



FROM CONSENSUAL TO COMPLEX MULTI-LEVEL DEMOCRACY: THE CONTOURS OF CONTESTATION AND COLLABORATION IN SPAIN

Desde una democracia consensual a una compleja y multinivel: la configuración de la competencia y la colaboración en España

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Spain has used the consensual and ultimately successful transition to democracy in its public diplomacy efforts. However, the early democratization literature was divided on the benefits of consensual transitions. This article reflects on prominent hypotheses in the democratization literature regarding how transition processes (modes) affect subsequent democratic politics, particularly focusing on how the mode of transition could affect the competitiveness of interparty relations in parliament. Rather than being explained by the transition process, interparty relations in Spain can, in part, be explained by the parties' adaptation to the electoral and institutional environment, which have both evolved over Spain's recent democratic history.



Abstract

Transition to democracy, modes of transition, political parties, interparty relations, Spain.

Transición a la democracia, modos de transición, partidos políticos, relaciones interpartidistas, España.



Key words

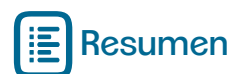
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Fechas

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España ha utilizado su transición a la democracia consensual y finalmente exitosa en sus esfuerzos de diplomacia pública. Sin embargo, la literatura inicial sobre la democratización se dividió sobre los beneficios de las transiciones consensuadas. En este artículo se reflexiona sobre las hipótesis prominentes en la literatura sobre la democratización de cómo los procesos de transición (modos) afectan a la política democrática posterior, sobre todo centrándose en cómo el modo de transición podría afectar a la competitividad de las relaciones entre partidos en el parlamento. En lugar de ser explicado por el proceso de transición, las relaciones entre partidos en España, en parte, se explica por la adaptación de los partidos al ambiente electoral e institucional, que han evolucionado durante la historia democrática reciente de España.



1. Introduction

Spain's transition to democracy is widely characterized as involving a substantial degree of interparty consensus (Gunther 1992; Linz 1981; Share 1986). Consensus politics in the Spanish context meant that there was often widespread negotiation and accommodation amongst the distinct political parties. Now, the degree of consensus should not be overstated or idealized. There were clearly conflicts, including violence, and competition during the transition years; the deals struck were not neutral, and they were made amongst a select group of political leaders. Nonetheless, political leaders were able to reach agreements on fundamental issues that facilitated the institution and consolidation of Spain's democracy.

Spain has used the consensual and ultimately successful transition to democracy in its public diplomacy efforts. However, the early democratization literature was divided on the benefits of consensual transitions. This article reflects on prominent hypotheses in the democratization literature regarding how transition processes (modes) affect subsequent democratic politics, particularly focusing on how the mode of transition could affect the competitiveness of interparty relations in parliament. Rather than being explained by the transition process, interparty relations in Spain can, in part, be explained by the parties' adaptation to the electoral and institutional environment, which have both evolved over Spain's recent democratic history.

The article highlights three characteristics of interparty relations: First, contrary to the concerns of some transitologists that interparty competition would be stunted, widespread consensus politics have come to an end and Spanish democracy is far more adversarial than during the transition and initial years of democracy. Second, the relations across the two main parties today are particularly adversarial. However, third, interparty behavior can, at times, be collaborative. This is frequently the case of relations between the statewide governing party and regional parties in parliament during minority governments. Therefore, parliamentary interparty behavior is best characterized as a mix of adversarial and collaborative elements.

The early democratization literature was divided on the benefits of consensual transitions

2. Consensus and the legacies of transitions

Transition processes (or modes) marked by elite consensual negotiations have received many names in the academic literature: by *reforma pactada-ruptura pactada* (Linz 1981), pact (O'Donnell & Schmitter 1986), transaction (Share & Mainwaring 1986), transplacement (Huntington 1991), and elite settlement (Higley & Gunther 1992). Yet, there were strikingly different hypothesized effects of transitions marked by elite negotiation. I identify two main

camps, what I call the pact school (for example, O'Donnell & Schmitter 1986; Karl 1990; Hagopian 1990) and the elite settlement school (Higley & Gunther 1992).

