

Developing Links Despite the Parties – Parliament and Citizens in Portugal

CRISTINA LESTON-BANDEIRA* and
TIAGO TIBÚRCIO

This article reviews the historical and institutional context of the Portuguese parliament and its consequences in shaping its relationship with citizens. This explains the heavily party-based representative mandate, as well as its national nature. Not only do parties mediate the relationship between parliament and citizens, but also constituencies have had little meaning in the Portuguese constitutional framework. Still, the article shows that the relationship between parliament and citizens has deepened over the last decade. In particular, the parliament has opened up considerably, namely through public engagement activities and new media. The article also dedicates a considerable part to petitions, as these have become an important mechanism for Portuguese citizens to engage with parliament.

Keywords: Portuguese parliament; parliament and citizens; petitions; responsible party model of representation; public engagement.

Introduction

The first edition of this article was entitled ‘Still Looking for Links’ (Leston-Bandeira 2002a). Ten years on, the Portuguese parliament, the *Assembleia da República* (AR), is an interesting example to investigate how a strongly party-based parliament that abides by a national mandate develops direct links with citizens. It shows a different model of relationship between parliament and citizens; one not as clear as the traditional constituency-based one, but one that works within specific parameters. Although the nature of the representative mandate in Portugal is still dominated by the party unit, we have seen the development over the last decade of specific mechanisms aiming to promote public engagement. A long way from the reality of long-standing democratic parliaments, the Portuguese legislature does however show some developments of a more specific type of representation and a higher engagement with citizens, namely through the expansion of means of communication facilitated by new media.

This article shows how a late democratisation and a past of considerable institutional instability have contributed to a weak definition of the representative mandate in Portugal. This only started developing when democracy was introduced in the mid-1970s. And it was only 30 years later that we started seeing the introduction of clearer channels for the relationship between parliament

and citizens. The article first reviews the historical legacies that have influenced the representative mandate in Portugal then shows the embedding of the party-responsible model of representation and how this affects the relationship with citizens. After assessing the levels of trust, we will finally show the actual mechanics of the relationship between parliament and citizens, with a particular focus on petitions.

Historical Legacies

In order to understand the contemporary relationship between parliament and citizens in Portugal it is important to appreciate its historical legacy. The Portuguese parliament was first created early in the nineteenth century during the wave of liberalism that swept across Europe. Set in 1820 under a monarchical system, it would take another 155 years before it became a fully democratic parliament. This has consequences on its relationship with the public for a variety of reasons and with diverging consequences. In particular it hinders the idea of trust in representatives, as the parliament has only recently been integrated into an accountable system that links representatives and represented. And this has come on the back of over 100 years of deep-rooted suspicion of politicians. We therefore need to take a step back before we evaluate the contemporary relationship between parliament and citizens in Portugal.

The Portuguese parliament underwent substantial turmoil before it became a fully democratically representative parliament in 1975 – the first democratic elections to be held in Portugal, following the carnations revolution of 25 April 1974.¹ This democratic revolution put an end to 48 years of the dictatorship led by Salazar,² which itself came after considerable political instability entrenched in the Portuguese first republic. The first republic was introduced in 1910, putting an end to the representative monarchical system which had been in place since the first representative chamber of the 1820s. In the 90 years of the representative monarchical system significant amendments were introduced affecting the role and powers of parliament, giving it varying degrees of autonomy in relation to the monarch. For example, soon after the first liberal parliament was elected in 1826, its powers and role were changed towards a more restricted form of liberal representation which enhanced the powers of the monarch. This type of change would happen throughout the remainder of the monarchical regime (Pinto dos Santos 1986). With the introduction of the republic in 1910, further changes were introduced, now providing for a very strong parliamentary system. Again, the period of the republic was characterised by considerable change in the role and powers of the representative assembly, leading to coups and counter-coups eventually ending in 1926 when Salazar secured fascist rule. Both the representative monarchical system and the republic were therefore characterised by considerable institutional and systemic turmoil, which did little to institutionalise the value and meaning of the representative mandate in Portugal.

Besides this, both regimes were characterised by a widespread clientelistic network known as *caciquismo*, which hindered trust in politicians and fostered a general acceptance of what were effectively forms of corruption. *Caciquismo* consisted of the practice of representatives promising favours for the benefit of a specific locality in exchange for votes from its voters. This, associated with a lack of party unity in a context of Cadre type parties, led to a widespread practice of *caciquismo*. Besides the consequences in hindering trust, *caciquismo* was also a cause of the extensive political instability that characterised those years, as representatives followed their own individual agendas rather than a collective party mandate. Throughout the first 100 years of Portugal's representative mandate, this was therefore associated with a highly individual and localised style of representation (Tavares de Almeida 1998), which became associated with entrenched corruptive networks (Farelo Lopes 1991). Salazar's regime would emerge as one promoting an anti-politics approach, as a reaction against the corrupt and unstable legacy of the monarchy and republic. Salazar's dictatorial regime would be characterised by a patrimonial style of leadership, where he was seen as being above politics. The Salazar regime brought enforced political stability – through the absence of a multi-party system, amongst other things, and an obliteration of parliament's role and of its representative mandate.

