated (Montero 2007, p. 576, n.6). Finally, some of the models control for the party of MP. We can expect that deputies of nationalist and regionalist parties will use a regional frame more often than deputies of the PP or PSOE, so a dummy indicating membership in CiU, PNV, CC, or BNG (the major nationalist parties) was employed.

The selection of the fifth, sixth, and seventh legislatures provides the most favorable conditions for testing the model. First, these are more recent legislatures, allowing for a test of previous experience in the constituent assembly (1977–9) and legislatures I to IV, but also extensive experience in subnational office. More than 50 percent of MPs in legislatures V to VII (1993–2004) began their careers in subnational offices. Second, analyzing the fifth through seventh legislatures helps correct for any possible trade-offs between subnational experience and holding seats in the Congress. Incompatibility norms, particularly those consecrated in the Law of Incompatibility of 1985, prohibit MPs from simultaneous incumbency in regional parliaments and the Congress (but not the Senate). Pooling data for the more recent parliaments allows greater

variance in career trajectories. Third, the opportunities for MPs to speak on bills were greater in these legislatures because there were more bills under consideration on average. The overall productivity of the fifth, sixth, and seventh legislatures was far higher than that of the previous four, with a total of 1901 legislative proposals coming under consideration as compared to 401 (Paniagua Soto, 1997, p. 412).

It can be argued that the pooling of data across the later parliaments undermines assessment of whether majority or minority government types make any difference in MP behavior. Much of the scholarship on government and opposition in the Congress argues that consensus is more likely under minority governments since those in power must compromise with coalition partners and sometimes with the opposition (Field, this volume; Mújica and Sánchez-Cuenca, 2006; Sánchez de Dios 1999, p. 158). However, preliminary tests using case groupings by legislative term did not show that this fundamentally affects deputy activity, leadership, or the use of regional frames. Also, the party leading the government seems to not make much of a difference either. Consequently, the tests discussed in the next section pool data across different governments. This range of legislatures includes minority governments (V, VI) and majority ones (VII). Of the minority governments, one was formed between the PSOE and the main nationalist parties (V) and one was based on an alliance between the PP and the nationalists (VI).

Initial tests on the core model showed heteroskedasticity to be a problem in most cases. Though not severe, based on visual inspection of the residuals and the results of the Breusch-Pagan test, I opted for a correction. Heteroskedasticity can introduce bias in error terms, leading to potentially inaccurate estimates of statistical significance. The use of robust standard errors corrects for this bias, producing p-values that are more accurate. Consequently, all of the models discussed below use robust standard errors.

## Results

The results of the three Ordinary Least Squares (OLS) regressions are reported on Tables 4.1–4.3. The first test estimated legislative activism per term for each deputy with the core model. Notably, regional experience is inversely correlated with activism, suggesting that members of the subnational cohort are less inclined to speak in plenary sessions. Service to the local party office is *negatively* associated with activism. This means that subnational partisans do not transfer their political experience or position into more activity in the Congress. However,

Table 4.1 Predictors of Legislative Activism

Variable	Model	RSEs
Regional experience (Years)	-0.387	0.191*
Service to local party (Years)	-0.187	0.109 <sup>a</sup>
Service to national party (Dummy)	5.322	1.775**
Nationalist membership (Dummy)	29.148	5.408***
Previous legislative experience (Terms)	-0.914	0.728
Regional activism	3.846	0.416***
Constant	9.272	1.514***

Note:  $R^2 = .555$ ,  $N = 646$

Primary numbers are unstandardized regression coefficients with robust standard errors in the adjacent column. All tests are two-tailed: \* sig. at .05; \*\* sig. at .01; \*\*\* sig. at .001.

<sup>a</sup> Significant at the .1 level.

Table 4.2 Predictors of Standing Committee *Portavoz* Assignments per Term

Variable	Model	RSEs
Regional experience (Years)	0.003	0.005
Service to local party (Years)	0.001	0.002
Service to national party (Dummy)	-0.031	0.035
Nationalist membership (Dummy)	0.423	0.131**
Previous legislative experience (Terms)	-0.017	0.012
Regional activism	-0.011	0.008
Legislative activism	0.009	0.002***
Constant	0.026	0.030

Note:  $R^2 = .393$ ,  $N = 646$

Primary numbers are unstandardized regression coefficients with robust standard errors in the adjacent column. All tests are two-tailed: \* sig. at .05; \*\* sig. at .01; \*\*\* sig. at .001.

<sup>a</sup> Significant at the .1 level.

the correlation is significant only at the 90 percent confidence level. Legislative activism is predicted by membership in a nationalist or regionalist party and previously serving in an executive position within the national party office. National partisan leaders and nationalist/regionalist MPs speak more in plenary sessions than those who are members of the subnational cohort. Regional framing was associated with the dependent variable, and as the model on Table 4.3 confirms, both of these variables correlate positively and consistently. Overall, the first model explains over half of the variance of all legislative activism.

Table 4.3 Predictors of Regional Activism

Variable	Model	RSEs
Regional experience (Years)	0.087	0.046 <sup>a</sup>
Service to local party (Years)	<b>0.047</b>	<b>0.021*</b>
Service to national party (Dummy)	<b>0.685</b>	<b>0.331*</b>
Nationalist membership (Dummy)	-0.112	1.135
Previous legislative experience (Terms)	-0.055	0.099
Legislative activism	<b>0.108</b>	<b>0.019***</b>
Constant	-0.807	0.415 <sup>a</sup>

Note:  $R^2 = .496$ ,  $N=646$

Primary numbers are unstandardized regression coefficients with robust standard errors in the adjacent column. All tests are two-tailed: \* sig. at .05; \*\* sig. at .01; \*\*\* sig. at .001.

<sup>a</sup> Significant at the .1 level.

The second model predicts the number of *portavoz* assignments each deputy received on legislative standing committees per term. The chief finding is that MPs of the nationalist and regionalist parties tend to capture these positions. Membership in the subnational cohort fails to predict committee leadership. Overall legislative activism is important as the more active legislators, logically, tend to be assigned as *portavoces*. But, notably, regional framing is inversely associated with leadership, although the coefficient is not statistically significant. Interestingly, service to national party offices is negatively (though not significantly) associated with being a *portavoz*, which suggests that these jobs may go to individuals who are not necessarily leaders within the top echelons of the party, but are able to have responsibility delegated to them. Given the insignificance of this factor, further testing would be necessary to establish this finding. More than a third of the variance of the dependent variable is explained by the core model.

The third model estimates the tendency to engage in regional framing, explaining about half of the variance in this dependent variable. Although model 4.1 showed that MPs with subnational experience are less likely to speak in the plenary, model 4.3 confirms that these deputies are more likely to use regional frames when they do. That is true for deputies whose experience is measured in years previously served in subnational politics and MPs who have worked for the local offices of their parties. This is the only model that provides evidence for subnational experience affecting MP behavior in the expected manner. Service to the national party office and overall legislative activism predict regional framing, confirming the results of model 4.1

of a consistent correlation between activism and framing. Unlike in the first two models, the tendency of MPs of nationalist and regionalist parties to use regional frames is not significant. This is a somewhat surprising finding given the results of the previous two tests and also the logical baseline expectation that nationalists would naturally use regional frames. Previous legislative experience was insignificant in all three models and the sign ran in the wrong direction, disconfirming that veteran MPs are more likely to be more active, use regional frames, or take leadership positions, at least in legislatures V to VII (1993–2004).

## Conclusion

Are members of parliament with subnational experience more active in the legislative process? Are they inclined to take a leadership role in the production of legislation? The findings in this study suggest that “no” is the answer to both questions. They confirm the results of surveys of MPs that underscore their overall discouragement with the legislative process in the Congress. The vacuity of backbencher life keeps most MPs passive in plenary sessions and disinclines them to assume positions of leadership on standing committees. The members of the subnational cohort do not tend to be the most active deputies nor do they become legislative leaders, hence they are unlikely to be good representatives for subnational interests. This finding is commensurate with that of other authors in this volume (e.g., Orbals, Hamann) who find evidence of weak representation in the Congress and the party system of some key groups and political actors. It is clear that the Spanish legislative process is commendable for its disciplined parties, strong committee system, and periodic consensus, but it does not represent effectively major cleavages in Spanish politics.

It may be the case that territorial representation exists in the legislative process but that it is only weakly institutionalized. MPs may not be representing subnational interests but following the wishes of their partisan leaders when they employ regional frames in parliamentary discourse. The results of model 4.3 show that deputies who are experienced partisans are more likely to use regional frames than even deputies who belong to nationalist or regionalist parties. This suggests that regional frames in parliamentary debates are not the tactics of representatives of subnational interests but are part of the statewide parties’ strategy of appealing to local constituencies. Regional framing in plenary debates are part of a *top-down* politics rather than a *bottom-up* one.

This result fundamentally contradicts what several surveys of MPs have posited as a prevailing “non-partisan conception of representation” (Martínez and Méndez-Lago, 2002, p. 71) among Spanish MPs. Always a deficiency of survey techniques, what respondents say is not always commensurate with their actions. This appears true in the case of Spanish deputies who may report that representing the interests of their electoral districts and regions are among the highest priorities, and more important than serving their parties, but it is service to their parties and the MP’s overall activism in the legislative process that predict whether they speak in the plenary on issues of import to their home constituency. Of course, demonstrated service to the local party matters too, but the results seem to emphasize the *partisan* dimension of that commitment and not the subnational *experiential* one since it is the partisan variables that are most consistent across the models. This suggests that when MPs use regional frames in their legislative interventions, their motivation is not primarily to satisfy a local constituency but to follow what party leaders have deemed the most appropriate rhetorical strategy. Even the statewide parties in Spain have a dual imperative mandate to speak to issues of subnational concern in ways that resonate with their constituencies. MPs seem to implement that mandate in their parliamentary discourse, not under pressure from constituents but under the direction of their party leadership.

The findings for nationalist/regionalist party membership are notable in that the results confirm that these *partidos bisagra* use their MPs in the legislative process to secure their organizational interests as potential or actual players in coalition governments. Their deputies are more active in plenary sessions than the membership of the subnational cohort in general, and they tend to secure the crucial legislative roles of *portavoces* of the standing committees more often than not. This is consistent with other studies that have shown that the regionalist parties increased their ability to modify government legislation during the 1990s when they became coalition partners (Maurer, 1999, p. 34; Heller, 2002). “Hinge parties” need many “hinge MPs” with access to the key decision points in which legislation is crafted and delivered to the plenary. Moreover, the ideological orientation of nationalist/regionalist parties is center/center-right and their legislative strategy tends to cooperation rather than competition (Sánchez de Dios, 2006, p. 574). These factors facilitate the placement of these MPs in positions of influence on standing committees.

Notably, MPs of the regionalist parties act as power brokers but it is not clear that framing their interests in territorial terms composes an

important part of their behavior. The non-finding for regionalist parties in the third regression may itself be indicative of the weakness of regional frames, but the nature of the result does not allow for definitive judgments on the matter. Further work on this question may test the commonly accepted idea that regional interests insert themselves into the legislative process primarily through the nationalist/regionalist parties. Research into informal politics may reveal that regionalist interests infuse the legislative process but are poorly detectable with the formal political indicators used here. Still, our assumptions concerning regionalist deputies and their preferences may simply be wrong. In previous work, I found that, although deputies of regionalist parties tend to have more experience in subnational government prior to serving in the Congress than the MPs of the PP or the PSOE, they serve less time (Montero, 2005). Survey research reported by Martínez and Méndez-Lago demonstrates that regionalist MPs are also less likely to think of themselves as representatives for their regions and they are less likely to engage in constituency service duties for their parties at the district level than MPs of the statewide parties (2000, pp. 236–7, 261). Whether due to longevity in the Congress or some aspect of self-identification, regionalist deputies are not primarily responsible for regional framing in plenary sessions.

Contrary to the work of those who expect the decentralization of the administration of the state to inject territorial interests into the partisan and legislative structures of democracies, this study builds on recent findings demonstrating a disconnect between political society and inter-governmental politics in Spain. Like van Biezen (this volume), I find that Spanish political institutions have developed somewhat differently from others in Western Europe. The larger question for further comparative analysis stemming from this is whether the sequencing of the formation of political institutions at the national level has an effect on how representative functions operate later. The Spanish case is one in which parliamentary and partisan institutions were forged *before* the State of the Autonomies was enacted, and particularly before the model of autonomy was widened from the original, mostly nationalist, regions to include all 17 regions of Spain. Juan Linz and Alfred Stepan (1992) have famously argued that this guaranteed that decentralization following initial “founding elections” would not endanger democracy. Having consolidated national legislative procedures and given national parties and even regionalist organizations incentives to forge governing alliances, the decentralization of the Spanish state could not cause the country to fly apart like the Soviet Union or dissolve into an uneasy

multinational confederation like Yugoslavia. Yet this same sequencing also did not prevent the State of the Autonomies from evolving through a process of iterated intergovernmental conflicts and inter-regional rivalries into what Moreno (1994) has called an “imperfect federalism.” It may be that the Spanish party system and the Congress neither shaped that process nor were shaped by it to the degree some scholars have believed. The Spanish case may suggest that representation of place occurs in an arena far broader than that of formal representative institutions. In this sense, the Spanish experience is one to mine for further clues concerning the importance of distributive conflict in intergovernmental relations as an extension of territorial representation and politics.

## Notes

1. Organic laws concerning the State of the Autonomies are meant to determine the distribution of policy responsibilities, authorities, and resources. These have historically been the most contentious issues in the evolution of the regional autonomy system.
2. In d’Hondt systems, seat allocation tends toward proportionality only in districts with seven or more representatives. See Rae (1971, pp. 116–17).
3. Maurer (1999, p. 39) finds empirical evidence of this in the calculations of PSOE leaders during the 1989–93 term when the party held half of the seats in the Congress but cultivated agreements on legislation with CiU and PNV in anticipation of leading a minority government in the future.
4. The two notable exceptions are organic laws that reform rights, constitutional rules, and regional statutes and decree laws that are initiated under the emergency powers of the government. Both of these types of legislation must be approved in the plenary. Organic laws make up an appreciable amount of total legislation, accounting for 15 percent or more of all bills (Mújica and Sánchez-Cuenca, 2006, p. 91). The Congress has 14 permanent legislative committees: Constitutional; Foreign Relations; Justice and Interior; Defense; Education and Culture; Economy, Commerce, and Public Revenue; Budget; Agriculture, Ranch Economy, and Fishing; Industry, Energy, and Tourism; Infrastructure; Environment; Social and Labor Market Policy; Health and Consumer Affairs; and Public Administration.
5. Exceptional procedures exist to allow a group of MPs to overrule the *portavoz*.
6. These individuals may also act as the president or general secretary of the party as has been the case for the PSOE or they may be an elected executive second or third in line from the president of the party. This is the case for PP, IU, CiU, and PNV.
7. This protection is less valuable for deputies who wish to extend their political careers. Party leaders can punish deputy defection by removing the offending MP from the electoral list for the next cycle.
8. An “intervention” for the purpose of this study involves oral questions (which may also be submitted in writing) and other statements on *projectos*

*de ley, proposiciones de ley, interpelaciones urgentes, mociones urgentes, and real decretos* during plenary sessions of the Congress.

9. The difference, however, is small and statistically insignificant ( $t = -.604$ ,  $p = .546$ ).
10. I exclude the third dimension of framing—mobilization—since that is more often done by whips rather than individual MPs. See Tarrow (1998, pp. 21–2) on the distinctions drawn here.
11. For the V–VII (1993–2004) legislatures, for which there are more complete data, the figure is 11.4 percent. I thank Chris Kettenmann who did the coding project during the summers of 2005 and 2006 and the winter of 2007.
12. The number of deputies in the study uses MPs as the level of analysis. Since each MP can serve in more than one term, each record contains data for more than one legislature. For legislatures V–VII, the number of records (deputies) in the study constitutes 96 percent of all deputies who sat during these legislatures and 47 percent of all deputies who served in the Congress during the democratic period (again, using deputy as the level of analysis). This includes MPs who took a *baja* as well as those who replaced them. The aggregate numbers of deputies who served per legislature are 407 in the fifth legislature, 408 in the sixth, and 380 in the seventh.
13. These numbers still represent a large percentage of all deputies who served during the fifth, sixth, and seventh legislatures. Excluding cases with missing data, the total number of records represents about 85 percent of all deputies who served full or partial terms during legislatures V–VII and 40 percent of all MPs who served from the beginning of the democratic period.
14. Alternative measures such as a dummy for local party service and executive position in local party were discarded due to problems with tolerance values.

# 5

## The Power of Committees in the Spanish Congress of Deputies

*Lynn M. Maurer*

Traditional theory based on long-standing democracies holds that legislative committee systems are more influential in public policy when the committees are permanent; possess member expertise, low turnover, ample resources, and weak party discipline (Loewenberg and Patterson, 1979, p. 125; Mezey, 1979, p. 43; Olson and Norton, 1996, pp. 6, 11; Strøm, 1990b, p. 43). While there is still little research on legislative committee systems in new democracies, the existing studies of the newer democracies in Eastern Europe point to two trends: a significant difference between formal powers and practice, as well as variation in the strength of committees from one legislative session to the next (Ilonszki, 1995; Jackiewicz and Krok-Paszkowska, 1997; Zajc, 1997).

This chapter contributes to the literature on parliamentary committee strength by examining the permanent committee system of the Spanish Congress of Deputies over eight legislative sessions from 1979 to 2006. Four waves of elite interviews with congressional deputies, ministers, and congressional legal counsel allow us to test propositions from the literature on longer-standing and nascent democracies.<sup>1</sup> A total of 65 open-ended interviews were carried out in 1991, 1996, 1998, and 2006 with members of all major parliamentary groups.<sup>2</sup> The study reveals that the committees were most powerful in the first post-constituent legislative session (1979–82) when most of the conditions put forth by traditional theory did not exist. In these early years of Spanish democracy, the mark-up ability of the committees was due to disunity in the executive party, the existence of a minority government in a parliament where parties were mirrored proportionately in committees, and the desirability of consensus among elites in order to stabilize democracy.

As these conditions disappeared and institutionalization took hold, committees became rather weak in their policy-making ability. However,

informal negotiations among party group and committee leaders mean that substantive amendments are often accepted in the committee phase. Moreover, in some cases the committees have full legislative authority over bills, which are sent directly to the Senate without returning to the plenary session (Standing Orders of Congress, Sections 148 & 149). Interview respondents perceive that this legislative capacity was used more over the last two legislative sessions (2000–08) to the benefit of the Government and their coalition partners rather than of the opposition parties. Important changes over time in policy-making influence of the committees following the first post-constituent legislative session are largely due to the minority or majority status of the Government. Additional findings regarding the Spanish committee system include the importance of *transactional* amendments, an increase in technical amendments, and a now entrenched informal norm of negotiating amendments outside of and before the committee meetings among parliamentary group leaders.

In sum, I find that in addition to classic theoretical expectations—that small, specialized committees with fixed jurisdictions, resources, and staff produce powerful committees—democracies with party systems and institutions in flux can also produce powerful committees. As institutionalization increased over time in the Spanish case, the policy-making influence of the committees declined. Furthermore, the Spanish case confirms the importance of examining informal practices to determine the strength of parliamentary committees in the legislative process.

### **Committee theory based on long-standing and new democracies**

According to traditional theory based on long-standing democracies, specialized and independent committees allow for independent action on the part of the legislators to affect policy. Therefore, parliamentary influence in policy-making is enhanced by a powerful committee system. The committee phase tends to favor the input of opposition parties since the government party is less likely to make concessions in the highly visible plenary sessions. The opposition stands a greater chance of having their substantive amendments adopted, or of negotiating joint amendments, with the government party in committee (Griffith, 1974, p. 33; Strøm, 1990b, p. 43). In recent times, committee systems have become more complex as parliaments respond to rapidly increasing workloads and complex issues. Just as executives deal with a wide range

of intricate issues through bureaucratic division of labor, parliaments must also decentralize decision-making in order to effectively manage the workload. Many models of policy-making have been offered to explain governmental decision-making. The rational-comprehensive policy-making model, in which all possible outcomes are known and weighed against each other, only functions, in practice, for small-scale problems with few variables. Legislatures, in varying degrees, come closer to imitating the branch or organizational policy-making model used to describe bureaucracies. In such an organization, decision-making is fragmented and the division of labor provides the opportunity for multiple actors to develop expertise in the role that is assigned to them. Instead of attempting the task of thoroughly researching all possible outcomes, actors deal with a known repertoire of relevant alternatives. As such, the need for information is reduced without exerting tension on the capacity of the organization. Policies are developed from a manageable number of alternatives that vary only slightly from one another. Within this model and within democracies in general, policies change incrementally based on experience with past policies and as such are constantly made and remade (Allison, 1971, pp. 80–91; Lindblom, 1959, pp. 80–1; Wildavsky, 1975, pp. 6–7).

This is an attractive model to apply to legislatures since committee systems provide the potential for decentralized decision-making. In addition, within this model, actors need only to agree on policy and not on the values or objectives leading them to agree on the policy, nor on the ends that the policy will entail (Lindblom, 1959, p. 83). Ideologically different members or party groups may, through bargaining, agree on a specific policy, but their objectives and perceived ends will necessarily differ, perhaps drastically. In fact, these differences will lead parties to act as watchdogs of one another and to force other actors to consider certain policy options that might have otherwise been overlooked.

The nature of legislatures restricts them from perfectly imitating bureaucracies because legislators elected to represent constituencies do not easily fall into the rank order pattern found in bureaucracies (Loewenberg and Patterson, 1979, p. 117). However, the division of labor is now inherent to the policy process in legislatures. As García-Escudero Márquez (2003, p. 145) explains:

Assemblies, like all collective organs, have experimented with the necessity to divide itself up into minor organs, in order to obtain rationalization of its work and a certain specialization; the more urgent it is, the more we advance in the complexities of modern

legislation. Divisions are a result of this impulse and committees have become widespread. In the legislative work of the committees, as a consequence of the convenience of preparatory work, smaller individual and collective organs arise, that fall under the category of reporters or subcommittees.

Thus, in spite of the varying degrees of influence exercised by committees and subcommittees, they exist in legislatures to manage the legislative workload.

Studies of committee systems in established democracies identify several features that affect the strength or independence of legislative committees. Committees have been found to exert more influence on policy when they have fixed jurisdictions corresponding to ministerial divisions, membership is characterized by low turnover and high expertise, and the committees possess resources, such as staff. A large number of small standing committees may also add to expertise and decision-making power, whereas ad hoc committees wield less expertise and therefore, less mark-up ability (Benda, 1997; Damgaard, 1995; Loewenberg and Patterson, 1979; Jenny and Müller, 1995; Mattson and Strøm, 1995; Olson and Norton, 1996; Strøm, 1997, 1990b). For example, in Britain, traditional legislative "standing committees" are not permanent with fixed jurisdictions, but instead are formed for each individual bill; as such, members of the committees have not been able to develop an expertise or to substantially alter legislation. "Select committees" formed in the 1970s have allowed for some specialization, but their powers are of scrutinization and not over legislation. Formal powers are necessary for influential committees (such as the ability to initiate, block, or mark up legislation), but not alone sufficient to render them powerful.<sup>3</sup>

Probably the most important factor determining the strength of committees in parliamentary systems is the degree of party discipline. Members of committees that function in the *cross-party* mode have more independent ability to affect legislation, whereas disciplined parties represented in proportion to the chamber at large will hamper that ability (Andeweg and Nijzink, 1995; King, 1976). Varying degrees of party unity are found in parliamentary systems, as well as within their committees. For example, in Sweden, Damgaard (1995, p. 114) found that voting dissension has become more frequent and acceptable in committees, and that the committees have thus become more independent and specialized. On the other hand, Ilonszki (1995, p. 197) found that in the new Hungarian parliament, party discipline overpowered potential committee

strength: "Despite the functional separation and organizational complexity of the committees, their role was subordinate to that of factions, following from the logic of transition and the establishment of parliament." Although party unity tends to be high in parliamentary systems, policy-making influence may still be exercised through the committee system, and must be examined on a case-to-case basis.

In new democracies, committee systems form within less institutionalized chambers and are open to a range of fluctuating external and internal factors. In examining committee systems in the new East Central European parliaments, Zajc (1997, p. 492) notes "the appearance of the first modern committee systems in most of these countries occurred together with the institutionalization of new democratic parliaments deeply engaged with sweeping constitutional reforms." Recently, waves of studies on the committee systems in these new parliaments have applied standard indicators of committee strength. A 1997 group of studies carried out by scholars of the Research Committee of Legislative Specialists point to these fluctuations (Longley and Ágh, 1997); the researchers commonly remarked that formal powers differ greatly from practice (Ilonszki, 1995; Jackiewicz and Krok-Paszkowska, 1997; Zajc, 1997). Of Poland, Ilonszki (1997, p. 482) points out: "A mere focus on 'official' procedures and rights of committees is misleading in the case of the new democracies, because 'ideally outlined' concepts are different from specific practices." These studies reveal not only differences among parliaments and their committee systems, but also show changes within the same country from one legislative session to the next in the strength of the committee systems due to the variation and stabilization of the party system, parliamentary organization and practice, and the democratic system at large.

### **The changing power of committees in Spain**

This study builds on prior research that examined the policy-making influence of the Spanish Congress.<sup>4</sup> *Parliamentary influence* was defined as the legislature's ability to affect public policy substantially, where parliamentary groups—either of the opposition or the governing party—can affect policy independently of the executive (Maurer, forthcoming, 1999, 1995). Likewise, in this study, *committee influence* is defined as the ability of opposition parties, coalition parties, or the executive's parliamentary group to affect policy substantially in committee independently of the executive. In the prior study, committee strength was a

variable that rendered unexpected results according to the theoretical literature: i.e., committees were strong in the first legislative session (1979–82) in Spain although the traditional conditions favoring committee strength were non-existent (standing committees, member expertise, ample staff and resources), except for weak party discipline. Even in the fifth and sixth legislative sessions (1993–2000), when parliamentary influence was found to be higher than during other sessions, the ability of the committees to affect public policy was not reported to be as great as in the first legislative session (1979–82). These findings merit further examination of the committee system in the Spanish Congress.<sup>5</sup>

### **Methodology**

Elite open-ended interviews were used to gather data on committee influence. The same questionnaire was used for each respondent and responses were systematically analyzed. The interviews conducted in the first three waves (1991, 1996, 1998) focused broadly on the influence of the Spanish Congress and lasted an average of one hour; the interviews conducted in 1996, which focused solely on the committee system, lasted about 20–30 minutes. This method was chosen to gather information on informal practices in the Congress that are not captured in formal documents. Open-ended interviews also allow the respondents to shed light on legislation and practices considered of importance to them and to their parliamentary group, and as such, responses that differ from parliamentary group to parliamentary group, as well as from leader to backbencher, can be analyzed accordingly.

The respondents were asked a series of questions on the amendment process and a series of questions on resources and other conditions of the committee system. They were asked if, in their experience, committees are able to substantially amend important bills; if they answered positively, they were asked to give examples. The interviews contained questions on the manner in which the members arrived at the amendments (for example, discussed in the committee, informally before the committee, etc.). They were asked to describe the frequency of transactional amendments; if they believed that some committees were more powerful than others; and if the degree of influence wielded by the committees varied from one legislative session to another. They were asked to describe the degree of expertise and turnover of the members, the committee assignments, staff, and the effectiveness of closed subcommittee sessions. As the interviews consisted of open-ended questions,

and not surveys, respondents usually offered information in addition to that specifically requested. Interviews were analyzed comparing parliamentary group (party), year of interview, and parliamentary session. Committee influence and the conditions affecting its variation are measured by the responses of those interviewed.

### **Influence of the committee system**

Powerful committees with the ability to substantially alter or even block legislation can contribute to the overall policy-making influence of a legislature. Since the policy-making influence of the Congress was high in 1979–82 and 1993–2000 (Maurer, forthcoming), we might expect that the committee system was strong, and that modifications to legislation occurred in committee sessions. However, committees were reported to be influential only in the first legislative session (1979–82); since then, they have been less influential, though not inconsequential. Coalition partners, or potential partners, of the governing party have found the committee stage to be fruitful in negotiating amendments with the executive's parliamentary group; these parties are able to exert more influence in policy-making than major opposition parties.

Although the committee system was designed with permanent committees with fixed jurisdictions,<sup>6</sup> during the first legislature (1979–82) they were still young and subject to inexperienced membership and high turnover. Staff and resources were seen as a luxury and were quite limited. It is to be expected that a new committee system would not enjoy the advantages that may come with institutionalization; however, there is also no reason to expect that congressional committees in a new democracy would be powerful in policy-making, other than a possible tendency for young party systems to display weak party discipline.

Committee markup ability in 1979–82 was due to other circumstances: first, the existence of a minority government in a parliament where parties were mirrored proportionately in committees; second, disunity in the executive party (*Unión de Centro Democrático* [UCD]); and third, the desirability of consensus among elites in order to stabilize democracy (see Field, this volume). While the first condition has reoccurred (minority government), the last two conditions (high disunity in the executive party and the search for consensus) were unique to the transition and consolidation period. As such, Spanish parliamentary committees weakened as consensus declined and high party discipline became the norm.

An informal norm of negotiating outside of parliamentary committees developed in the Congress, which moved the debate outside the

committees. This trend began during the UCD governments when major constitutional decisions were made through elite settlement behind closed doors (Gunther, 1992). Respondents from the Socialist era (1982–96) reported that this practice continued as the Socialist majority declined. Negotiations often took place between committee spokespersons and parliamentary group leaders before the committee meetings. This allowed the Government to negotiate concessions for votes with the smaller regionalist parties, instead of conceding to the major opposition party the Popular Party, whose policies tended to differ radically from those of the PSOE. During 1993–2000, and again in the legislative session that began in 2004 with a Socialist minority government, amendments (both pure and transactional) were often adopted in committee sessions.

However, it is debatable if this should be considered high committee influence, since the debate and negotiations surrounding the amendments are reported to take place outside of the formal committee sessions. The norm of informal negotiations before the committee meetings has been strong throughout the life of the democratic parliament. Negotiated amendments are presented as transactional amendments, usually by the governing party's parliamentary group. It is thus difficult to establish the origin of the amendment without consulting with the parliamentarians or possibly news accounts for more visible laws. According to one respondent that had served in five legislative sessions, "substantial amendments are formalized in the committee or the plenary session but the negotiations are not visible. They are decided on by negotiation external to the process" (Interview #06–6).<sup>7</sup>

A 2006 respondent explained:

There are times in which the subcommittee members gather for a meeting and the deputy from the majority group announces that they have already reached an agreement with another group over the modifications that are to be made to the bill. I believe that it is through this type of modification that the government bill is influenced by the committee. At other times, the negotiations take place in the subcommittee (Interview #06–4).<sup>8</sup>

The respondent maintained that the manner in which amendments are negotiated is not regulated, so it is acceptable parliamentary practice to negotiate the amendments outside of the committee and later adopt them in the committee session. According to the respondents, the willingness of the majority party to form a broader majority on

certain bills is crucial to the ability of the smaller opposition parties to have substantial amendments accepted. According to the respondents, the largest opposition party tends to present alternative texts (*enmiendas a la totalidad*), although they also present amendments (*enmiendas parciales*).

Second, 2006 respondents claim that more substantive amendments are accepted in the committee phase now rather than being postponed to the final plenary debate; they attribute this to the greater number of technical amendments that are not desirable for discussion in the plenary session. When asked in which phase most substantive amendments are accepted, another respondent replied:

Normally amendments are sought throughout the process—in subcommittee, committee, and sometimes in the plenary session. But usually an agreement is sought in the committee phase—if the groups are willing. Sometimes, they wait till the last moment in the plenary session to create some political drama. I say that they “dramatize” because it is as if they are putting on a bit of theater (Interview #06–6).<sup>9</sup>

Thus, more controversial political topics are often left for plenary session debate while technical amendments are made in committee, substantive or not.

## **Explanations of the varying influence of the Spanish committees**

In this section, I explore several explanations for the varying influence of the Spanish committees.

### **Full legislative jurisdiction**

The weaker influence of the Spanish committees after the first legislative session (1979–82) cannot be explained by weak formal powers. The decline in influence is particularly surprising considering that new regulations adopted in 1982 allowed committees to have full jurisdiction and final say over certain areas of legislation (Subirats, 1986, p. 331). The interview respondents presented several reasons for the decline in committee influence in spite of the ability to act with full jurisdiction.<sup>10</sup> One deputy who had served both in the UCD and the Popular Coalition (CP) reported in 1991 that deputies increasingly wanted to defend

important political amendments in the public eye of the plenary sessions rather than in less visible committees:

Committees have definitely lost more and more importance; the subcommittees as well. As the public has lost interest in the parliament, parliamentarians have ensured that all major arguments are made in the plenary session, where there is something to be gained. I believe that the importance of committees has declined (Interview #91–9).<sup>11</sup>

Respondents from 1996 reported that committees were most influential in the adoption of technical amendments and that in fact, laws had become increasingly technical. Full jurisdiction allows for the bulk of the technical work to be carried out in the committee rather than in the plenary session. Perhaps most importantly, as more competitive party politics developed and high party discipline was established, committees lost policy-making influence.