Elite settlements and pacts are quite similar conceptually. According to Burton, Gunther and Higley (1992, 13): "Elite settlements are relatively rare events in which warring elite factions suddenly and deliberately reorganize their relations by negotiating compromises on their most basic disagreements." Using O'Donnell and Schmitter's (1986, 37) definition, a pact is "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 elite settlement school attempted to distinguish an elite settlement from an elite pact. They argue that "pacts are more specific and less inclusive of all major elites" (Burton, Gunther & Higley 1992, 33). However, according to Karl (1990, 11), foundational pacts "are necessarily comprehensive and inclusive of virtually all politically significant actors." Second, Burton, Gunther and Higley (1992, 33) argue that "pacts are often a means by which economic elites continue their domination and exploitation of the 'popular classes'." They also distinguish the procedural nature of an elite settlement versus the potentially more substantive nature of an elite pact. While this contrast best fits with Terry Karl's (1987; 1990) characterization of political pacts in Venezuela, it does not accurately represent the pact school as a whole. The distinction is complicated by the fact that both schools employ the same paradigmatic cases, such as Venezuela, Colombia and Spain.

There are two factors that most distinguish the two schools. The first is the timing of these elite events. The elite settlement school does not confine their studies to periods of regime transition, while the pact school has focused exclusively on foundational moments. The second is their degree of ambivalence toward these elite events. The pact school, while clearly recognizing the potential benefits of this mode of transition, worries about its negative byproducts. The elite settlement school, on the other hand, while recognizing that settlements may in the short term only give rise to limited democracies (*democraduras* in the pact school), highlights their value for long-term democratic consolidation. The pact school feared that there could be long-term, negative effects of pacts. In particular, the pact school feared that the style of elite, collusive decision making that characterized the transition would freeze in place and prevent the development of more competitive, representative democracy.

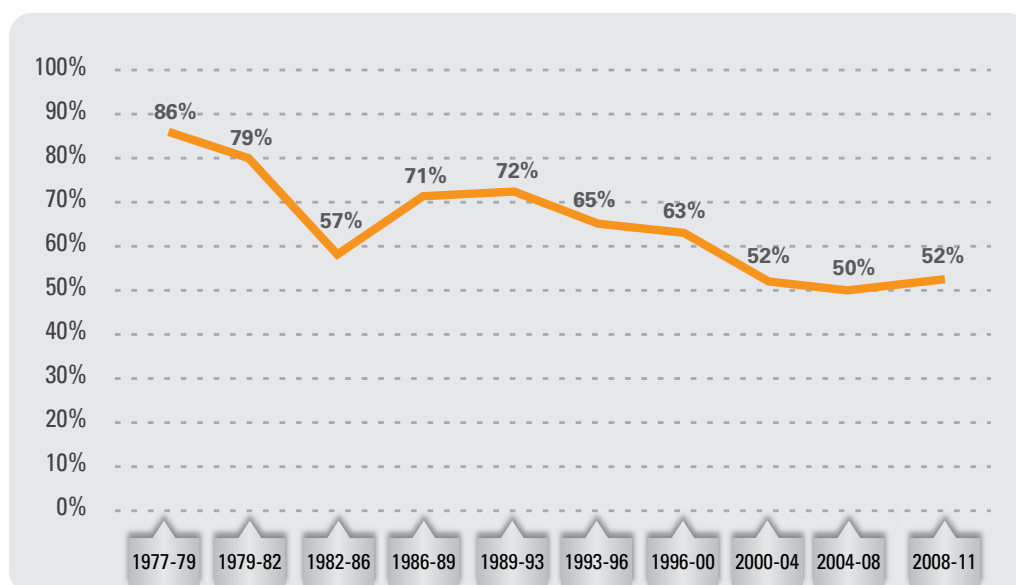
Given the complexity of democracy and representation as concepts and practices, it is perhaps most fruitful to analyze distinct aspects of the democratic regime or democratic practices to assess the longer term effects of transition modes (see also Encarnación 2001, 2005; Fishman 2011). While this is not a definitive test of the claims of the two schools, in the arena of interparty parliamentary politics, the Spanish case demonstrates that competitive interparty behavior rapidly emerged and in this regard the elite, negotiated transition did not produce a frozen democracy (Field 2005). While the transition certainly produced its birthmarks, the consensual interparty parliamentary relations that marked Spain's nascent democracy have largely disappeared.