This historical legacy has clear consequences for the relationship between parliament and citizens, at both institutional and cultural levels. One of the main aims in drafting the new constitution was to design a political system with a strong democratic and representative legitimacy to counteract the years of dictatorship. But there was also a clear intent to avoid new forms of *caciquismo*. At the same time, a conflict between two different visions for Portuguese democracy was developing: one called for more direct forms of democracy under military rule and the other for party-based forms of representation. The elections of the Constituent Assembly in 1975 gave a clear stamp of legitimacy to the representative vision, when an overwhelming 91.7 per cent of the population voted for representative democracy against a small minority of 6.3 per cent of voters (Bacalhau 1994, p. 155) who followed those defending a blank vote to reject the representative model. With reinforced legitimacy for a solid representative democracy, the constitutionalists would design a system where the (national) party plays a central role in the representative mandate. This would ensure the representative link, whilst at the same time ensuring a collective representation which would not become hindered by localised issues.

But there is also an impact at the political culture level. This has been characterised as parochial (Leite Viegas and Santos 2009, p. 129), with a weak civil society leading to poor public engagement in politics compared with the rest of Europe. A period of 155 years' experience of ill-formed representative mandates left not only a general sense of distrust of representatives, but it also denied the opportunity to nurture a more civic-like culture of public engagement with parliamentary politics. This historical legacy also fed a widely accepted belief of an *anti-parliamentary* feeling. Compared to other well-established European

countries, Portugal's young democracy has therefore inherited high levels of distrust of politicians. Another effect of the historical legacy is a general suspicion of politics associated with local issues, a direct consequence of the *caciquismo* experience. This is enshrined in the Constitution through provisions such as one forbidding regional-based parties (art.51), but is also commonly visible in the media and the political discourse. This has obvious effects not only on the practice, but also the perceptions of the representative mandate; a perception that differs considerably from the traditional Anglo-Saxon view of MP–constituency relationships.

A National and Party-Based Representative Mandate

The Portuguese representative mandate is constitutionally framed as party based and nationally focused. Only parties can propose candidates for parliamentary elections³ (art. 151) and article 152 explicitly says that 'Members shall represent the whole country and not the constituencies for which they are elected' (CRP 2005). Both of these provisions have been enshrined since 1976. Besides this, the electoral system is a closed list proportional representation system according to the d'Hondt highest average – a system that strengthens the power of the parties and in particular of party central headquarters (Bowler *et al.* 1999, Gallagher 2008). This institutional framework does not therefore promote an individual role for deputies; the party – or its caucus in parliament – is *the* representative unit. On top of this constitutional framework, the parliament's own rules reinforce the role of the parties as the key unit of organisation for all matters, from budget and resources to time allocated in the plenary or number of opposition rights. Since the mid-1990s provision has been developed to provide some rights that are individual to deputies (such as time to speak on specific issues), but essentially the Portuguese mandate is near to a pure application of the responsible-party model of representation (Pequito Teixeira 2009).

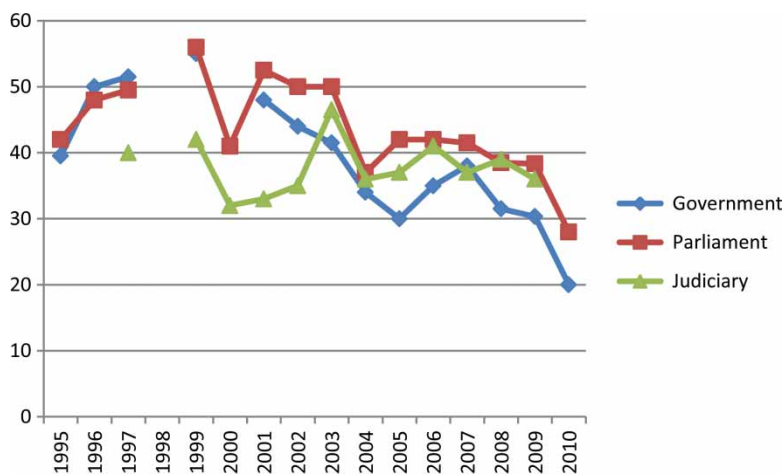
Thus, traditionally, the relationship between parliament and citizens in Portugal has been mediated by the party unit and has tended not to be constituency specific. This is still the main trend today, despite new developments that are addressed below, as confirmed by the deputies interviewed.⁴ If citizens have an issue, they are likely to contact a party or their respective parliamentary group – rather than a specific deputy elected in their district. Or citizens may contact a relevant parliamentary committee dealing with that matter (for example, a health issue brought before deputies sitting in the Health Committee). In terms of constituency-based issues, citizens are more likely to contact local government structures, in the first instance. Portugal has a strong local government structure, with directly elected local mayors, council assemblies and parish assemblies. Local politicians have considerable visibility and therefore local issues are often referred to the local government structures. If anything, locally based representation takes place in parliament mainly through the deputies' initiative (rather than through issues directed to them by citizens), as many have political

responsibilities in their local area. This is clear, for instance, in the high proportion of municipal bills that are submitted every year by deputies, which aim solely to elevate the administrative level of towns and villages (Leston-Bandeira 2004, p. 70). So although there is some specific representation taking place, this has been mainly MP-led; in terms of citizen-led representation, this has focused around the party unit and national matters.