### **Expertise and turnover**

As specialized committees are seen to be strong committees, one possible explanation for the early importance of committees might be that there was high expertise in the 1979–82 session and that the influx of new legislators in 1982 represented non-specialists. However, this was not the case. The vast majority of committee members tended not to be experts during any of the sessions in question and, if anything, expertise increased over time. Responding to a series of questions designed to measure the degree of specialization, respondents agreed that, in spite of an overall lack of expertise, there was an attempt to place people on committees of which they had some understanding of the subject matter. A 1991 respondent asserted that on any given committee only about two to five members were experts.<sup>12</sup> These tended to include the committee chair and the party spokespersons on the committees, thus creating a hierarchical structure of elite expertise. Yet most respondents reported that expertise rose after 1989, due to increasing committee service. By 1996 and 1998, respondents reported expertise only among the longest serving of the committee members:

Parliamentary veterans have acquired much experience and knowledge, in the heart of the subject matters, as well as in parliamentary forms and procedures, but the newest members of parliament have more difficulty. Although deputies are usually members of two

committees, their knowledge generally focuses only on one subject matter (Interview #98–50).<sup>13</sup>

Respondents in the 2006 interviews noted that although most committee members lack expertise, those who are able to serve on the same committee over several sessions develop a certain knowledge regarding the issues dealt with in the committee. The Committee on Social Issues was named as having higher expertise among the membership as many members had previously worked in social services (Interview #06–1).<sup>14</sup> Members of the smaller parliamentary groups serve on so many committees that the sheer workload deters the development of expertise.

Turnover in committee membership in the Congress is high, thus impeding further the development of expertise, and turnover has increased since the beginning of the third legislative session in 1986. Taking an average of the turnover rate in six key permanent committees (Constitutional, Justice, Defense, Economy, Education, and Agriculture), the average turnover rate (percent of new members) in the eighth (2004), seventh (2000), and sixth (1996) legislative sessions was 78 percent. This is a higher turnover rate than in fifth (68 percent), fourth (70 percent) and third (70 percent) legislative sessions. In the second legislative session (1982–6), 84 percent of members were new to the committees, and in the first legislative session (1979–82), 67 percent of the members had not served on the committee in the Constituent session (1977–9).<sup>15</sup> Although the turnover rate fluctuated, it has increased since the third legislative session in 1986 and has remained on average fairly constant at a high 78 percent since the beginning of the sixth legislative session in 1996. This would mean about eight or nine of the committee members (out of a typical membership of 39 or 40) remain on the committees from session to session. This is somewhat higher than the three to five members that respondents perceived as experts. Although a high turnover rate is not identical to the notion of low expertise, it certainly impedes the development of expertise.<sup>16</sup>

Some turnover was actually due to the fact that deputies desired membership on committees in which they have expertise, and pursued their desire to serve on the committees that represent their occupational backgrounds, namely as educators and lawyers. Therefore, three committees were reported to have a higher proportion of expert membership, as well as more requests than members: the Justice and Interior Committee, the Education and Culture Committee, and the Committee on Social and Employment Policy. On the other hand, the Defense Committee was cited as one of the least desirable committees because

few Spanish parliamentarians are knowledgeable in defense matters. Only a few experts served on the committee; the rest of the members tended to be fulfilling a party obligation.

In a 1998 interview, a Popular Party parliamentary group leader made this same argument:

A committee on public television can be made up of people who are not specialists in communication; but committees as specific as Industry, Agriculture, and Economy are committees that demand expertise. There are committees that are more political, and as such, the deputy that belongs to the committee can possess a general multidisciplinary knowledge. But in committees as specialized as Industry, Agriculture, and Economy, they have to be people who specialize in the subject matter (Interview #98–49).<sup>17</sup>

Expertise could be more easily developed by those members that served on few committees, but this depended on party size. During majority legislative sessions, most deputies from the majority executive party serve on only one committee. Members of the largest opposition party, serve on one to two committees. However, members of the smaller groups are obligated to serve on many committees, in order to have their parliamentary group represented on all committees. This poses a special strain on smaller groups, since they are expected to have knowledge of several areas and to develop expertise as much as possible. As the sole representative of their parliamentary group on the committee, they could not rely on other members' expertise as could representatives of the larger parties.

In the earliest sessions, there appeared to be more than one reason for the lack of expertise and the high membership turnover on the committees. One Socialist deputy in a 1991 interview pointed to the newness of the democracy and the resulting inexperience of the politicians:

In reality, it is a result of the lack of consolidation—a consequence of a short time period. Generally, we see specialization in other legislatures, such as the U.S. Senate, but here we have very little parliamentary experience. Yet lately, we have more and more experts—especially the spokespersons (Interview #91–33).<sup>18</sup>

Although respondents who have served on the same committees over various sessions claim to be developing some knowledge of the issues, they acknowledge that turnover is still high in general and

that committee members are not experts. The slight increase in expertise reported has not led to increased committee influence on public policy.

### **Staff and resources**

In spite of the fact that deputies were able to develop some knowledge in their committee area, the development of real expertise was also impeded by a lack of staff and resources. Throughout the first four legislative sessions, members did not have individual offices in Madrid, unless they were committee or parliamentary group spokespersons, and thereby lacked access to phones, fax machines, computers, etc. Deputies had to rely on parliamentary group staff (one staff member available for every one to three committees) instead of personal staff. Many deputies stated that they depended upon staff available in other government offices, for example in regional government offices or mayoral offices. One committee spokesperson from an opposition party even reported paying an administrative assistant out of her/his parliamentary salary. In terms of drafting bills, deputies with a law background could use their own expertise, although parliamentary group staff was available to draft bills.

The deputies have their own offices in a building attached to the Congress since the early 1990s; however, staff is reported to have only increased slightly. Respondents agree that the number of staff members depends on the parliamentary group. The staff members provided by the Congress are the congressional attorneys (*letrados*); one respondent reports that there are about 60 congressional attorneys at any given time. They provide technical, legal help when asked but they do not work directly for individual parliamentary groups. In sum, variations in committee strength cannot be attributed to level of expertise, or the availability of resources which have increased slightly over time. However, the high rate of committee membership turnover may help to account for the lack in committee influence.

### **Party unity, executive size, and proportionality**

Both party unity and size of executive support were powerful co-variants with committee strength. Membership on committees is proportional to overall seats in the chamber; therefore a majority party with strong voting discipline, such as the Socialist party from 1982–93 and the Popular Party from 2000–04, has a majority throughout the committee structure. High party discipline will automatically diminish the strength of individual committee members. A major contributor to the

strength of committees in 1979–82 was the low party unity in the UCD, leading to negotiations and substantial amendments in the committee phase. During that session, factionalization in the UCD gave rise to negotiations between blocs of the UCD and opposition parties, while there was disagreement with other UCD members. A former UCD member of the social democratic sector gave the example of a pact being formed over a particular clause in the Law on University Autonomy:

The committees had power because of the ideological battles [among] the different groups [of the UCD], for example, on the concession of the university as a public service. So that it would be successful in the committee, the Social Democrats [of the UCD] reached an agreement with the Socialist Party. It was successful because there were negotiations between 2 groups that were not from the same party (Interview #91–10).<sup>19</sup>

In contrast, decision-making in the committees during the majority governments of the PSOE (1982–93) was reported to be majoritarian, with the Socialists taking advantage of their numbers and strong party unity. During the parliamentary coalitions of 1993–2000 and 2004–08, committee amendments were reached by party leaders, in negotiation between the party spokespersons on the committee.

While committee positions are allocated in a proportional manner to the parliamentary groups, the number of committee positions allocated to the smaller groups in the eighth legislative session (2004–08) was done in such a fashion that the committee vote can produce a different result than a vote in the plenary session. Paired with the ability of committees to have full legislative authority over certain bills, this makes committees more powerful in law-making. However, this is a tool used by the Government and the parliamentary groups voting with them. It provides an advantage to the smallest parliamentary groups (with three to five deputies) while it disadvantages the larger small parliamentary groups, especially the CiU (with ten deputies). All of these smaller groups are given one representative on each committee, which typically have 39 members. Equal representation of all of the smaller parliamentary groups on the committees results in a slight overrepresentation of the smallest groups compared to the plenary representation (see Table 5.1). The PSOE, with 18 representatives on a committee, needs just two more votes for a majority (which could come from any two parliamentary groups), whereas in the plenary session they need 12 (for which they

Table 5.1 Congress of Deputies, Representation by Parliamentary Group: Plenary and Permanent Committees, VIII Legislative Session (2004–08)

Parliamentary Group	Total # Plenary	% Plenary	Total # Average Committee	% Average Committee
PSOE	164	46.9	18	46.2
PP	148	42.3	15	38.5
CiU	10	2.9	1	2.6
ERC	8	2.3	1	2.6
EAJ-PNV	7	2.0	1	2.6
IU-ICV	5	1.4	1	2.6
CC-NC	3	.9	1	2.6
MIXTO	5	1.4	1	2.6
	350	100.1	39	100.3

Note: Percentages do not add up to 100 due to rounding.

\* In plenary session, the PSOE needs 12 more votes for a majority; in the committees, the PSOE needs 2 more votes for a majority.

would have to gain the approval of only certain groups). As one CiU deputy explained the situation:

In the current legislative session, the committee composition is very unfair because it turns out that there can be a majority in the committee which is different than the majority in the plenary session. This is very unfair because for example, our parliamentary group has 10 deputies. And it has only *one* member on each committee—*one*. *Coalición Canaria* has 3 deputies (total), but they also have *one* on the committees. As such, the vote of *Coalición Canaria* carries as much weight as our vote, when in fact we have three times as many deputies. *Coalición Canaria* and with *Izquierda Unida*. *Izquierda Unida* has five in the plenary session and *Coalición Canaria* has three in the plenary session; five plus three equal eight. However, in the plenary session the Socialist Party always needs twelve for the majority—not eight—*twelve*. But in the committee, it is much easier for them to obtain support. There are laws that can be approved in the committee that never pass through the plenary session and would not be approved there because the PSOE would need 12 votes (Interview #06–5).<sup>20</sup>

This is an uncomfortable position for the CiU since in the past, as parliamentary coalition partners (1993–2000), they enjoyed more power on the committees, as well as two to three representatives.

In sum, when the governing party holds a majority and enjoys high party discipline, the ability of the committees to make substantive amendments independent of the executive is low. This condition has existed in nearly half of the legislative sessions under examination. When the government holds a minority of the seats and enjoys strong party discipline, the coalition partners have some ability to influence policy at all stages, particularly through negotiations in and before the committee session.<sup>21</sup> Committees exercised most influence under minority governments with weak party discipline, which is a situation unlikely to be repeated in Spain.

### **Subcommittees (*ponencias*)**

Subcommittees were reportedly more powerful during the UCD era (1979–82) than in later sessions as they served as centers for negotiations. These sessions were closed to the press and the closed-door policy helped make it safe for bargaining and concessions. However, the opposite was true for subsequent sessions. During the Socialist governments, groups whose proposed amendments were bound to be defeated in subcommittee, or any other phase for that matter, saved their amendments for presentation in committee, or in the plenary session, in hope of gaining some press coverage. In this way, even though the will of the majority prevailed, the opposition could receive some leverage through publicity.

However, from 1989 to 2000 the regional parties, PNV and CiU, seemed less concerned that they gain direct credit for their amendments and more concerned with actually altering the legislation. Thus, both groups tended to take advantage of informal negotiations with the Socialist leaders, and later with the Popular Party leaders, in which transactional amendments were agreed upon and later proposed by the government party. In the eighth legislative session (2004–08), the ERC enjoyed this position. All opposition groups have attempted to maximize their impact on policy in whatever way proved most effective to them.

Although secrecy in subcommittee meetings has important implications for representation and accountability, it is effective in formulating policy and encouraging cooperation among parties. Strøm maintains that “even if public meetings do not actually diffuse information, the mere fact that committees meet in private can give their members an advantage . . . Public meetings, on the other hand, turn committee meetings into potential advertising fora for committee members . . . Open meetings are less likely to foster interparty compromise” (Strøm, 1997, p. 62). In this regard, Spain experiences some of the same representational deficits as other longer-standing democracies.

## Conclusion

In the early years of the democracy, the committee system in the Spanish Congress did not fit the expectations laid out by traditional theory. Although the committees were powerful in policy-making in the first legislative session (1979–82), it was not for the expected reasons, i.e., specialized committees with expert members and a high level of staff and resources. As the committee system institutionalized, traditional theory better explains the weakness of the Spanish committees; Spanish committees today, which are standing committees with largely fixed jurisdictions and important formal powers, have low expertise, high turnover, and modest resources. Their influence varies across legislative periods, but they have not experienced high influence in the policy-making process since the outset of democracy.

Most transactional amendments are negotiated by informal norms outside of committee or negotiated in the subcommittee (but later accepted in committee). Committees are important arenas for the adoption of technical amendments, and have become more important due to the fact that the plenary vote can be bypassed on some legislation. Bills passed directly out of committee, particularly in the eighth legislative session (2004–08), in which parliamentary group proportions differed between committees and the plenary session, may contain different amendments than if the bill had been voted on in the plenary session. This allocation of committee seats lent more power to the committee phase particularly due to the minority government status.

Arter (2002, p. 108) points out that new democracies can produce powerful committees, in the initial phases of the democracy but not necessarily later because party unity tends to be low at first. In this way, the nascent Spanish committee system fit the pattern discovered in new democracies. However, the Spanish case included not only low party unity (especially among the governing UCD), but also other important factors such as a willingness to reach broad consensus (not just majority votes), a minority government, and a desire to avoid the failed democracy of the past. Thus, in terms of classic theoretical expectations, namely that small, specialized committees with fixed jurisdictions, resources, and staff produce powerful committees, we should add that party systems and institutions in flux can also lead to powerful committees. The Spanish case indicates that institutionalization of the party system and strong party discipline weakened committees.

## Notes

1. Thanks to SIUE College of Arts and Sciences, Graduate School, and the Program for Cultural Cooperation between Spain's Ministry of Culture and U.S. Universities.
2. These interviews include: IU/PCE (4), CiU (8), PNV (5), PSOE (17), UCD (13), PP (11), CDS (2), CC (1), and four interviews of congressional attorneys. Among those interviewed were two framers of the Constitution, three parliamentary group leaders, six members of the chamber's bureau (*mesa*), one deputy who switched parties from UCD to PSOE (included in the UCD count, but not in the PSOE), three deputies who switched parties from UCD to PP (included in the UCD count, but not in the PP), six former ministers, three future ministers, and many backbenchers. Some members were re-interviewed in subsequent years, so that the total number (65) equals the total number of interviews, not individuals.
3. Following Strøm (1998), Arter (2002, p. 111) classifies formal powers as "capacity inputs" and party discipline/loyalty as a "withinput" in studying the Scottish committee system.
4. The first three waves of interviews focused on the broad influence of the Spanish parliament over six legislative sessions and contained a section on the committee system. The 2006 interviews focused exclusively on the committee system.
5. Parliamentary influence was measured by four indicators: level of parliamentary activity, ability to reject and substitute legislation, ability to affect the agenda, and ability to modify executive legislation. These measures were derived from the theoretical literature on the degree of parliamentary influence on public policy (Polsby, 1975; Mezey, 1979; Norton, 1990; Blondel, et al., 1990). The study measured the policy-making power of a parliament along a continuum ranging from "arena like" legislatures with "weak policy-making power" to strong, policy-making chambers. Parliamentary influence on public policy was high in the first legislative session (1979–82) and in the fifth (1993–6) and sixth (1996–2000) legislative sessions. The independent factors that affected parliamentary influence were: the majority or minority status of the executive, the degree of party unity, committee strength, the conditions surrounding the transition to democracy, formal rules (electoral law and Standing Orders of Congress), involvement in supranational organizations, and the asymmetric federal nature of the Spanish state (Maurer, forthcoming, 1999, 1995).
6. The Standing Orders of the Congress set up 11 legislative standing committees: "i) Constitutional, ii) Foreign Affairs, iii) Justice and Home Affairs, iv) Defense, v) Education and Culture, vi) Economy, Commerce and Finance, vii) Budget, viii) Agriculture, Stockbreeding and Fisheries, ix) Industry, Public Works and Services, x) Social and Employment Policy, xi) Public Administration's Status; 3 non-legislative standing committees: i) Rules, ii) Members' Status, iii) Petitions; and ad hoc committees 'for a specific task.'" (Chapter III: Division 2, Sections 46–50 & Division 3, Sections 51–3). Also, additional standing committees may be established for the duration of one parliamentary term (so that committees vary somewhat from session to session), Section 50, 1.

7. Confidential interview, 25 October 2006.
8. Confidential interview, 3 November 2006.
9. Confidential interview, 25 October 2006.
10. Section 148 Standing Orders of Congress states: '1. The decision of Congress delegating full legislative authority to committees shall be presumed for all bills that may constitutionally be delegated, but such delegation shall not extend to the debate and voting on the whole text or the taking into consideration thereof, without prejudice to the provisions of the following section. 2. The procedure applicable to consideration of these bills shall be the ordinary legislative procedure, excluding the formality of the final deliberation and voting on the floor of the House.' Section 149 states that the Congress may reserve the final vote for itself.
11. Confidential interview, September–October 1991.
12. With approximately 40 members per committee, this represented approximately 5 to 13 percent. The U.S. Congress is considered to have the highest number of experts on its powerful committees; most parliamentary systems have moderate policy-making power with less expertise on the committees. Since Spain has permanent (standing) committees, the committees have the potential to develop more expertise than those parliaments with a large number of ad hoc committees.
13. Confidential interview, May 1998.
14. Confidential interview, 24 October 2006.
15. I figured turnover rate by calculating members on each committee who were not on the committee at the start of the previous session as a percentage of total members on the newly constituted committee.
16. There are several ways to measure turnover. The comparison here (committee membership at the start of the legislative sessions) does not take into account membership turnover within the sessions, nor members who may return to a committee on which they served after a session or more. Another possibility is to measure turnover within each legislative session. Capo Giol (1990, pp. 118–23) found that 68 percent of members remained on their committees throughout the first legislative session, 53 percent in the second session (1982–6), and 52 percent in the third session (1986–9), which indicates a very high rate of turnover. Morán also found that turnover was very high between the early legislative sessions; in the second legislative session (1982–6), for example, between 54 percent and 73 percent of the committee membership was new (Morán 1989, p. 79). Our numbers differ due to distinct indicators; however, all results demonstrate high turnover.
17. Confidential interview, May 1998.
18. Confidential interview, September–December 1991.
19. Confidential interview, September–December 1991.
20. Confidential interview, 26 October 2006.
21. As committee sessions are not closed to the press, the practice of negotiations became common knowledge under the parliamentary coalitions of 1993–2000. For example, the press reported in October 1999 an instance in the Committee on the Economy, Commerce, and Finance, in which the CiU had proposed various amendments to the government proposed Law on the Defense of Jurisdictions. These amendments, that would have protected the jurisdictions of Tribunal of Defense of Jurisdictions and the

Committee on Telecommunications Marketing, would have passed with the support of other opposition groups. Right before the vote, the CiU committee spokesperson, Ignasi Guardans, was pulled aside by the parliamentary group leader, Josep López de Lerma and asked to withdraw the amendments. López de Lerma had supposedly reached an agreement with the executive Popular Party to have the amendments withdrawn. One Socialist deputy classified the incident as “humiliating” (*El País*, 27 October 1999). Thus, during the fifth and sixth sessions (1993–2000), amendments were accepted in committee sessions, but these are based on previous agreements reached by party leaders.

# 6

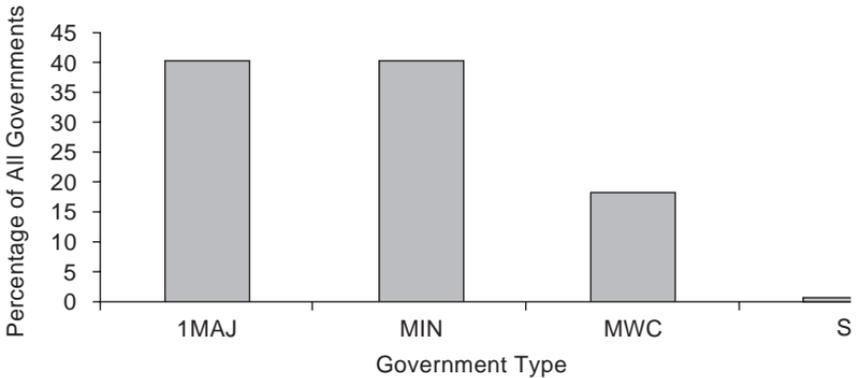
## Regional Governments in Spain: Exploring Theories of Government Formation

*Kerstin Hamann and Carol Mershon*<sup>1</sup>

What determines the composition of governments at the regional level? A large literature has investigated the logic of government formation for national governments. Regional governments have received much less attention. Yet examination of the regional level holds general promise, since factors that sometimes complicate cross-national comparisons are held constant when treating subnational variation in one country. Spain offers an especially important arena in which to probe the analytical leverage of arguments originally assessed at the national level. In brief, Spain evinces substantial diversity among its subnational party systems, significant powers of its regional governments, and a pronounced disjuncture between patterns of regional government formation and findings for cross-national research.

Figure 6.1 highlights the importance of studying this arena by reporting the types of governments that ruled in Spain's 17 regions from the early 1980s to 2007. Minimal winning coalitions are rare among the Spanish regions, as are surplus coalitions. This statement holds both in absolute terms and in relative terms, since cross-national findings establish that roughly one-third of national executives qualify as minimal winning coalitions, and roughly one-quarter, as surplus coalitions (e.g., Gallagher, Laver, and Mair, 2006, p. 401, on 26 European countries; comprehensive comparative studies do not exist for the subnational level). Spanish regions have instead seen relatively many one-party majority governments; in minority situations, minority cabinets are unusually common, which of course mirrors the paucity of minimal winning and surplus coalitions. What explains these departures from national-level patterns?

Our hypotheses are informed by the extant research on government formation, whose empirical reference is typically national executives



*Figure 6.1* Frequency of Government Types in Spanish Regions (in %), 1980–2007  
*Key to acronyms:* 1MAJ = one-party majority governments in majority situations (one party controls more than half of parliamentary seats); MIN = minority governments in minority situations (no single party controls more than half the seats); MWC = minimal winning coalitions in minority situations; S = surplus coalition in minority situations (no surplus coalition observed in majority situations).

*Source:* Data from Table 6.1

(e.g., Diermeier, 2006; Huber, 1996; Laver, 1998; Laver and Shepsle, 1990, 1996; Laver and Schofield 1998 [1990]; Martin and Stevenson, 2001; Mershon, 2002; Strøm, 1990b; Schofield, 1983, 1993; Schofield and Sened, 2006; Shepsle, 1979, 1986). At the same time, our work complements the few studies of subnational coalition politics (e.g., Bäck, 2003; Calvet and Reniu i Vilamala, 2004; Colomer and Martínez, 1995; Downs, 1998; Stefuriuc, 2007a, 2007b). We posit that two sets of factors account for variation across regions in the size and party composition of governments: (1) electoral and parliamentary institutions and (2) features of the party system in which the parties compete.

The second section of this chapter elaborates our assumptions and specifies our hypotheses. In the third section, we outline our research design and methods, including the rationale for focusing on Spanish regions. In the fourth section, we appraise hypotheses on the composition of regional governments. The final section draws implications for research on coalitions.

### **A theoretical framework for analyzing cabinet composition at the regional level**

Here we set forth the key assumptions underlying our reasoning and develop hypotheses about the impact of institutions and the structure

of partisan competition on the formation of regional governments. We rely on the literatures on spatial theories of voting, legislative decision-making, and party competition for control of office, which lay the basis for empirical research on government composition.

### **Assumptions**

The foundational assumption in research on coalitions is that of rationality: Actors ally in efforts to achieve their goals. One school assumes that parties and politicians are single-minded seekers of office (e.g., Riker, 1962). Other theories assume pure policy motivations (e.g., Schofield, 1986). We accord with the recent conventional wisdom, however, in assuming that all political parties and their leaders are to some extent concerned with office, policy, and votes (cf. Strøm, 1990a; Müller and Strøm, 1999). Actors differ in the relative priority they assign these three goals, but no political actor can afford long to ignore completely any of the three.

Furthermore, the extant literature conventionally assumes that political parties as unitary actors are the relevant entities engaging in coalition politics (e.g., Laver and Schofield, 1998 [1990]). Similarly, in the first step of empirical analysis here, we assume that the parties negotiating regional governments—both the regional branches of state-wide parties and the regional parties (whose territorial coverage is confined to one or a few regions)—make decisions within their own regional environments without regard to the choices of actors in other environments (on the realism of this assumption in Spain, see Gangas, 1995; Newton with Donaghy, 1997; van Biezen and Hopkin, 2006; Stefuriuc, 2007a). We then relax the unitary actor assumption to take into account the more complex government formation processes in place at the regional level.

We assume that the institutional environment surrounding parties engaged in coalition constrains their behavior, by creating incentives and disincentives, defining their options and understandings, and ruling out some possibilities and ruling in others.

### **Hypotheses**

The major explanations advanced in the literature on coalition politics distill into two major classes: those based on preferences, and those on institutions (e.g., Diermeier, 2006). While the distinction between preferences and institutions might be overdrawn (e.g., Riker, 1980; Shepsle, 2006), it nonetheless holds given recent theoretical and empirical research.

Our hypotheses thus regard the impact on government formation exerted by institutions and by the expression, through the party system, of voter and elite preferences. Some examples illustrate the general thrust of the logic here. Differences appear across the Spanish regions in the rules on investiture of governments, and such distinctions should affect cabinet composition. In some but not all regions, regionalist-centralist conflicts define a second dimension of party competition, along with the familiar left-right, socioeconomic dimension. Such differences too should influence government composition. We now develop more specific hypotheses.

### *Institutional attributes*

Taking cues from the current literature assessed for national governments, we treat as independent variables the proportionality of electoral laws and the links between the executive and the legislature (cf., e.g., Strøm, Budge, and Laver, 1994; Laver and Schofield, 1998 [1990]; Mershon, 2002). We also take up institutions typically not examined at the national level.

A distinguished tradition in political science theorizes and empirically establishes that proportional representation (PR) electoral laws favor multi-party systems (e.g., Duverger, 1954; Ordeshook and Shvetsova, 1994; Cox, 1997). This research shows that, holding constant use of PR and the particular PR formula (e.g., d'Hondt, used throughout Spain), such variations as the height of thresholds for legislative representation have demonstrable effects on the shape of party systems. Accordingly, the less often electoral laws manufacture a legislative majority for a party earning a plurality of popular votes, other things equal, the less often one-party majority cabinets should form; conversely, other things equal, the more proportional the laws, the greater the frequency of minority cabinets (e.g., Powell, 2000; Strøm, 1990b).<sup>2</sup>

- Hypothesis 1. *Variations in electoral laws should affect the frequency of minority (majority) governments.* Differences across Spain's regions in district magnitude and in the barrier to be surmounted for legislative representation should be reflected in government outcomes, with one-party majority cabinets most frequent in regions with small districts and high thresholds.

One chief element of executive-legislative relations under parliamentary democracy concerns investiture. Even holding constant the rule of explicit legislative investiture of authority in the executive, as required in all Spanish regions, such variations as the size of the

legislative coalition needed for successful investiture should influence government composition.

- Hypothesis 2. *Variations in investiture rules should affect the frequency of minority (majority) governments.* The rules about the consequences of failure at investiture vary across the Spanish regions; where plurality support suffices on a second vote, where the leader of the largest party is appointed as regional premier, and where run-off legislative votes choose the premier, minority cabinets should be viable and relatively frequent (cf. Bergman, 1995; Strøm, Budge, and Laver, 1994).

Some of the limited research on subnational governments has weighed the extent of autonomy within a (semi-)federation as an explanatory factor (e.g., Stefuriuc, 2007a). The idea is that the greater the autonomy of a particular subnational unit, the greater the probability, other things equal, that the party make-up and the size of the subnational executive will differ from the outcomes at the national level. The logic involves both voter and party behavior. As regional autonomy increases, voters should be more likely to cast votes in regional races different from those cast in national ones, and also parties should bargain over regional cabinets with relatively few constraints from national outcomes.

- Hypothesis 3. *Variations in regional autonomy should affect the degree to which the outcomes of regional government formation differ from those at the national level.* The greater is regional autonomy, other things equal, the more likely the composition of regional cabinets will differ from that of the prior national cabinet.

#### *Attributes of the party system*

The system of interactions among parties and between parties and voters has long been regarded as a prime influence on coalition politics. In democracies, political parties articulate, embody, and defend alternative packages of policy preferences. At election time, citizens express their preferences for one party team of politicians or another. Analysts of coalitions have focused, in particular, on the presence or absence of a dominant party, the effective number of parties, and the number of policy dimensions as influences on party competition for control of the executive. Our hypotheses take up these factors and address interactions between institutions and party system attributes.

Although precise conceptualizations of a dominant party differ across segments of the literature, analysts agree that a party capable of dominating party competition should also dominate processes and outcomes

of government formation. One school highlights that a party occupying the center or 'core' of the policy space should govern and should moreover be able to rule as a minority, since by definition such a party belongs to all possible majorities; it has little incentive to seek governing partners, and no winning legislative coalition can exist without it (e.g., Schofield, 1993; Schofield and Sened, 2006).<sup>3</sup> Cross-national findings uphold the first expectation with impressive frequency; data on the second expectation are less systematic but supportive (e.g., Laver and Schofield, 1998 [1990], pp. 113, 118, 136; Mershon, 2002, pp. 13, 44–5). For the regional level, the logic is clear, although the evidence is still sparse.

- Hypothesis 4a. *The median party (in one dimension) or the core party (if it exists, in two dimensions) should govern.*
- Hypothesis 4b. *If a minority situation emerges, the median or core party should govern.* If election results do not award a legislative majority to any single party (i.e., they produce a minority situation), the median or core party should govern.

Although features of the party system are analytically distinct from institutions, the two may well interact. The next hypothesis specifies aspects of this interaction. It is arithmetically obvious that the greater the number of parties with legislative representation (itself a product in part of electoral laws), the lower the probability that a single-party majority cabinet will form. A non-obvious implication is that as parties increase in number, so too will the difficulty and complexity of bargaining over coalitions; the probability of minority cabinets forming after failed negotiations should thus rise. Finally, where voter and elite preferences define a regionalist-centralist dimension and (in part due to electoral laws) relatively many parties earn seats, the constructive vote of no-confidence, perhaps counter-intuitively, should contribute to the viability of minority cabinets. The constructive vote of no-confidence requires agreement on a replacement to the status quo; with two dimensions and many parties, such majority agreement should be relatively hard to reach.

- Hypothesis 5. *Institutions and attributes of the party system should interact so as to increase (decrease) the probability of minority governments.*
- Hypothesis 5a. *The greater the effective number of legislative parties, the greater the probability that minority executives will form.*
- Hypothesis 5b. *The use of the constructive vote of no-confidence in the context of a two-dimensional many-party system should increase the probability of minority cabinets.*

## Research design

In developing hypotheses, we have begun to suggest the merits of studying the Spanish regions: They vary in institutions, attributes of the party system, and outcomes of government formation. We now elaborate on this and other facets of research design.

### Advantages of country case selection

A study of the Spanish regions assures substantial variation on all posited independent variables. First, the regions exhibit variation in electoral institutions. To be sure, in all regions voters elect unicameral legislatures by PR at least once every four years; and throughout Spain the rules specify closed lists, the d'Hondt formula for seat allocation, and some minimum vote threshold for parties to earn seats. Yet the threshold as well as the unit defined as an electoral district and mean district magnitudes differ across the regions, as do the unit defined as an electoral district and mean district magnitudes. Some regional electoral systems are thus more proportional than others. We code a dummy variable to flag relative (dis-)proportionality in electoral systems, giving pride of place to district magnitude, in line with the literature (e.g., Cox, 1997). We also compute least squares indices of disproportionality (cf. Gallagher and Mitchell, 2005), as indicated in Table A6.1 of the Appendix.