As can be seen in Figure 1, interparty collaboration on the passage of legislation across the two principal political parties in Spain, first the Union of the Democratic Center (UCD) and Socialist Party (PSOE), and subsequently the PSOE and Popular Alliance (AP) (later renamed Popular Party/PP), has declined dramatically. In the constituent legislature (1977-79), 86% of laws passed with substantial collaboration, an indicator for collaboration across the two main parties

The pact school feared long-term negative effects of pacts on party competition

(UCD and PSOE).² In 1982, with the first Socialist victory, the demise of the UCD, and the rise of the more rightwing Popular Alliance, interparty collaboration declined dramatically. In the mid-1980s, collaboration increased but then experienced a progressive decline after 1993, with a low of 50% in the 2004/08 parliament. Therefore, the pact school's fear of diminished competition did not transpire with regard to parliamentary behavior.

Figure 1. Percentage of Laws Passed with Substantial Collaboration, 1977-2011



Source: Based on data from Field (2013b).

During the transition, multiparty consensus and later parliamentary supermajorities that included as many of the parliamentary parties as possible were often strived for and reached. These alliances frequently included the main opposition party, the PSOE, and the governing UCD. For example, the UCD and PSOE jointly voted yes on 93% of the votes taken on the draft constitution (Field 2011). Equally important, potentially divisive alliances in national level politics were also commonly avoided, such as what was referred to as the rightwing “mechanical majority” between UCD and AP, and a leftwing alliance of PSOE and PCE.

One of the principal reasons why the negotiated transition in Spain did not produce the negative effects the pact school hypothesized is because state institutional arrangements were not designed to compel or guarantee cross party cooperation, for example a rigid requirement to reach a supermajority to pass legislation in parliament or strict alternation of power between parties, such as in Colombia. Many of the formal political institutions implemented in Spain, with the prominent exception of decentralization and the high hurdle for constitutional reform, tended toward the majoritarian model of democracy elaborated by Lijphart (1999) and were therefore compatible with the development of more adversarial interparty behavior.

The importance of the presence or absence of formal institutions can be illustrated by comparing inter- to intra-party behavior. While formal state institutions did not regulate broad-based

² The indicator represents laws that received a percentage of votes in favor of the legislation that was greater than or equal to the combined percentage of seats held by the governing party and the principal opposition party (see Field 2005).

interparty consensus, political leaders indeed implemented formal institutions to constrain intraparty behavior. In part, disciplined parties provided a means of enforcing the terms of the pacts negotiated by the party leaderships (Field 2006). The interaction between pact making and internal party organization and behavior was not prevalent in the early third-wave (Huntington 1991) democratization literature, but in the Spanish case it was critical. In fact, the existence today of extremely hierarchical, disciplined political parties is an enduring legacy of the Spanish transition, precisely because they were grounded in formal state and party institutions, such as closed candidate lists, public funding of political parties that was channeled to the parties' central offices, parliamentary rules that gave parliamentary party leaders an extremely privileged role in parliament, and candidate selection procedures that allowed for the ultimate word on candidate selection to be in the hands of a party leadership body (Field 2013a).

High levels of voting discipline were indeed manifested in parliament. Votes on the draft Constitution of 1978 provide an example. Using the Index of Agreement³, on a scale of 0 to 1.00 with 1.00 representing the highest degree of unity, the parties averaged a high 0.94, ranging from 0.99 for the PCE to 0.81 for the Catalan alliance PDC. The PSOE measured 0.97, little different from the UCD's 0.96 (Field 2011, 86). Even when we examine more broadly the patterns of voting behavior in the constituent (1977-79) and first (1979-82) legislatures, party voting cohesion was extremely high (Field 2013a). Of course, institutions do not entirely determine outcomes; and despite a potent set of discipline encouraging institutions, internal divisions surfaced in the early 1980s. However, these discipline-encouraging institutions have lasted, and Spain's parliamentary parties are today highly disciplined.