Trust in Parliament

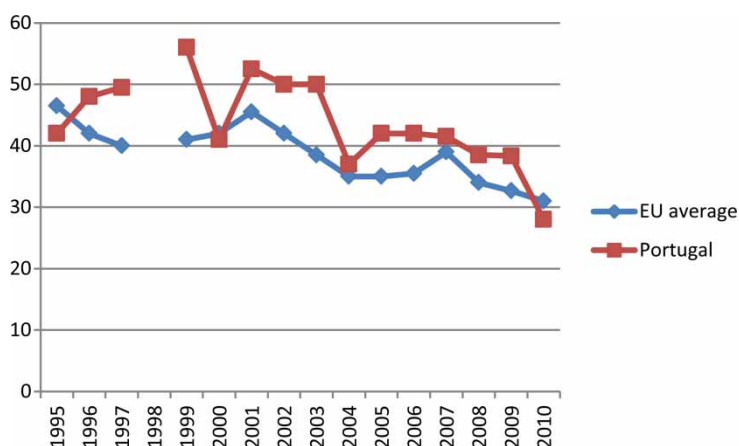
Having considered the historical legacies and the institutional framework of the representative mandate in Portugal, we now turn to the levels of trust. As Figure 1 shows, the levels of trust in the Portuguese parliament have been declining over the past decade, similar to trends seen elsewhere (van der Meer 2010). However, this comes after an actual increase in the second half of the 1990s, and it corresponds to levels of trust higher than those placed in the government or the judiciary. As shown elsewhere, it would seem that the levels of trust in parliament follow patterns dictated by government; rather than a reaction to parliament, these levels of trust fluctuate according to the government's popularity (Leston-Bandeira 2002b, Magalhães 2006). If anything, citizens' view of parliament may not be that clear. What is more, according to the Eurobarometer data, the level of trust in the Portuguese parliament is higher than the EU average, as shown by Figure 2. This has been the case since 1996, well before the two recent

Figure 1: Trust in Government, Judiciary and Parliament, in Portugal, 1995–2010 (%)



Note: Values are averages from the values of the standard Eurobarometers of the respective year (percentage of those who tend to trust in parliament). Missing data correspond to years where there are no data available. The same applies to Figure 2.

Source: Eurobarometer Standard Surveys (1995 to 2010).

Figure 2: Trust in National Parliament EU Average Compared to Portugal, 1995–2010 (%)

Source: Eurobarometer Standard Surveys (1995 to 2010).

enlargements. Despite a stark decrease in levels of trust since the beginning of the new millennium, there is no evidence of a strong *anti-parliamentary* feeling, also illustrated by Pequeto Teixeira and Freire's (2009, p. 85) in-depth analysis of trust, contrary to what is commonly thought in Portugal.

Still, there has been a steady decline in trust over the past decade which, associated with declining levels of turnout (Freire and Magalhães 2002, IDEA 2011), has led to a general acceptance in public opinion that Portuguese democracy is in trouble, ultimately leading the political discourse to focus on issues of public engagement. It is within this context that the AR has undergone a number of initiatives to expand its possibilities of contact with the public. Whether this results in enhanced levels of trust in parliament remains to be seen, since the factors influencing levels of trust are many and complex (Magalhães 2006, Dalton 2007, Norris, 2011).

Opening Up of the Portuguese Parliament

Traditionally a closed institution, the AR has opened up considerably since the mid-1990s. Inherited from the dictatorship years, the culture of secrecy lingered over the institution's first two decades of existence. From a time when it was problematic to visit or contact parliament, other than the restricted times of access to the public galleries, the AR has moved towards an institution where a mass of information is accessible at the click of a button, where citizens can be involved in parliamentary activities and where direct access to deputies is facilitated. This move has taken place via three different routes: promotion of parliamentary activity at a more individual level, development of direct channels of

communication with citizens, and promotion of citizens' involvement in the parliamentary process.

Promotion of Individual Parliamentary Work

The promotion of parliamentary activity at a more individual level – rather than at party level – started with the 1993 reform of parliament (Leston-Bandeira 2004, pp. 59–62, 97–99), and was then taken further with the reform of 2007. Both reforms encompassed revisions to key regulatory documents, such as the Rules of Procedure, and both quoted a closer relationship with citizens as their main motive. In 1993 the formal recognition of specific days for constituency contact was introduced for the first time (for more see Leston-Bandeira 2002a), and in 2007 deputies were given the possibility to head the bills they proposed themselves rather than through their parliamentary group leader, as used to happen. The Chair of the all-party group that led the 2007 reform identified in interview the greater autonomy of deputies as one of the main assets of this reform.⁵ Interestingly, though, the greater autonomy of deputies was not seen as a positive move by the MPs from the smaller parliamentary groups. As members of smaller groups, these deputies naturally have more visibility and the issue of autonomy may be less pressing to make their work known to citizens. Other 2007 amendments aiming to enhance the visibility of MPs' individual work included making information about all deputies easily accessible on the parliament's website. It is now possible to search any aspect of parliamentary activity for each deputy, such as bills proposed, questions put and so on; but also the register of members' interests and absences.

