

THE PLACE OF THE PRESIDENT OF THE REPUBLIC IN THE PORTUGUESE POLITICAL SYSTEM

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The Portuguese Constituent Assembly (1975-1976) adopted as the matrix of Portuguese political system a type of regime - nowadays usually known as semi-presidentialism – with little historical weight, since after its “invention” in the Weimar Republic (1919), few were the countries which adopted a model based on the parallel election of the president of the Republic and of a government which answers before the Assembly (assuming that this definition proposed by Robert Elgie complies with the distinctive traces of this system). Forty-five years later, semi-presidentialism in all its variations (which are many) became a popular form of organisation of the State, and is in place across the world, with special relevance in democratic Europe. In its already long journey through the real world, semi-presidentialism has elicited the liveliest debates, both among politicians and public decision-makers, and within academia. The unfortunate Robert Elgie stressed that, with the exception of the English and possibly also the Italian languages, Portuguese is the language in which more studies were written ever since

the beginning of the process of clarification regarding what might be the essence, the modalities and the virtues and sins of this model. Let us recall that, little after the publication of Maurice Duverger’s seminal studies (as early as in 1979, his book *King’s Mate* is given a Portuguese edition with a specific preface that seeks to address the Portuguese case), Luís Salgado

VASCO FRANCO
Semipresidencialismo: perspectiva comparada e o caso português. Os poderes presidenciais na interacção com o governo e a Assembleia da República (1982-2016)

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de Matos takes part in an important seminar (1983) from which an important work would originate, etching the Portuguese case in the heart of the debates. I believe Portugal would never again lose this special status in the academic world; on the contrary, its example would extend – through direct influence – to many Portuguese-speaking countries, where it still endures as a dominant model. It is therefore in a particularly demanding context, due to it being underpinned by a profusion of studies, that Vasco Franco's new book now makes its appearance. Its arrival is deserving of the most enthusiastic greeting: not only does it do justice to the tradition that evolved thenceforth, it also brings a meticulous and attentive look to the kaleidoscope of questions that the analysis of Portuguese semi-presidentialism elicits. This is indeed a remarkable study that became essential for whoever wishes to understand the peculiar mechanisms of the Portuguese political system.

CONSTITUTIONAL FRAMEWORK AND POLITICAL AGENCY

Vasco Franco's book first saw the light of day as a doctoral thesis (2018) in Political Science. This he accomplished with excellence, despite not hailing from the academic tradition, but rather having treaded a long path in the sphere of civic and political intervention. From the outset, the author cautions us not to expect his work to exhibit a markedly disciplinary perspective; on the contrary, Vasco Franco summons the wisdom of constitutionalism and establishes a dialogue between political analysis and law, that is, between the agency that

the players bestow in their praxis and the normative and institutional character that hold in check the exercise of power. It is a fertile crossover, not always easy to come by in writings about our political system. I would point out, in the guise of example, the question of the circumstances under which the president of the Republic is allowed to dismiss the prime minister, the latter being, in constitutional terms, doubly responsible before the PR and the Parliament. To Vasco Franco, that double dependence does not refute the fact that "it is for the president alone to assess the exceptional circumstances in which [that power] must be exercised" (p. 123). This should be enough to dispel the argument for the asymmetric nature of this double dependence, strictly political as it would be regarding the Parliament, and purely institutional as far as the PR is concerned. The fact that a presidential decision in this domain is indisputable significantly weakens such an argument, while stressing its inherently political character.

Turning an academic thesis into a book aimed at a wide public requires a sense of economy without losing sight of the impressive theoretical and empirical apparatus present in the former (which remains a reference that the author urges the readers more keen on detailed and thorough analyses to consult). Academic literature on semi-presidentialism (including the questions raised by its definition and its variants) is treated with aplomb and, in the second chapter, a overview is presented of the historical evolution accounting for the emergence, in 1976, of a political model rather uncommon until that point. There is,

moreover, a third chapter that endeavours to examine the Portuguese case in comparison to models presumably positioned in opposite ends of the semi-presidentialism continuum: France (where the presidential powers are more significant) and Austria, where, on the contrary, it has a more residual and symbolic expression (although specific historical circumstances may awake some “dormant” powers).

The analysis of the Portuguese experience – which constitutes the most desirable part of this work – has a special merit: it focuses explicitly on the status of the President of the Republic and on his relationship with the government and the parliament, always from the point of view of presidential powers and the way they were effectively exercised. It is no mere chance that, in a democratic system based on the separation of powers and the existence of mechanisms of checks and balances, the constitution – and a large part of the public opinion – award the PR a high position, consecrating him as “the Head of the State”. The PR and the toolbox of his powers is at the core of the proposed analysis – and that clarity is a virtue. Obviously, the system of government might be approached from the position of the prime minister – a pertinent analysis given that the bulk of the executive power rests with him. The author opted differently and, I believe, to the benefit of the reader. On this option is founded one of Vasco Franco’s original contributions, that is, the idea that the relationship between PR and PM can and should be analysed according to two complementary perspectives that, intuited in a number of studies, acquire here an explicit dimension:

meaning and intensity. This proposal is all the more relevant as in our – not institutionally binding – political model, the PR is supposed to be an “independent” personality, that is, someone whose relationship with the government or the parliament is not mediated by political parties (although the PR may be a nominal member of one). Unlike other models in which the party affiliation of the president is a basic datum (see the French case), in Portugal, the relationship between PR and government allows for a variety of complementary/clashing situations on which the two dimensions described above help shedding light.