More competitive elections correlate with less collaborative party politics after 1993

3. Adversarial interparty politics: PSOE and PP

Adversarial interparty relations between the two main parties in recent years are also due to a highly competitive electoral environment. Table 1 provides some telling information. Apart from the first two parliamentary elections when concern about the stability of the new regime stunted adversarial interparty relations, Spain has only experienced elections in which alternation is a possibility since 1993. The 1980s were marked by the utter dominance of the PSOE in national politics. More competitive elections after 1993 directly correlate with the progressive decline of collaborative interparty politics during the same period.

Table 1 also demonstrates that the popular vote increasingly concentrated in the two largest parties, the PSOE and PP, between 1989 and 2008. The low point was 65.4 percent in 1989, and the high was 83.8 percent in 2008. Nonetheless, regional parties during that period became more politically influential within the national political institutions, which will be discussed in the next section. This is because minority governments became the norm. The typical Spanish pattern when no party wins a majority of seats in parliament is that the statewide party with the largest number of seats has governed alone, yet has relied predominantly on regional party allies in parliament. As can be seen in the table, when the two main parties' vote shares have been separated by 5 points or less, they have produced minority governments. It is only when there is a large gap between the two that majority governments have formed. A single party has won an absolute majority of the seats (yet never of votes) in parliament in only four (1982, 1986, 2000

³ Index of Agreement is calculated as follows (Raunio 1999): $IA = (\text{highest modality} - \text{sum of the other two modalities}) / \text{total number of votes}$. Modality refers to vote type (yes, no, abstain).

and 2011) of eleven elections. However, due to the fact that the radical Basque party *Herri Batasuna* did not take its seats in parliament in 1989, there have been five majority governments.

Table 1. Elections and Governments, 1977-2011

	UCD	PSOE	AP/PP	Difference 2 Principal Parties	Sum 2 Principal Parties	Government Type
1977	34.4	29.3		5.1	63.7	Minority
1979	34.8	30.4		4.4	65.2	Minority*
1982		48.1	26.4	21.7	74.5	Majority
1986		44.1	26.0	18.1	70.1	Majority
1989		39.6	25.8	13.8	65.4	Majority [^]
1993		38.8	34.8	4.0	73.6	Minority
1996		37.6	38.8	1.2	76.4	Minority
2000		34.2	44.5	10.3	78.7	Majority
2004		42.6	37.7	4.9	80.3	Minority
2008		43.9	39.9	4.0	83.8	Minority
2011		28.8	44.6	15.8	73.4	Majority

Source: Election Results are taken from the Spanish Ministry of the Interior.

Notes: Vote share in percentages. Governing party is in bold.

*There were two minority governments during this period: Suárez (1979-81) and Calvo-Sotelo (1981-82).

[^]Majority government was de facto.

All governments are single party.