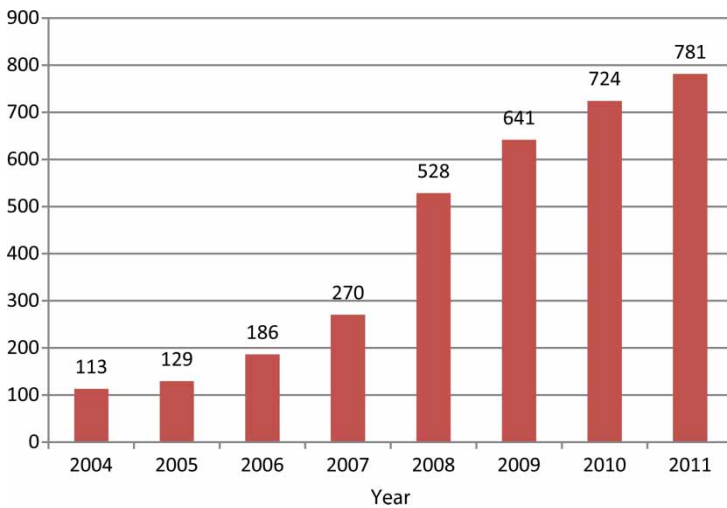
The 2007 reform also put strong emphasis on the working conditions of deputies, having significantly expanded the article in the Statute of Deputies which previously simply stated that deputies should have 'adequate working conditions' in parliament (AR 2009a, art.12). The 2007 revision added four specific items establishing a benchmark of what would be acceptable working conditions: an individual office, assistant, email and webpage. While Portuguese deputies already by then had individual emails and the possibility of having a personal webpage, they did not have individual offices or individual assistance and support (Leston-Bandeira 2007, p. 407). This provision was considered controversial, in particular the issue of recruitment of individual assistants, which was portrayed very negatively by the media, becoming a main focus of contention regarding this reform. To date these provisions have not been applied, but these changes are indicative of a recent move of focus on individual deputies. A higher individualisation of deputies' work can lead to better engagement with the public, as parliamentary work becomes less anonymous and individual issues can acquire greater visibility. Some of this individualisation of deputies' work has also taken place through the development of MPs' personal websites. Although its use is still limited, there are signs of a fledgling development of a more trustee type of representation with higher visibility of individual MPs and a more locally based representation (Leston-Bandeira 2012). What is more, our interviewees

confirmed that the ability to contact MPs individually and directly through new media has led to an increase in contacts from citizens, and still at manageable levels. In fact, this contact is valued and cherished by MPs.

Development of Channels of Engagement with the Public

The culture of openness of today's Portuguese parliament is very different from that of the early 1990s. Partly following political will focused on the enhancement of the relationship with citizens, partly due to effective administrative leadership,⁶ the AR has seen considerable developments over the last decade in opening up to citizens. This development has taken place mainly through three different channels: opening of the parliamentary building to external visitors and events, development of the youth parliament⁷ and online presence. A new dedicated centre was created in 2004 with a specific focus on coordinating the promotion of parliamentary information to citizens: the Centre of Information to the Citizens and Public Relations. This shows the recognition of a focus in this area. A direct result of this new service has been a much more pro-active role of the AR in promoting visits to the building, under a number of different programmes, with an average of 530 visitors per week during the 2005–09 parliament (AR 2009b, p. 105). Also, the parliament now produces material specifically aimed at citizens, and regularly promotes an increasing number of events and exhibitions in its own buildings. The youth parliament programme was initiated in 1995 by an MP (Julieta Sampaio) as a small programme and has since become institutionalised as an annual event that parliament delivers in

Figure 3: Number of Schools Registered in the Portuguese Youth Parliament Project, 2004–11



Source: Parlamento dos Jovens, <http://app.parlamento.pt/webjovem2011/index.html> (accessed 27 March 2012).

association with external educational organisations, which now includes integration in the European Parliament's Euroscola (AR 2011, pp. 3–5). As Figure 3 shows, the number of participating schools has steadily increased, at the same time as the process has become more complex, with school children running plenary sessions in parliament's chambers for some years now, as well as carrying out committee work and voting on specific resolutions.⁸

As with other parliaments, the online presence has made the AR a much better known institution. Before the existence of the parliament's website, it was challenging to access any information except through the official parliamentary journal or media reports. Although the use of social network tools has for now been limited to deputies, the AR does have a much improved website with detailed information and search possibilities. The AR was also a pioneer amongst parliaments when, in 2003, it established that the official parliamentary journal should only be published online and that parliament should provide MPs with personal websites and blog systems (in existence since 2004). Indicating the importance still given to new media, the 2007 revision specifically established certain requirements to be met by parliament's online presence, to include a new Resolution that lists specific tools such as online forums or Web 2.0 tools, which should be included on parliament's website (AR 2007). Not all of these have been applied yet, but the 2008 re-vamp of the website has clearly put an emphasis on citizens, with a more user-friendly layout and a specific section dedicated to citizens, which has prominence on the home page.⁹ Usage of the page has increased considerably since the introduction of the new website, according to figures from the AR's services (AR 2009b, p. 111), with a monthly average of 125,000 visits in the 2005–09 parliament. Besides activities led by parliament, external providers have also started to promote information about parliament, such as *ParlamentoGlobal*, a consortium of media outlets established with the specific aim of promoting citizenship and better coverage of parliamentary issues.¹⁰

Involvement in the Parliamentary Process

Parliament's opening up has gone beyond the provision of more information; it has also included new tools through which citizens can become involved in the parliamentary process. This step started in 1990 with a strong focus on the right to petition – and, as we shall see below, this tool has since expanded further in complexity and volume of usage, today being the main means by which citizens lobby parliament towards specific action. But besides petitions, the Portuguese can now also present bills to parliament, as well as participate in online forums associated with deliberation of bills. Since 2003 Portuguese citizens have been able to initiate bills to undergo the normal legislative process, as long as they have the support of 35,000 signatures (AR 2003). However the take-up on this has been extremely poor, with only one such bill ever having been proposed.¹¹ In terms of online forums, the take-up has also been relatively disappointing: since 2004 only 25 online forums have taken place and, as Table 1