Second, regional institutions differ in linkages between the executive and the legislature. In all regions, the unicameral legislature via a formal vote of investiture elects a premier (*presidente*). All premiers are appointed by the King after successful investiture. Moreover, all regional legislatures can replace the premier through a constructive vote of no-confidence, and all premiers can at their discretion call a vote of confidence. Only in Catalonia, the Basque Country, Galicia, and Andalusia can the premier dissolve the regional assembly prematurely (Wert, 1998, p. 505). The key variations in executive-legislative relations, however, regard the consequences of failure at investiture. In the Basque Country and Galicia, the investiture vote is repeated until a plurality identifies the victorious candidate. In Valencia until 2006, a legislative run-off between the top two vote-getters was held if no candidate was invested. In Andalusia and Castille-La Mancha, the leader of the largest party is automatically appointed if no candidate succeeds in the first two rounds of the investiture vote.<sup>4</sup> In the other 12 regions (and in Valencia since 2006), the legislature is dissolved prematurely if the first two rounds of the vote of investiture do not yield a successful candidate within 60 days (or, for some regions, 48 days); in such cases, new elections follow

and the new legislature serves out the remainder of the term. We posit that the rules on plurality support, legislative run-offs, and automatic appointment of the leader of the largest party facilitate the formation of minority governments.

Third, the extent of autonomy varies across the regions. Since 1978, Spain has witnessed the development of a quasi-federal asymmetrical arrangement that has defined 17 regions with a right to some degree of self-government (see Introduction, and Conclusion, this volume). The 1978 Constitution recognizes regional autonomy, but does not specify the organization of the regions—does not stipulate their number, rights, or relationships with the central state or other regions. The institutional reforms enacted since the late 1970s have allowed for differential degrees of autonomy, where the “historic” regions received autonomy statutes first and gained a higher degree of autonomy. The Basque Country and Catalonia obtained their autonomy statutes in 1979, followed in 1981 by Galicia and Andalusia. Valencia, Navarra, and the Canary Islands were awarded an intermediate status, or given special rights. Hence only ten regions traversed the “normal” or “slow” path (Botella, 1989, p. 265; Heywood, 1995, pp. 144–5; Nohlen and Hildenbrand, 1992, pp. 306–15). By February 1983 all 17 regions had obtained their autonomy statutes,<sup>5</sup> and today all exercise numerous policy-making and implementation competencies while having only a minor institutionalized position in the policy-making process of the central state (Agranoff and Ramos Gallarín, 1997; Heywood, 1995, p. 148; Nohlen and Hildenbrand, 1992, pp. 318–23; Pérez-Royo, 1992, pp. 103–24).<sup>6</sup> The timing of regional elections reflects the process of granting regional autonomy: Regional elections are held separately for each of the first four regions to gain autonomy, whereas the other 13 vote simultaneously at fixed dates in four-year intervals. Consequently, we isolate the “fast track” regions as those with the greatest autonomy.

Finally, the Spanish regions display major distinctions in their party systems. The conflict between centralized state power, embodied in the national government in Madrid, and the devolution of power and affirmation of regional identity and interests varies in salience across Spain’s 17 regions. In some regions, such as Madrid or Murcia, party competition has always been structured by one dimension, the socioeconomic conflict between left and right.<sup>7</sup> In other regions, the policy space is more aptly characterized as two-dimensional, given electoral support for regionalist parties, along with the left-right divide (e.g., Hamann 1999). For example, the Balearic Islands, Canary Islands, Catalonia, or the Basque Country have had a two-dimensional party system since their

first autonomous elections. Yet other regions, such as Andalusia, have alternated over time between unidimensional and two-dimensional party competition. All of this illuminates the variation in subnational party systems.

### **Operationalization and measurement**

Five issues in measurement demand clarification. First, we define a “party” as, in the electoral arena, a unified, recognizable team—a group of politicians that contests elections under a distinctive label or declares that it intends to do so—or, in the parliamentary arena, a team of politicians that regularly constitutes a single parliamentary group (cf. Sartori, 1976; Laver and Schofield, 1998 [1990]). Thus, if voters cannot distinguish two groups of politicians because the two groups run under one electoral banner—even though they belong to formally separate party organizations—then we treat the two as one party. Operationally, then, we identify as one party the Catalan CiU (Convergence and Union), an electoral coalition of two parties, the CDC (*Convergència Democràtica de Catalunya*) and the UDC (*Unió Democràtica de Catalunya*), as well as the *Coalición Popular* (CP) and *Coalición Democrática* (CD).

Second, we define a regionalist party as any non-statewide party that contests elections separately under a regionalist or subregionalist label.<sup>8</sup> In the Balearic Islands and Canary Islands, moreover, “subregionalist” parties emphasize policies and issues of self-government and identity pertinent for their particular island rather than for the entire region. A few other regions also have smaller subregionalist parties. In all cases, self-described regionalist and subregionalist parties advocate a weaker central government and lack statewide organizations.<sup>9</sup>

Third, to count the dimensions for each regional party system after each election, we designated the left-right dimension as omnipresent, given the strength of the dominant statewide parties, the Socialist Party (PSOE) or its regional equivalents, and the conservative Popular Party (PP),<sup>10</sup> in all regions at all elections. We then used the rule of thumb that if non-statewide parties representing regionalist-centralist issues won over 3 percent of the seats, the party system qualified as two-dimensional.<sup>11</sup>

Fourth, we had to locate parties along the relevant dimension(s). In unidimensional policy space, ordinal rankings—along with information on the number of legislative seats controlled—suffice to isolate the median party (as defined in note 2). Interval data on party positions are needed to identify a core party in two dimensions. Measuring the positions of parties in policy space has been the subject of much research and

lively debate (e.g., Benoit and Laver, 2007; Budge, Robertson, and Hearl, 1987; Budge and Klingemann, 2001; Gabel and Huber, 2000; Laver, Benoit, and Garry, 2003). We lack manifesto data for parties competing in regional elections. Region-by-region mass survey data are available for some elections, but the data display gaps and shortcomings (see Stefuriuc, 2007a). Hence, we have relied on expert judgments of the relative positions of parties to locate each party in a two-dimensional policy space.<sup>12</sup> Our estimates of party positions are just that—estimates based on informed judgment, open to discussion, and extremely useful in the absence of alternative measures. We repeated our computations of the core for each region under slightly different assumptions about the locations of the parties; and, even when the parties were moved a little, our results remained the same.<sup>13</sup>

Finally, we need to measure when governments begin and end and when they can be deemed “winning.” We count a new government “with each change of party composition, parliamentary election, change of prime minister, and accepted resignation of the cabinet” (Mershon, 2002, p. 27, in line with, e.g., Strøm, 1990b). We identify governments commanding exactly half of the legislative seats as minority governments, since the Spanish regions follow the rules in the Standing Orders of the national Congress of Deputies, according to which ties work to the disadvantage of the cabinet (Newton with Donaghy, 1997, p. 131).

## **The composition of regional governments in Spain**

In this section we assess hypotheses on regional governments: We furnish a first-cut analysis, next estimate some logistic models, and then turn to models tapping the effects of transmission from national to regional levels.

### **Outcomes by region and bivariate relationships**

Table 6.1 provides an overview of the types of governments formed in each region from their first elections to the parliament of the autonomous community through 2007. As the table’s first column indicates, in all regions except Aragón, Canary Islands, Navarra, and the Basque Country, at least one election has awarded one party a majority in the regional legislature. In Castille-La Mancha and Murcia, one-party majorities are the only type of government to have emerged. In no region has a majority party chosen to construct a surplus coalition. Only in Cantabria has a surplus coalition formed in a minority situation, where no single party controls more than half of parliamentary

seats. Minimal winning coalitions constitute one-third or more of the governments formed in minority situations in eight regions, and minority cabinets constitute one-third or more of the governments formed in all 15 regions where elections have produced minority situations. Overall, single-party majority governments, together with minority governments, qualify as the most frequent outcome of government formation in the Spanish regions. As registered in the bottom row of Table 6.1, national-level governments in Spain are also distinguished by the frequency of single-party majorities and minority cabinets.

How can the patterns portrayed in Table 6.1 be understood? Of the four regions lacking single-party majority cabinets, three (Aragón, Navarra, and the Basque Country) have relatively high mean district magnitude. Castille-La Mancha and Murcia, where only one-party majorities rule, instead feature low mean district magnitude, as detailed in Table A.6.1. Thus, variations across regions in electoral laws give some purchase on the (in)frequency of one-party majority executives. Yet electoral laws do not suffice as an explanation: the Canary Islands have witnessed no one-party majorities despite low district magnitude. More broadly, 42 percent of the one-party majority cabinets (28 of 66) appear in the nine regions with a district magnitude above 20.

The frequency of minority cabinets among the Spanish regions is consistent with our emphasis on the constructive vote of no-confidence. Yet the hypothesis about variations across regions stemming from rules on failed investiture finds rather tepid support in Table 6.3. True, minority cabinets prevail in the Basque Country, where plurality suffices on a repeated investiture vote. But minority cabinets also abound in Asturias, the Balearic Islands, and Navarra, where the assembly is dissolved and new elections follow defeats at investiture. Consider too the institutional hypothesis on degree of regional autonomy. At first blush, the four fast-track regions (Andalusia, Catalonia, Galicia, and the Basque Country) do not share any striking traits in government formation outcomes that set them apart from other regions.

We now turn to the role of the median party. Table 6.2 shows, region by region, the percentage of governments joined by the median party on the left-right spectrum.<sup>14</sup> On the whole, the median party prediction performs well. In 14 of the 17 regions, at least two-thirds of the executives include the left-right median. The three regions in which the median prediction performs least well—the Balearic Islands, the Canary Islands, and Navarra—all have two-dimensional party systems in all elections held. When the identification of the median party is amended for Navarra in 1983 to reflect the parliamentary “boycott”

Table 6.1 Frequency of Cabinet Types, by Region and at National Level (1980–2007)

Region	Majority Situations <sup>a</sup>		Minority Situations <sup>b</sup>				% Minority Cabinet
	Single Party	Surplus Coalition	Minority Cabinet	Surplus Coalition	MWC	% MWC	
Andalucía	5	—	1	—	2	67	33
Aragón	—	—	6 <sup>c,e</sup>	—	4	40	60
Asturias	2	—	6	—	1	14	86
Balearic Islands	4	—	7	—	—	—	100
Basque Country	—	—	10	—	2	17	83
Canary Islands	—	—	8	—	6	43	57
Cantabria	3	—	4 <sup>e</sup>	1	6	55	36
Castille-León	6	—	3 <sup>c</sup>	—	1	25	75
Castille-La Mancha	8	—	—	—	—	—	—
Catalonia	3	—	4	—	2	33	67
Extremadura	6	—	1	—	—	—	100
Galicia	4	—	3	—	3	50	50
Madrid	5	—	3 <sup>e</sup>	—	—	—	100
Murcia	9	—	—	—	—	—	—
Navarra	—	—	7	—	1	13	89
La Rioja	5	—	2	—	1	33	67
Valencia	6	—	1	—	1	50	50
<b>All regions</b>	<b>66</b>	<b>0</b>	<b>66</b>	<b>1</b>	<b>30</b>	<b>30.9</b>	<b>68.0</b>
<b>Spain central government</b>	<b>4<sup>d</sup></b>	<b>0</b>	<b>6</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>100</b>

Note: Dashes indicate that majority (minority) situation never materialized.

Sources: For seat data, Ministerio del Interior (1996); *Anuario El País* (various years); *El País* (various issues). For government composition, *Anuario El País* (various years); documentation provided by regional governments (personal communications); Aragon homepage <http://www.aragob.es/garagon.htm>; Aja, *Informe Comunidades Autónomas* (various years); Reniu (2004).

<sup>a</sup> Majority situations are defined as those in which one party controls more than half of parliamentary seats.

<sup>b</sup> Minority situations are those in which no single party controls more than half of parliamentary seats.

<sup>c</sup> Includes a single one-party cabinet controlling exactly half of seats in Aragón and two one-party cabinets controlling exactly half of seats in Castille-León. We count these governments as minorities given the rules on tied votes in Spain's regional legislatures (see text).

<sup>d</sup> Includes González (1989–93) even though the PSOE commanded exactly half of the 350 seats in the Congress; due to the parliamentary boycott of the four *Herri Batasuna* (HB) deputies, the government effectively ruled with majority status.

<sup>e</sup> Includes one caretaker government.

Table 6.2 Median Party Prediction and Number of Dimensions of Party Competition (early 1980s–2007)

Region	Governments Joined by Median Party on Left-Right Dimension (%)	Number of Dimensions of Party Competition	
Andalusia (n=8)	100%	1 (1982–90, 1994–9)	2 (1990–4, 2000–07)
Aragón (n=10)	80%		2 (1983–2007)
Asturias (n=9)	78%	1 (1983–99, 2003–07)	2 (1999–2003)
Balearic Islands (n=11)	55%		2 (1983–2007)
Basque Country (n=12)	100%		2 (1980–2007)
Canary Islands (n=14)	57%		2 (1983–2007)
Cantabria (n=13)	77%		2 (1983–2007)
Castille-León (n=10)	70%	1 (1983–99, 2007)	2 (1999–2007)
Castille-La Mancha (n=8)	100%	1 (1983–2007)	
Catalonia (n=9)	89%		2 (1980–2007)
Extremadura (n=7)	100%	1 (1991–2003, 2007)	2 (1983–91, 2003–07)
Galicia (n=10)	70%		2 (1981–2007)
Madrid (n=8)	75%	1 (1983–2007)	
Murcia (n=9)	100%	1 (1983–2007)	
Navarra (n=8)	50% <sup>a</sup>		2 (1983–2007)
La Rioja (n=8)	75%		2 (1983–2007)
Valencia (n=8)	100%	1 (1983–7, 1999–2003)	2 (1987–99, 2003–07)

Sources: See data in Ministerio del Interior, 1996; *Anuario El País* (various years); *El País* (various issues); Archivo Histórico Electoral (n.d.); authors' characterizations of policy space after each election in each region, based on Alcántara and Martínez, 1998; *Informe Comunidades Autónomas* (various years); Gunther, Sani, and Shabad, 1988, Ch. 9; Llera, 1993, 1988; Hamann, 1999.

Note: Numbers of governments are reported between parentheses in the leftmost column. Entries in the second column show the percentage of governments that included the party containing the median legislator on the left-right dimension. (In this table we identify the left-right median without regard to whether the party system is most aptly characterized as one- or two-dimensional.) Entries in the rightmost columns show the number of dimensions of party competition in each region for the designated period.

<sup>a</sup> Percentage would be 13 percent if the institutional boycott of the Herri Batasuna (HB) in 1983 were considered, since it lowered the effective majority threshold. The HB also refused to take its seats in the Basque Country in 1980 and 1984, but that boycott does not affect the identification of the left-right median. Similarly, the *Bloque Nacionalista de Partidos Gallegos* (BNPG) refused to take its seats in Galicia in 1981 (Rivera Otero et al., 1998, 298), but that boycott does not change the party at the left-right median.

carried out by the radical leftist-independence Basque party *Herri Batasuna* (HB), the prediction fares even more poorly there.<sup>15</sup> Thus, some of Spain's regional party systems can be characterized as two-dimensional. Indeed, across all regions from the early 1980s to 2007, the core party, when present, joined fully 86.5 percent of the governments formed;<sup>16</sup> this figure rises to 89 percent when HB boycotts are considered (see Table 6.3).

To summarize, our first hypothesis, on electoral laws, finds some support in the Spanish regions, but the second hypothesis, on investiture rules, is rather weakly supported. The evidence largely bears out Hypothesis 4a, on the median or core party, whereas the third hypothesis, on degree of regional autonomy, calls for further examination. Similarly, closer scrutiny is needed of the fifth hypothesis. What continues to stand out, however, is the preponderance of minority cabinets in minority situations—and the relative frequency of minority executives overall, to which we now turn.<sup>17</sup>

### The probability of minority governments in the Spanish regions

We conduct a binary logit estimation of the probability that a minority cabinet will emerge. We estimate the following model:

$$\begin{aligned} \text{minority}_i = & \alpha + \beta_1 \text{electoral laws}_i + \beta_2 \text{investiture}_i + \beta_3 \text{autonomy}_i \\ & + \beta_4 \text{core}_i + \beta_5 \text{effective N parties}_i + \beta_6 \\ & (\text{effective N parties}_i * 2 \text{ dimensions}_i) + \varepsilon_i \end{aligned} \quad [1]$$

where the binary dependent variable is coded 1 when government *i* controls a minority of seats in the regional legislature. As our proxy for electoral laws, we use mean district magnitude where and when government *i* is formed. The investiture dummy variable is coded 1 when government *i* takes office under investiture rules that, we posit, facilitate minorities (to reiterate, those stipulating appointment of the largest party's leader, plurality as sufficient on a second vote, and run-off legislative balloting). Dummies also have the value of 1 when cabinet *i* forms in a region with fast-track status and when a core party exists. The model has two continuous variables in addition to district magnitude: the effective number of parliamentary parties (ENPP), the widely used measure that takes into account both the raw number and the seat strength of parties (e.g., Cox, 1997; Ordeshook and Shvetsova, 1994), and the interactive variable capturing ENPP only in two-dimensional party systems.



term1	1.30 (0.76)	1.17* (0.55)	2.00 (1.09)							
term2	1.73* (0.74)	1.64** (0.53)	1.49* (0.69)							
term3	0.45 (0.76)									
term4	-0.09 (0.81)									
term5	-0.09 (0.83)									
term6	-0.43 (0.87)									
constant	-4.04** (1.39)	-3.46** (1.22)	-8.36** (3.04)	-30.77 (16.90)	-3.26 (2.08)	-2.84 (1.68)	-4.56* (2.09)	-8.27 (4.45)	-5.90* (2.59)	-1.40 (1.24)
N obs	159	159	24	27	24	23	21	18	22	93
Prob $\chi^2 > 0$	0.000	0.000	0.000	0.000	0.135	0.150	.020	.014	0.017	0.008
McFadden's Rho <sup>2</sup>	0.30	.26	0.39	0.53	0.07	0.07	0.21	0.32	.21	0.12

\* p < .05    \*\* p < .01

Table 6.3 shows the results of our logit estimations of *minority* for each set of regional legislative terms. The table's leftmost column reports on the pooled estimation, with dummies for different terms.<sup>18</sup> Two of the posited independent variables exert a statistically significant impact on the probability that a minority cabinet will emerge. The greater the effective number of parties, the more likely minority governments will assume power. When a core party exists, on the other hand, minority executives are less likely. Observe, too, that minority cabinets are relatively likely to form after the first two sets of Spanish regional elections; this finding emerges most clearly in the parsimonious model, shown in the second column. It seems that Spanish parties have over time learned to bargain with each other to build regional majority executives, an interpretation consistent with the result, displayed to the right of the table, that it is above all in the first regional legislative term that a high ENPP increases the probability of minority cabinets.<sup>19</sup>

Variants of this model produce similar results. In particular, when a dummy marking greater or lesser proportionality (as in Table A.6.1) replaces mean district magnitude as the measure of electoral laws, the estimation yields much the same findings. As the rightmost column of Table 6.3 exhibits, however, when only minority situations are examined—so that the outcomes on the dependent variable essentially involve minorities versus minimal winning coalitions (recall Table 6.1)—only the dummy variable isolating the second legislative term exerts a statistically significant influence on the propensity of minority governments to form.

By the light of these findings, the attributes of regional party systems affect the likelihood that a minority government will take office in the Spanish regions. Although we have examined fast-track status as an influence on the formation of minority cabinets, we have not yet assessed the impact of the degree of regional autonomy on the probability that the composition of the regional government will follow that of the national government. We now turn to a direct test of the third hypothesis.

### **Transmission effects from the national to the regional levels**

The logistic estimations in the previous section are based on the assumption that the parties engaged in regional government formation are

unitary actors and operate in their own regional environments unaffected by government formation games in other environments. We now relax that assumption to consider the possibility of transmission effects from the national to the regional level.<sup>20</sup> Specifically, we explore the probability that the government formed at the regional level is identical in its party composition to the government most recently formed at the national level. The independent variables in the binary logit estimation here are the same as those in model [1]:

$$\begin{aligned} \text{identical composition}_i = & \alpha + \beta_1 \text{electoral laws}_i + \beta_2 \text{investiture}_i \\ & + \beta_3 \text{autonomy}_i + \beta_4 \text{core}_i + \beta_5 \text{effective} \\ & \text{N parties}_i + \beta_6 (\text{effective N parties}_i * 2 \\ & \text{dimensions}_i) + \varepsilon_i \end{aligned} \quad [2]$$

The binary dependent variable is coded 1 when the party in regional government  $i$  is identical to that controlling national government in the month before  $i$ 's formation. This model allows us to evaluate the notion that the experience of party elites at the national level is transmitted to and thus guides the regional party leaders who create regional executives. The question is: Does the degree of regional autonomy, controlling for other potentially important influences on regional government outcomes, shape the degree to which the composition of regional executives echoes that of national ones?

Table 6.4 presents our results. Two institutional factors that have no real impact on the propensity of minorities to govern—investiture rules and high regional autonomy (operationalized as fast-track status)—instead exert strong and significant influences on the probability that the regional government will have a party composition mirroring that of the most recently formed national government. Specifically, not only where a core party is present in the regional party system but also where investiture rules facilitate minority cabinets, the composition of the regional government is relatively likely to echo that of the national level. For regions with great autonomy, on the contrary, governmental composition is relatively unlikely to follow the national precedent. In addition, regional executives installed during the first, third, and fifth terms are especially likely to track the national level in partisan make-up. The effects of the third and fifth terms fade, however, in the parsimonious version of the model, as exhibited in the second column. When estimations are run separately by term, fast-track status is significant only for the first term.<sup>21</sup> The existence of a core party, in contrast, significantly

Table 6.4 Propensity of Regional Governments to Follow National Government Composition, 1980–2007

<i>Independent Variables</i>	Dependent variable: identical composition							
	All situations							
	Pool coeff (s.e.)	Pool coeff (s.e.)	Term 1 coeff (s.e.)	Term 2 coeff (s.e.)	Term 3 coeff (s.e.)	Term 4 coeff (s.e.)	Term 5 coeff (s.e.)	Term 6+ coeff (s.e.)
District Magnitude	0.01 (0.01)							
investiture	1.81* (0.77)	1.72* (0.71)						
fast track	-2.81** (0.95)	-2.79** (0.81)	-3.05* (1.31)	-2.25 (1.39)	-1.71 (1.38)	-0.10 (1.27)	-1.20 (1.40)	-1.11 (1.21)
core exists	1.83** (0.69)	1.91** (0.45)	1.47 (1.12)	3.55** (1.31)	3.09* (1.25)	0.17 (1.04)	2.71* (1.24)	3.08** (1.14)
ENPP	0.45 (0.52)							
ENPP * 2-dimensional	-0.27 (0.23)							

term1	2.88** (0.94)	1.74** (0.58)						
term2	1.46 (0.96)							
term3	1.88* (0.92)	0.80 (0.56)						
term4	0.61 (0.96)							
term5	1.97* (0.96)	0.77 (0.61)						
term6	1.80 (0.99)							
Constant	-4.34** (1.67)	-2.23** (0.44)	0.31 (0.87)	-2.43* (1.04)	-2.10* (1.06)	-1.36 (0.87)	-1.79 (1.09)	-3.13** (1.08)
N obs	159	159	24	27	24	23	21	57
Prob $\chi^2 > 0$	0.000	0.000	0.011	0.002	0.008	0.981	.019	0.000
McFadden's Rho <sup>2</sup>	0.32	.28	0.29	0.38	0.29	0.00	0.28	0.32

\* p < .05      \*\* p < .01

increases the probability that the composition of the regional government will match that of the national government in several of the regional legislatures after the first one. The case of Galicia illustrates this result: The PSOE ruled as a core party during the third regional term (which coincided with national-level PSOE government), the PP ruled as a core party during the fifth regional term (coterminous with national-level PP government), and in the seventh term the PSOE as a core party returned to govern Galicia, once more aligning the region with the national-level executive.

## **Conclusion**

This research has at least three broad implications. First, our work breaks new ground in the study of Spanish politics. Scholars have increasingly devoted attention to the federalization of the Spanish state (e.g., Aja 2001; Börzel, 2002; Hamann, 1999; Moreno, 1997; Subirats and Gallego, 2002) and the development of regional party systems in Spain (e.g., Alcántara and Martínez, 1998; Lago Penas, 2004; Pallarés, 1995; Pallarés, Montero, and Llera, 1997; Pallarés and Keating, 2006). Yet the processes and outcomes of government formation in the Spanish regions have largely been neglected (see Stefuriuc, 2007a, 2007b for exceptions, among others). Nonetheless, the analysis of regional governments in Spain holds substantial political interest. The regions are of growing importance in determining and implementing Spanish policy. Regions and their elected representatives have assumed crucial roles in supporting national governments, especially for minority executives, and have consequently had considerable policy influence despite their formal absence from national cabinets (cf. Heller, 2002). Regions are also increasingly seeking representation independent of the national government in the European Union. Hence, an understanding of governments in the regions has clear relevance for national politics. Granted, regional elections in Spain may rightfully qualify as “second-order” elections, less important than are the elections to the national Congress of Deputies. Even so, the outcomes of regional elections and the governments legitimized by those elections frequently stand at variance with the outcomes of national elections and thus complicate the policy-making processes of the Spanish state. Furthermore, the multi-level electoral competition has wide-ranging

implications for political parties as they vie for votes, office, and policies at several levels simultaneously.

Second, we have illustrated the analytical leverage afforded by the logic typically assessed in cross-national research. For the Spanish regions as for the national level, factors tapping aspects of the shape of the party system and institutional features do make a difference for the composition of governments. The attributes of regional party systems, as shaped by electoral laws, help to explain the abundance of minority cabinets and one-party majorities and the paucity of minimal winning coalitions among the Spanish regions. For the regions, isolating which party, if any, occupies the core of policy space goes a long way toward answering the fundamental questions of who governs. The same sorts of variables that shape differences across regions help to account for distinctions between the Spanish regions and other parliamentary systems at the national level. While the theories on government formation routinely tested at the national level may need further refinements to accommodate fully the subnational level, they have nonetheless proven to be useful starting points and even unrevised do much to explain the outcomes of government formation processes.

Third, we stress that we examine cases that are dynamic. A relatively new democracy, Spain is still experiencing an ongoing transformation of the institutional powers of its autonomous communities and is witnessing as well the continuing evolution of its regional party systems. We thus consider a context where the array of powers exercised by the executives—and the legislatures on which they depend—has expanded over time. It is promising that the explanations we advance hold leverage even in the context of ongoing change.

Our conclusions are especially useful since empirical research on government formation often omits Spain in light of the absence of national-level coalitions and the relatively recent advent of democracy in Spain. While other factors specific to the Spanish case—e.g., internal party organization or the role of regional parties in supporting national governments—may provide further insights into the logic of government formation in the Spanish regions, this chapter has taken an important first step in exploring, for the regional level, insights generated by studies of national governments. The argument and evidence presented here thus contain lessons for research on coalition politics within and beyond Spain and set the agenda for further comparative studies on subnational government composition.

## APPENDIX

Table A.6.1 Variation in Electoral Institutions across Spanish Regions

Region	Institutional Feature			Disproportionality Registered
	Threshold (Area Applied)	District	Magnitude	
<b>Less proportional (value of 0 on electoral law dummy, Models 1 &amp; 2)</b>				
Canary Islands	3% region or 20% district	each island	8.6	6.064
Murcia	5% (district)	comarca	8.6–9	6.114
Castille-La Mancha	3% (district)	province	8.8–9.4	4.220
Castille-León	3% (district)	province	9.1–9.3	5.675
Andalusia	3% (district)	province	13.6	4.877
Balearic Islands	5% (district)	each island	13.5–14.8	5.234
Asturias	3% (district)	comarca	15	4.552
Galicia	5% (district)	province	17.8–18.8	4.045
<b>More proportional (value of 1 on electoral law dummy, Models 1 &amp; 2)</b>				
Aragón	3% (district)	province	22–22.3	3.737
Basque Country	5% (district)	province	20–25	2.682
Valencia	5% (region)	province	29.7–33	4.703
Extremadura	5% (district)	province	32.5	3.021
La Rioja	5% (district)	province	33–35	2.901
Catalonia	3% (district)	province	33.8	4.605
Cantabria	5% (district)	province	35–39	3.843
Navarra	3% (district)	province	50	2.668
Madrid	5% (district)	province	94–120	1.918

Source: Wert, 1998, pp. 506–8; for calculating district magnitude, same as Table 6.2.

Note: A *comarca* is a subprovincial administrative unit; Asturias and Murcia are regions composed of only one province. In the Canary Islands, the 20 percent district-level threshold (alongside the 3 percent region-level one) is actually easily surmounted, since many subregional parties compete only in parts of the Canary Islands. Multiple entries for mean district magnitude indicate variation over time; the magnitude in effect for the longest time is in italics. Scores on Gallagher (least squares) index of disproportionality are averaged, in each region, over all elections between the early 1980s and 2007; the lower the index, the lower disproportionality (i.e., the more proportionality) is registered between vote shares and seat shares (cf. Gallagher and Mitchell, 2005).

## Notes

1. We thank Josep Colomer, Marcus Crepaz, Bonnie Field, Will Heller, José Ramón Montero, Josep María Renu i Vilamala, Irina Stefuriuc, and Mariano Torcal for comments on earlier versions, and Kerri Milita, Kenneth Idle, and Rob Martin for research assistance. Authors are listed in alphabetical order.
2. To clarify: This logic covers both majority and minority situations (those with and without, respectively, a single party holding a majority of assembly seats), since it regards the creation of each situation.
3. A party occupies the core if it belongs to all possible majorities, assuming policy aims and given the overall array of parties' positions and sizes. In one dimension the median is the core.
4. Sources on effects of failed investiture votes are: Autonomy Statutes of the Autonomous Communities; *El País*, 15 October 1999; *Boletín Oficial*, Parlamento Vasco, Ley 7/1981, 30 June 1981. The 2007 revision of the Autonomy Statute in Andalusia changed its rule to conform to those of the 12 regions just discussed, but does not affect our study since no elections under the new rule are included here.
5. Ceuta and Melilla gained quite limited autonomy in 1995 (e.g., Wert, 1998, p. 503).
6. The only body in which the regions are formally represented within the central state is the Senate, which affords the regions very little influence (Flores Juberías, 1999; see also Introduction, this volume).
7. We do not mean to imply that regional issues are never present, but they tend to be absorbed by the major national parties rather than find separate expression in regional parties.
8. Granted, in some instances the major left-right parties speak to regionalist issues. Examples include the PSOE in Andalusia and Catalonia, where the PSOE (or its sister party, the PSC, in the case of Catalonia) has considerable autonomy from the national party (Gangas, 1995; Newton with Donaghy, 1997, pp. 191–3). For the right, Galicia arguably lacks a strong conservative regionalist party because the PP has captured much of the conservative regionalist vote by stressing regional identity and autonomy (e.g., Rivera Otero et al., 1998, p. 304).
9. We define the *Unión del Pueblo Navarro* (UPN) as regionalist, since in regional races its candidates run under the UPN banner. The PP and UPN struck a deal in the late 1980s, under which only the PP competes in national elections and only the UPN competes in regional ones; thus the two parties have not merged but have pooled candidates and votes in Navarra.
10. For convenience, we refer to the Popular Party as the PP throughout, even though the party emerged from the electoral coalitions *Coalición Popular* (CP), *Coalición Democrática* (CD), and *Alianza Popular* (AP). The PP in its current form as a unified, disciplined party was “refounded” in 1989 (see Gunther, Montero, and Botella, 2004, 249–53).
11. We used 3 percent as a cutoff since it mirrors the 3 percent electoral threshold for representation in regional parliaments (though some regions apply a 5 percent threshold; see Table A.6.1 in Appendix). Changing the rule to 2 percent changed the results very little.

12. We rely chiefly on Alcántara and Martínez (1998) and the annual *Informe Comunidades Autónomas*. Many mass surveys tap only the left-right scale and neglect regional autonomy. Voters' self-identification differs from their evaluation of parties' positions; the difference is especially marked for smaller regional parties (Ramiro Fernández, 1999).
13. Details on the coding of the median and core parties are available at <http://politicalscience.cos.ucf.edu/main.php?URL=hamann>.
14. Table 6.2 isolates the party containing the median legislator on the left-right spectrum, regardless of whether the party system is best portrayed as one- or two-dimensional; the right columns, however, note which characterization is most apt. Details on the median (or core) parties and number of dimensions in the Spanish regions are available at <http://politicalscience.cos.ucf.edu/main.php?URL=hamann>.
15. The "boycott" refers to the refusal of representatives elected under the HB banner in 1983 to take their legislative seats, which was intended to communicate the HB's denial of the legitimacy of the Spanish state; Llera, 1988, p. 289; Llera, 1993, pp. 171, 173; Ramos Rollón and Innerarity Grau, 1998, pp. 404–5; Ross, 1996, p. 495.
16. Pearson Chi-square = 49.5,  $p < 0.0001$ .
17. Strøm (1990b) asserts that strong committees in the legislature boost chances for minority executives. However, in all Spanish regions, legislative committees are relatively weak.
18. The omitted variable here is that marking the seventh (and, in some regions, eighth) terms. In line with accepted practice in analyzing time-series cross-sectional data (Beck and Katz, 1995; Beck, Katz, and Tucker, 1998), we control for within-panel serial autocorrelation; note that we assume that legislative party weights do not change during legislative terms (but see Heller and Mershon, 2005; Mershon and Shvetsova, 2008).
19. In the small-N term-by-term estimations, regression diagnostics disclose correlations among independent variables that prevent us from conducting multivariate analyses.
20. More precisely, for a regionalist party operating in one region only, we relax not the assumption of unitary status (which might still hold) but that of independent action, uncolored by experience outside of the region. In later research, we will probe diffusion effects across regions; we will also assess potential transmission effects from the regional to the national level.
21. We drop the investiture dummy from the term-by-term estimations given the small N and correlation between investiture and autonomy. We combine estimations for the sixth through eighth terms, given insufficient variation on the dependent variable in the last two terms.