In its analytical dimension, Vasco Franco’s proposal is therefore innovative. Addressing the shortcomings of the tabulation models of the presidential powers more *en vogue* in Political Science literature and so useful to embark on comparative studies (such as those of Shugart and Carey, and Siaroff and Metcalf) and, above all, uncomfortable with the binary opposition “legislative powers / non-legislative powers” that pervades those proposals, the author offers us a finely-tuned typology that covers the following categories: “powers of system reviving”, “powers of intervention in the legislative process”, “other powers with systemic relevance”, “exceptional powers” and “informal powers”. This is the structure of his subsequent analysis of the Portuguese case, of relevance for future comparative studies, and which shows that the author, more applying academically fashionable models, decided to go further and question them in order to make them more effective.

Vasco Franco's work is meticulous and detailed. Take, for instance, his treatment of the presidential veto, which also serves to illustrate the point raised above. To Franco, there is no single understanding of the veto power – instead, there are six of them! It is important to know how to discern the difference, in its nature, between “political”, “legal” and “transitional” veto, and in its sense, between “cooperative”, “conflictual” and “neutral” (pp. 204 and following). This analytical structure allows for the elaboration of a much-honed framework than what is commonly found in literature, in which one often finds all the vetoes amalgamated into one. Only a close proximity to the studied reality and a subtle inclination towards modulating complex realities explain how the author was able to become aware that the diaphanous veil of a single word conceals a world of variation, and to elucidate its consequences.

COUNTER-INTUITIVE PROPOSALS

What is most interesting in a book such as this is not that it offer us an extensive “state of the art”, or that it retrieves in a systematic fashion a number of utterances that are voiced across public, academic and political spaces. On the contrary, we expect those who venture into the waters of research to provide us with an occasion for the confrontation between what we take for granted and the grounds on which such claims are based. Vasco Franco does not shy away from the challenge, and proposes a variety of conclusions in direct confrontation with commonly disseminated ideas, some of which appear as hypothesis which, presented at the outset as instruments gui-

ding research, later on prove to be less trustworthy than previously thought. To some extent, Vasco Franco's suggestions are, we might even say, counter intuitive. Let us take a brief look at two such cases. Chapter IV is devoted to the formal and informal powers of the PR. The recurrence of significant levels of conflictuality between the PR and the government belonging to the same political family is highlighted, and Vasco Franco suggests in the conclusion that this conflictuality is not a major feature of our system, at least in the way it has been interpreted by the majority of the PRs. The fact that the same conflictuality may be more significant whenever the government is of a different political colour does not invalidate the stressed importance of its occurrence in scenarios of presumable harmony. Such finding would merit a more thorough examination, by the author, of situations such as the adequation of the concept of “cohabitation” – so important in countries such as France and even some African Countries of Portuguese Official Language – to the Portuguese case, or the implications of the notion that the PR in Portugal is an “independent” agent.

The second case concerns the purported increase in the PR's capacity of intervention as being linked to a popularity differential vis-a-vis the prime minister. According to Franco, “there is an extremely tenuous relationship between the intensity of interaction and the temporal periods in which the difference between the popularity of the president and of the prime minister is higher, and it has no relevant statistical value” (p. 302).

A READER-FRIENDLY BOOK

I must not finish without a word of appreciation for Vasco Franco's effort in presenting us with a reader-friendly (as it is now called) book. The figures, the charts and the tables are plentiful and almost invariably pertinent and clear. Perhaps a propensity for using "quantitative" terms in many charts is debatable, given that the numerical translation often expresses a codification of reality – and it should be read as such - rather than empirically measurable realities. The extensive bibliography is divided into thematic sections, and the references throughout the text – numerous and significant, possibly to blame for saturating the argument with this type of support, as if the author feared to appear less credible, when quite the opposite is true – are easily identifiable. The volume

concludes with a well-drafted subject index, a valuable instrument to navigate the more than 350 pages of the book.

Each president interprets in their own way the munus of his office – and that is why the study of the government system in Portugal is a limitless enterprise. For those who will continue to accompany the development of our democracy, as much among ourselves as at the international level, this book by Vasco Franco constitutes an essential milestone making the task all the easier for them. Because, with undisguisable modesty, it teaches us plenty regarding how the system has worked under two presidents (and still partly under one other). My sincere gratefulness for this precious contribution, in the hope that you may continue to offer us studies of this calibre. 

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2014), *Dynamics of Democracy in Timor-Leste* (Amsterdam University Press, 2016), *Democracia: Linhagens e Configurações de Um Conceito Impuro* (Afrontamento, 2018) and, *Presidents in Semi-presidential Regimes: Moderating Power in Portugal and Timor-Leste* (Palgrave, 2020).

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