Table 1: Number of Online Forums per Number of Contributions per Forum, 2004–12 (March)

Number of Contributions	0	1–5	6–10	11–20	21–99	Over 100
Number of Online Forums	6	7	3	4	3	2

Source: FÓRUM – Espaço interactive, <http://www.parlamento.pt/EspacoCidadao/Paginas/ForunsIndex.aspx> (accessed 27 March 2012).

shows, the participation has been particularly low. The only two forums with more than 100 contributions were the two first forums created, when there was considerable publicity about these in the media.

These figures indicate that this tool has not been extensively used. The right to petition is in fact the main means citizens have chosen to present issues for discussion in parliament. We dedicate the next section entirely to petitions.

Petitions

The Petition Right

The right of petition has been foreseen constitutionally in Portugal since its very first constitution in 1822, having been kept in every new constitution issued since then, including during the period of dictatorship. However, its legal provision has only been defined by law since 1990 (Law 43/90).¹² Despite its very early recognition in the Constitution, the provision of presenting and discussing petitions was effectively non-existent up to the 1990s, when the right of petition received renewed attention in a context of general discourse focused on the need to narrow the distance between represented and representatives (Leston-Bandeira 2004, p. 79).

The Portuguese right of petition is an extraordinarily unrestricted participatory tool. There are hardly any rules defining its format or contents, they can be presented at any stage, and in an individual or collective capacity. Petitions are presented by citizens directly to parliament, in writing, and since 2003 the AR is required to provide for electronic means to submit petitions, to ensure more efficient management of each petition.¹³ The implementation in practice happened in the subsequent parliament (2005–09). Since then, citizens are able to submit petitions through an online form located on parliament's website.¹⁴ This merely facilitates the submission of petitions; it does not give the opportunity to collect signatures or discuss the petition. Still, the possibility of submitting petitions online has led to an increase in the number of petitions submitted, as we shall see below.

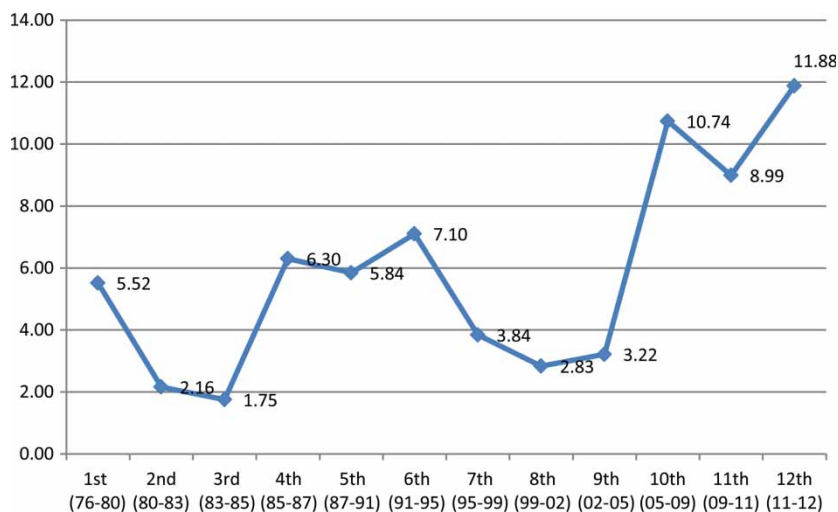
Once submitted, petitions could be considered either by relevant standing committees or by a committee specifically set up for petitions. Whilst a Petitions Committee did exist between 1990 and 1995, the rule has mainly been that petitions are considered in the relevant standing committees according to subject area.

Volume of Petitions Submitted

The volume of petitions submitted to the AR since the first parliament has followed an overall rising trend, with a considerable increase over the last decade. Figure 4 shows the average number of petitions submitted per month since 1976. As this figure shows, after a peak in the early 1990s (6th parliament) which coincided with the issuing of the Petitions Law, there had been a decline in the number of petitions submitted. But in the 10th parliament (2005–09), the volume of petitions submitted increased extraordinarily to a total of 592, an average of 10.74 per month. The possibility of submitting petitions online seems to be the main reason explaining this rise, since more than half (304) were submitted by this means.

The two peaks in the number of petitions presented therefore coincided with times of specific enhancement of the petition right. But they also coincided with absolute majority periods, a time that has been characterised by an increase in scrutiny activity (Leston-Bandeira 2004), which could also explain the higher volume during those periods. The 11th parliament had a minority government in place and the data show a small decline in the number of petitions submitted, although still holding to comparably high values (average of nine petitions per month, total of 181),¹⁵ suggesting that the level of participation has remained

Figure 4: Petitions Submitted to Parliament, Average per Month, 1976–2012



Sources: 1st to 3rd parliaments: Braga da Cruz (1988, p. 111); 4th and 5th: Report on the Activity of the Petitions Committee, *DAR*, II-C, 12, 18 January 1992; 6th: Report on the Activity of the Petitions Committee, *DAR*, II-C, 30, 16 September 1995; 7th to 10th: Tibúrcio (2010a, 121); 11th: Report of Parliamentary Activity, www.parlamento.pt/ActividadeParlamentar/Paginas/RelatoriosEstatisticas.aspx (27 March 2012); 12th: Parliament's website: <http://www.parlamento.pt/ActividadeParlamentar/Paginas/Peticoes.aspx> (accessed 27 March 2012).