# 7

## Feminized Decentralization: Evaluating Women's Representation in Spain

*Candice D. Ortals*

Scholars have heralded the active participation of women's movements in transitions to democracy, yet they report that women face obstacles in gaining representation in new democracies, for women's movements often demobilize following transitions and women are not immediately elected *en masse* to legislatures (Nechemias, 1994; Waylen, 1994; Jaquette and Wolchik, 1998; Waylen, 2007). If, however, representation is viewed as women gaining voice in policy-making through women's policy agencies (WPAs), defined as "any structure established by government with its main purpose being the betterment of women's social status" (Stetson and Mazur, 1995, p. 3), the representation of women in new democracies appears less dismal. Women's policy agencies influence policy by issuing equality plans (i.e., statements of equality goals to be achieved by government ministries) and working with government ministries to formulate policies that respond to women's issues (Weldon, 2002; Mazur, 2002). The worldwide presence of national WPAs—in an estimated 127 countries—and their growing subnational presence beg the question of how they increase women's position in democracy.

This chapter analyzes whether regional parliaments and subnational women's policy agencies (i.e., regional and municipal WPAs) were a source of representation for Spanish women from the 1980s until the early 2000s and it explores two claims in women and politics research: (1) women are underrepresented in national legislatures, but subnational institutions, often established following decentralization, are an opportunity to increase women's representation; and (2) women's policy agencies provide women representation by advocating gender policy and inserting the interests of women's organizations in the policy process.

The chapter, therefore, addresses two questions: (1) Did decentralization in Spain provide an immediate political opportunity for women's

representation through regional parliaments and/or subnational women's policy agencies? (2) Do subnational women's policy agencies provide greater representation for women than could otherwise be achieved by regional parliaments or the national women's policy agency? By greater, I mean quicker arrival on the Spanish scene and the ability to respond to many policy areas and/or offer voice to women's organizations. In order to answer these questions, I examine the Spanish case, specifically highlighting the regions of Andalusia and Galicia, by way of a theory confirming-infirming case study. According to Lijphart, "theory-confirming and theory-infirming case studies are analyses of single cases within the framework of established generalizations" that test theoretical propositions and either "strengthen" or "weaken" them (1971, p. 692).

Conclusions from this chapter are complex. I show that decentralization was not an immediate political opportunity for women's representation, because few women were elected to regional parliaments in the 1980s and subnational WPAs were not commonplace until the 1990s. However, I argue that decentralization was the context in which an impressive multilevel WPA system emerged. Moreover, the Spanish case confirms that WPAs represent many women's organizations. Nevertheless, evidence that WPAs do not consistently respond to all feminist activists and that communication between WPAs and organizations mainly pertains to subsidies for organizations instead of policies weakens theories that purport the advantages of WPAs. Finally, the case demonstrates that leftist parties have been essential to increasing women's representation.

Spain is an excellent case for examining representation theories, because it demonstrates the importance of women's representation in democratic transitions and advanced democracies, of which Spain can now be counted. Spain arguably has transitioned from a laggard to vanguard state regarding women's rights (Valiente, 2006). Whereas the right-wing, authoritarian Franco dictatorship "literally bombarded [women] with the idea of mothering and caring" (Valiente, 2003, p. 288) and denied women's rights, Spain's democratic transition brought several feminist victories, such as Article 14 in the Spanish Constitution of 1978, which ensures women and men equal rights under the law and divorce and abortion options that became legal in 1981 and 1985, respectively.<sup>1</sup> Furthermore, women's presence in higher education now exceeds that of men; Spain's national WPA, the Women's Institute (*Instituto de la Mujer* [IM]), addresses education, health, and employment policies; the Rodríguez Zapatero government (2004–08) contained an equal number of female and male ministers; and, with 36 percent women in the

Congress of Deputies during the 2004–08 legislature, Spain had the eighth highest worldwide representation of women in a lower chamber of parliament (Valiente, 2007; Valiente, 1995; IPU, 2008). Given that Spain recently passed an Equality Law (*Ley Orgánica 3/2007*), which mandates at least 40 percent women (or men) on party election lists, and was implemented in the 2007 regional and municipal elections, women's representation will likely increase in the future.<sup>2</sup> That said, however, Spain has a low female employment rate of 51 percent compared to the EU average of 56 percent (Valiente, 2009 forthcoming).

Second, Spain elucidates the representation of women in the sub-state because it experienced decentralization in the 1980s, and, subsequently, parliaments were established in regions and WPAs were established in regions and municipalities. The existence of so many subnational WPAs necessitates an inquiry into whether regions and municipalities are lag-gard or vanguard in promoting gender policy, and more generally, whether decentralization was a political opportunity for engendering women's rights.

The chapter is arranged in the following sections: literature review, case expectations, case analysis, and a discussion of the findings.

## **Women, representation, and the sub-state**

Reasons for why women are not equally represented range from old-school explanations that assume men represent women and/or women are "naturally" indifferent to politics (Phillips, 1991, p. 71) to recent explanations focused on women's private responsibilities, distinct schooling and employment trajectories, and absence "in the pipeline," namely, not being poised to reach high-level government posts because of past discriminations (Sanbonmatsu, 2006; Conway, Steuernagel, and Ahern, 2005). Reasons for why gender-balanced representation is crucial include the desire for a more just society and/or the potential for female officials to pursue policies suited to women's interests (Phillips, 1991). Whereas the justice argument necessitates "descriptive representation," namely female legislators "standing in" for women in society by their mere presence in legislatures (Weldon, 2002, p. 1154), the policy argument requires "substantive representation," namely representatives pursuing policies related to "women's issues," defined variously, but including those traditionally faced by women in the private sphere (e.g., reproduction, child care, gender violence, and work-life balance) and those that stand to improve women's status in the public arena (for more discussion, see Mazur, 2002; Osborn, 2004).

Three new lines of research present a more complex understanding of women's representation. First, scholars have called for "rethinking the state" by viewing it as "a diverse set of discursive arenas" that may be situated locally, regionally, and/or nationally (Pringle and Watson, 2002, p. 220). Similar to current research on decentralization and multilevel governance, which purports the citizen advantages of the sub-state (Marks, 1993; Cain, Dalton, and Scarrow, 2003), feminist theories suggest that the local sphere serves women's interests because feminists prefer decentralized power structures, local affairs intersect with women's private responsibilities, women stand to succeed in subnational elections, which require fewer resources, and/or women's organizations can access state officials when they are close by geographically (see Saa, 1993; Beck, 2001; Orbals, 2008). Empirical studies yield mixed results. Del Campo finds that municipal institutions in Latin America successfully represent women (2005) and Vengroff, Nyiri, and Fugiero (2003) show that women are present at higher rates in meso-level legislatures than national legislatures worldwide. However, Celis and Woodward (2003) report that only half of regional legislatures in Europe on average have higher female representation than their respective national legislatures.

Second, comparative feminist policy literature argues that policy is "not just the product of the legislators that enact them"; women's policy agencies also impact the policy process (Weldon, 2002, p. 1158; see also Stetson and Mazur, 1995; Outshoorn, 2004) and are better able to do so than any individual female legislator because they liaise across government ministries (pursuing cross-sectoral gender goals, e.g., gender violence has education, health, and policing policy dimensions) and network with women in society (e.g., hosting public forums for women's organizations to pool their policy preferences) (Weldon, 2002). Research thus far confirms the positive impact of WPAs. Weldon reports that effective women's policy agencies and active women's movements together facilitate the implementation of gender policy; the Research Network on Gender Policy and the State (RNGS) has recorded many instances of WPAs intervening in policy debates and gendering policy (Outshoorn, 2004; Stetson and Mazur, 2007); further, in Latin America, del Campo argues that "the most significant advance for women in the executive power" has been the establishment of women's policy agencies (2005, p. 1709). Waylen notes that WPAs, though often crucial to gender policy in transitioning contexts, are limited by a lack of resources, "vulnerability" in "less institutionalized systems," and their tendency to ignore the claims of women activists (2007, pp. 150–8).

Finally, scholars stress the representation of women facing intersectional discrimination, i.e., the “intersecting oppressions” of “race, gender, class, and sexuality” (Steinbugler, Press, and Dias, 2006, p. 808; see also Collins, 2000 [1991]; Mohanty, Russo, and Torres, 1991). However, scholarship shows that legislatures and WPAs do not effortlessly represent diverse interests. Richards finds that the Chilean WPA misunderstands the “practical needs” of poor women and the “discourse of cultural difference” of Mapuche women (2006, p. 10–16). Furthermore, legislatures are rarely diverse. For example, in the U.S. 110th Congress, 3.7 percent of the House is comprised of women of color, and, in U.S. state legislatures, 19.8 percent of representatives are women of color (Center for American Women and Politics, 2007).

### Case expectations

Based on these theories, I ask whether subnational women’s policy agencies provide substantive policy representation and voice for women with diverse interests. The abovementioned literatures and past research about Spanish gender policy frame my expectation that WPAs provide these advantages. First, Valiente (2007) argues that Spain achieved greater women’s representation in the 1990s after the Spanish Socialist Workers’ Party (*Partido Socialista Obrero Español* [PSOE]) and the United Left (*Izquierda Unida* [IU]) enacted gender quotas in the late 1980s, at which point the number of women in Congress “more than doubled” from 6 percent to above 12 percent. That said, Valiente claims that the national Women’s Institute (IM) has been very influential in policy debates since the mid-to-late 1980s. The IM, established in 1983, is located within the Ministry of Labor and Social Affairs (*Ministerio de Trabajo y Asuntos Sociales*), and, through its *Consejo Rector* (an advisory council made up of representatives from each executive ministry), impacts policy formation (Valiente, 1995). Because regional findings may mirror national ones, I expect to find that subnational WPAs provided substantive policy representation before the regional parliaments attained descriptive representation for women.

Second, I cautiously expect that subnational WPAs represent a variety of women’s interests and organizations. On one hand, theories about decentralization and multilevel governance in Europe suggest that subnational institutions give voice to citizens, thus subnational women’s policy agencies may similarly have the capacity to empower women’s organizations. Moreover, RINGS research posits the ability of WPAs to respond to women’s organizations. However, Valiente (1995) has noted

that the national Women's Institute, though offering subsidies to women's organizations, has not significantly incorporated women's organizations into the policy process and the abovementioned literature also suggests that WPAs do not adequately address intersectionality.

Before proceeding to the case analysis, definitions, case methodology, and data must be clarified. This chapter uses a broad definition of women's organizations as groups that seek to enhance the lives of women, whereas feminist organizations refers to groups that demand fundamental change in gender relations (see Beckwith, 2000).<sup>3</sup> Decentralization can be defined as a combination of meso-level and local level institutional changes (Canel, 1994; Newton with Donaghy, 1997). The Spanish Constitution of 1978 established a State of Autonomies; regions (Autonomous Communities) signed autonomy statutes in the early 1980s, and the central state devolved policy competencies to regions during the 1980s and 1990s (see Hamann and Mershon, and Montero, this volume).<sup>4</sup> In 1985, the Basic Law on Local Government (*Ley Reguladora de las Bases de Régimen Local*) established the policy responsibilities of municipalities (see Canel, 1994; Carrillo, 1997).<sup>5</sup> The data in the analysis come from secondary sources, newspaper archives, personal interviews with feminist organizations and bureaucrats, questionnaires, and publications by women's policy agencies.

## Case analysis

The analysis is divided into three parts. First, I discuss whether decentralization prompted increased legislative representation for women. Second, I detail the development and evolution of subnational women's policy agencies. Third, I examine whether regional and municipal women's policy agencies represent women's organizations.

### Women's representation in regional parliaments

Equal representation between men and women is ideal, yet some scholars believe women can be influential as long as they constitute a critical mass—short of equal representation but more than token representation. Kanter designates four configurations of representation by sex in group settings. A group is “uniform” when women (or men) are not present in a group, “skewed” when a group has no more than 15 percent women (or men), “tilted” when a group contains 15–40 percent women (or men), and “balanced” when women (or men) constitute 40–60 percent of a group (Kanter, 1977; see also Raaum, 2005). Skewed representation has become a rubric in women and politics research.

Beckwith argues that “there appears to be general agreement that where women constitute less than 15 percent of a legislative body, women’s influence will be constrained at best” (Beckwith, 2007, p. 29), and, according to the United Nations, 30 percent women in legislatures is “the necessary minimum . . . needed for women to be fairly represented” (Lovenduski, 2001, p. 2). In this brief section, I identify the timing of Spanish regions reaching 15 percent women in parliament, a “minimum threshold” for representation, and 30 percent women in parliament, a “fair threshold” for representation.

Neither minimum nor fair representation of women was the norm in regional parliaments in Spain in the early 1980s (Instituto de la Mujer, 2007). The 1982 national election yielded 4.6 percent women in the Congress of Deputies and the average percentage of women in regional parliaments at the same time was 5.7 percent. Although no region reached the 15 percent threshold by 1983, variation is evident across regions. Whereas women’s representation in the first Galician legislature was the lowest with 1.4 percent, the first Madrid legislature was the highest at 12.8 percent.

As of the first regional elections in the 1990s, no region had met the threshold for fair representation but seven of 17 regions had reached 15 percent (Madrid in 1987; Basque Country in 1990; Asturias, Balears, Castille-La Mancha, Extremadura, La Rioja in 1991). At this time, the Canary Islands had the lowest women’s representation at 6.7 percent. The representation of women in the Congress of Deputies and the regional parliaments was nearly identical in the early 1990s; the Congress of Deputies had 12.4 percent women as of 1992, and, on average, the regional parliaments had 14.2 percent women.

Balears was the first region to accomplish fair representation with 30.5 percent women elected in 1995. All regional parliaments had 15 percent women after the 1999 elections. By 2003, all regional parliaments yielded fair representation (save for Catalonia with 29.6 percent women). Currently, all regional parliaments contain over 30 percent women. The region with the highest representation is Castille-La Mancha with 53.2 percent women and the regions with the lowest representation are Asturias and Galicia with 33.3 percent women.

Although further analysis is necessary, specifically about *how* female legislators in regional parliaments act to further women’s issues, preliminary conclusions point to the fact that decentralization and the creation of regional parliaments did not immediately lead to increased representation, for the number of women in regional parliaments remained low for over a decade after the first regional elections.<sup>6</sup>

Table 7.1 Women's Representation in Regional and National Legislatures (in percent)

Election Year	Earliest 1980s	Earliest 1990s	2007
National	4.6	12.4	36.0
Average Regional	5.7	14.2	37.6

Source: Instituto de la Mujer (2007).

In terms of regional representation *vis-a-vis* national representation, regions did not outpace the Congress of Deputies; all legislative institutions did a poor job representing women in the 1980s yet all currently contain numerous female legislators (see Table 7.1). Therefore, regional institutions hold no particular advantage over national institutions in terms of augmenting women's representation.

The corresponding nature of regional and national figures points to the impact of gender quotas adopted by parties. PSOE feminists were successful in demanding quotas because the party's Women's Secretariat became a permanent agency of PSOE's Federal Executive Committee in 1984 and, thus, had access to the party's elite. Leftist national party organizations adopted quotas for their European, national, regional, and local lists at the same time (25 percent quota for PSOE in 1988; IU 30 percent quota in 1989), thus national and regional women's representation simultaneously increased over the course of the 1990s. In 1997 PSOE increased its quota to 40 percent and IU increased its quota to 35 percent in 1990 and 40 percent in 1997 (Valiente, 2005b; Ramiro, 2000). What is more, during Socialist governance (1982–96), Socialist party feminists led the national Women's Institute and, while doing so, prioritized debates about increasing the number of female officeholders (Valiente, 2005b). The conservative Popular Party (*Partido Popular* [PP]) disapproves of quotas and did not promote them while leading the IM (1983–96), yet it too increased its number of female candidates during the 1990s "in reaction to left-wing quotas" (Valiente, 2005b, p. 197). Table 7.2 further demonstrates the positive impact of leftist parties on women's legislative representation in the early 1990s, and it confirms the increased number of female candidates in the PP during the late 1990s. The PSOE had the largest number of parliamentarians in the first six of eight regional parliaments to reach 15 percent women. However, PP-dominated regional parliaments were among the first to reach 30 percent women.

Table 7.2 Women's Representation Thresholds, Regional Legislatures, First Year Achieved, and Largest Party

Region	Minimum Threshold (15%)			Region	Fair Threshold (30%)		
	Year	% Women	Party gaining most seats		Year	% Women	Party gaining most seats
Madrid	1987	16.7	PSOE	Balearic Islands	1995	30.5	PP
Basque Country	1990	17.3	PNV	Asturias	1999	33.4	PP
Asturias	1991	20.0	PSOE	Cantabria	1999	35.9	PP
Balearic Islands	1991	16.9	PP	Castille-La Mancha	1999	40.4	PSOE
Castille-La Mancha	1991	19.2	PSOE	Extremadura	1999	30.8	PSOE-Progresistas
Extremadura	1991	16.4	PSOE	Madrid	1999	32.4	PP
La Rioja	1991	21.2	PSOE	La Rioja	1999	33.3	PP
Andalusia	1994	22.0	PSOE	Valencia	1999	40.5	PP
Cantabria	1995	15.4	PP	Andalusia	2000	34.9	PSOE
Castilla-León	1995	20.2	PP	Galicia	2001	33.3	PP
Murcia	1995	15.6	PP	Basque Country	2001	34.7	PNV
Navarra	1995	18.0	UPN	Aragon	2003	31.3	PSOE
Valencia	1995	24.7	PP	Canary Islands	2003	35.0	CC
Galicia	1997	16.7	PP	Castille-Leon	2003	36.0	PP
Aragón	1999	29.9	PP	Murcia	2003	31.1	PP
Canary Islands	1999	28.3	CC	Navarra	2003	32.0	UPN
Catalonia	1999	23.7	PSOE/CiU*	Catalonia	2006	36.3	CiU

\* PSC and CiU received, respectively, 37.9 and 37.7 percent of the vote.

Note: CC (*Coalición Canaria*); CiU (*Convergència i Unió*); PNV (*Partido Nacionalista Vasco*); PP (*Partido Popular*); PSOE (*Partido Socialista Obrero Español*); PSOE-Progresistas (*Coalición Partido Socialista Obrero Español -Progresistas*); UPN (*Unión del Pueblo Navarro*)

Source: Instituto de la Mujer (2007)

### **Multilevel development and evolution of subnational women's policy agencies**

The Basque Country and Catalonia were the first regions to sign autonomy statutes in 1980, followed by Galicia and Andalusia in 1981, and the remaining regions in 1983. After gaining autonomy, regions had sufficient power to further basic gender policies such as offering legal advice to women in situations of abuse or encouraging women's participation in socio-cultural activities. Fast-track regions obtained competencies such as health and education in the 1980s, thus allowing them to pursue further gender measures. The first legally instituted WPAs were established in 1988 and many more were set up in the 1990s (Bustelo, 2004). Although all regions did not immediately enact gender policy following decentralization, I argue that national, regional, municipal, and international institutions together put Spain on a path to multilevel WPAs beginning in the early-to-mid-1980s.

Most of Spain's earliest responses to gender equality came from national sources, namely the PSOE and the Women's Institute (IM). Socialist feminists were essential to the IM's establishment because they convinced the party to add the goal of an "equality commission" to its 1982 electoral program. Socialist feminists were elected to the party's Executive Committee in the early 1980s, and with the aforementioned Women's Secretariat, began to insert women's issues into the party's deliberations (Valiente, 1995). The "longevity" of the Socialist-led IM, spanning from its 1983 establishment to the 1996 national election of the PP, provided "an unprecedented opportunity for the development of [national] equality policies" (Threlfall, 1996, p. 124). The steady context provided by Socialist governments was also an opportunity for the development of regional gender policy. The PP, though maintaining an active IM between 1996 and 2004 (Valiente, 2005b), has been a more controversial advocate of gender policies (Bustelo and Ortbals, 2007).

The national Women's Institute issued its first equality plan in 1988, yet its efforts to spur subnational gender policy began in the early 1980s. As early as 1984, the IM granted subsidies to municipal administrations and local women's organizations. Furthermore, during the 1980s and 1990s, the IM assisted women through the Women's Rights Information Centers (*Centros de Información de los Derechos de la Mujer* [CIDE]). The CIDE network began under the previous UCD (*Unión de Centro Democrático*) governments with three women's centers in Madrid, Seville, and Caceres, and it expanded under the auspices of the IM to an 11-center network. The purpose of the CIDE was to address the policies

of health, family planning, social services, job training, and legal assistance. The CIDE proved crucial in areas of the country where no other resources were available. The regions of Galicia and the Canary Islands, for example, did not legally establish WPAs until 1991 and 1994 respectively; thus the CIDE centers set up in the mid-1980s were essential resources in the meantime.

Alongside the Women's Institute, national and international actors encouraged the development of regional and municipal WPAs. The European Community encouraged Spain to meet European standards of equality during the 1980s (Valiente, 1995) and later urged regional and local administrations to pursue gender policy. The FEMP (Spanish Federation of Municipalities and Provinces [*Federación Española de Municipios y Provincias*]), inspired by the European Community, stated its intention to promote gender policy in 1987.<sup>7</sup> Between 1990 and 1991, in conjunction with the IM, FEMP held awareness-raising seminars for municipal officers about gender policy. The IM also sent communications to regions encouraging them to establish WPAs of their own. With these encouragements, and due to policy competencies, regions and municipalities began addressing gender equality.

The first regional policy institutions were simple, but quickly evolved into legally established women's "institutes" (Bustelo, 2004). Simple policy institutions included regional women's centers, interdepartmental commissions, and equality advisors. At the former, women could obtain information about their rights. The pre-autonomous Junta of Andalusia established two such centers in Malaga and Granada in the late 1970s, which were quite likely the first institutional mechanism for gender equality in Spain. Catalonia and Galicia established interdepartmental commissions, defined as temporary government bodies that coordinate equality policies across executive ministries, in 1987 and 1988 respectively. In 1985, the Canary Islands appointed an individual to the executive called an "equality advisor," yet the Canary Islands Women's Institute was not established until almost ten years later. The first regional institutes established by law were in the Basque Country and Andalusia in 1988 and Catalonia in 1989. All regions had established a WPA by the early 1990s (Bustelo, 2004).

Municipalities have had the opportunity to further gender equality since the 1985 Basic Law on Local Government (*Ley Reguladora de las Bases de Régimen Local*) established their responsibility to offer services related to community needs. The municipality of Barcelona is an early example of a municipality promoting gender equality, for it had established a women's rights center and women's documentation center by

1985 in hopes of providing socio-cultural activities for housewives at the former and a space for debate for professionals at the latter. In fact, some early responding municipalities eclipsed their respective regions. The municipality of Vigo (Galicia) held meetings to discuss gender policy in the late 1980s, co-financed a women's center with feminists in 1987, and established the Vigo Women's Department in 1991. The Galician regional WPA was also established in 1991, yet the Vigo administration was arguably more progressive than the Galician administration (Gandón, 1995).<sup>8</sup> Similarly, municipal officials and feminists in Telde opened a women's center in the Canary Islands in 1987 which, along with the CIDE center, played an essential role in the region until the Canary Islands established its own WPA in 1994.

Regional administrations, alternatively, have been the impetus for developing municipal women's policy agencies. Several regional WPAs have built networks of women's help centers, which necessitated the help of municipal administrations. In the late 1990s, Galician officials developed the Network of Information and Advice for Women to encourage local officials to develop women's centers. The Basque Women's Institute as early as 1994 persuaded municipalities to develop equality plans and set up council meetings (*consejo*) at which to consult women in the community (Instituto Vasco de la Mujer, 1994). Moreover, as mentioned above, the Andalusian regional administration established women's information centers as early as 1978 and, in its first equality plan (1991–2), the Andalusian Women's Institute (*Instituto Andaluz de la Mujer* [IAM]) encouraged municipalities to pursue gender policy. By 1992, the region's centers numbered 139. This is notable given that the nationally administered CIDE network never exceeded more than 11 centers located mainly in large cities. Because regions now coordinate their own networks of women's centers, it is not surprising that as of 2006 the CIDE network only consisted of two centers, in Madrid and Santander.

The evolution of subnational women's policy agencies also depends on multilevel factors. At first, regional WPAs mirrored the national Women's Institute in terms of stated purpose and policy goals in equality plans (Bustelo, 2004), for each regional WPA has issued at least two equality plans, which address employment, education, health, and gender violence (Bustelo and Ortals, 2007). Regions, as demonstrated here by education policy, continue to be influenced by the national administration, yet they creatively render their own policy. The national Women's Institute pursued education reform in the 1980s in order to

undo the Franco regime's use of traditional women's identities in education curriculum (see Ballarín Domingo, 2001). The IM set a precedent for gender-sensitive education, published resources for education practitioners, and pushed for the 1990 Law on the General Organization of the Education System (*Ley Orgánica de Ordenación General del Sistema Educativo* [LOGSE]) that championed revised curriculum. However, regions now have education competencies and the policy area has profound regional salience. If education texts are to be written in a gender-inclusive way in all regional languages, regions must contribute to the process of curriculum development.<sup>9</sup> Policy examples from Andalusia and Galicia demonstrate the regionalization of education policy. Whereas the Galician Equality Service (*Servizo Galego de Igualdade* [SGI]) publishes non-sexist children's books that are in the Galician language, the IAM has created and distributed education flashcards to schools about important women in Andalusian history.

Regional job-training policies also demonstrate how WPAs emphasize local identities and economies. For example, the *Gamela* program trains fisherwomen in Galicia to meet European product standards, and the Andalusian agriculture ministry has collaborated with the IAM to offer training classes related to products such as peaches, broccoli, and strawberries. The IAM has also held training events to teach women how to use olive oil, a major regional product, to produce and market cosmetics.

Regions are also innovative regarding policies that respond to intersectional discrimination. Regional policies related to women's sexuality and ethnicity are arguably more advanced than the national Women's Institute's policies. The IM's latest equality plan (2003–06) does not mention sexualities; however, Basque and Catalan WPAs and the municipalities of Barcelona and Coslada (Madrid), discuss sexual identity in equality plans and/or have established programs to "sensitize" the public to sexual identity concerns (Platero, 2005). Furthermore, the Andalusian Women's Institute responds to the preferences of Gitana women. The national Gitana women's organization is located in Granada and maintains close relations with the IAM.

Municipal gender policies are also of growing importance in Spain. Many municipal WPAs were created during the 1990s (see Valiente, 1998–9; Ortals, 2004) and they represent institutional and policy diversity. City councils situate gender policy in individual departments (e.g., Women's Department) or within related departments (e.g., Department of Education or Social Services). Municipalities publish equality plans, offer temporary childcare, provide legal services to women facing gender

violence, and host classes about computer technology, Tai Chi, and art. Moreover, some municipal agencies have established women's councils (*consejos*) which meet regularly as a forum for communication between women's organizations and agency personnel.

Accomplishments of the Vigo and Seville municipalities are instructive (Delegación de la Mujer, 2003). In the early 1990s, the Vigo Women's Department financed an education booklet that featured famous Galician women and included statistics about Galician women, and the department worked alongside feminists to enact a non-sexist toy campaign. The Seville Women's Department between 1999 and 2003 trained municipal workers to incorporate the concept of gender into their work; offered sensitizing training for police officers responding to gender violence; launched a website with considerable feminist content; and published a newsletter and an education magazine.

Island councils (*cabildo insular*) also promote gender equality. Officials in the La Palma island council (Canary Islands) explain that gender violence is an island issue because women may want to relocate to safe houses outside their municipalities, but do not want to relocate to another island, which would require extensive travel to work and/or their children's schools.<sup>10</sup> In order to share information about common challenges for gender policy, the island councils of the Canary Islands, along with women's organizations and the Portuguese autonomous regions of Maderia and Azores, have built a network called *Proyecto Violeta*.

International organizations constitute yet another level of governance that impacts gender policy. Regions cite international norms from the United Nations and European Union as part of their legal frameworks (*marco legal*), and regional officials attend United Nations conferences about women's rights. Moreover, the European Union has encouraged regions and municipalities to consider gender mainstreaming (the implementation of gender policy by all bureaucrats in all policy areas) and to establish women's help centers as resources in the fight against gender violence. Regional women's policy agencies also direct programs funded by the EU (e.g., the aforementioned *Gamela* and *Proyecto Violeta* programs).

The multilevel WPA system in Spain is complex and addresses many issues of interest to women. Examples of gender policy from each administrative level are evident as early as the mid-1980s. Regional and municipal WPAs have since pursued gender policies related to employment, education, and gender violence. As a result, one can conclude that Spanish WPAs represent women by advocating gender policy.

## Representation of women's organizations in Andalusia and Galicia

Examining how and why WPAs and women's organizations interact indicates WPAs' ability to represent organizations in policy making or, alternatively, to ignore organizations and constrain their goals. I examine how WPAs represent organizations, first, by summarizing original questionnaire data about relations between WPAs and organizations, and second, by qualitatively describing relations in the regions of Andalusia and Galicia and the municipalities of Seville (Andalusia) and Vigo (Galicia). Andalusia and Galicia are comparable because of their shared fast-track status and their historic laggard status regarding per capita income. Although theory infirming and confirming analyses do not "test" independent variables, Socialist Party governance emerges as an explanation for feminist policy-making in Andalusia, whereas conservative governance helps explain Galicia's inability to engage feminist activists (Ortals, 2008).

### *Questionnaire results*

Questionnaire data from 2002 gauge women's organizations' degree of satisfaction with women's policy agencies in Andalusia and Galicia.<sup>11</sup> Twenty-seven out of 30 respondents from Andalusia either "agreed" (24) or "very much agreed" (3) that the Andalusian Women's Institute helps women in Andalusia. Twelve out of 17 Galician organizations either "agreed" (10) or "very much agreed" (2) that the Galician Equality Service helps women in Galicia. These findings demonstrate that women's organizations appreciate the advocacy work of WPAs and do not evaluate their influence negatively.

Women's organizations in Galicia and Andalusia were also asked whether their members had attended activities hosted by the national Women's Institute and their regional WPA. Combined data from Andalusia and Galicia show that no members from 37 of 47 organizations had attended IM activities, such as conferences and job training, yet members from all but three organizations report that their members have attended activities hosted by the regional WPAs. These data demonstrate the extent to which WPAs tangibly influence the lives of organization members by providing them with opportunities to participate in activities. Subnational WPAs play a significant role in training and educating women, a much needed role that the national IM does not play.

Responses to a question inquiring about reasons for communication between women's organizations and women's policy agencies elucidate

*Table 7.3* Communication between Regional WPAs and Women's Organizations

Purpose of communication	Percent organizations (number)
Communicate about regional agency activities	76.6% (36)
Communicate about organization's activities	74.5% (35)
Coordinate details of programs and activities	36.2% (17)
Discuss role of women in region	23.4% (11)
Express opinion about policies	14.9% (7)
Communicate about subsidies for the organization	93.6% (44)
Other	6.4% (3)

\* Question: What is the purpose of communication that occurs between this organization and the regional women's policy agency? (Check all that apply).

Source: Original questionnaire data, N = 47.

the nature of state-society relations. Table 7.3 shows that communication between organizations and WPAs typically pertains to subsidies, rather than, for example, deliberation about policy preferences and the role of women in the regions. Arguably, WPAs cannot offer women's organizations substantive policy representation if communications do not pertain to the organizations' expression of policy preferences.

Questionnaire data display the representation advantages and deficits of regional WPAs. Regional WPAs have responded to many women's organizations that the national Women's Institute has not responded to, for the IM primarily works with national organizations rather than smaller organizations in the regions. However, data about reasons for communication challenge the theoretical expectation that WPAs represent organizations' policy goals.

#### *Qualitative description of women's organizations in Andalusia, Seville, Galicia, and Vigo*

Andalusia has consistently elected PSOE governments since gaining autonomy; therefore, it is not surprising that Socialist Party feminists quickly pursued gender policy there. The Andalusian Women's Institute (IAM) was established in 1988 and it has been a regional leader ever since. Regional officials have claimed it is the 'vanguard in equality policies' (PSOE: Andalusia, 1992). Policy outcomes in Andalusia include its two equality plans (1991–2; 1995–7) and one plan against gender violence (2001–04).