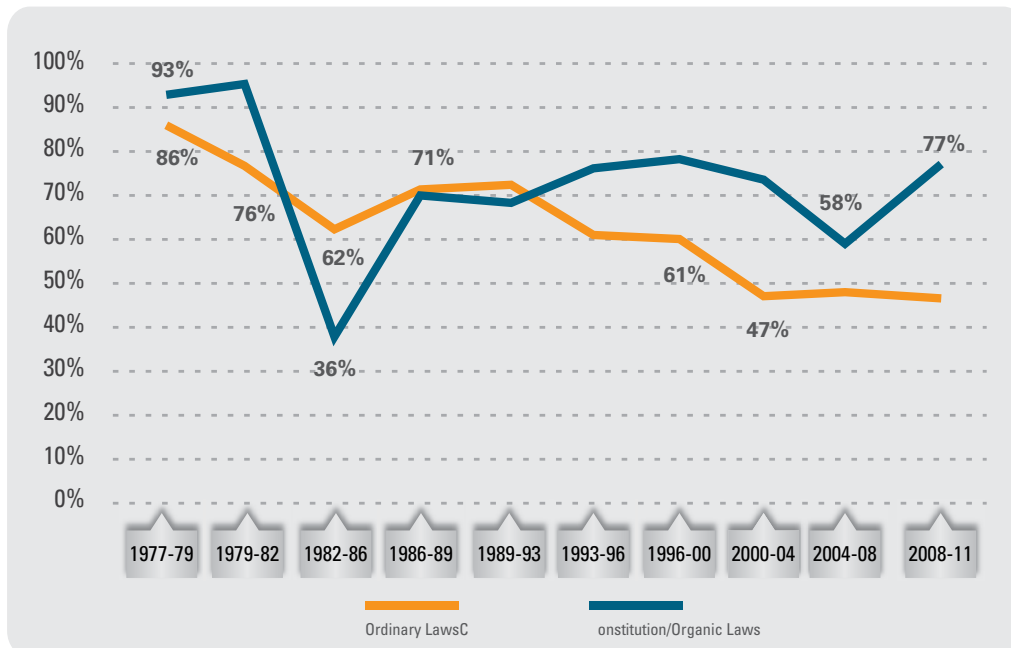
The centripetal alliances that characterized the early years of Spain's democracy are no longer a certainty, and centrifugal and shifting alliances have become more common in recent years. On the political right, this is related to the disappearance of the statewide center-right parties, and the formation of a unified national right under the PP in 1989. The UCD had disappeared in 1983. Suárez's subsequent electoral vehicle, the centrist Social and Democratic Center (CDS) party, which had gained 9.2 percent of the vote in 1986 and 7.9 percent in 1989, subsequently lost relevance.⁴ In 1986 the rightwing AP presented candidates as the Democratic Coalition (CP) with the Popular Democratic Party (PDP) and the Liberal Union (UL). However, the PDP, with its 21 deputies, did not join the CP parliamentary group in the Congress, and in January 1987, 11 Liberal deputies abandoned the CP parliamentary group, thus maintaining separate identities. As part of its strategy to become more electorally competitive AP was renamed the Popular Party (PP). It abandoned the practice of forming alliances and incorporated former members of the center-right parties. This resulted in a unified national right after 1989. While the PP governed in minority in 1996 with the support of more centrist regional-nationalist parties, Convergence and Union (CiU), Canary Island Coalition (CC) and the Basque Nationalist Party (PNV), it won the elections with an absolute majority in 2000 and therefore had no need to ally with more centrist parties. This was the first time that the national right governed in majority since the transition to democracy, which again occurred in 2011.

⁴ All election results are from the Spanish Ministry of Interior.

The patterns on the left of the political spectrum were unique yet moved toward centrifugal or shifting alliances. Unlike on the political right, the statewide leftist parties never merged. The PCE was a significant player during the transition years, and it subsequently formed an alliance with other leftist parties to form the United Left (IU). When the PSOE needed allies to govern in minority in 1993 it did not seek support from IU. However, in 2000, the PSOE and IU flirted with a significant electoral alliance for the national elections, which was ultimately watered down. The PSOE lost the elections with a gap of 10 percentage points between the PSOE and PP, leading to the PP's first absolute majority victory. The 2004 national parliamentary elections produced the unexpected victory of the PSOE in the national elections, though without a majority. The PSOE reached out to the left and found leftist parties, including IU and the Catalan Republican Left (ERC), amenable to parliamentary collaboration.

In the 2004 national parliamentary election, ERC had substantially increased its parliamentary seats from 1 to 8 deputies. This placed ERC in a position of being a potentially critical ally of a minority government, comparable to the PNV and CiU that had previously provided support for national minority governments. It also meant that the new Prime Minister was able to shift alliances between parties on the left and regional-nationalist left, such as ERC and the Galician Nationalist Block (BNG), and nationalist parties on the center-right, such as CC, PNV and CiU, or some combination thereof (Field 2014).

Figure 2. Percentage of Laws Passed with Substantial Collaboration, Ordinary v. Organic, 1977-2011



Source: Based on data from Field (2013b).