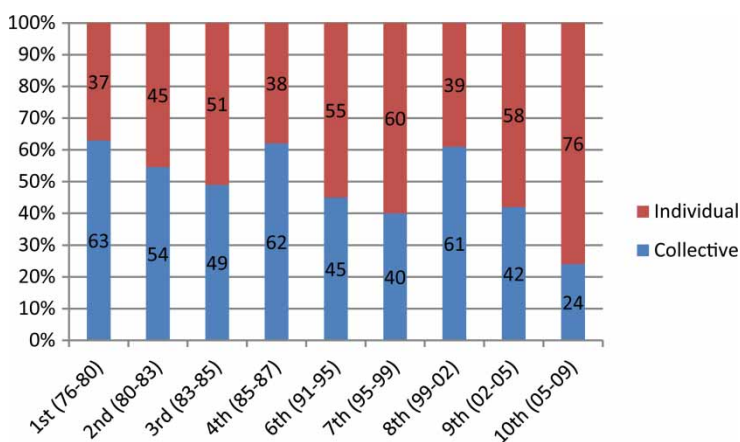
high. The 12th parliament, under an absolute majority coalition, has seen a new rise in the number of petitions submitted.

The Petitioners

All citizens have an individual right to present petitions to parliament. Besides this, corporate bodies – as collective entities – can also present petitions, having traditionally represented the main type of petitioners to the AR. But, as Figure 5 shows, since the 1990s, individual citizens have become the main petitioners, demonstrating that petitions have acquired an important status as a participatory tool.

Although there has been a steady increase in the volume of petitions presented by individual citizens since the first parliament, it is from 1990 onwards that this becomes clearer. Before the issuing of the Petitions Law in 1990, corporate bodies were the main type of petitioner and in particular trade unions, which submitted between 10 and 21 per cent of all petitions. There was a perception then that petitions were a tool of trade union activism (Braga da Cruz 1988). However, since the 6th parliament the volume of petitions being submitted by Trade Unions has seen a steady decline (down to 3 per cent of all petitions in the 10th parliament). Therefore the concerns that petitions would be taken over by corporate bodies, and in particular Trade Unions, which have a strong tradition of activism in Portugal, have not been confirmed in practice. Individual citizens now constitute the main type of petitioner.

Figure 5: Proportion of Individual and Collective Petitions, 1976–2009 (%)



Note: No data available on this variable for the 5th parliament. Note also that the data from Braga da Cruz and Tibúrcio are not exactly comparable, but the differences do not have an impact on the proportion of collective and individual petitions.

Source: 1st to 4th parliaments: Braga da Cruz (1988); 6th to 10th: Tibúrcio (2010b).

The increased volume of petitions by individual citizens is particularly noticeable in the 10th parliament (2005–09), when the online system of petitions became available: 76 per cent of all petitions were submitted by individual citizens (rather than corporate bodies), as opposed to 37 per cent in the first parliament (1976–80). As before, the ability to submit petitions online seems to explain this rise: out of the 304 online petitions, 288 (95 per cent) were individual citizens' petitions. What is more, 66 per cent of all petitions presented were subscribed by a single petitioner (in contrast to 30 per cent in the previous legislature), the majority of which were submitted online (Tibúrcio 2010a).

Finally, although the right to petition is now seen mainly as a citizens' right, corporate bodies' petitions include organisations that are very close to power such as local council executives and even political parties.¹⁶ Although there is some legal controversy about the use of this participatory tool by this type of organisation, there is a general consensus amongst parliamentary groups that this is a legitimate use, as confirmed to us in interviews.¹⁷ One senior MP, who led the working group that undertook the reform of parliament in 2007, said that he saw advantages in the submission of petitions by parties, as clear opportunities for parties to establish a closer relationship with citizens, by seeking public support for a specific policy.¹⁸

General vs Personal Matters

The Portuguese system allows petitions to cover both general and specific matters; that is, matters of a general interest for the country suggesting, for example, new areas for policy-making, and specific matters defending personal interests and rights. Taking into account the considerable ease and lack of limitations in the use of the petition right, some authors have expressed concerns that parliament would be overwhelmed by requests dealing with personal matters, distracting parliament from its key responsibilities, namely legislation and scrutiny (for example, Miranda 1995, pp. 56–58).

As Table 2 shows, the fears that petitions would relate mainly to personal matters have not been realised in practice. A detailed analysis of 972 petitions presented between the beginning of the 7th parliament (1995) and the end of

Table 2: Nature of Interests Pursued by Petitions, 1995–2009 (%)

Nature of Interest of the Request	Parliaments			
	7th (1995–99)	8th (1999–2002)	9th (2002–5)	10th (2005–9)
General	83	92	90	86
Personal	16	8	7	12
Mixture	1	0	3	2

Source: Tibúrcio (2010b).

the 10th (2009) shows that petitions tend to focus overwhelmingly on matters of general interest.