The IAM is "feminist" in several ways: It is the fruit of socialist feminists, its publications debate feminist theories, and it holds a yearly

retreat for women's organizations at which feminist consciousness and women in history are stressed. Promoting growth in women's organizations is one of the IAM's greatest achievements. As of 1989, only 151 women's organizations could be documented in Andalusia, yet, in 2005, the IAM cited 1406 women's organizations in the region. The IAM, since its first equality plan in 1990, has encouraged women of all types—including senior women and those in small towns—to form and participate in women's organizations. The IAM trains organizations in organizational finance, hosts recreational activities at municipal women's centers, and has recently designed a virtual community for them that is hosted online through the regional administration's website.

Feminist organizations have been present in Andalusia since the transition to democracy and they also benefit from the IAM. The IAM assists feminist organizations (and other women's organizations) by granting subsidies and it promotes their goals by sponsoring publications about feminist topics. Moreover, in 2000, the IAM funded the meeting of the National Coordinator of Feminist Associations of the Spanish State. Although feminists generally see the Andalusian Women's Institute as a benefit to the region, some note that the IAM, as a bureaucratic institution, is less bold in its feminist perspective than their own organizations.<sup>12</sup>

Municipal women's policy agencies in Andalusia offer feminists (and other women's organizations) additional advantages. Whereas the Andalusian Women's Institute may be critiqued for not consistently maintaining a regional council (*consejo*) for women's organizations at which organizations would be able to discuss policy preferences, the Municipal Women's Department in Seville, established in 1999, hosted council meetings for women's organizations between 1999 and 2003 every four months. The Seville Department is also attuned to women "in the barrios" and has located its women's help center in a part of town where immigrants and prostitutes are living.

Although the SGI proffered gender policies during the 1990s and 2000s, the conservative political context of Galicia was closed to feminism for many years. The Galician regional parliament debated an agency to be called the Galician Women's Institute during the late 1990s, but the institute proposal failed three times. After the first parliamentary debate and failure in 1988, Socialist leaders established an interdepartmental commission for women's issues that was functional from 1988 until the establishment of the SGI by the governing PP of Galicia in 1991. The SGI was ascribed to the Ministry of Family, Women, and Youth (*Consellería de Familia, Muller, e Xuventude* [FMX]) until 2005,

at which time it was transferred to the Vice-presidency of Equality and Welfare under a leftist government (2005–).<sup>13</sup> The SGI has issued four equality plans (1992–4; 1995–7; 1998–2001; 2002–05).

The SGI has interacted with businesswomen, housewives, and rural women's organizations. The number of rural organizations has increased over the SGI's tenure and many rural organizations view the PP as a political ally. However, the SGI rarely has been regarded as feminist and vanguard. Feminists and leftist politicians questioned the progressive potential of the agency because of its ties to PP politicians and placement in the "family ministry."<sup>14</sup> Moreover, in the early 2000s, feminists reported in interviews and questionnaires that the SGI negatively impacted their organizations' goals, and one organization claimed that the SGI did not help women in the region. A lack of collaboration between feminists and SGI officials stems from the Galician feminists' affinity for leftist nationalism and progressive gender ideals, which are at odds with the Galician administration's conservative policies (Ortals, 2007). Considering the 2005 electoral victory of leftist parties, the SGI may soon appeal to Galician feminists.

As in Andalusia, some Galician feminists have gained representation through municipal institutions. The Vigo Municipal Women's Department, in contrast to the (pre-2005) SGI, has collaborated closely with feminists. Feminists coordinated women's rights awareness campaigns with the department, utilized the department's women's center, and approved of the department's nationalist-leaning director (during the 1990s). The Vigo Women's Department also maintained strong relationships with women in neighborhood associations during the 1990s.

Descriptions of subnational WPAs largely prove their representational advantages. WPAs impact policy by pursuing equality plans and they respond to numerous women's organizations. What is more, the municipalities discussed here—Seville and Vigo—represent women in neighborhood organizations and feminists.<sup>15</sup> In fact, the Seville WPA pooled the policy preferences of organizations through regular council meetings. Despite these advantages, some feminists believe their goals have been constrained by WPAs. Galician feminists, unable to gain voice at the regional level, instead networked with the Vigo municipal administration.

## **Lessons from the Spanish case**

The Spanish case demonstrates that new subnational institutions sometimes yield women's representation, but that representation may not

increase immediately following democratization and decentralization. Given that women are often underrepresented in national legislatures, this analysis first examined whether subnational legislatures are an opportunity to increase women's representation. Data from the 1980s demonstrated that women were not represented in Spanish regional parliaments at a "minimum" or "fair" threshold soon after the establishment of the State of Autonomies. Therefore, Spanish findings do not confirm that decentralization facilitates immediate increases in the number of female parliamentarians. Instead, the national influence of leftist party organizations was essential for increased representation, for leftist parties increased quotas over the course of the 1990s and by the early 2000s most regional parliaments had over 30 percent women.

The case analysis also shows that the national Women's Institute, with PSOE party feminists at its helm, was responsible for some of the earliest subnational gender policies. Since the late 1980s, however, subnational administrations have begun to address gender policy on their own. The impressive, multilevel networks of WPAs described in this chapter demonstrate the institutionalization of WPAs during the 1990s, thus meaning that WPAs will not disappear in the future (Valiente, 2006). Therefore, Spain confirms the second theoretical claim of this analysis, namely that WPAs provide substantive representation by fostering gender policy.

Furthermore, the analysis elucidates the empowerment of women's organizations by WPAs. Questionnaire results corroborate that many women's organizations are pleased with the work of regional WPAs and the qualitative descriptions of Andalusia, Galicia, Seville, and Vigo indicate that regions and municipalities networked with women's organizations, encouraged the establishment of organizations, and assisted them by way of subsidies. This means that decentralization provides many points of access to the state through which women's organizations can interact with and influence WPAs.

Nevertheless, women's policy agencies' inability to represent all women point to theoretically significant "representational deficits" (see Conclusion, this volume). Although policies from the Basque Country and Catalonia address sexual identities, there is no evidence that subnational WPAs uniformly recognize intersectional discriminations. Moreover, the questionnaire data demonstrates a lack of in-depth collaboration between women's organizations and women's policy agencies, for women's organizations see WPAs as a source of subsidies and not as a conduit for expression of policy preferences. Finally, for many years, the SGI and Galician nationalist feminists maintained diverging

opinions about gender issues, thus representation for feminists in the regional context was elusive. Further research in each region of Spain is needed, because it is unlikely that feminist organizations gain representation from every regional WPA, especially conservative ones that do not share feminists' progressive orientation.

As a result of these deficits, it is indeed difficult to conclude whether subnational women's policy agencies provide greater representation for women than regional parliaments or the national Women's Institute. On one hand, some subnational administrations pursued gender policies in the mid-to-late 1980s *before* "fair" representation transpired in regional parliaments. However, most regional WPAs were not legally established (and hence not institutionalized) until the 1990s, *after* leftist parties had adopted quotas. As a result, it is more appropriate to conclude that subnational representation through WPAs roughly coincided with the adoption of gender quotas and subsequent increases in legislative representation at the national and subnational levels. Moreover, at first glance, subnational WPAs appear to provide greater representation than the national Women's Institute, for they can respond to many more women's organizations than the IM and they coordinate networks of women's centers much larger than IM's own CIDE network. However, because the emergence of Spain's multilevel WPA network is intricately linked to the national Women's Institute itself, it is more appropriate to conclude that the combination all WPAs—national, regional, municipal, island level—contribute to women's representation in Spain. This means that the national administration cannot be ignored when investigating regional policy outcomes (see Chari and Heywood, this volume).

The reality that Spanish women have gained notable representation in the Congress of Deputies, regional parliaments, and WPAs shows that researchers should be attuned to "multiple sources of political representation" at multiple levels of governance (Weldon, 2002, p. 1171; Banaszak, Beckwith, and Rucht, 2003). Researchers may also benefit from considering the important role of party organizations in promoting women's representation. Although many scholars studying women and politics in Spain attribute progress for women to PSOE, or more generally, "the Left" (Threlfall, 1998; Valiente, 2007; Ortals, 2008), leftist parties and coalitions in other countries have not served as such strong political allies for institutionalizing WPAs and gender quotas (see Waylen, 2007; Rincker, 2008 forthcoming). For this reason, specifically *how* parties become political allies of feminist causes must be thoroughly examined in comparative research. PSOE feminists were

influential regarding quotas and gender policies because they had access to the party's elite. Given that party executives in Spain are incredibly influential (see van Biezen, this volume), scholars would do well to investigate whether progressive gender policies are tied to the party organization and leadership. Finally, in order to better understand representation in Spain, researchers should investigate the advocacy of women's commissions in regional parliaments (*Comisiones de Igualdad*) and the role of nationalist parties in gendering policy.

## Notes

1. Abortion is legal "when women have been raped; when pregnancy seriously endangers the physical and psychological health of the mother; and when the fetus has malformations" (Valiente, 2001, p. 115; see also Blofield, 2006).
2. Sixty percent of university graduates and 51 percent of Ph.D. students are women (Valiente, 2009 forthcoming). The PP, which has consistently opposed gender quotas, took the Equality Law before the Constitutional Court. The Court rejected the PP's claims in 2008, thus supporting the law.
3. This distinction is necessary because over 5,000 women's organizations exist in Spain, only a handful of which self-identify as feminists.
4. The Basque Country, Catalonia, Galicia, and Andalusia took the fast-track to autonomy, which provided policy competencies earlier than the slow-track. Slow-track regions continued to work under the national administration within certain policy areas until the 1990s.
5. Municipalities are responsible for "public lighting, cemeteries, refuse collection, street cleaning, finance, sewers, road access, pavement, and food and drink inspections" (Canel, 1994, p. 45).
6. On average, during the late 1970s and early 1980s, 20 percent of local officials in Western democracies were women (Lovenduski and Hills, 1981).
7. FEMP acts in "the interest of all localities . . . [it is] an impressive group defending local government" (Newton with Donaghy, 1997, p. 154). In 1986, FEMP circulated recommendations from a European community conference entitled "For the Renovation of European Society," which encouraged the creation of local women's agencies and women's councils (Federación Española de Municipios y Provincias, 1989).
8. The director of the Vigo Women's Department stated in 1995 that Galician gender policies "were more suitable to the 1950s than the current day" (Gandón, 1995, pp. 17–18).
9. To represent women more comprehensively, textbooks must use gender-inclusive language (e.g., *alumnas y alumnos* rather than *alumnos*).
10. This information was gleaned from a personal interview with an official at the *Centro Insular de Información y Orientación a las Mujeres* in March 2006.
11. I sent questionnaires to women's organizations in Andalusia and Galicia during 2002. I randomly selected organizations from regional WPAs lists, yet attempted to balance the selected organizations by type (rural women, housewives, and feminists) (Ortals, 2004).

12. Three feminist organizations, in personal interviews during May 2003, informed me that they appreciate the efforts of the IAM though they themselves maintain a stronger feminist discourse (e.g., they earnestly debate feminist theory regarding patriarchy, sexualities, and difference).
13. The SGI had been located within the Ministry of Family, Women, and Youth (later renamed the Ministry of Family, Youth, Sports, and Volunteering) under conservative governments, but the left-wing government moved the agency to the Vice-Presidency of Equality and Welfare in 2005 (Bustelo and Ortals, 2007).
14. The ministry furthered family education policies, family associations, family plans for policy actions, and family centers. These policies arguably focus too much on women's motherhood identity (Ortals, 2007).
15. Vigo and Seville were both under leftist governance from 1999 to 2003.

# 8

## The Institutionalization of Unions and Industrial Relations in Spain

*Kerstin Hamann*<sup>1</sup>

Labor unions in advanced industrialized countries are going through difficult times. In many countries, they are facing declining membership and political influence as national economies are exposed to increased global competition and changing demographics, and as governments of the right and the left have turned to downsizing welfare states as part of their strategy to contain public debt. Analyses of union trajectories and industrial relations tend to focus on external economic factors, such as rising global competition or European economic and monetary integration, or on economic institutions, as in the Varieties of Capitalism (VoC) approach, or on unions and employers as crucial actors, or some combination of these factors. Yet, none of these accounts adequately explains the trajectory of unions in Spain since the end of the Franco dictatorship. For example, during the 1990s, Spanish unions recovered some of their membership losses experienced in the previous decade, while many of their European counterparts continued to decline in organizational strength. Spanish unions also combine a comparatively low density level with one of the highest strike rates in Western Europe, and they have signed social pacts with conservative governments when the corporatism literature points to the importance of leftist governments as a prerequisite for concertation.

In a comparative context, Spanish industrial relations are thus intriguing for both theoretical and empirical reasons. From a theoretical perspective, Spain is an interesting case in light of the discussions of the Varieties of Capitalism literature since Spain is generally considered to belong to the category of “statist” or “Mediterranean” economies, which has been poorly defined and is often excluded from comparative studies. Thus, one of the major theoretical political economy approaches is inadequately equipped to account for the Spanish case; consequently, an

analysis of the Spanish case can help elucidate this neglected category. Empirically, Spanish unions stand out for reasons just mentioned, and again, theoretical approaches to explain union strength cannot easily accommodate the Spanish case.

Here, I adopt a historical-institutional approach (see Thelen, 1999) and suggest that the transition to democracy was a critical juncture for Spanish unions and industrial relations (IR) system<sup>2</sup> more generally that had implications for the way workers' interests have been represented during the 30 years of Spanish democracy. While Spain might appear somewhat of an oddity from a political economy or industrial relations perspective, an approach based on historical institutionalism is more adept at explaining the idiosyncrasies of Spanish industrial relations. In brief, I argue that the process of institutionalization of democratic industrial relations was delayed in comparison to other major political institutions and, consequently, the industrial relations system was heavily shaped by the experiences during the dictatorship and transition. The institutionalization of the new democratic industrial relations system was also uneven and incremental with some parts (such as regulatory aspects) being earlier and more strongly institutionalized than others (such as the bargaining system). Yet, perhaps paradoxically, this incremental and uneven institutionalization may have helped unions in the 1990s to regain some of their strength lost in the 1980s since the institutions allowed for flexibility in the unions' strategies to adjust to changing political and economic contexts. These shifts in strategies, in turn, were facilitated by the fact that the successive governments upheld unions' rights to representation and organization even when their policies were disadvantageous to labor.

The next section outlines some indicators of comparative union strength and assesses to what extent existing literature focusing on economic institutions in diverse capitalist systems can explain these patterns. The third section introduces the case of Spain from a historical institutionalist perspective and examines Spanish industrial relations in three distinct time periods. The conclusion summarizes the findings and offers some final reflections on the process and consequences of uneven institutionalization of democratic industrial relations in Spain, with particular reference to the representation of workers' interests.

## **Unions, industrial relations, and economic institutions**

Union decline is a much-discussed topic in comparative industrial relations literature. Commonly used indicators, such as union density, wage

bargaining coverage, or bargaining centralization and coordination demonstrate that in many countries, unions face severe challenges and continue to lose ground. For instance, the Organisation for Economic Co-operation and Development (OECD) (2004, pp. 144–5) reports that out of 24 countries for which data are available, 14 saw union density decrease by at least 25 percent since 1980, and density declined by over one-third in seven countries. Overall, density averages in OECD countries fell by about ten percentage points between 1980 and 2000.

Bargaining coverage displays an equally mixed picture: Eight out of the 20 countries for which data are available since 1980 experienced a decline in the proportion of workers covered by collective bargaining, six remained at about the same level, and another six experienced an increase in bargaining coverage, while the overall average declined (OECD, 2004, pp. 145–7).<sup>3</sup> This relative lack of decline in bargaining coverage for the majority of the countries (including most the European Union member states) is in part a consequence of the existence of extension clauses, which extend collective bargaining coverage to workers that are not union members either through employers' voluntary application of bargaining agreements to their entire workforce, or through extending collective agreements to an industrial sector or beyond (OECD, 2004, p. 147).

Bargaining centralization and coordination are yet other indicators often used to describe and analyze union strength. It is generally assumed that high levels of bargaining centralization and coordination are desirable to strengthen unions while fragmented and decentralized bargaining effectively decreases union strength. According to the OECD (2004, pp. 149–55), no country's bargaining became more centralized between 1970 and 2000, while bargaining in eight countries became less centralized. Similarly, when bargaining coordination is considered, eight countries became less coordinated, ten remained at about the same level, while two countries' bargaining became more coordinated. Overall, then, unions have lost in bargaining power as measured in bargaining centralization and coordination. Furthermore, across the board, unions are faced with governments of the left or the right that are engaged in attempts to downsize the welfare state, often in conjunction with attempts to restrain wage growth and/or labor market reforms, in order to reduce expenditure, and oftentimes the relationships between leftist parties and unions have become more distant and adversarial (e.g., Burgess, 2004; Howell, 2001). That is, in many cases, unions' policy influence on governing parties has been reduced.

Despite these indicators of declining power, the fate of the unions is certainly more varied than the "union decline" scenario suggests, and

especially the Nordic countries stand out as more positive cases. Several institution-based explanations could be advanced to account for the apparent variation in union strength. For example, union decline has been considerably less pronounced in countries that operate the Ghent system, where unions are involved in administering unemployment benefits (e.g., Belgium, Finland, Denmark, or Sweden). However, Spain does not belong to the group of “Ghent” countries. The literatures on the Varieties of Capitalism and comparative welfare states focus on political economy institutions more generally. While providing theoretical reasons for variation in patterns of union strength across types of capitalist political economies, the VoC approach nonetheless falls short of explaining the Spanish case in a satisfactory manner since, as detailed below, it discusses Southern European economies only tangentially. Furthermore, it takes the employer as its analytical anchor while paying considerably less attention to other actors, including unions and governments. The social welfare state literature generally includes both unions and governments in its analytical framework, but by and large also tends to focus less on Southern European countries and often excludes the relatively young democracies of Spain and Portugal (see, e.g., Esping-Andersen, 1990; Huber and Stephens, 2001).

Huber and Stephens (2001), for example, demonstrate that in countries with a social-democratic welfare state regime, union density tends to be higher than in other types; Soskice (1999) finds that labor has been incorporated in Coordinated Market Economies (CMEs) through the non-market coordination processes in these economies, while labor has been excluded in Liberal Market Economies (LMEs); Hall and Soskice (2001) posit that LMEs generally feature weaker unions, and less centralized bargaining. Similarly, King and Wood (1999, p. 387) conclude that unions are weaker in LMEs because stronger unions would raise production costs and therefore hurt competitiveness, while strong unions are crucial for supporting the “high-skill, high-quality export manufacturing goods” in CMEs. Thelen (2001) likewise reasons that unions fare overall better in CMEs compared to LMEs due to the different production strategies and, consequently, employers’ interests. Hamann and Kelly (2008, pp. 136–42) demonstrate that on some industrial relations indicators, such as bargaining coverage and industrial conflict, the division into two main types of capitalism produces somewhat distinctive patterns, while on other indicators, such as union density or collective bargaining coverage, four categories (Northern Europe, Central Europe, Mediterranean Economies, Liberal Market Economies) produce more insightful patterns.

Yet, the VoC approach contributes little to our understanding of the role of unions in “Mediterranean” economies, which are alternatively labeled “mixed” or “statist.” Hall and Soskice (2001, p. 21) describe the Mediterranean economies as “marked by a large agrarian sector and recent histories of extensive state intervention that have left them with specific kinds of capacities for non-market coordination in the sphere of corporate finance but more liberal arrangements on the sphere of labor relations.” Rhodes (1998, pp. 185–9) distinguishes Spain, Portugal, Greece, and Italy as a group of countries characterized by “rigid internal and external labour markets.” Molina and Rhodes (2007) identify a “mixed market economy” (MME) category that combines aspects of both LMEs and CMEs, with reforms in Spain moving it more towards the LME model whereas Italy is leaning more towards the CME model. By and large, however, these categories describing the “residual” Southern European cases remain theoretically underdeveloped and often excluded from comparative empirical studies.

Furthermore, a lack of agreement manifests itself concerning the countries that constitute this group, especially with respect to industrial relations. To illustrate, Hall and Soskice (2001, p. 21) classify Spain as a Mediterranean economy, while Heywood (1999) finds that the Spanish economy rather resembles that of other LMEs, and Chari and Heywood (this volume) likewise conclude that Spain bears resemblance to the LMEs. Similarly, even though Hall and Soskice (2001, p. 21) identify Italy as a Mediterranean economy, Thelen (2001, pp. 88–9, in the same volume) notes that Italy is often considered an “ambiguous” case in the VoC literature and discusses it as a CME case because developments in Italian industrial relations parallel those in other CMEs. Schmidt (2002, p. 127) acknowledges that industrial relations vary considerably among the “statist” economies, with France having weak labor and employer organizations and therefore experiencing a decentralization of bargaining, while Italy and Spain have witnessed a recentralization of bargaining with more national-level, tripartite, corporatist bargaining due to their stronger producer organizations. Thus, if the organization of capitalism does indeed produce a cohesive Mediterranean, statist, or “mixed” group of countries, it appears that these cases nonetheless display considerable variation in industrial relations. In sum, the VoC approach has relatively little to say about unions and industrial relations in Mediterranean economies, and the theoretical underpinnings that might advance our understanding of empirical reality are by and large underdeveloped. The Spanish case can therefore make a valuable contribution to improving our understanding

of the role of the state in industrial relations in Mediterranean, “statist” economies.

### **The institutionalization of Spanish unions and industrial relations**

In many ways, Spanish unions pose an anomaly. They do not operate on a Ghent system of union participation in unemployment insurance, yet union density, although still at a low level, increased from 7 percent in 1980 and 1990 to over 15 percent in 2000 (OECD, 2004, p. 145). Simultaneously, membership more than doubled from just over one million in 1980 to 2.2 million in 2003 (Visser, 2006, p. 44). Bargaining coverage has increased from over 60 percent to over 80 percent in the same time period (OECD, 2004, p. 145). While both the centralization and coordination of wage-setting institutions decreased, non-wage setting bargaining became in many ways more centralized during the 1990s with the signing of a series of social pacts on issues including training, pension, and reform of the bargaining system (see Hamann, 2001). Moreover, despite the decline in wage bargaining coordination, in practice, the two largest unions have for almost two decades engaged in “unity of action” and informally coordinated many of their demands and strategies, including those on wages. Finally, while overall, strike rates in Spain have declined since the early 1990s—despite remaining considerably above the European average (see Hamann and Kelly, 2008, p. 141)—Spanish unions have nonetheless been able to organize national general strikes, most recently in 2002, which led to the repeal of the government’s planned reform of unemployment benefits.

Regarding relationships to political parties, it is true that the unions have become considerably more distant from their former leftist party allies, the Communist Party (PCE) and the Socialist Party (PSOE), since the transition to democracy. But it is also true that despite the lack of proximity to leftist parties beginning in the late 1980s, the unions have since then been included in national-level social pacts with governments both of the left and the right. Under the Popular Party (PP) government of José María Aznar (1996–2004), a pension reform as well as several agreements on industrial relations and labor market reforms were signed. Agreements with the PSOE government during the 2004–08 legislature include a labor market reform, social security reform, and the Workers’ Statute for the Self-Employed (all in 2006). The Spanish case is thus of interest in a comparative context as it is one of the few countries where union strength increased on several dimensions, including organizational

(membership and density), representative (collective bargaining coverage), and political (negotiations and pacts with the government) (see Behrens, Hamann, and Hurd, 2004).

In order to understand how Spanish industrial relations have developed against the backdrop of comparative union decline and how this has affected unions and their capacity to represent the workforce, I employ a historical-institutionalist approach (see Thelen, 1999). I trace the development of industrial relations through three time periods. The first period covers the transition to democracy and the incipient construction of industrial relations until the early 1980s; I then look at the democratic period from the early 1980s until the PSOE left government in 1996, when unions were in decline while the institutional context of industrial relations was further defined; the third period covers the slow recovery of union strength while the industrial relations system continued to be redefined and institutionalized during the PP government.

My argument is threefold. First, the institutionalization of the industrial relations system was delayed, uneven, and incremental, which had important ramifications on unions as organizations, their strategies, and the shape of the industrial relations system. These ramifications included a competitive union system as well as the major unions' reliance on political parties during the first decade of the new democracy. Second, one of the components of the IR system that was relatively weakly institutionalized was the bargaining system, including the way in which unions participated in the policy-making process. The institutions neither established a corporatist system that systematically granted union access to the policy-making process, as, for instance, in Austria; nor did they legally preclude unions from negotiating with the government and employers. Instead, they led to variation in the occurrence of social pacts during the 30 years of Spanish democracy. Third, while democratic industrial relations institutions were built slowly, once they were established, the government refrained from dismantling unions' rights even when the government policies did not favor unions' or workers' interests. Thus, unions were able to operate within a relatively stable institutional base that allowed them to shift their strategies, which ultimately led to halted decline and recovery of strength.

### **The democratic transition and consolidation: The establishment of industrial relations**

Rather than recounting the events leading to and constituting the transition to democracy in Spain (see Introduction, this volume), I concentrate

here on the institutionalization of the industrial relations system and, in particular, unions. Political actors were primarily concerned with setting up political institutions, narrowly defined, while postponing the emergence of a new industrial relations system or addressing economic reforms (Maravall, 1993, p. 89). This meant that by the time the new industrial relations system was legalized, it needed to adjust to the already existing political institutions; it also meant that the strategies unions used to make their voices heard in the process of defining these new industrial relations institutions were similarly influenced by the already existing political context, including institutions and actors. Thus, the democratic IR system was not designed "from scratch"; rather, it was a direct consequence of the experiences of the workers' movement during the latter part of the Franco dictatorship. These experiences, in turn, remained influential during the transition when unions began to organize and participate in the democratizing political arenas. Thus, the formation of the IR system was heavily shaped by two factors: First, the legacies of the last years of the Franco regime lingered on as the IR system was not completely redefined during the transition. This, in turn, had a profound impact on the second factor, the way the industrial relations institutions and actors effectively developed as democracy unfolded. The remainder of this section outlines these developments.

The workers' movement had presented one of the foremost opposition forces to the Franco regime. The Workers' Commissions (*Comisiones Obreras* [CC.OO.]) had formed during the 1960s and had operated partially through the legal channels offered by the official state-controlled union *Organización Sindical* (OS). They used the space opened for limited workplace negotiations after the 1958 Law of Collective Bargaining, and they also infiltrated the structures of the OS. Furthermore, the Commissions operated partially in clandestinity as they were not allowed to organize independently of the state, and they engaged in strikes and mobilizations, likewise illegal. The Commissions were dominated by communist leaders and were close to the Spanish Communist Party. By the time Franco died the Commissions were significantly stronger than the other major union confederation, the General Workers' Union (*Unión General de Trabajadores* [UGT]). The UGT was formed in 1888 by the Spanish Socialist Party but played a less visible role in the opposition movement as it was active in only a few regions.<sup>4</sup> The limits of the workers' organizations' efforts were obvious at the end of the dictatorship: Neither legalized collective representation of workers outside the control of the state or formal union organizations with registered members existed, and union presence in the workplace was

patchy. Unsurprisingly, both unions were strong supporters of the introduction of democratic rights since democracy was viewed as a vehicle through which unions could fight for workers' interests. Yet, despite the workers' movement's prominent opposition role and their support for democracy, unions played only a minor role in the construction of new political institutions during the transition period.<sup>5</sup>

According to many interpretations of the politics of the transition, it was primarily party elites who, together with the King and Prime Minister, masterminded and steered the transition (e.g., Gunther, 1992). Civil society actors were remarkably absent from this process despite occasional consultations on specific issues, and unions were close to the leftist parties. Similarly, the industrial relations system was not redefined until after most of the major political institutions had been renegotiated.<sup>6</sup> That meant that it was difficult for unions or the workers' movement more broadly to devise strategies and build organizations representing workers' interests to respond to the new democratic context because the unions' institutional position in this context remained in flux. While uncertainty is commonly present during transition periods for all actors (see Hamann, 1997), in this case unions were affected more so than other actors because the uncertainty concerning the institutional framework in which they would be operating persisted longer. Most political parties, for example, were legalized by July 1976 (the PCE was legalized in April 1977). Unions, for their part, were not able to gain legal status through registration until the April 1977 Law of Union Association, following several abandoned attempts to postpone or limit their legalization. The rights to form a union, individuals' freedom to join a union, and the unions' right to strike were formally recognized in the 1978 Constitution (Montoya Melgar and García Abellan, 1991); several other core pieces of legislation were not passed until the 1980s, as detailed below.

Furthermore, by the time the reform of the industrial relations system was systematically addressed, the unions had worked in an environment where the legacies of the recent past persisted. For instance, union presence was not uniform across all workplaces and workplace leaders were often lacking, especially in smaller workplaces (see Fishman, 1990), resulting in uneven representation of workers' interests. Moreover, organized labor emerged from the dictatorship divided between two major and several smaller unions. These ideological divisions continued during the transition and were subsequently institutionalized in the system of worker representation at the workplace. Within firms, unions compete against each other for workers' votes that determine which

unions represent workers in works committees. These elections within firms, also known as “union elections,” are of particular importance as they determine which unions have the right to represent workers’ interests in negotiations above the firm level (e.g. national-level bargaining). All workers employed for at least one month are entitled to elect the delegates, regardless of union membership. The first elections took place in spring 1978 and returned the CC.OO. as the winner with 34 percent of the delegates, but the UGT established itself as the second largest union with 22 percent (*Anuario El País*, 1992, p. 447). In addition, the major unions were not granted institutionalized access to the policy-making process, for example through a neocorporatist system of interest mediation. Unions developed a twofold response to this lack of institutionalized access: On the one hand, they participated in occasional and ad hoc social pacts that addressed IR institutions, the labor market, and economic policies. This is true primarily for the UGT, which signed the 1979 Basic Interconfederal Agreement (ABI) and the 1980–1 Interconfederal Framework Agreement (AMI) with the employers’ organizations. On the other hand, both unions relied heavily on ideologically proximate political parties to represent their interests in the Congress of Deputies, which was particularly important when legislative action defined new IR institutions. This strategic and ideological proximity to parties, in turn, sharpened the divisions between the unions.

One piece of legislation that was important for the institutionalization of the role of the unions was the 1980 Workers’ Statute, which regulated basic employment relationships, collective representation, and collective bargaining rights (see Hamann, 2001). The passing of the law also illustrates the unions’ reliance on political parties, a strategy reinforced by the sequencing of the transition process. The two major unions, in effect, developed or supported very different proposals and pursued very different strategies in their attempt to promote them: The Workers’ Commissions drafted their own, alternative proposal, which was rejected in the legislature, while the UGT negotiated a proposal with the employers’ organization CEOE. As the bill went through the legislative process, the PCE’s attempts to have CC.OO. proposals included were largely unsuccessful. In contrast, the PSOE adopted, by and large, the UGT proposals, which were then generally accepted by a legislative majority (on the legislative process, see Field, and Maurer, this volume). Thus, the division between the unions was sharpened by their ties to competing political parties at the time when a major building block of the industrial relations system was constructed.

The differences in strategy between the unions also became evident when the UGT engaged in negotiations with the employers' organization, while the CC.OO. pursued a much more confrontational path.

As is apparent, the construction of a democratic industrial relations system was not at the forefront of the agenda during the transition. Instead, unions operated in an institutional context that left many aspects undefined for years to come. Parts of the democratic industrial relations system were not formalized until several years after the democratic constitution (1978) had been adopted. The dual system of workplace representation through works committees and union sections (union organizations' representation at the workplace) was not fully regulated until the 1985 Organic Law of Union Freedom (*Ley Orgánica de la Libertad Sindical* [LOLS]) was passed and formally recognized the union sections. At the same time, other parts of the industrial relations were quite institutionalized: Employment and dismissal conditions, for instance, were highly regulated, in part because the state had been a crucial actor during the dictatorship and had regulated working conditions, and the governments during the transition period and early years of the democracy had left these regulations largely intact. The state continued to occupy a strong role in regulating employment when democracy was reintroduced (see Martínez Lucio and Blyton, 1995). Thus, the regulatory aspects of industrial relations tended to be carried over from the authoritarian period and remain stable, while the institutionalization of new aspects of the industrial relations system—including unions, their role in industrial relations, or representational aspects—lagged behind.

The implications for unions were manifold. At the end of the transition and consolidation period,<sup>7</sup> unions were organizationally weak. Membership had been de-emphasized not just by legalizing union organizations relatively late in the transition process, but also by privileging works committees (elected by all workers regardless of union affiliation) rather than union sections (representing union members in the firm) as the primary bargaining agents within firms. Together with extension clauses that apply bargaining outcomes to non-unionized workers, effectively resulting in bargaining coverage that far exceeds membership, this system of workplace representation provides disincentives for workers to join unions. It is also union elections rather than union affiliation that decide which unions are able to represent workers in bargaining at higher levels, again providing disincentives to union affiliation and organization; union sections did not receive full legal recognition until 1985. Furthermore, the unions depended heavily on

leftist political parties to represent their agenda in the legislative arena, a consequence of the pattern of party-union relationships during the transition. These consequences resulting from the process of institutionalization were long-term: Even in the late 1980s, the unions understood their weak position as a result of their institutional disadvantage compared to that of employers and the state, which was rooted in the particulars of the process of the democratic transition (Aguilar and Roca, 1991, pp. 131–2).