With regard to parliamentary politics, in Figure 2, we see greater contestation on issues of state reflected in parliamentary behavior related to organic laws during the first government of Prime Minister Rodríguez Zapatero (2004-08). Organic laws 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. Only 58% of such laws were passed with substantial collaboration between 2004 and 2008; this is the lowest portion

since the 1982-86 parliament when the ideological distance between the two main parties was greater. During the first Rodríguez Zapatero government, severe rifts manifested regarding Spain's withdrawal from Iraq; the investigations into the terrorist attacks on the Madrid commuter trains; the Zapatero government's handling of domestic terrorism; the new autonomy statute for Catalonia; and appointments to the courts and the functioning of the justice system more broadly. However greater division on issues of state was festering since 2000. This is reflected in then Prime Minister Aznar's decision to enter the Iraq war, and with an absolute majority, the PP was able to keep demands for institutional reform off the political agenda.

There were also more polarized relations across the two main parties on policy that is more clearly ideological in content. While polarized politics certainly characterized the absolute majority government of conservative Prime Minister José María Aznar (2000-04), the first Rodríguez Zapatero government perhaps represents the height of polarized politics surrounding a number of issues. The Rodríguez Zapatero government and its allies placed Spain's past with regard to the Spanish Civil War and Franco dictatorship onto the political agenda. Several important laws were passed, such as: Law 21/2005 that returned documents seized in the civil war and housed in Salamanca to Catalonia; Law 24/2006 that declared 2006 the Year of Historical Memory, and most significantly the 2007 Law on Historical Memory. The PP characterized the latter legislation as "an attack on the transition."⁵ The reference to the transition relates to what has been called the pact to forget or the pact of silence, which excluded from competitive politics the divisive past. In its formalized version, it is embodied in the 1977 amnesty law. It was also a 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 or the Franco regime.

While many progressive social reforms were outlined in the PSOE platform, the other leftist party leaders also believed they pushed policy in an even more progressive direction. In any case, Rodríguez Zapatero found ready allies for a progressive agenda of social reforms that in most cases met with vigorous opposition from the PP, particularly in areas with moral or religious content. Progressive legislation included legalizing gay marriage and adoption; a sweeping gender equality act; a law that permits transsexuals to change their name and sex in the national registry; one that makes divorce easier; an education law that removed religion as an obligatory course; and a law regarding biomedical research. During the second Rodríguez Zapatero government, parliament passed a new 2010 law that liberalized abortion. Nonetheless, the hostile interparty relations tempered somewhat, at least rhetorically, during the second Rodríguez Zapatero government, which was dominated by economic crisis.

4. Contestation and collaboration: statewide and regional-nationalist parties

The relations between the statewide and regional-nationalist parties are far more complex, and although a thorough understanding would require much greater detail, here I provide a general characterization. Parliamentary relations at the national level are clearly affected by whether the statewide governing party needs allies to govern. In minority situations, interparty relations are also affected by the dynamics of Spain's multilevel state, which has become far more com-

In minority situations, the dynamics of the multilevel state affect interparty relations

5 *El País*, 2 April 2011.

plex (Field 2014). When minority governments governed between 1977 and 1982 there were either no regional governments, or a few were just beginning to form. The first regional elections were held in the Basque Country and Catalonia in March 1980, followed by elections in Galicia in October 1981 and Andalusia in May 1982. The remaining thirteen regions did not hold elections until May 1983, after the PSOE had won the national elections with an absolute majority. Therefore, for over a decade the development of Spain's decentralized state structure occurred while Spain was governed by majority Socialist governments.

What is new about the post-1993 minority governments is that they co-exist with Spain's firmly established, if still evolving, decentralized state. Spain's parties compete very frequently in local, regional, national and European elections. The main party competitors and allies can differ from one level to another (Reniu 2013). For example, at the national level, the PP and PSOE are the main competitors, but in Catalonia, the PSC-PSOE and the CiU were the two dominant parties until very recently.

The combination of Spain's multilevel state, the two dimensional nature of party competition and distinct party systems at the regional level creates interesting interparty relations between Spain's national and regional parties, at least when a national party needs allies to govern Spain. The minority UCD governments during the early years of democracy relied on informal grand coalitions that often included the PSOE; more recent minority governments depend on the support of regional parties. Minority governments in Spain have not been weak and ineffective (Field 2009), as was often feared in the comparative literature (see Strøm 1990). On the contrary, minority governments in Spain indeed govern. The nature of the regional parties and the multilevel institutional environment are critical for understanding this result. These characteristics frequently produce collaborative parliamentary relations that foster governability.