What is more, the vast majority of these petitions call for action from parliament specifically in terms of legislation or of scrutiny of government's action; and this pattern was unaltered even in the 10th parliament when the number of individual petitions increased considerably. The analysis of the petitions' text and reports shows that in cases where personal matters were at stake, petitioners were able to convert their personal experience into suggestions for wider policy of general interest. For example, a petitioner who complained about not being informed of a legal amendment which meant that she stopped receiving free prescriptions suggested an amendment to the law allowing more time for publicity and application of the new rules, on the basis of a general interest rather than a resolution of her specific case.¹⁹

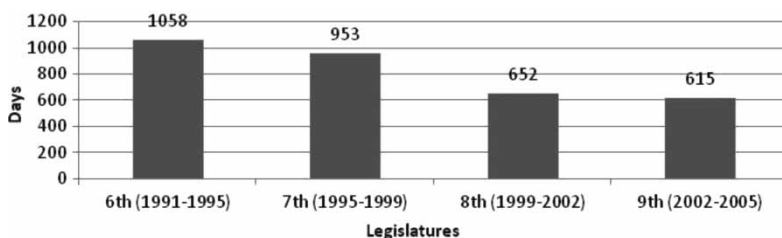
The Potential Effects of Petitions

As with other systems, there are few definite instances where one can identify a clear output from a petition. A great part of a petition's impact derives from the publicity it manages to gather or by causing action by others. When assessing the extent to which petitions have an impact in resolving specific issues, one of the recurrent criticisms refers to the AR's lengthy process to consider petitions. This was an issue of particular concern for the Committee of Petitions, set up between 1990 and 1995, which as a result prioritised petitions submitted in the preceding legislatures. Furthermore, in 1997, this concern to promote a swift consideration of petitions became enshrined in the constitution itself. However, there is still a strong perception that petitions take a long time to be considered,²⁰ and some do take a long time, up to years sometimes.²¹

According to the law, parliament should consider petitions in a time period of 60 days, which cannot be extended. However the reality is noticeably different, as Figure 6 shows.

Petitions presented during the 6th parliament took, on average, 1058 days (nearly three years) to be considered by parliament, that is, to have its report

Figure 6: Average Number of Days to Consider Petitions, 1995–2005



Source: Tibúrcio (2010b).

approved and sent to the president of parliament. As Figure 6 shows, however, there is an improvement in the length of time taken to consider petitions in subsequent parliaments. On average, a petition submitted in the 9th parliament took about half the time to be considered compared with 10 years previously. Many variables contribute to the lengthy consideration process of a petition. Some of these result from the information that needs to be gathered to consider each petition; some of which comes from government, which can be a lengthy process in itself, and rarely within the 20 days that the law establishes (Tibúrcio 2010a). If a petition is qualified to be discussed in the Plenum, this can also add to the time taken to consider it.

If a petition has at least 1000 signatures,²² the petitioners are entitled to a hearing in the relevant committee. These hearings are public and the media can be present. Petitions with at least 4000 signatures are also discussed in a plenary session, seen as a high point for a petition. Petitions debated in the Plenum obtain considerably more visibility thanks to the actual debate, but also (and mainly in some cases) from the actual promotion of the collation of signatures and formal submission to parliament. The significance of this last point became all the more important when the last president of parliament established the practice of personally greeting the main authors of petitions with more than 4000 signatures, in this way contributing to reinforced media coverage (for example, Público, 2007, 2011). The actual plenary debate can also have considerable impact, particularly when strong criticisms are made by MPs and the media reports on these. Still there is a sense of ineffectiveness attached to the petition plenary debate, as it does not lead to any specific decisions or vote,²³ which is forbidden for now; although an amendment was introduced in 2007 to allay this problem, by establishing that these petitions should be discussed simultaneously with draft bills on the same topic.

Other than the publicity obtained for a petition, its effects are often rather inconsequential. Regardless of whether a petition is entitled to a hearing or a plenary debate, all those accepted result in a report. Most of these reports tend to focus on the legal elements of the petition, constituting very basic documents.²⁴ Other than this, the main action resulting from a petition is usually a request to the relevant entity for a matter of clarification, or the establishment of a position on a specific issue: for instance, if the petition referred to a matter for legislation, then this could be forwarded to the parliamentary groups in parliament; it would then be up to them whether they wished to make legislative proposals. Since 1993, parliament is also able to call for a 'conciliatory initiative' (*Diligência Conciliadora*), through which MPs meet with both the petitioner and the entity at stake in an attempt to resolve the issue in question. However it is rare for parliament to use this power, with only three such instances up to 2005, two of which were not resolved.²⁵ Besides this, some reports also focus on providing information to the petitioners, sometimes indicating ways of addressing the problems raised. It is very rare for the rapporteurs to express any opinions, favourable or otherwise; when this happens, the views expressed

are usually converted into a recommendation to the relevant body advising that the arguments presented by the petition be considered.²⁶

The petition right therefore entitles citizens to a process and to be listened to, though it does not entitle them to a decision; there is often a misconception amongst the public of what can be expected from this process. In great part, the success of a petition relies on the publicity that it manages to produce and the indirect consequences of its presentation. Still, over the last decade this has clearly become a popular participatory tool for Portuguese citizens, and its process of consideration has become more effective and public.