### **The PSOE period: Institutionalizing industrial relations and redefining union strategies**

While the PSOE headed the government (1982–96), the IR system continued to be defined and institutionalized incrementally. Even though the Socialist government implemented economic adjustment policies and the relationship between the government and the unions—especially the UGT—deteriorated, the government nonetheless refrained from dismantling the new IR institutions. At the same time, the question of union inclusion in the policy-making process remained unsettled; the wage bargaining system similarly remained weakly institutionalized (Martínez Lucio, 1998). In response, the unions profoundly reevaluated and changed their strategies from mutual confrontation to cooperation. This section details these developments.

The 14 years of PSOE government under Prime Minister Felipe González witnessed labor market and social policies that were not conducive to strong unions. Between 1982 and 1986, the government directed its efforts at streamlining the economy, resulting in macroeconomic adjustment and industrial restructuring. By the end of the Socialists' first term in office, unions were left in a structurally weak position: Unemployment was soaring along with an increasing temporary employment rate, less than 40 percent of the jobless were covered by unemployment benefits, and real wage growth was limited. The beginning of the second phase (1986–96) was marked by economic growth following Spain's entry into the European Community. However, by the time the PSOE left office, unemployment remained high in European comparison; modification in labor market regulations further facilitated the use of fixed-term contracts, leading to a bifurcated labor market where about one-third of all employed workers had short-term contracts, and unemployment coverage had dropped.

These two periods can also serve as rough reference points to delineate differences in the role of the unions in policy formation, union strategies, and the relationship between unions and the government.

During the first Socialist government, the relationship between the PSOE and the UGT was generally cooperative and the UGT supported González's policies despite occasional friction. The UGT also signed a series of social pacts: the National Agreement on Employment (ANE) with the government and the employers' organization in 1982, the Interconfederal Agreement (AI) with the employers in 1983, and the Economic and Social Agreement (AES) with the government and the employers in 1985 (see Hamann, 2001).

CC.OO., in contrast, often opposed the policies, and was less willing to sign pacts with the government. The exception was the 1982 ANE, also known as the "Pact of Fear" as it was signed in the aftermath of the military coup attempt of 1981. The Commissions also signed the 1983 Interconfederal Agreement (AI), which, however, did not include the government.

However, by the mid-1980s, the unions began to question the extent of the government's commitment and capacity to implement fully the agreements of the social pacts, especially with respect to employment creation. Furthermore, the unions' disagreement with the government's social, macroeconomic, and labor market policies widened, and union affiliation rates had reached a record low with 10 percent in 1986 (see Toharia and Malo, 2000; Recio and Roca, 1998). Contrary to widespread expectations, during the first years of Socialist rule, neither the unions nor workers experienced any substantial improvements.

Other factors contributed to a weakening of the unions. Overall, the unions remained split and their relationship competitive throughout the mid-1980s. Workplace unionism continued to be spread unevenly with higher union presence in large firms and workplace leaders particularly scarce in smaller workplaces (see Fishman, 1990), perhaps a legacy of the Franco period where workplace unionism, even in its tolerated form, was risky. No more social pacts involving the government were signed after 1985, indicating the widening rift between the PSOE government and the unions. Unsurprisingly, the relationship between the unions—especially the UGT—and the governing Socialist Party deteriorated from the mid-1980s onwards and led to the "break-up" of the "Socialist family" in the late 1980s (Gillespie, 1990). During the second half of the 1980s and early 1990s, then, unions were largely marginalized from the policy-making process, and suffered the adverse effects of the government's economic and labor policies.

At the same time, though, the government did not pass any policies that would have resulted in the unions losing their rights of representation, organization, or bargaining. Whereas employment regulation

changed, most other aspects of the industrial relations institutions remained stable, which allowed the unions to develop new strategies while maintaining their presence in the workplace and in the bargaining process with employers.

In particular, the unions revised their strategies in three ways from the mid-1980s onwards. First, the increased autonomy from political parties allowed them to search for new allies. The two major confederations, UGT and CC.OO., formed a new alliance along functional rather than ideological lines through cooperation and coordination while pursuing a strategy of "unity of action." Second, facilitated by the unity of action, unions began to re-emphasize mobilization, especially national general strikes, such as the December 1988 general strike against the government's social and economic policies. Third, unions redefined the ways in which they attempted to influence policies by engaging in issue-specific negotiations after the demise of broad social pacts in the mid-1980s, for instance in the area of training. Unions also gained more administrative and regulatory functions, such as overseeing new contracts.

Furthermore, the construction of democratic IR system, and therefore its institutionalization, continued. The Social and Economic Council (CES)—called for by the 1978 Constitution—was set up in 1991 as a tripartite body that discusses social and economic issues and policies. Even though the CES is primarily a consultative body, it nonetheless grants unions added legitimacy and a voice in the planning of economic and social policies and forges a culture of cooperation among government representatives and social actors (Hamann and Martínez Lucio, 2003).

Occasional revisions of existing IR institutions included the extension of the cycle of union elections from two to four years, which was evaluated positively by both major union confederations since it decreased the sense and image of near-permanent competition (personal interviews, fall 1992). The 1994 agreement to repeal statutory labor ordinances still in place from the Franco period further democratized IR institutions, and bargaining structures overall were uneven and weakly institutionalized (Martínez Lucio, 1998). Several proposed changes in the legal framework that would have decreased the unions' legal rights were not passed. For example, the government attempted to restrict the unions' right to strike in its proposed Strike Law; yet, after the unions succeeded in modifying the proposed bill in 1993, the law was never passed.

As a result, when the Socialist Party left office in 1996, signs of renewed union strength had become manifest: Several new bipartite or

tripartite national-level agreements had been reached and signaled a timid recovery of the unions' political voice; organizational recuperation announced itself with a slow, yet steady rise in affiliation rates to about 18 percent in 1997 (van der Meer, 2000, p. 588), unions' continued mobilizational capacity had become evident through general strikes, and bargaining coverage had expanded. This incipient reversal of the demise of union strength beginning in the late 1980s can at least in part be attributed to the stability of industrial relations institutions once they had been established, which allowed the unions to adjust to changing contexts while their rights to organize and represent workers remained intact. This is true despite the unions' effective exclusion from the policy-making process either through close ties to political parties or through social pacts.

In sum, democratic industrial relations were further institutionalized during this period. For one, until the mid-1990s, several laws further institutionalized the role of the unions, established the CES, and redefined the bargaining system. Furthermore, the shift from a policy of union inclusion through social pacts to exclusion when the government passed legislation unilaterally may appear to indicate a significant shift in the role of the unions. However, the social pacts of the transition and post-transition period were never institutionalized and instead remained *ad hoc* processes in which the signatories, issues, and timeframes changed depending on the context. Thus, in many ways the absence of social pacts reinforced the underlying logic of contingency and lack of institutionalization of union inclusion. In other words, there was no elaborate corporatist system of tripartism, for instance, that had to be dismantled when social pacts were no longer signed. It is noteworthy that the unions' marginalization extended mostly to inclusion in the policy-making process. The industrial relations institutions, in contrast, were not dismantled or even attacked by the government, and union rights were upheld. This stands in stark contrast to what happened in other countries during this time, most notably the UK, where democratic industrial relations were dismantled and unions lost many of their rights for representation during the 1980s.

### **Industrial relations during the Aznar government: Refining institutions and the revival of social pacts**

Even though pronounced shifts in industrial relations and labor policies could have been expected once José María Aznar's conservative Popular Party assumed office in 1996, in reality this did not happen. Instead, the patterns established in the previous decade continued, with occasional

union inclusion in policy formation through social pacts and further institutionalization of democratic industrial relations, especially with respect to collective bargaining.

During Aznar's first government—the minority government 1996–2000—the policy differences between the PSOE and the PP were not as substantial as might have been expected following the switch from a leftist to a rightist party in government. But the PSOE's supply-side oriented policies were accentuated by Aznar's attempts to reduce the extent of state regulation, limit public expenditure through accelerated privatization and reduced welfare state spending, and regressive tax reforms (see Chari and Heywood, this volume). Yet, much like González, Aznar refrained from using legislative power to erode the institutional foundations of union strength and was, in fact, rather more inclined to include unions in the negotiations of crucial labor market reforms, especially during his first term in office when he headed a minority government. During his second term in office (2000–04) Aznar headed a majority government, and the relationship with the unions became more contentious.

Aznar included the unions in the negotiations of labor market and some social welfare policy reforms shortly after his first election in 1996. He invited unions to discuss the overhaul of the pension system, designed by the major parliamentary parties during the previous PSOE government. These "Toledo Pacts," signed in October 1996, were opposed by the employers. Some of the other reforms included the integration of temporary workers, women, and part-time workers into stable employment.

Perhaps the most significant reforms of industrial relations institutions were included in the three agreements negotiated in 1997 between the unions and employers, backed by the Aznar government (see Cachón and Palacio, 1999, pp. 292–6; Espina, 1999). The Interconfederal Agreement on Collective Bargaining (AINC), addressed the structure of collective bargaining; the Interconfederal Agreement on Filling the Gaps in Collective Bargaining (ACV), aimed at filling the gaps in bargaining coverage that had emerged after the statutory labor ordinances had been repealed by an agreement between the unions and employers' organization in 1994, and the Interconfederal Agreement on Employment Stability (AIEE), suggested means to increase stable employment. The 1997 reforms were particularly significant because they addressed gaps in the institutional structure of industrial relations that had been largely neglected even though the Workers Statute of 1980 included provisions to coordinate and articulate bargaining levels. However, bargaining

structures had not been reformed for the 17 years since the adoption of the Workers' Statute. Similarly, the replacement of the Francoist labor ordinances with sectoral collective agreements was outlined in the Workers' Statute. Even though some progress had been made in that area especially since the 1994 repeal of the ordinances, by 1997 almost two dozen sectors remained that had no collective agreements (Alarcón, 1997). The 1997 agreement finally addressed these issues, affording the social partners greater autonomy and extending the scope of bargaining, and further expanding the institutionalization of industrial relations particularly in the area of collective bargaining.<sup>8</sup>

Despite these tripartite agreements, union inclusion in shaping policies remained uneven. On the one hand, unions participated in several other pacts, such as the November 1998 Agreement on Part-Time Work. Other agreements regulated professional training plans, worker safety and health issues, and the resolution of labor conflicts out of court (see Baylos, 1999). By December of 2001, the unions and employers (without government participation) had agreed on the ANC 2002 (Agreement on Collective Bargaining), which addressed collective bargaining issues and set a recommendation for an incomes policy. The agreement has since been renewed on an annual basis. Other agreements include the November 2002 tripartite agreement on reforming public administration, and an agreement between the employers and unions to improve workplace safety and health in January 2003.

On the other hand, the unions were not always included when the government decided that reforms were necessary; instead the government retained its prerogative to decide when to invite the unions to negotiations. For example, Aznar's 1998 unilateral National Action Plan for Employment encountered severe union criticism, as did its 1999 successor, in part because unions claimed that they had been invited to only one meeting and were thus basically excluded from designing the plan (EIRO, 1998, 1999). In July 1999, the government passed the Law on Temporary Employment Agencies. The election year of 2000 witnessed renewed attempts at social dialogue that aimed at negotiating a new labor market reform. A negotiating committee on employment and one on the bargaining system were established between the unions and the employers and with the support (but without direct participation) of the government, while the negotiations of the pension system were tripartite. Yet, no agreement was reached, and the government unilaterally issued a labor market reform in 2001. In June 2002, the two major unions organized a general strike against the government's planned reform of unemployment benefits.

The three labor market reforms of 1997 had a four-year duration and expired in 2001. This spurred the social partners to negotiate a new labor market reform, which, however, failed. In response, the government passed its own labor market modifications without the backing of unions or employers. After negotiations of new labor market regulations failed, the government passed the Law on Urgent Measures for the Reform of the Labor Market (*Ley de Medidas Urgentes de Reforma del Mercado de Trabajo*) in 2001, designed to increase employment, decrease temporary work, and encourage part-time work.

In sum, during the eight years of conservative rule, democratic industrial relations continued to be institutionalized, especially in the area of bargaining. The reforms of the labor relations system have granted the unions and employers more autonomy and increased the scope of collective bargaining. In effect, the direct role of the state in industrial relations was reduced while the bargaining autonomy of the unions and employers increased. These processes, two decades after the introduction of electoral democracy, again illustrate the delayed, incremental, and uneven character in which the democratic industrial relations system was institutionalized. Furthermore, the process of union inclusion or exclusion in shaping policies remained uninstitutionalized; unions were invited to join talks and negotiate agreements on some issues, but not on others, and the incidence of social pacts varied while Aznar headed the government.

## **Conclusion**

The comparison of the three time periods offers three major insights: First, the establishment of democratic industrial relations in Spain lagged behind that of most of the other major political institutions, and the redefinition of democratic industrial relations was given little priority during the immediate transition period despite the Constitution's recognition of unions. Second, the establishment of democratic industrial relations was incremental, with remnants of labor regulation carried over from the Franco dictatorship still in place by the mid-1990s; other provisions established in the Constitution or in the 1980 Workers' Statute were not implemented until the 1990s. Third, and related, the institutionalization of industrial relations has been uneven, with some parts (such as labor unions as organizations or employment regulation) well institutionalized while other parts (such as the articulation of the different levels of the bargaining system or the role of the unions in the policy-making process) continue to be less well institutionalized. This is perhaps not surprising

since it was these aspects that were not clearly defined during the transition but had to be negotiated after the immediate transition period.

Whether unions are included in, or excluded from, the policy-making process has been contingent during the 30 years of democracy. This has also been true for the government led by Prime Minister Zapatero (2004–08). During Zapatero's leadership, several pacts between the governments, unions, and employers were signed, including the Agreement for Improvement of Growth and Employment, and an agreement on a Workers' Statute for the Self-Employed, both in 2006 (Martín Artiles, 2007), as well as yearly renewals of the Agreement on Collective Bargaining (ANC). Other aspects of labor, social, or economic policy, however, were legislated without prior social pacts. This contingency in union inclusion or exclusion, however, reflects continuity in the policy-making process itself, where the executive has considerable power in deciding on how policies are made, and this power is well institutionalized (see also Chari and Heywood, this volume).

At the same time, the incremental transition of the industrial relations system into a democratic one was also characterized by the stability of unions' rights of organization and representation. The IR reforms enacted during this time led, in some ways, to an enhanced role of the unions in bargaining rather than a reduction of their rights and representative functions. Unions' institutional rights remained intact despite economic pressures and governments that were at odds with organized labor. This is quite remarkable considering industrial relations theory. Howell (2005, pp. 23–4), for instance, argues that “with regard to industrial relations, new patterns of economic restructuring pose different sets of problems to states and industrial actors, shift the interests of these actors, and go hand in hand with heightened levels of industrial conflict, triggering a crisis of existing industrial relations institutions.” The Spanish case suggests that economic restructuring (especially during the PSOE government 1982–96) does not necessarily have to result in a “crisis of industrial relations institutions.” While it is true that during this period the unions lost membership, became detached from ideologically proximate political parties, were excluded from policy making, and reshaped their strategies, the industrial relations *institutions* continued to be constructed rather than destructed, albeit incrementally and unevenly. For example, the Workers' Statute, the Organic Law of Union Freedom, the CES, and the bargaining system were all established during the decades after the transition to democracy.

Unions developed and adjusted their strategies in response to these changing institutional, political, and economic conditions. These

strategies, in conjunction with an incrementally developing IR institutional framework that left unions' institutional rights unharmed, succeeded in halting the union decline of the 1980s and facilitated a slow recovery in the 1990s. Importantly, the government of the day—whether the PSOE or the PP—did not erode the institutional grounding of the unions, thus making it possible for the unions to devise new strategies. The institutionalization of industrial relations was thus crucially dependent not just on unions as political actors, but also on the government. This is true for the slow pace of democratic IR institution-building especially during the transition and early democracy, but also for the relative stability of IR institutions during times of economic adjustment and conservative governments.

What does the Spanish case reveal about the role of industrial relations in Mediterranean economies? For one, it becomes obvious that the role of the unions as an actor in economic policy making is not well institutionalized in the Spanish case. Despite the relatively frequent recurrence of social pacts over the last decade or so, the shifts in policy-making patterns—and related, in union strategies—remain politically contingent: The government decides, to a large extent, whether or not to include the unions in negotiations, and the unions decide on a case-by-case basis whether to enter negotiations, agree to the results, and sign the agreements. At the same time, representation of workers through union organization remains highly uneven: Workers on temporary contracts (34 percent of total employment; European Commission, 2007, p. 295), immigrants, those in some sectors such as hotel, construction, or agriculture (all of which have a high rate of temporary employment), and those in firms with fewer than 10 workers, where union elections do not automatically take place, are considerably less well represented by union organizations.<sup>9</sup> On the other hand, labor market “insiders” with stable and secure employment experience better representation of their interests through unions (Rueda, 2007), even though unions have recently begun to address the concerns of underrepresented segments of the labor market. Furthermore, representation is also uneven across different representational structures. For instance, workers are better represented through bargaining mechanisms due to the existence of extension clauses, which cover a large majority of workers, compared to union membership, which covers less than one-fifth of the workforce. These characteristics of the Spanish industrial relations system could serve as a starting point in comparative studies to identify the extent to which a distinctive “Mediterranean” or “mixed” model exists.

## Notes

1. I would like to thank Bonnie Field, John Kelly, Miguel Martínez Lucio, and Bruce M. Wilson for comments on earlier versions of this chapter, and Robert Fishman for discussing some of the ideas contained in the chapter.
2. I define industrial relations system as “the basic values, laws, institutions, and organizational practices that govern employment relationships” (Kochan, 1988, p. 287).
3. The variation in bargaining coverage rates depends on whether the weighted or unweighted OECD averages are used. If the OECD’s weighted average is used, bargaining coverage declined by about 10 percentage points, while the decline in the unweighted average is seven percentage points (OECD, 2004, p. 145).
4. For descriptions and analyses of the workers’ movement during the Franco period, see Amsden (1972), Fishman (1990), or Maravall (1978).
5. This is not to deny the important role of workers’ movement in the struggle for democracy during the transition (see, e.g., Collier and Mahoney, 1997; Maravall, 1985). However, despite the workers’ function as a pro-democratic force, unions were, by and large, not directly involved in shaping democratic institutions.
6. The delay in establishing a democratic IR system is similar to the delays in establishing the autonomous regions (see Montero, this volume).
7. It is difficult to put exact dates on these periods, but it could be argued that democracy had been relatively firmly established once the 1981 military coup attempt had failed and a peaceful switch of the party in government had occurred in 1982.
8. Despite these efforts, bargaining has still remained relatively fragmented and often suffers from articulation problems (see Hamann and Martínez Lucio, 2003).
9. No elections take place in companies with fewer than six workers, and workers in companies that employ between six and ten workers must apply formally to hold elections.

# 9

## Institutions, European Integration, and the Policy Process in Contemporary Spain

*Raj S. Chari and Paul M. Heywood*<sup>1</sup>

By any standards, democracy in Spain since the late 1970s has been a signal success. Following a stultifying dictatorship that lasted from 1939 until 1975, Spain's economic and political development has been little short of remarkable. Spain's economic transformation, which started to emerge during the latter years of the dictatorship, strengthened dramatically after the transition to democracy. In fact, a reasonable case could be made for admitting Spain to the G8: its economy ranks 11th in the world (measured in GDP at purchasing prices) and 8th among Organisation for Economic Co-operation and Development countries. Its annual GDP growth has comfortably outstripped the average for the EU 15 since 1995, GDP per capita in 2006 was well above the average of the expanded EU27, and overall GDP has been predicted to pass that of Italy by 2009 (Chislett, 2006).<sup>2</sup> Moreover, Spain enjoys greater political stability and a more secure democratic status than Russia, which was invited to join the G7 in the late 1990s.

Indeed, Spain is now clearly an established democracy, having passed the key tests of "democratic consolidation"—most importantly, the peaceful alteration of political power. The "regional question," a destabilizing factor in Spain for centuries, has been handled more effectively than at any other time in the country's modern history, and with the creation of the State of Autonomies, Spain is now one of the most decentralized countries in Western Europe, arguably surpassed only by Belgium (see also Hamann and Mershon; Montero; and Orbals, this volume). Other historical threats, such as military intervention, have effectively disappeared completely. This democratic consolidation is reflected in the Economist Intelligence Unit's index of democracy, which ranks Spain 16th out of 167 countries—ahead of both the United States and the United Kingdom.<sup>3</sup> Unsurprisingly, Spain is widely seen as

a model of how to engineer a successful transition from dictatorship to democracy.

In this chapter we argue that democracies should be assessed not just in terms of outcome, but also in terms of process. In other words, in democracies, the ends do not justify the means, a principal characteristic that sets them apart from non-democracies. Our aim is to offer an analysis of one core dimension of those democratic means: the policy process in contemporary Spain.<sup>4</sup> In doing so, we emphasize institutional factors—in particular, Spain's economic model and, more significantly, the features of its core-executive—as the central explanatory variables. We highlight how Spain's strong core-executive can be explained via the constitution-building process, which sought to avoid reproducing the country's experience during the Second Republic, and that one consequence was an institutionalization of the policy process, which has contributed to significant continuities across administrations of varying political stripes. We use case studies—privatizations under both the right-wing PP and socialist PSOE administration, and both parties' approaches to the EU Draft Constitution in the early 2000s—to advance two main arguments. First, we posit that EU integration helped frame the need to pursue specific policies. Secondly, once the EU helped set the agenda, institutional dynamics within Spain pursued their own logic: Crucial elements of the institutional structure help explain the details of the policies that were ultimately pursued.

## **Institutions and the policy process**

For all the attention focused on Spain's democratic renewal, there has been surprisingly little analysis by political scientists of how Spanish democracy works in practice. In particular, one of the core features of any democratic system—the process by which public policies are determined—has received little attention. Some notable exceptions to this general rule exist, particularly in the work of Richard Gunther, and Joan Subirats and Ricard Gomà, who have provided a comprehensive account of the development of the policy process both at national level and in specific sectors (Subirats, 1992; Subirats and Gomà, 1997; Gomà and Subirats, 1998; Gunther, 1980, 1996a, 1996b; Gunther, Montero, and Botella, 2004). Their approach has stressed the need to distinguish different periods, characterized by different styles or modalities of policy-making, since the return of democracy. These periods are generally bounded by changes of government or the nature of parliamentary majorities, and thus coincide, for example, with the first

post-Franco democratic administrations of Adolfo Suárez (1977–82), the dominance of the Socialists under Felipe González (1982–9) and their subsequent loss of political prepotency (1989–96), the initial minority administration of the PP under José María Aznar (1996–2000) and their later absolute majority rule (2000–04), and so on.

Although breaking down the analysis of the policy process into different periods appears logical and understandable, our argument is that such an approach lacks an explicit conceptual basis for distinguishing the periods. As a result, such periods have proliferated inevitably over time: As new governments and configurations of power emerge, they usher in further periods. In practice, the analysis of each different period therefore tends toward *ad hoc* description, driven by discrete events, rather than *systematic* description, driven by an appropriate “property space”—that is, the particular set of variables that define a period and distinguish one from another. Furthermore, by focusing almost exclusively on policy choices and outcomes, such approaches necessarily privilege the role of individual decision-makers: As Subirats and Gomà (1997, p. 401) argue, “policies imply profound choices rooted in values, paradigms and ideas.” In other words, changes in government lead to changes in the key decision-making actors, which in turn lead to changes in policy choices. This seems to make obvious sense—but, in fact, it implies an isomorphic relationship between policies and the values, paradigms and ideas that supposedly give rise to them. In practice, of course, it could well be that similar policy choices could be rooted in *different* values, paradigms, and ideas (for instance, social democrats and conservatives can both construct arguments for putting “choice” at the centre of welfare and education policies, but on the basis of competing values, paradigms, and ideas). Indeed, if the relationship between values and policy choices is non-isomorphic, it becomes easier to explain why competing political actors sometimes share similar policy prescriptions.

However, in addition to stressing the role of individual actors, Gomà and Subirats also seek to underline the significance of the historical legacy of the Franco regime, arguing that its impact was profound, intermediate, or limited according to the policy sector in question. The continued organizational influence of Franco’s state is seen most obviously in regard to the Spanish model of social welfare, but has had a more limited impact in regard to such areas as fiscal policy, national health, or territorial structure (Gomà and Subirats, 1998, p. 15). Yet, the desire to pay due attention to political context does not necessarily address the central question of why contextual factors seem more significant in some areas than others: For instance, the emphasis on sectoral specificity fails to provide an account of what makes some of these more

susceptible than others to the Francoist legacy.<sup>5</sup> In other words, what is it that makes the impact of that legacy apparently negligible (fiscal regime, health care, territorial politics), intermediate (role of the state in economic modernization), or powerful (social protection measures)? Or, if we look at European policy, are the “structural constraints” of Spain’s pattern of economic development more marked in regard to some aspects rather than others—say, agricultural and fisheries policy as opposed to foreign and security policy? If that is the case, how can we then accommodate such differential impacts within an analysis that is driven by key staging posts defined by changes of government or the loss of an absolute majority?

The challenge we face in analyzing the Spanish policy-process is to develop an approach that shows *how* institutional factors and contextual constraints have impacted upon policy design and outcomes. By stressing the importance of regime type and institutional design as conditioning factors in the functioning of a democratic state, the approach we adopt here falls squarely within a “historical institutionalist” analytic paradigm (Thelen, 1999, pp. 369–404; Hall and Taylor, 1996, pp. 936–57). We acknowledge that “historical institutionalism”—like all variants of neo-institutionalism—is hardly an unproblematic approach, not least in regard to how it interprets or identifies institutions themselves. At root, though, it is clear that all neo-institutionalists accept that “institutions matter” (that is, they exercise an identifiable effect on political processes and make a concrete difference to political outcomes), and that *most* neo-institutionalists reject a focus on individuals and their preferences as the starting point for analysis. We thus agree with Weaver and Rockman (1993, p. 22) that the “modal” regime type, as well as government type in power, may have important effects on a country’s decision-making processes. Our focus on institutional factors as the key independent variables in explaining the policy process can go some way towards avoiding the risk of the analysis being *led by* short-term political events such as changes in government or personnel. The challenge, therefore, is to distinguish short-term policy *positions*, which of course change from one administration to another, from the more enduring and embedded policy *process*, which is less susceptible to short-term change or abrupt shifts. So, within a broadly historical institutionalist framework, our argument places particular emphasis on the notion of “path dependency,” according to which political developments can become locked on a particular path even if the initial embarkation on that path was the result of chance or unexpected events. Specifically, we contend that three broad sets of institutional variables have had a significant conditioning influence on the policy

process in Spain: first, the nature of the capitalist regime; second, the institutional design of post-Franco democracy; third, increasing economic interdependence, most notably through incorporation into the European Union. These three variables have shaped some of the core characteristics of the Spanish policy process—most notably, power concentration and executive dominance rather than consensus, together with limited capacity by the regions to influence key aspects of Spain's European policy. Moreover, these characteristics have become more deeply embedded over time.

We argue that critical founding moments during the post-Franco construction of the democratic state shaped the nature of Spain's executive institutions, but also that the evolution of these institutions in response to the changing socio-political and economic environment was constrained by past trajectories. Our particular emphasis is on the role of the core-executive, defined not just as the prime minister and inner cabinet, but all the various actors and agencies associated with central government that are responsible for formulating policy, setting budgets, and maintaining policy coherence (Rhodes, 1995, p. 12). We posit that the policy process is significantly more continuous between the various post-Franco administrations—especially between the PSOE administrations of Felipe González and the PP administrations of José María Aznar—than is generally acknowledged.

In adopting path dependency we emphasize the importance of institutional continuities in Spain's democratic policy framework, although we are not arguing that there has been a "freezing" of particular institutional configurations as opposed to a growing institutionalization of executive decision-making patterns (Heywood and Molina, 2000). Thus, while underlining contextual specificity by focusing on different stages in the development of democracy, our analysis seeks to identify long-term patterns in the policy process. Any such approach must seek to demonstrate the means by which such patterns are reproduced. Following Thelen (1999, pp. 392–6), we can identify two broad approaches to explaining how "path-dependent" patterns develop their own feedback loops: On the one hand, a functional argument stresses what March and Olsen (1989, pp. 21–38) termed the "logic of appropriateness," which ensures that once a particular set of institutions is in place, actors adjust their behavior in ways that both reflect and reinforce the "logic" of the system; on the other hand, an argument that stresses the distributional effects of institutions suggests that, far from being neutral, institutional configurations reproduce particular patterns of power distribution via incentive structures. Thus, the manner in which institutions are organized favors

certain groups and actors, while at the same time actively reducing the influence of others. The two approaches are in no sense mutually exclusive, and both are relevant to the analysis of the policy process in Spain; however, this analysis places particular emphasis on the distributive impact on the policy process of the institutional configuration of democratic Spain.

### **Pacts versus power concentration**

Most accounts of the transition to democracy in Spain stress the significance of social pacts and accords, notably the Moncloa Pacts of October 1977, which were followed by a series of “social accords” between government, employers, and unions (Fuentes Quintana, 2004, pp. 163–97; see also Hamann, this volume). Although such accords did not extend beyond the mid-1980s under the Socialists, consensus remained—at least rhetorically—a watchword of Spanish democracy. The PSOE government continued to propose pacts throughout its period in office (1982–96), particularly when seeking to introduce unpopular legislation. On assuming power in 1996, the minority administration of José María Aznar also adopted pacts as a route to dealing with sensitive labor market reforms (Royo, 2006). In the immediate aftermath of his crushing victory in the 2000 general elections, Aznar promised that his new government would continue to engage in dialogue with all social partners (but signed just one accord on social security reforms in 2001). And again, following the PSOE’s unexpected return to power in March 2004, Prime Minister José Luis Zapatero expressed similar sentiments. Indeed, the notion of consensus has achieved almost totemic status in the discourse of contemporary Spanish politics, and underlies the so-called “*pacto del olvido*,” which, it is claimed, formed such an important dimension of the transition to democracy (Oñate Rubalcaba, 1988; Field, this volume). Although there has been a growing recognition that the stress on consensus has been overplayed, there nonetheless remains a widely held view that some form of corporatist or neo-corporatist social concertation has been the key characteristic of post-Franco Spain’s policy design—particularly during the first decade of democracy (Royo, 2002).<sup>6</sup>

Repeated emphasis on consensus and the need to involve social partners in dialogue might suggest that Spain’s economic organization approximates the so-called German or Rhenish (Rhineland) model, with an emphasis on the promotion of collective achievement, consensus, and long-term perspectives (Albert, 1993). In terms of Varieties of Capitalism, Spain would seem to fit the Coordinated Market Economy

(CME) model, characterized by a dense network of associations that facilitate long-term policy coordination between government and peak associations, rather than the Liberal Market Economy (LME) model, characterized by employers and the labor force having relatively weak representative associations (Soskice, 1991, pp. 45–66). However, a central argument of our analysis is that Spain's political organization since the return of democracy is better understood as being closer to the LME model, in which political power is relatively concentrated and labor markets are fluid, with limited employment protection (Soskice, 1991). Molina and Rhodes (2007, pp. 223–52) have identified a “mixed market economy” (MME) model, characterized by a production system that is more fragmented than either CMEs or LMEs in terms of firm size, public-private and territorial divisions, as well as by fragmentation and politicization of interest associations and a greater role for the state as regulator and producer, plus a complex welfare structure.<sup>7</sup> Hall and Soskice (2001, p. 21) also refer to a “Mediterranean” type of capitalism, marked by a large agrarian sector and recent histories of extensive state intervention. However, agriculture's contribution to GDP in Spain shrank from 30 percent to less than 5 percent between 1950 and 1990, and the workforce from around half to less than 10 percent in the same period. Moreover, on many of the key indicators provided by Molina and Rhodes (2007, p. 250) regarding state ownership, public social spending, product market regulation, domestic market capitalization, and so forth, Spain has moved significantly closer towards the UK pattern between the early 1980s and the late 1990s.

Thus, while Spain's system of corporate governance contains several elements of the network-oriented model (notably in regard to the role of banks in corporate finance and control, the conduct of management boards, and the importance of family ownership and control of small firms), the trend has been shifting steadily since the mid-1980s towards more market-oriented formulae (Pérez, 1997; Chislett, 1998, 2002). The institutional framework of Spain's economy has undergone enormous structural changes since the end of the Franco dictatorship, with a shift away from an interventionist and highly protectionist state, vertical syndicates, and a sclerotic public sector, towards a much more liberal, deregulated, and open economy (Sevilla, 1997, pp. 21–117). Moreover, the broad institutional context of Spain's capitalist organization shows clear parallels with the “Anglo-Saxon” model, particularly concerning relations between social partners, labor organization, education and training, labor market flexibility, and investment in R&D. It is our argument, therefore, that Spain corresponds more closely to an “Anglo-Saxon” or

“liberal” model of capitalism, albeit with aspects of French-style statism (Katzenstein, 1985, p. 20).