The motivations of Spain's regional-nationalist parties are distinct from the statewide parties. Regional-nationalist parties value maintaining or attaining governing status in their respective regions either exclusively or above governing at the national level. A regional party has never joined a Spanish government since the transition to democracy, despite offers from the national parties. Regional parties seek to influence national policy in defense of their regional interests, enhance regional government competencies, increase state investments in their regions, and enhance their fiscal position, as well as fulfill their ideological, left-right, policy preferences.

The distinct goals of regional-nationalist parties help explain why single-party minority governments as opposed to coalitions form at the national level when no single party wins a majority of the seats (Reniu & Bergman 2003). Additionally, because their interests are primarily, though not exclusively, territorial in nature opens up a number of strategic options for collaboration with a national minority government, which facilitates governability.

Multilevel dynamics matter in this regard. Deals are not confined to the national parliament; rather, in a multilevel state such as Spain's dynamics at one level of government affect the other. There are several regions where regional parties govern or have the potential to govern, most significantly in the Basque Country, Catalonia, Canary Islands, Galicia and Aragon. These are the same parties that also tend to win seats in Spain's national parliament. This opens up the possibility that parties can exchange support across state levels (Field 2014).

Exchanges can be directly about governability. Regional and national parties, using their respective legislators at each level, exchange support across governmental levels to form and

Minority governments in Spain have not been weak and ineffective

sustain governments. This has occurred on a number of occasions. When CiU was governing in minority in Catalonia (1995-99/1999-2003), part of the deal to support the PP governing in minority in Spain (1996-2000) was that PP regional legislators would be used to foster governability in Catalonia. The Rodríguez Zapatero minority government (2004-08) in Spain and the PNV-led minority coalition (2005-09) in the Basque Country exchanged support on budgets; PNV deputies in the Spanish Congress lent their votes for the PSOE budget in exchange for PSOE parliamentarians in the Basque regional parliament supporting the Basque PNV-led government's regional budget and other PNV strategic priorities. Given the typically polarized relations across the PSOE and PP, in minority situations at the national level, this has provided what Lijphart (1977) would call a mutual veto with respect to the national governing party and the regional-nationalist parties.⁶

During minority national governments, it also appears that the governing status of the regional-nationalist parties at the regional level affects their willingness to ally with a national minority government (Field 2014). Regional parties that are governing in minority at the regional level were on average the most likely to vote with the governing PSOE in the national parliament (88% of votes), followed by those governing in coalition with the PSOE at the regional level (76%), and those that were not in the regional government (69%).⁷ Moreover, regardless of their governing status at the regional level, regional parties frequently vote with the governing party in the national parliament. This is in part due to the statewide governing party's ability to make political concessions that provide territorial benefits.

Regional parties frequently vote with the governing party in parliament

5. Conclusions

Spain today is a complex multilevel democracy. Interparty parliamentary behavior reflects this complexity. Clearly interparty relations across the two principal parties have changed dramatically since the transition. In broad strokes, the relationship between the PSOE and PP is best characterized as adversarial, and at times hostile, rather than consensual. Largely majoritarian political institutions and more competitive electoral competition in recent years helps explain this development. While there is certainly a complex mixture of contestation and collaboration across the national and regional parties, sufficiently collaborative relations have existed to foster governability during periods of national minority governments that have been the dominant form of government since 1993. This is in part explained by the institutional structure of the multilevel state and complex patterns of alliance and coalition making between statewide and regional parties. Furthermore, recent absolute majority governments led by the PP in 2000 and 2011 have coincided with acutely adversarial relations between the governing party and regional nationalist parties.

Through the lens of interparty politics, the concerns of the pact school that elite consensual transitions would produce excessively collusive politics that would undermine the quality of democracy have not played out in the Spanish case.

⁶ One could argue this was not the case in 1993 when the PSOE, at least mathematically, had the option of allying with IU.

⁷ CC was in an incongruent coalition with PP in Canary Islands. It voted yes with the PSOE on 89% of votes.

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