Conclusion

Portugal offers us an interesting case to study the relationship between parliament and citizens. With an institutional framework strongly shaped by its troubled history of discontinuous regimes, it shows us that nearly 40 years after democracy was introduced we are starting to see evidence of development of links between citizens and their parliament. This relationship is strongly mediated by the parties, but is also developing in parallel with the partisan representation channels. The democratic regime set up in the mid-1970s has conditioned the form and shape of this relationship by establishing the nature of the representative mandate as national and by entitling parties as the providers of the representative link. The system has served Portuguese democracy well by ensuring a stable platform of choice with a clear identification of the key political actors. Whilst providing a reassuring path for the development of democracy, this system did however overshadow the role of parliament as a collective representative institution, and even more so the role of specific individual representatives. As the new millennium has got underway, we have seen the rise of a more individually focused representation, and the institution of parliament has opened up considerably, establishing direct links with the public.

As elsewhere, the levels of trust in the AR have declined over time; however, not only is trust in parliament higher than in other key institutions, but it also fluctuates according to perceptions of government. If anything, the levels of trust in parliament indicate a lack of knowledge about the institution. This is why the process of opening up which the AR has undergone since the mid-1990s has been so important. In a context where the culture of secrecy has dominated, the mere fact of facilitating visits to the institution can help to dispel the image of distance in relation to an institution most citizens would not consider being able to enter. The use of the internet has played an important role in this respect. The availability of information and accessibility facilitated by new media has been considerably reinforced, especially since the 2007 reform. What may be lacking is the development of a more participative citizen, though the data on petitions shows that the Portuguese have learned how to make use of this constitutional right. Despite being an old constitutional right, its real establishment began only in the 1990s, since when we have seen a

steady trend in the increase of use of this participatory tool. Despite the absence of clear outputs, citizens have learned to explore the publicity value of the petition right, as well as often demonstrating a sophisticated understanding of the potential of this tool to convert personal issues into matters of general interest requiring further legislation.

Overall, the relationship between parliament and citizens in Portugal has therefore seen considerable development in the 10 years that separate this article from its first edition in 2002. The institutional framework has not really changed, but the practice has reinforced the expression of a more individualised style of representation and has undoubtedly promoted a more direct relationship between the Portuguese and their parliament.

Note on Authors

Cristina Leston-Bandeira* is a Senior Lecturer in Legislative Studies, University of Hull, UK, email: c.c.leston-bandeira@hull.ac.uk; **Tiago Tibúrcio** is a political science doctoral student, Instituto Universitário de Lisboa (ISCTE-IUL), Centro de Investigação e Estudos de Sociologia (CIES-IUL), Lisbon, Portugal, email: tiagotib@gmail.com

*Corresponding author

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Notes

1. The flower became emblematic of the 1974 revolution from the arresting photographs of soldiers holding carnation flowers in the barrel of their guns.
2. Salazar was in power between 1926 and 1968, when he fell ill and was succeeded by Marcello Caetano.
3. However, the current main party has made proposals to review the Constitution which could introduce candidatures from groups of citizens (if supported by 10,000 signatures).
4. Interviews with Portuguese deputies from all parliamentary groups, January 2008.
5. Interview, January 2008.
6. Interviews with officials and deputies, January 2012.
7. *Parlamento dos Jovens* (parliament for young people).
8. Interviews with the team coordinating this programme, January 2012.
9. See 'espaçocidadão' at the top of the right hand side banner of: www.parlamento.pt (accessed 27 March 2012).
10. Established in 2008: 'Parlamento Global – Quem Somos', 22 April 2008: www.parlamentoglobal.pt/parlamentoglobal/actualidade/2008/4/22/O+que+e+o+Parlamento+Global.htm (accessed 27 March 2012).
11. Project of Law 183/X (DAR II-A, 71/X/1, 23/01/2005); although formally this did not reach the final stage of deliberation, it did contribute towards the corresponding final law.

12. The Petitions Law has been revised in 1993, 2003 and 2007: www.parlamento.pt/Legislacao/Documents/Legislacao_Anotada/ExercicioDireitoPeticao_Simples.pdf (accessed 27 March 2012).
13. As specifically set in art.15-A, Law 15/2003.
14. www.parlamento.pt/EspacoCidadao/Paginas/Peticoes.aspx (accessed 27 March 2012).
15. The actual reports only account for 177, but this seems to be due to the premature end of the 11th legislature (2009–11). According to the parliament's website, four more should be added to these (Petitions 178/IX/2 to 181/IX/2): <http://www.parlamento.pt/ActividadeParlamentar/Paginas/Peticoes.aspx> (accessed 27 March 2012).
16. For more detail about the types of petitioners, see Tibúrcio (2010b).
17. Interviews with the leaders of all of the parliamentary groups, September–December 2007.
18. Interview with António José Seguro, 7 November 2007.
19. Petition 190/X/2^a.
20. See for example newspaper *Público*, 5 January 2007.
21. For example, Petition 169/VII (1270 days).
22. The limit used to be 2000 signatures; it was reduced to 1000 in 2007.
23. This led two of the opposition parties to make proposals in 2007 to allow petitioners to add a Project of Resolution to their petition, which would then be voted on (PJL 378/X (BE) and 381/X (PCP)).
24. We could give many examples, but see for instance the report for Petition 52/VII (DAR II série B Nº.5/VII/2 – Suplemento 1996.11.29).
25. Petitions 84/V, 62/IX and 100/IX.
26. For example Petitions 138/VII and 159/VII.

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