Several factors help explain the emergence of democratic Spain’s model of capitalism. First, the foundations of Spain’s shift away from protectionist autarky to integration into a west European capitalist framework were laid in the 1960s, following the 1950 “Stabilization Plan” introduced by technocrats associated with Opus Dei (Sánchez Lissén, 1997, ch. 2). The opening up of Spain’s economy to international investment and competition represented the first stage in a process of capitalist development and liberalization that would continue in fits and starts throughout the remainder of the twentieth century, but that soon assumed its own logic. Under the Franco dictatorship, it was hardly to be expected that capitalist development would sow the seeds of social partnership, in spite of the introduction of collective wage bargaining in 1959. The labor movement was never able to play a central role in the construction of Spain’s post-Franco democracy, and as Balfour (1989) has demonstrated in his study of labor in Greater Barcelona, once the transition was underway, Spanish labor atomized around particularistic economic demands rather than uniting around more general political goals. Even though labor’s atomized demands were relatively unsuccessful, the sheer level of confrontation with the government belies the neo-corporate policy process theory. Indeed, as Fishman (2004, pp. 12–13) highlights, Spain during the 1990s was characterized by the highest level of labor conflict in the EU 12.

The introduction of collective wage bargaining represented a key moment: Whereas the Franco regime sought to fragment and shift workers’ grievances from the state to employers, the labor opposition movement mobilized through the illegal, but tolerated, Workers’ Commissions to bypass the official syndical channels and place increasing pressure on the regime. Collective bargaining turned from being a useful tool of the regime in the 1960s to become a catalyst of increased labor militancy in the following decade as workers expressed their rising economic expectations through a massive increase in strike actions. By the time of Franco’s death in 1975, the impulse for political change—generated crucially by the structural contraction between economic modernization and political authoritarianism—had become irresistible (Preston, 1986; Maravall, 1982).

To be clear, we agree that the consensus and negotiation that marked the Spanish transition to democracy was real enough. Crucially, however, it was a *conditioned* consensus. Certain interests were effectively excluded from direct involvement in the process that led to the elaboration of Spain’s democratic Constitution of 1978: Notably, the seven-member

*ponencia* that drafted the Constitution was made up entirely of elected parliamentary deputies, and some issues—such as military reform—were effectively off the agenda. The resultant constitutional settlement was a complex and, in places, contradictory process captured in the phrase *ruptura pactada*, or “negotiated break” (Heywood, 1995, pp. 37–56; see also Introduction, this volume). A key driver for the participants in that process was the desire to avoid reproducing the difficulties experienced during the Second Republic (1931–6), when the competing competencies of the offices of president and prime minister helped escalate tension in the build-up to the Spanish Civil War. Historically, Spanish prime ministers had seen their authority easily undermined, and the country’s long tradition of authoritarian intervention had been reflected in the dominance of heads of state over heads of government. The 1978 Constitution therefore explicitly set out to bolster the position of the prime minister (partly in anticipation of coalition governments being generated by a proportional representation electoral system). However, crucially, Spain’s institutional model created a very powerful executive, in which the president of the council of ministers (the prime minister) and the minister of the economy assumed central importance (Heywood, 1991, pp. 97–115).

Consequently, although consensus became the byword of Spain’s democratic practice, the reality of policy-making was only incidentally based on consensus: Formal institutional structures were never established to ensure that interest groups and peak associations received privileged and protected access to government (on interparty consensus, see Field, this volume). Instead, there has been an increasing institutionalization of the administration of power in the Spanish executive summit, and the core-executive is constitutionally vested with the authority to assume the dominant role in the policy process, untrammelled by any formal requirement to engage in dialogue with social partners (see Hamann, this volume). And it is partly for that reason that Spain’s model of governance more closely approximates that of the UK and France rather than Germany.

Therefore, rather than creating a more inclusive, corporate policy process, the Spanish *magna carta* locked control of the process within a relatively small core-executive, while the top-down nature of both the political party structure and articulation of the constitutional settlement further ensures that power remains within this relatively exclusive group of actors (Subirats, 1991, p. 204). With respect to specific policy areas, it is the minister in charge who drives the government’s projects within their sphere of competence. Ministers have a wide degree of

latitude in terms of making policy, as long as their vision squares with that of the prime minister, who is ultimately in charge of government policy and whose ministers serve at his pleasure. That the system privileges government bills over the opposition and the ability to issue decree-laws in some cases further increases this power concentration.

Overall, then, the formulation of public policy at national level has been dominated by the government and central administration, which are divided into powerful and autonomous departments with a high degree of vertical capacity. The Spanish government has been composed of an average of around 15–16 portfolios since the PSOE first assumed power in 1982, and ministers therefore tend to have responsibility over very large areas. This results in a concentration of powers in a small number of departments and a reduced need for inter-ministerial coordination committees. In turn, a strong departmental ethos—reinforced by long-established bureaucratic *cuerpos*—mirrors the lack of importance accorded to the principle of collegiality.

While all ministers seek to defend sectoral interests, the political and administrative resources available to each department vary significantly: Ties to the serving prime minister, plus the institutional weight of particular ministries, means the Spanish Council of Ministers does not operate on a collegial basis. Coordination is essentially hierarchical and carried out from within the Moncloa. While the Spanish government can be seen as oligarchic rather than monocratic, to use Andeweg's (1993) terms, the prime minister always acts as final arbiter: The president of the Council of Ministers is in no sense *primus inter pares*. Such an institutional structure has had a clear impact on the Spanish policy process, and has led to what Heywood and Molina (2000) have termed the “quasi-Presidentialization of the premiership.” Our argument thus runs counter to van Biezen and Hopkin (2005), who understand the presidentialization of Spanish democracy as a fluctuating and contingent process, dependent on the personal resources of the premier, intra- and interparty dynamics, and the electoral strength of the ruling party. We seek to demonstrate that, in practice, there have been clear continuities between administrations that are best explained by the institutionalization of executive power in Spain.

## **Two case studies: Privatization and the Draft EU Constitution**

We focus on two specific policy areas: privatizations and the Spanish response to the Draft EU Constitution. In both cases, one may have

expected significant differences in the policies pursued by the PSOE and PP respectively. Yet, there was considerable continuity between the administrations. Each of the case studies will first demonstrate how the forces of EU integration helped both administrations frame the need to pursue specific policies. In other words, the EU helped set the agenda. When turning to privatizations, both the single market and economic and monetary policies from Brussels set the agenda for the PSOE and the PP to privatize. When turning to the EU Constitution, we will argue that gains from the previous Nice Treaty helped frame the PP's position towards the constitution, while desires to consolidate Spanish power in the Council of Ministers also influenced the PSOE when developing their (similar) position shortly after their election victory in 2004. Despite the EU's importance for agenda setting for both the PSOE and the PP, institutional dynamics took on their own logic once the agenda was set. Most specifically, key institutional players from the Prime Ministers' Office, the Ministry of Economy and Finance, and the Ministry of Foreign Affairs drove the details of the policy. The main argument is that institutional design, rather than more contingent factors, can better explain the development of policy by different administrations over time.

### **Privatization**

European Union competition policies were effective in Spain since it joined the Community on 1 January 1986. Such policies, which were increasingly essential in the creation of the single, integrated, and competitive European market as prescribed in the Single European Act (SEA), demanded that member states pursue long-term strategies to decrease public aids to industries. Articles 92, 93, and 94 of the EEC Treaty, in particular, regulated state aid to industries (see Dinan, 1994, p. 377).

Spain was thus constrained from supporting industries in the National Industry Institute (INI) through extra aid as had previously occurred. Coupled with this, the SEA explicitly stated that the Community's aim should be not only to strengthen competition policy, but also strengthen the scientific and technological basis of European industry and to encourage industry to become more competitive at an international level: in the European Commission's view, industries such as steel, textile, and shipbuilding were old and declining (Swann, 1992, p. 17; Dinan, 1994, pp. 365–9). These points were reiterated four years later when the Commission produced a paper emphasizing how member states should provide a competitive business environment (European Commission, 1990).

In wake of these Community pressures, in the late 1980s and early 1990s, Socialist leaders thus deemed that an overall policy of privatization of state industries in the INI was a necessary long-term strategy to increase industrial competitiveness and eliminate public subsidies. Analyzing the evolution of the INI holding company globally, over the course of five years many of the companies in declining, uncompetitive sectors—including ship-building, iron and steel, potash, aluminum, paper pulp, mining, and vehicle production—were sold. Evidence that the overall decision to privatize was influenced by Community objectives, which encouraged rationalization of burdensome industries, a push towards industrial competitiveness, and the eventual elimination of continuous public aid (subsidies) to state enterprises, is seen in comments by one former Industry official:

Ever since Spanish adhesion to the Community (January 1, 1986) . . . Spain needed to conform to the demands of the EC which stressed increasing industrial competitiveness . . . The almost virtual absence of advanced and efficient enterprises in the INI was seen (by the PSOE Cabinet) as potentially harmful to the competitive future of Spain in the single integrated market.<sup>8</sup>

If single market policies represented the first supranational pressure, then EMU convergence criteria represented the second pressure for the PSOE and later the PP to privatize. On the one hand, selling several unprofitable companies helped decrease burdensome expenditures that would have otherwise gone towards the deficit and debt. In other words, retreat from the “dead-end” or declining sectors in which the INI mostly operated had the effect of decreasing overall losses suffered by the INI, reducing the necessary budgetary transfers towards the holding company as the decade continued and thus helping pave the road to the EMU. The budgetary burden of all the companies in the INI of the early 1980s would be relieved as privatizations were pursued over the decade: After five years of privatizations, such allocations in 1991 were approximately 75 percent less than their 1985 level.<sup>9</sup> Decreasing the necessary budgetary transfers to state companies would thereby free the government from adding unnecessary expenditures.

On the other hand, selling stocks of the few profitable companies not just in the INI, but also in the Grupo Patrimonio (such as Telefónica) and the Instituto Nacional de Hidrocarburos (such as Repsol) allowed for supplementary Treasury revenues. It is important to note that flotations of profitable companies actually started with the PSOE and were

later rigorously continued by the PP government. As Table 9.1 shows, profitable companies, where a majority of share capital was sold by the PSOE, include Argentaria, Repsol, ASDL, Enagas, and Enfersa. Significant tranches of Endesa, ENCE, and Telefónica were floated by both administrations. Indeed, the only notable companies that were privatized solely by the PP were Iberia and Tabacalera.

Both the PSOE and PP were privatizing the “jewels” in the crown while promoting both “popular capitalism” and the establishment of Spain’s own *nucleo duro* of key investors. This was not particularly different to the French privatization experience of creating *noyaux durs*. Pampillón (2004) points out that a good number of the eight million voters who held shares in privatized public companies by 2004 had initially become shareholders under the popular capitalism that started with the PSOE. Cano Soler (1988, p. 249) further notes that the creation of a “core-nucleus” of investors, representative of major financial actors in the Spanish economy, could already be seen while the Socialists were in power. For example, by the end of the PSOE tenure in 1996, principal owners of Repsol included Banco Bilbao Vizcaya (5 percent) and La Caixa (3 percent); Argentaria’s owners included Banco Central Hispano (1 percent) and Banco Santander (3 percent); while Endesa had key players such as BBV (3 percent) and La Caixa (5 percent) holding leading positions in the company. This experience of having core financial actors taking over companies would be repeated under the PP, as seen in the sale of Iberia airlines in the late 1990s, when Caja Madrid and Banco Bilbao Vizcaya Argentaria bought 10 percent and 7.3 percent of the company respectively.

While the above evidence demonstrates that the EU helped set the agenda for both the PSOE and the PP to privatize, how exactly were the details of the privatizations formulated? Chari and Cavatorta (2002) have argued that one important feature of the privatizations in Spain, France, and Ireland over the last 20 years is the role of institutions, with a specific focus on key ministries—notably Economy and Industry. In this regard, they highlight in the Spanish case the importance of a tightly knit group of core-executive actors such as the Ministry of Economy and Finance (MEH). In the case of the Socialists, this was clearly manifest in the privatizations in the 1980s and 1990s of INI companies such as SEAT and Enasa. The process of sales in the INI was led by key agents who can be referred to as a “triad” from MEH, Industry, and the INI Council. The main actors in these institutions were staffed by the more “neoliberal” elements of the PSOE, referred to as the “*renovadores*” (renovators). Leaders of Economy and Finance, such as

Table 9.1 Privatizations of Profitable Companies in Spain, 1988–2001

Company	Sector	Year	Percentage	Type
REPSOL	Energy/Oil/Gas	<b>1989</b>	<b>26.4</b>	<b>Private Sale (PS)</b>
		1989	4.2	Public Offer (PO)
		1990	2.9	PO
		1992	2.1	PO
		1992	9.8	PO
		1993	14.1	PS
		1995	19.5	PS
		1996	11	PS
ENAGAS	Gas	1997	10	PS
		<b>1994</b>	<b>91</b>	<b>PO</b>
		1998	9	PO
ENFERSA	Manufacturing	<b>1990</b>	<b>100</b>	<b>PS</b>
ARGENTARIA	Bank	<b>1993</b>	<b>24.99</b>	<b>PS</b>
		1993	25	PS
		1996	24	PS
		1998	25.01	PS
IBERIA	Transports	1999	30	PS
		2000	10	PS
		2001	54.65	PO
ENDESA	Energy	<b>1988</b>	<b>24.4</b>	<b>PO</b>
		<b>1994</b>	<b>8.71</b>	<b>PO</b>
		<b>1995</b>	<b>0.5</b>	<b>PS</b>
		1996	3	PS
		1996	1.8	PS
		1997	25.44	PO
ENCE	Paper	1998	33	PO
		<b>1995</b>	<b>49</b>	<b>PO</b>
		2001	25	PO
		2001	26	PO
ASDL	Aeronautics	<b>1994</b>	<b>86.7</b>	<b>PO</b>
TABACALERA	Food/Tobacco	1998	52	PS
GAS NATURAL	Natural Gas	1996	3.8	PO
TELEFONICA	Telecommunications	<b>1987</b>	<b>6</b>	<b>PO</b>
		<b>1994</b>	<b>0.73</b>	<b>PS</b>
		<b>1995</b>	<b>11</b>	<b>PO</b>
		1997	20.94	PO

Data in **Bold and Italics** represent privatizations by the PSOE (1982–96). The PP came to power in 1996.

Sources: Authors' elaboration of data from Privatization Barometer, Cano Soler (1998) and Bel and Costas (2001).

Solchaga in the 1980s and Solbes in the 1990s, were fully in favor of privatizations to reduce the role of the state and increase Spain's economic competitiveness in the single European market (Chari, 1998). There was a vertical movement of actors in Economy and Finance, Industry, and the INI Council: "those who started their careers in the first, would gain key positions in the second, and later end their career in the third" (Chari, 1998, p. 173). A consequence of this tight link is that the process remained a closed one. In terms of roles in the process, on the one hand, the INI Council and the Ministry of Industry would negotiate the details of the sales along with economic actors taking over the companies. In many cases, such economic actors buying the companies demanded debt reduction and cash injections to decrease debt-to-equity ratios and make the companies viable. On the other hand, Economy and Finance, which desired retreat from companies that were suffering losses in order to decrease the long-term burdens on the deficit and increase economic competitiveness, was crucial in terms of securing the one-off funds necessary for the privatization operations.

Certainly there were other preferences held by Socialist policy-makers, particularly within what is referred to as the "*Guerrista*" faction. These members were led by Alfonso Guerra, who was the Vice-Secretary General of the PSOE and a key member in establishing the modern PSOE until his forced resignation in 1991. Guerra was a young Socialist militant during the Franco years and in 1975 became the press secretary for the party. He was essential in drafting the 1978 Spanish Constitution and, as "number two" in the party beside fellow Sevillian Felipe González, became the deputy prime minister between 1982 and 1991. Known for his quick wit and open insults against leaders such as Margaret Thatcher, he held to a "romantic" notion of what a Socialist Party should represent (Rodríguez Ibarra, 2003, p. 232). Some former Ministers, such as José Maria Maravall (2003, p. 39), purport that "*guerrismo*" was an alternative that never really existed. However, *guerristas* such as Juan Carlos Rodríguez Ibarra and Francisco Fernández Marugán claimed to be self-aware of their socialist roots and were considered to be the intellectuals of the party, strongly committed to policies of social welfare, income redistribution, and national industrial development (Rodríguez Ibarra, 2003; Chaves, 2003; Guerra, 2003). In fact, *guerristas*, including Manuel Chaves and Martínéz Noval, headed Ministries associated with the "left," e.g., *Trabajo* (Labor), in the early years of PSOE rule.

Concerning privatization, Alfonso Guerra as well as Manuel Chaves had "deep reservations" about selling state industries considering the

massive layoffs that would follow.<sup>10</sup> Many *guerristas* would have obviously preferred to see a different—or even no—privatization policy. Nevertheless, the forces of EU integration had their hands tied. That is, *guerristas* recognized that the PSOE had “little choice” other than to embark upon and sustain on a sell-off of the industries given the general thrust of Community single-market and monetary initiatives.<sup>11</sup> Reformulating domestic policy towards state industries was deemed essential by the *renovadores*, who considered that the reorientation was absolutely necessary in the wake of SEA and, especially, EMU initiatives. They took the position that Spain was faced with two options: Either pursue a strategy of selling state companies in order to increase the overall competitiveness of industries (as demanded by Community single-market and competition policy) with a goal to reduce burdensome state expenses that would otherwise go towards the deficit and debt (the limits of which are set by Community monetary policy); or continue with the overall “drain” and be seen as not attempting to comply with the overall thrust of Community competition and monetary policy.<sup>12</sup> Choosing the second option may have led to further risks including possible retaliation from other members states (such as France, which may have felt that if Spain did not privatize, it was different from the thrust of their policies and the spirit of Community liberalization initiatives) and an overall decrease in investor confidence.

When the PP came to power, the role of MEH and Industry established under the Socialist administration was consolidated with the creation of what was referred to as the *Consejo Consultivo de Privatizaciones* (CCP), established in June 1996. Before then, no institutional organization had formally been responsible for overseeing privatizations in Spain. The CCP was created to be consultative in nature: Any privatization proposals had to pass through the CCP, which studied and analyzed each proposal before it was formally approved by the Council of Ministers (Gamir, 1999, pp. 151–2). While some may argue that the CCP helped bring more transparency to the privatization process in Spain, in fact the CCP’s structure simply embedded the role of those institutions that drove the process under the Socialists. This is because the CCP was composed of its president and a maximum of eight council members, all of whom were named by the Minister of Economy and Finance and the Minister of Industry and Energy. It is little surprise that these institutional agents, led by Rodrigo Rato—a firm believer, like his predecessors Solchaga and Solbes, that “less state means more market” (Rato, 1998)—would have a leading role in the process under the PP, underlining how the impact of key institutions

was constant over time. This is seen in the case of the privatization of Iberia, which received significant funds before it was sold. Chari (2004, p. 16) argues how

MEH, in particular, (saw) granting aids . . . (to Iberia) as a means of increasing the overall competitiveness of the economy through state retreat. Also, because the airline had a history of losses, injecting large funds over a short time with a goal to eventually sell off the company was potentially less costly than maintaining state participation indefinitely, with the potential risk that more Treasury Funds would be necessary in the future and thereby posing even a larger long-term budgetary burden.

As for Industry officials, “such actors believed that regardless of the short-term costs associated with the (Iberia) deal, giving aids towards eventual privatization catered to their long-term goal of overall rationalization of the public sector” (Chari, 2004, p. 16).

The key point here is that Spain’s privatization process followed a logic that was dictated more by the reality of the country’s deepening integration into a Europeanized market-dominated framework than by any contingent shifts in the ideological predilections of its governments. Thus, both the PSOE and the PP not only pursued similar policies, in spite of the differing justifications used to support those policies, but also developed them through a similar process in which core-executive actors held dominant sway. Changes in style and rhetoric did not mean a change in process. Our argument is not that changes in government made no difference to policy, nor that change was driven entirely by the structural requirements of Spain’s particular model of capitalism. Rather, we argue that an emphasis solely on such changes as determinants of different phases in policy-making underplays important continuities in process and outcome that have characterized policy-making in democratic Spain.

### **The Draft EU Constitution**

Turning to the second of our case studies, the Spanish response to the EU Draft Constitution, it should be noted that the PP government (1996–2004) edged away from Spain’s traditional pro-Europeanism on two fronts. The first was the PP’s decision to involve Spain in the US-led Iraq War without parliamentary approval, as opposed to trying to develop an alternative option within the EU Common Foreign and Security Policy framework (Heywood, 2003). Second, and most importantly for

the purposes of this chapter, the PP opposed the provision in the EU Draft Constitution on the voting system in the Council of Ministers, which ultimately resulted in the constitutional debacle at the Rome Intergovernmental Conference (IGC) in December 2003 (Closa, 2004). In the run-up to the March 2004 election, the opposition PSOE proposed a more Europeanist approach; yet having unexpectedly won the 2004 elections, the new PSOE administration's position towards the EU actually upheld the same concerns as its PP predecessor: The PSOE remained preoccupied with the voting system in the Council of Ministers. We seek to explain this continuity by focusing on the importance of the Qualified Majority Threshold (QMT) in the Council of Ministers. We argue that the experience of European integration itself had made both administrations weary of having to lose any power within the Council of Ministers, especially after having gained so much in the Nice Treaty. As such, the experience of European integration helped shape the agenda for both administrations when considering policy choices towards the Constitution. We also consider similarities with regard to the institutions involved that developed the Spanish position to argue that institutions continued to matter in understanding the development of the Spanish position over time.

The PP's main opposition to the Draft EU Constitution concerned its institutional elements, particularly the QMT, which was considered a threat to Spain's "blocking minority" under Nice voting rules. Although the PSOE administration later avoided using the term "blocking minority" and preferred to talk of "influence capacity," it maintained the same position as the PP. A demonstration of the importance of blocking minorities helps explain the Spanish position on the QMT. How exactly did the Draft Constitutional rules decrease Spain's possibility to block proposals in the Council of Ministers? The ability of a state to build a blocking minority depends on the criteria required to create a majority. Nice established three such criteria, based on population, vote, and membership. The Draft Constitution proposed just two opportunities, based on population and membership criteria. Based on ideas raised in the work of Algaba, Bilbao, and Fernández (2004), who consider that the commonly used indexes—such as the Shapley-Shubik index and the Banzhaf power indexes—can measure both the capacity to approve and to block a decision. Chari et al. (2004) have estimated the blocking minority power for each national delegation under the Nice and Constitution rules using the Shapley-Shubik index.<sup>13</sup> The results show that under the Nice Treaty rules, the "membership criterion" to form a blocking minority gave each EU member state the same power to influence decisions taken by the

Council of Ministers. Nevertheless, an unequal distribution of member state power emerges when the other two criteria to oppose legislation—the “population” and the “vote” criteria—are considered. Thus, the member states differ notably in terms of their chances to block legislation by means of the population criteria, with the larger member states clearly enjoying an advantage. Under the Nice rules, therefore, Spain had established itself with maximum power vis-à-vis other member states. It could also be argued that the blocking minority related to the vote criterion reflects disparities in political power distribution.

This scenario changed under the Draft Constitutional rules, indicating a significant reallocation of power once the weighted vote criterion is removed. This power shift, in effect, was hurtful to Spain and Poland in particular, removing their privileged position held under Nice, where their power of influence was quite similar to the other four big-member states while being simultaneously greater than that of the other member states. Spanish uneasiness with the Draft Constitutional rules under both the PP and the PSOE administrations can thus be understood in the context of its loss of power to block Council decisions: Even though Spain would have lost power in the Council similar to several member-states with the exceptions of France, Germany, United Kingdom, and Italy, “Spanish rejection was based largely on this specific aspect of political power (blocking minority power)” (Chari and Egea, 2006, p. 223). While it was finally agreed in June 2004 to establish a QMT of at least 55 percent of the members of the Council comprising at least 65 percent of the population of the EU, which represented a net loss in Spain’s blocking capacity even higher than under the Constitution draft, Spain’s acceptance of the proposal was based not on agreement but, rather, on reluctant resignation.

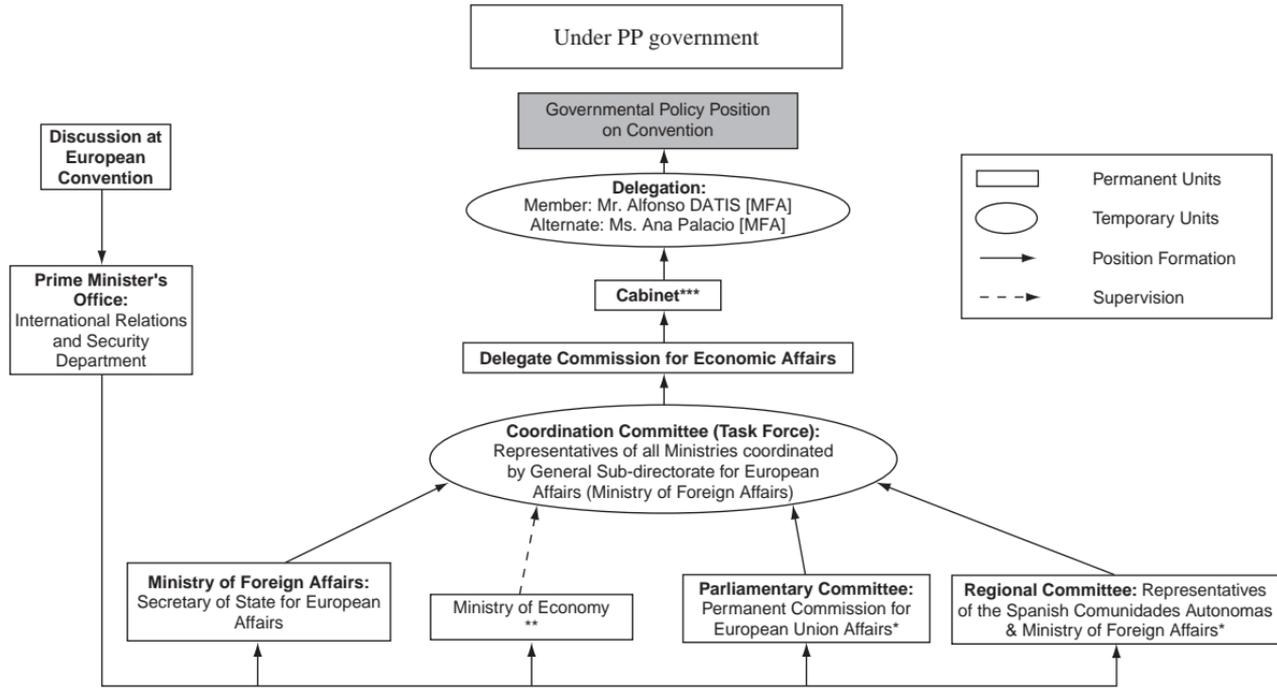
With this in mind, one may argue that the country’s experience in the EU helped frame both administrations’ positions towards the Draft Constitution. Unlike the privatization case study, which argued that specific EU regulations *per se* forced privatizations on the agenda, the experience regarding the Constitution offers a somewhat different dynamic. More concretely, by the early 2000s Spain was in a position of power to set the European agenda and did not want to reverse the gains that it had worked hard to establish during more than 15 years as an EU member state. Rather, it wished to maintain the status-quo position, which afforded it a privileged position in the EU alongside the big four and enabled it to lead the integration process forward, not simply react to it. From this vantage, gains attained with the Nice Treaty helped frame the PP position towards the Draft EU constitution, while desires

to consolidate Spanish power in the Council of Ministers influenced the PSOE's strategy.

Who were the institutional players involved in developing the Spanish position towards the EU Draft Constitution in the PP and the PSOE administrations? Chart 9.1, based on data collected in elite semi-structured elite interviews in 2003 and 2004,<sup>14</sup> offers a comparative examination of the main institutional players under both administrations. The policy process differed little between the main institutional players involved in formulating the Spanish position, helping to explain why both the PP and PSOE were concerned about similar issues, such as the importance of the QMT.

Comparing both coordination processes, once discussion at the European level had taken place, the first main domestic actor in both scenarios was the Prime Minister's Office. Thereafter, the two main ministries involved were the Ministry of Foreign Affairs and the Ministry of Economy (MEH). The MEH's role was less salient under the PSOE administration because the Irish Presidency under Bertie Ahern focused on issues other than economic ones during the final phases of the Constitutional talks in the summer of 2004. The impact of two other committees—the Parliamentary and Regional Committees—was relatively less, even though Zapatero did attempt to approach parliamentary deputies much more than Aznar did. Inputs from Foreign Affairs and MEH were crucial in setting the tone of debate in the "coordination committee," which consisted of representatives of all Ministries and was headed by the Ministry of Foreign Affairs' sub-directorate for European Affairs. This committee served as the hub for centralized debate and position formation. While the Minister of Foreign Affairs obviously changed after the PSOE victory, the senior civil servants that headed the coordinating committee did not, a fact that contributed to the high degree of stability and roll-over in the process and can explain to some extent why the QMT issue remained significant for both administrations. Once deliberation was carried out by the coordinating committee, Cabinet would approve the decision, which the delegation led by the Ministry of Foreign Affairs would then take to Brussels.

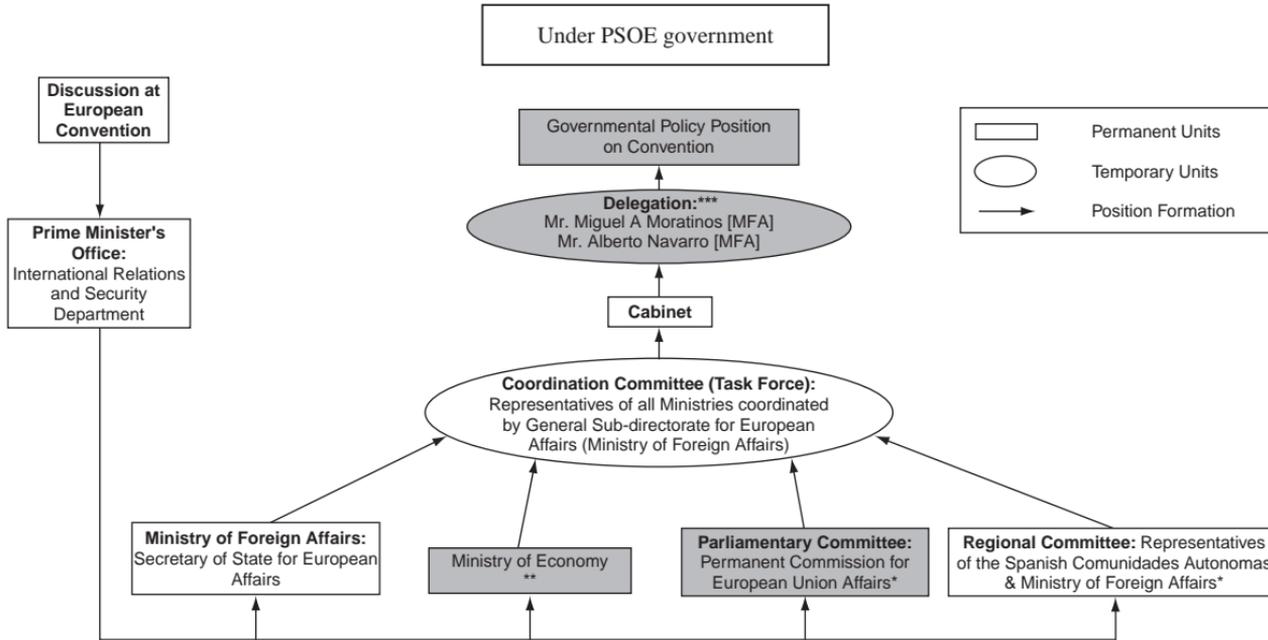
The policy-formulation process under both administrations thus appears very similar due to the role of the same institutions. In both the PP and the PSOE cases, the process was highly centralized, involving the same limited number of institutional players. These players included the PM's Office, the Foreign Affairs Ministry, and the MEH. The process could also be described as very stable because it did not experience shocks with a change in administration. This is because the



\* This kind of relationship is developed on a non-binding basis. More in concrete, both the Parliamentary Committee and the Regional Committee are able to express their position. However, the Coordination Committee may not follow the recommendations of these Committees. Thus, the relationship between the Task Force and these Committees is a way of allowing other important institutional actors to be aware of the process.

\*\* Informal governance: There is a network of informal meetings where the Ministry of Economy has got a leading position. In other words, the Ministry of Economy supervises the outcomes of these informal meeting. The Ministry of Economy also resolves should any technical problem appear.

\*\*\* The Cabinet approves without further amendments of the decision taken by the Delegate Commission for Economic Affairs.



\* Although this kind of relationship is maintained on a non-binding basis, the current cabinet has fostered the salience of this institution as far as the Primer Minister exposed the guidelines of the Spanish position before the last Summit of the European Council.

\*\* The role of the Ministry of Economy, though important, has lost salience due to the fact that the Irish Presidency was more focused on other issues rather than economic ones (such as Justice and Home affairs issues). This reduced relevance is not related directly to the change in the executive. On the contrary, this fact suggests an impact of the EU policy-making (that is to say, the agenda-setting phase) on domestic policy-making.

\*\*\* Mr. Moratinos, as the current Minister of Foreign Affairs, substituted former ministry whereas Dastis (former General Secretary for European Affairs) is substituted by Mr. Navarro, who is the current Secretary State for European Affairs (notice that according the Spanish organigram of the Public Administration, Secretary of State is a top position just behind the Minister, whereas Secretary General occupies the following position in rank after Secretary of State).

Chart 9.1: Domestic Coordination: The Case of Spain

same high-level senior civil servants would head the all-important coordinating committee under the PSOE and the PP. Finally, the policy-making process in which these three institutional actors played principal roles can be best characterized as an informal one. According to two officials involved in the process, outputs finally arrived at in the coordination committee would often be based on ideas raised in informal meetings, hallway discussions, or simple phone calls, outside of “official business” raised in meetings or public scrutiny through parliamentary debate.<sup>15</sup> In short, the policy process under both administrations was characterized by stability, centralization, and informality. One may argue that such a process—characterized by a reduced number of political actors informally participating alongside Spanish high-level public administration officials—facilitated a high level of continuity among the preferences of those involved under both administrations, even if the rationale for those preferences differed.

## **Conclusion**

The first, more theoretical, part of this chapter focused on the role of institutions. After analyzing the constitutional arrangements in Spain, we highlighted the importance of the core-executive structure. Spain’s model of governance, we argued, has similarities and differences to structures found in other west European states. In terms of similarities, we have argued that the structure in Spain is closer to that found in other states such as France and the UK rather than Germany or Scandinavia. Like the former, Spain has seen the development of a very strong core-executive that has been able to concentrate power in a systematic manner and dominate the policy process. In terms of differences, unlike other west European states, the roots of the core-executive structure in Spain can be seen as a consequence of lessons learned from the Second Republic. This, we argued, points to the importance of historical institutionalist debate in understanding contemporary Spanish politics.

The second, more empirical, part of the chapter then examined the policy-making process by focusing on two case studies: the privatization experience in Spain that started in the late 1980s with the Spanish Socialists and continued throughout the 2000s when the PP was in power; and an examination of both the PP’s and the PSOE’s position towards the Draft EU Constitution in the early 2000s. Both of these cases first demonstrated how EU integration helped shape the agenda, influencing both administrations to take the policy stances they did. In the case of privatizations, we highlighted the importance of both the

Single European Act and later Economic and Monetary Union on both the PSOE and the PP. In the case of both parties' position towards the Draft EU Constitution, we argued that the experience of EU integration—and specifically the gains obtained with the Nice Treaty—influenced both parties to maintain the status-quo position wherein Spain enjoyed substantial power in the Council of Ministers.

Each case study then demonstrated that once the EU and forces of EU integration helped set the agenda, institutional dynamics nevertheless took on their own logic. Main agents within the core-executive played principal roles during the policy-making process when the details of the policies were set. In particular, the Prime Minister's Office, Economy and Finance, Industry and Foreign Affairs were significant. From this perspective, clear continuities in the policy process can be identified in spite of the ideological differentiation between PSOE and PP administrations.

There remains a need to explore in much greater detail other policy areas beyond those examined here if we are to understand fully the nature and development of the policy process in contemporary Spain. Nevertheless, the lessons from this study are twofold, and we encourage further studies to verify or falsify them. First, the dynamics of EU integration help set the agenda for the different administrations in power in contemporary Spain, regardless of their ideological predisposition. Integration dynamics help frame what should be done (in the case of the privatizations), or what cannot be considered as a future alternative (in the case of the Draft EU Constitution). Secondly, once the agenda is set, institutions matter in explaining the details of policies that are eventually formulated. Of particular importance here is the role of the very strong core-executive in contemporary Spain, an institutional structure that has maintained its continuity despite periods of partisan change.

## Notes

1. We are grateful to Andrew Davis and Laura Sudulich for invaluable research assistance, to our editors Bonnie Field and Kerstin Hamann, and for their comments in various contexts to William Chislett, Carlos Closa, Paz Fernández, Erik Jones, Almudena Knecht, Ignacio Molina, Martha Peach, Mariano Torcal, Cees van der Eijk, and Mary Vincent.
2. Eurostat figures released in December 2007 indicated that the previous year, allowing for price differentials, Italy's GDP per head had already fallen behind Spain's—an assessment vigorously contested by the Italian government (Hooper, 2008).
3. This is a composite measure based on five indicators: electoral process and pluralism, civil liberties, the functioning of government, political participation, and political culture (Kekic, 2007).

4. In practice, of course, no single policy process can explain all policy choices—but we can identify core characteristics of how policy is formulated at central government level as a heuristic device to illustrate the argument that process needs to be distinguished from outcomes.
5. See Gomà and Subirats (1998), who include chapters on the following policy areas: economic, fiscal, industrial, labor, welfare, education, health, social protection, housing, environment, telecommunications, language, immigration, and gender. Several of these chapters adopt a chronological, “periodized” framework, although the periods differ markedly between chapters.
6. Royo (2002, p. 20, fn. 3) does acknowledge both that “concertation in Spain was a political strategy to deal with the political issues of the democratic transition,” and also, “What makes the Spanish experience with social concertation unique is not the way it emerged, but the fact that it was not institutionalized.”
7. Rhodes and van Apeldoorn (1998, pp. 406–27) identified a “Latin variant” of the network-oriented system of European capitalism, characterized by lower levels of education, research and development (R&D) support, and patient capital than the Germanic variant.
8. Confidential interview by author with a PSOE official who formerly worked in the Ministry of Industry (Madrid, 11 March 1997).
9. We present the official transfers as given by the Ministry of Economy and Finance.
10. Confidential interview by the author with a former high-level civil servant working in the INI (Madrid, 16 January 1996).
11. These ideas are based on confidential interviews by the author with two former high-level civil servants working in the INI (Madrid, 16 January 1996).
12. These ideas were also raised in a confidential interview by the author with two officials in the Ministry of the Presidency (Madrid, 21 October 1996).
13. The Shapley-Shubik index considers the number of winning coalitions through the different permutation of the different actors involved in the coalition.
14. The data for the chart are based on expert interviews that formed part of research for the Framework 5, European Commission funded project called DOSEI (Domestic Structures and European Integration), which investigated national positions towards the Draft EU Constitution. Chari coordinated the research on Spain and the overall project was headed by Thomas König and Simon Hug. High-level officials interviewed include those from the Ministry of Foreign Affairs, Ministry of Economy and Finance and the Ministry of the Presidency. Two waves of interviews, all in Madrid, allowed for the collection of data before and after the Spanish general elections of 14 March 2004 in order to analyze the policy-making process under the PP and PSOE executives. The first wave consisted of three officials on 5 and 28 November 2003; the second consisted of three officials on 17–18 May 2004. The names of the officials are protected on request.
15. This is based on ideas raised in interviews with high-level officials in the Ministry of Foreign Affairs and Economy and Finance, Madrid, 5 November 2003 and 18 May 2004.

# 10

## Conclusion: The Spanish Case and Comparative Lessons on Institutions, Representation, and Democracy

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Spain is put forth in the democratization literature as a model transition to democracy; yet surprisingly the 30 years of democratic governance in Spain have received little attention in other comparative politics literatures. This volume contributes to filling that gap. The Spanish case is important to analyze as it can provide lessons for other countries that are embarking on democratization and consolidation processes, both for its successes and strengths as well as for its failures and weaknesses.

In this concluding chapter, we return to the themes we presented in the Introduction. First, we discuss the relationship between political institutions and representation. Second, we derive some comparative theoretical lessons from the Spanish case with regard to institutionalization. We finally conclude with some thoughts about the placement of Spain in the comparative politics literature.

### **Institutions and representation**

Because of its comparative success among third-wave democracies and 30 years of democratic governance, the Spanish case provides a unique opportunity to explore the relationships between institutions, stability, and representation. This section makes two major claims about institutions and representation in Spain that are relevant for comparative theory building. First, Spanish institutional arrangements have produced some important representational weaknesses; however, they also do not exclude any significant cleavages completely. Spanish democracy, with pronounced social cleavages, has survived with fairly majoritarian formal institutions and therefore without adopting hyper-consensual or hyper-consociational institutions (Lijphart, 1977, 1999). However, at the outset of democracy and for much of the democratic period, informal

practices tempered majoritarianism (Capo Giol, 1990, 1994; Field, 2005, 2006a; Gunther, 1992; Mújica and Sánchez-Cuenca, 2006).

Second, we emphasize the need to analyze institutionalization and representation together; representational deficits (and strengths) can occur both in the presence and absence of strong institutionalization. In other words, there are two important dimensions: the institutions themselves, and the degree to which they are flexible and receptive to change in the event that they limit representation. While we certainly do not dispute the importance of institutionalization, we do view an analysis of institutionalization without taking into account representation as inadequate if the focus is on the quality of democratic governance more generally. In fact, in some areas, strong institutionalization in Spain delayed or prevented more representative politics; while in others weaker or uneven institutionalization allowed for the development of more representative politics. We first discuss several institutional arrangements and their effects on representation and then focus on the representation of two significant social groups, labor and women.

### **Institutional arrangements and representation**

The Spanish national electoral system illustrates the two claims advanced above: Design and institutionalization can impede more representative politics, and Spanish institutions have representational weaknesses yet do not completely exclude any significant cleavages. Much like in other countries with similar proportional representation electoral systems, the closed-list system for elections to the Congress of Deputies, which likely facilitated party institutionalization, also dramatically limits the voters' voice; their selection involves a simple choice of party. Voters only have a voice in deciding which candidate is elected among those presented by the party in elections for the directly elected Senate seats, a much less important position than that of Deputy in the Congress. This representational deficit is now being criticized by some parties, such as *Unió Democràtica de Catalunya* (UDC).

Also, Spanish electoral laws are quite disproportional. In addition to the formally majoritarian electoral laws for the Senate, a number of features of the purportedly proportional electoral law for the Congress of Deputies substantially modify its proportionality, including the small district magnitude, the D'Hondt method of counting (Cox, 1997; Taagepera and Shugart, 1989), and the stipulation that each district be allocated a minimum number of seats regardless of population. The electoral law was specifically designed to overrepresent rural (and presumably conservative) interests and to favor parties of the political right (Montero and Lago, 2007).

The election results in Table 1.1 (see Introduction, this volume) demonstrate the disproportionality. For example, in the 2008 election, the PSOE received 48.3 percent of the seats with only 43.9 percent of the vote. Conversely, IU with 3.8 percent of the vote received only 0.6 percent of the seats. However, regional parties with concentrated geographic support are fairly proportionally represented. This means that the proportion of votes for the dominant regional nationalist parties, such as CiU and PNV, is quite accurately reflected in seats in the Congress. For example, in 2008, CiU won 2.9 percent of the seats in the Congress with 3.0 percent of the vote nationally. In other words, with a substantially smaller vote share, it received 5 times as many seats as IU, which IU denounces as unfair. The party has made reforming the electoral law one of its priorities. It is however crucially important to recognize that, despite representational weaknesses, the Spanish national right, left, and several regional and regional-nationalist parties, on the right and left, have all found a place in the political system at the national level, and additional regional parties are represented in the regional parliaments. This is true even though some groups, such as the Basque terrorist organization *Euskadi Ta Askatasuna* (ETA), opt to act outside the rules and structures of democracy.

Political parties are highly institutionalized; yet, as van Biezen demonstrates in Chapter 2, party membership in Spain is low compared to other European democracies; party organizations are extremely centralized and personalized, providing weak linkages with society yet increasing assimilation with the state. While party membership in Spain is growing, unlike in most other new and old democracies, Spanish party reforms to enhance the role of members have lagged behind those adopted by other European parties (Méndez, Morales, and Ramiro, 2004). Moderate reforms have been limited to the left (PSOE and IU). For example, the PSOE beginning in 1997 allowed party primaries to select some candidates (Hopkin, 2001). Candidate selection through party primaries was restricted to candidates for executive offices (prime minister, regional presidents, etc.), who also head legislative lists. Furthermore, primaries are not required but only occur in particular instances. IU also used a membership ballot for the first time to select its candidate for prime minister in the 2008 parliamentary elections (*El País*, 24 October 2007). Nonetheless, legislative candidate selection largely remains in the hands of party leaders. In fact, since the debacle of the primary process to choose the PSOE candidate for prime minister in the 2000 election, primaries have de facto been abandoned, even though their possible use remains on paper. The PP provides even more limited avenues for rank-and-file participation.

Also, the strict party discipline, fostered by both state- and party-level institutions,<sup>1</sup> limits representatives' ability to channel societal interests that differ from party interests into parliament. For example, Montero in Chapter 4 finds that despite substantial decentralization, deputies with subnational experience are unlikely to be good representatives for subnational interests. Maurer in Chapter 5 also finds that party discipline circumscribes the policy-making influence of legislative committees in the Congress.

The parliamentary system is another arena where institutionalization fostered stability yet produced an important bias: The combination of the majoritarian effects of the electoral law for the Congress and of power being tilted toward the executive means that the governing party of the day, which has never attained a majority of the vote, has a considerable amount of power. Except during periods of minority government, when the largest party must negotiate with opposition parties, the government in effect represents only a minority of the voters. This also happens regularly in other Western European democracies, in particular the UK with its plurality electoral system. As Chari and Heywood argue in Chapter 9, the fact that the core executive has considerable power in the policy-making process in practice also centralizes power within the governing parties. Party leaders, who also tend to dominate the national executive, are effectively able to silence opposing views within the party when deciding on policy formulation. This centralization of power in party elites further reduces the representation of opposing interests even within governing parties.

The potential trade-offs between institutionalization, stability, and representation are also illustrated by an examination of the informal institutions that governed interparty politics for much of the democratic period. In Chapter 3, Field argues that practices initially begun during the transition, such as reaching supermajority consensus on issues of state, the "pact to forget," and centripetal alliance strategies, institutionalized and encouraged consensus rather than competition. While this likely facilitated the installation and subsequent consolidation of democracy, it also limited the representation of distinct societal interests and kept certain issues off the political agenda, such as transitional justice. In this way, the recent weakening of these informal institutions created more adversarial and, at the same time, more representative politics.

However, politics can become more representative even in arenas of well-institutionalized biases. Consensus politics (particularly prominent between 1977 and 1982) and the lack of a viable alternative to the PSOE during the 1980s limited the significance of parliamentary elections.

Nonetheless, the progressive decline of consensus politics and the possibility of alternation between governing parties after 1993 created better conditions for the representation of a variety of interests.

Therefore, for comparative theory-building concerning evaluations of the quality of democratic governance, we caution against an analysis of institutionalization without taking into account representation; institutionalization can solidify profound representational biases in new democracies (also, see Coppedge, 1994). At the same time, the analysis of the Spanish case demonstrates that political actors' behavior is not determined by formal institutional arrangements, but can change even under stable institutional conditions, thus leading to different outcomes, such as the representation of a broader set of interests.

Uneven institutionalization, in turn, has in some arenas permitted greater representation over time, as the arena of territorial politics illustrates. The institutional representation of territorial interests is in many ways quite strong and has certainly advanced during the 30 years of democratic governance. Spain has progressively and substantially decentralized political power to 17 autonomous communities. The territorial organization of the Spanish state is asymmetrical, meaning that some regions obtained more competencies and/or obtained them earlier than other regions. Because competencies were not rigidly defined, the regions have bargained the extension of their competencies in bilateral relationships with the central government.

Interestingly, parliament, which is highly institutionalized, only unevenly provides for the representation of regional interests in Spain and compared to other federal systems. The Senate is constituted in a way that allows for only weak representation of regional interests, and, regardless, the Congress of Deputies is far more powerful. While Senate reform has been on the political agenda for much of the democratic period, it has not occurred. This means that territorial politics are debated and contested elsewhere, for instance in bilateral negotiations between the central government and individual regions. Territorial representation in the Congress is contingent on electoral outcomes and limited by strong party discipline. Territorial interests are most strongly represented in the national policy-making process when one of the two major parties (either the PSOE or the PP) needs the support of regional parties to govern (Heller, 2002). Nor are regions equally powerful in this regard. Thus far, the Catalan (CiU) and Basque (PNV) regional nationalist parties have had the most influence.

Territorial interests are also represented in national politics within the statewide political parties, which have a federal structure. Montero's

analysis in Chapter 4 demonstrates this: Party spokespersons in the national Congress frequently use regional frames in their parliamentary interventions. However, party discipline militates against individual deputies acting as representatives of their region. This also strengthens the power of the central government in comparison to countries such as Germany and the U.S., for instance, where regional constituency can determine voting behavior and on occasion override the logic of national party competition (Jeffery, 1999). Furthermore, as Hamann and Mershon find in Chapter 6, some institutional and party system factors at the regional level (such as the existence of a core party) tend to produce regional governments whose party composition mirrors that of the national government. However, this finding holds less well for those regions that gained autonomy first and have a higher degree of autonomy. These patterns raise questions concerning the effectiveness of the regional governments in general to represent interests as an alternative to the national level dynamics.

### **Representation of labor**

The institutionalization of democratic industrial relations was delayed and uneven in Spain, and this uneven institutionalization has coexisted with uneven representation of workers' interests. For example, labor unions as organizations are well institutionalized in Spanish politics, but their access to policy-making is not, as Hamann shows in Chapter 8. Hamann argues that while Spanish union membership and density is relatively low in the European context, Spanish unions have been able to turn the tide of union density decline that many of their European counterparts are still experiencing. The industrial relations system rewards the "most representative unions" as determined by workplace elections to works councils with bargaining rights at higher levels, including the national level. At the same time, unions represent not just those workers that are officially affiliated to a union. In fact, bargaining agreements are extended to the vast majority of all workers so that over 80 percent of the workforce is officially covered by the outcome of bargaining between unions and employers. Unions also represent workers' interests in the Economic and Social Council (CES), a tripartite body composed of government representatives, employers, and unions and other interest groups, but the importance of the CES lies more in its role as a discussion forum with a consultative function rather than a body that can make binding decisions or recommendations.

At the same time, the chapter also addresses the fact that workers' representation is highly uneven, with many small workplaces lacking union

representation, and bargaining agreements are not always implemented in smaller workplaces. Smaller unions lack the capacity to represent their constituents in higher-level bargaining. At the national level, the practice of national-level social pacts has not been consistent during the democratic period (see Hamann, 2001; Royo, 2002). Also, the large percentage of temporary workers, immigrants, women, and other “marginalized” workers are less well represented than full-time employees with steady jobs in core sectors of the economy (Hamann and Martínez Lucio, 2003), rendering the representation of workers’ interests overall uneven.

Yet, overall, workers’ interests are not excluded from representation; at the national level, unions at times participate in policy formulation, albeit inconsistently, through pacts, and bargaining coverage is high in comparison to other countries. Thus, the institutionalization of industrial relations institutions has been uneven, as has the representation of organized labor in the policy process at the national level. The institutionalization of industrial relations has channeled representation primarily through the workplace elections for unions, which defines unions’ bargaining rights, rather than through affiliation to union organizations. As a consequence, many unaffiliated workers are covered by bargaining outcomes, increasing the representative function of unions substantially beyond their membership.

### **Representation of women**

While women’s interests were neither institutionalized nor well represented during the first two decades of the Spanish democracy, they have become both more institutionalized and better represented during the last decade. Representation of women in Spain’s political structures lagged behind that of other countries in Western Europe and Latin America until recently. Yet Spain today has in some ways become a vanguard in women’s political representation, especially with regard to descriptive representation in the political parties, the legislature, and the cabinet. Valiente (2005b) points out that the question of women’s representation did not take on a constitutional dimension for the first decade and a half of the new democracy because there was little inclination to reform the Constitution, which reflected consensus often reached with difficulty.

Spanish women did not have equal rights during the Franco dictatorship and their presence was mostly confined to the private sphere, where they also did not have equal standing. For instance, the law prior to 1975 established that husbands had to protect their wives, while wives had to obey their husbands, and married women could not sign

a job contract or engage in trade without the permission of their husbands (Valiente, 2005a, p. 188). In terms of political representation, during the first eight legislative periods of the Franco regime, only two women ever had a seat in the assembly; once “family representatives” were introduced, no more than ten women were present in the legislature (Threlfall, 2007, p. 1070).

As Orbals shows in Chapter 9, women gained equal rights only during the transition, but even then, they remained highly underrepresented at all level of politics for several years. Improvements in representation occurred first in the national parliament and through the national Women’s Institute; as regional structures became more institutionalized, improvements in representation at the regional level followed suit. With the growing number and proportion of female deputies it became clear that women were represented primarily through leftist parties; in the eighth legislature (2004–08) over 46 percent of all PSOE deputies were women, as were 40 percent of IU legislators, and 29 percent of PP deputies were female (Threlfall, 2007, p. 1076).<sup>2</sup> This points to the importance and centrality of political parties for explaining representation. Women’s overall better representation in leftist parties in part results from the fact that leftist parties were the first to introduce gender quotas for positions in party bodies and for the party’s electoral lists. Quotas have generally been accepted as an effective strategy to increase the number of women in parliaments (Kittilson, 2006; European Commission, 2008).

Similar to Spain, voluntary quotas within political parties—primarily within leftist parties—exist in most European countries, including many of the newly democratized Central European countries, such as Poland, Hungary, Slovenia, Slovakia, the Czech Republic, or Lithuania (IDEA, 2007). In March 2007, the Spanish parliament under Prime Minister Zapatero’s leadership approved a gender equality law stipulating that each gender must constitute at least 40 percent of candidates in elections. The PP was the only party not to support the legislation. Spain has thus joined the ranks of other new democracies, most notably in Latin America, that have adopted statutory gender quotas. For example, in Argentina, where democracy was reintroduced in 1983, a 1991 law stipulated that party lists had to have a minimum of 30 percent female candidates, which had to be ranked throughout the list to ensure that women had a realistic chance of being elected. A total of 11 Latin American countries adopted laws ensuring a minimum of women’s representation by 2004 (Norris, 2004, p. 197).

With half of Prime Minister Zapatero’s cabinet, during his first term in office (2004–08), and more than half at the outset of his second term

(2008–), having been female, Spain became one of the highest-ranked countries in the world in terms of women's political representation, both at the executive and legislative levels. Only the Scandinavian countries of Norway and Sweden as well as Austria have achieved similar successes. Finland and Denmark have had similar rates of female representation in the legislature, but not in the executive (Threlfall, 2007, p. 1069; IPU, 2008).

Even though much of the discussion and progress concerning women's representation has taken place at the national level, subnational legislatures, and other subnational women's organizations also became increasingly important as Ortobals demonstrates in Chapter 7. Women's representation takes place not just through parties and parliaments at the national and subnational level but also through other institutional structures, such as women's policy agencies at different levels of governance. Ortobals also shows, however, that based on research in a few selected regions, many women's organization are not adequately represented by regional women's policy agencies since the women's organizations communicate with the agencies primarily in pursuit of resources rather than to discuss policy preferences. While channels for representation have become more institutionalized over the last decade and the representation of women has overall increased, deficits with regard to both substantive and descriptive representation remain.

In sum, partially due to the nature of the Spanish transition, in some areas strong institutionalization hindered (e.g., the electoral laws) or delayed (e.g., the informal institutions of interparty competition) the emergence of more representative politics. In turn, representation has improved over time in some areas of initially weaker institutionalization, as Spain's territorial and gender politics illustrates. The former arena, however, has also remained among the most contentious issues in Spanish politics. In other areas, such as industrial relations, institutionalization continued through the 1990s but still excludes the interests of some sectors of the workforce. Nonetheless, while some interests were—and in some cases still are—weakly represented, Spanish institutional arrangements did not exclude any significant cleavages completely.

### **Institutionalization in comparative theoretical perspective**

In the Introduction to this volume, we argued that Spain stands out from most other third-wave democracies due to its level of institutionalization. We also argued that the type of transition consensus on

institutions in Spain mattered for subsequent institutionalization; where consensus meant the resolution of key institutional issues, we were more likely to find earlier and stronger institutionalization. However, where consensus meant pushing resolution out to some future date, institutionalization took longer or has remained uneven after 30 years of democratic governance. The volume chapters provide additional comparative theoretical lessons regarding institutionalization, which provide fruitful avenues for further research outside of the Spanish context.

Van Biezen, in Chapter 2, demonstrates that the main political parties in Spain ultimately institutionalized party organizations that are broadly similar to their Western European counterparts. This includes relatively weak partisan linkages, low membership levels, the predominance of professionals and the party leaderships, the importance of public funding and state regulation, and the parties' assimilation with the state; however, they have arrived here from a different departure point. From a comparative theoretical perspective, these commonalities are due to contingent factors (a period effect) that affect organization-building in both old and new democracies; however, in Spain, these characteristics are more forcefully present, which illustrates the importance of path dependency or a generation effect in newer democracies.

In Chapter 3, Field highlights the importance of analyzing the institutionalization of informal behavioral patterns during transitions toward democracy and their transformation under democratic regimes. An important comparative lesson drawn from the Spanish case is that informal institutions better explain the patterns of interparty consensus in Spain than the formal institutional arrangements. The Spanish case also demonstrates that full-fledged formal consensual or consociational institutions are not always necessary for consensual interparty politics, and therefore is an important case for debates on democratization and institutional design. Furthermore, Field suggests that informal institutions, while perhaps more difficult to establish or historically contingent, may be transformed more easily than formal ones, and therefore perhaps present less of a barrier to democratic transformation. Future research would do well to explore when and why informal institutions emerge that facilitate democratization processes.

Montero's analysis, in Chapter 4, sets up two potentially contradictory institutional logics of centralization and decentralization. Spain both institutionalized a strong parliamentary system with the major parties having highly disciplined national organizations and representatives and 17 regional governments with significant power. His analysis contributes to debates on democratization and decentralization; contrary

to those who expect the decentralization of the state to inject territorial interests into the partisan and legislative structures of democracies, the representation of territorial interests are muted in the Spanish Congress. This occurs despite the fact that Spain is one of the most decentralized states in Europe. He suggests that one explanation for the resolution of these contradictory institutional logics is the timing of institutionalization as the national parliament and parties began this process prior to state decentralization. The timing and staging of institution-building again emerges as an important variable for comparative politics research.

In Chapter 5, Maurer finds that the institutionalized Spanish committee system in the Congress of Deputies is rather weak and that comparative theory on parliamentary committees helps account for its weakness. However, contrary to the claims of the theoretical literature on committee systems in advanced democracies, the uninstitutionalized committee system during Spain's first post-constitutional legislative session (1979–82) was quite strong, when few of the hypothesized conditions of strong committees were present. Maurer therefore finds that party systems and institutions in flux can also lead to powerful committees, and that institutionalization can in fact weaken committees. This ties into our main point of the last section, namely that institutionalization should be analyzed along with its implications for representation.

Hamann and Mershon, in Chapter 6, find that the outcomes of regional government formation processes in the Spanish autonomous communities can be relatively well explained by existing theories grounded in empirical cross-national comparisons. Institutional and party system factors perform well when accounting for the composition and types of regional governments. Over time, as the regions as well as the government formation processes have become more institutionalized, minority governments have become less likely when no party gained a legislative majority. The decreased frequency of minority governments approximates patterns in cross-national research of European democracies and reveals that with increasing institutionalization of the Spanish regions, government formation outcomes resemble those of established national executives more closely. Analyzing government formation of the Spanish regions thus confirms existing theories, but also points to the importance of amending these theories to take account of the different dynamics that might be in place at the subnational level.

In Chapter 7, Orbals finds that the institutionalization of regional structures has afforded women additional opportunities for representation. While regional parliaments and Women's Policy Agencies were not

at the forefront of increasing effective representation for women, they nonetheless offered opportunities of which women were able to take advantage. However, it was the national leftist political parties and the national Women's Institute that initialized improvements in women's representation; regional structures followed suit once they became more deeply institutionalized. Thus, the research does not confirm hypotheses grounded in theories expecting immediate representational benefits to result from decentralization but points to a delayed effect. The chapter also draws attention to internal structures of political parties to understand better why some parties promote gender equality but others do not. For example, party feminists had access to party elites in the PSOE, which was crucial for the party leadership's acceptance of quotas. Finally, the research confirms theories suggesting that women's representation can occur not just through electoral channels, but also through other avenues, such as Women's Policy Agencies.

With respect to industrial relations, Hamann points out in Chapter 8 that the trajectory of Spanish unions since the transition to democracy has been shaped by an institutionalization process that was delayed, incremental, and uneven. The transition privileged the definition of other political institutions over industrial relations institutions, many of which were defined once democracy had already been established. At the same time, the unions' role in policy formulation has remained uninstitutionalized and contingent, with union inclusion in the negotiation of national social pacts happening at irregular intervals. The chapter illustrates that unions can recover or retain strength not just in Coordinated Market Economies, where the institutional prerequisites are conducive to stronger unions, but also in Mediterranean economies, where these institutional characteristics do not exist. Furthermore, the chapter suggests that even though the democratic industrial relations were institutionalized rather than dismantled over the last 30 years, they have resulted in different outcomes, such as a weakening or strengthening of unions. This variation in outcomes highlights the importance of actor behavior within institutional frameworks to account for varying outcomes.

Chari and Heywood find in Chapter 9 that the policy-making process in Spain has become highly institutionalized with the core executive assuming a powerful role regardless of the political party in government. While particular policy outputs may vary over time, the process itself has remained consistent. Furthermore, the European Union and the particulars of the economic system have contributed to shaping the governments' policy agenda across governments. Thus, while differences in

party leadership or type of government (majority vs. minority) over time may suggest variation in policy patterns, the underlying institutional logics are more consistent over time than is at first glance apparent. The chapter underscores the importance of choices made during pivotal moments (or “critical junctures”), such as defining moments of the transition to democracy, and the long-term effects of these choices (e.g., a strong core executive) for democratic governance for decades to come. The chapter also draws a lesson for comparative analysis, in that it is crucial to differentiate processes from outcomes in order to understand better the policy choices of particular governments or countries.

Finally, we emphasize again that institutionalization is clearly an important process for new democracies to accomplish. Nonetheless, institutionalization can also solidify profound representational biases in new democracies. In the Spanish case, we see these biases clearly.

### Concluding remarks

This volume has highlighted the many accomplishments of Spanish democracy over the last 30 years, but it has also pointed to some areas where democratic deficits are apparent, especially with respect to uneven representation of interests. Yet, while the representational deficits are important and may diminish the quality of Spanish democracy, Spain is not an outlier in this regard; rather, it fits within the parameters of the longer-standing democracies.

At the same time Spain has in some ways assumed a vanguard position compared to other democracies—not just in Western Europe but worldwide—with respect to women’s representation in the national legislature and the cabinet, for instance, and recent legislation on gender equity institutionalizes these accomplishments. Spain has also moved to the forefront of acknowledging the rights of other social minorities, such as through legalizing same-sex marriage. Similar conclusions can be drawn with respect to the system of regional interest representation. Despite the fact that Spain has no national chamber in which regional interests are strongly and effectively represented, the Spanish version of federalism has been suggested as a potential “model for the future” (Obinger, Castles, and Leibfried, 2005, p. 8, fn 18).

This is not to imply that the conflict surrounding the status of the Basque Country has been resolved—in fact, ETA’s resumption of violence demonstrates forcefully that a peaceful solution to the conflict has not yet been reached. Neither do we mean to suggest that the federalization process that has incrementally been granting more rights to the

Spanish regions has come to a halt, or that there is a clear vision of what the territorial distribution of power will eventually be. Nonetheless, the Spanish model remains an important reference point for other democracies.

In conclusion, Spanish democracy has its peculiarities and challenges, much like the longer-standing democracies. After 30 years of democratic governance, the degrees of institutionalization and representation are not markedly different from those of other established democracies. Spain therefore should no longer be considered an exceptional case and should be included in cross-national studies of advanced democracies.

## Notes

1. These include the parliamentary system, proportional representation electoral laws and closed-party lists, the parties' candidate selection procedures, as well as party- and campaign-financing laws and congressional rules that are party-centric (see Field, 2006b; Sánchez de Dios, 1999).
2. Women are less well represented in the Senate, possibly because the Senate does not use proportional representation electoral laws, which have been found to be significant for the election of women to parliaments (Norris, 2004, p. 187).

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