

# Public Administration in the Constitution of Portugal

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## ABSTRACT

The realization of this work has the purpose of analysing the public administration in the Constitution of Portugal and present some aspects about this topic.

This is a descriptive paper that draws attention to the historical aspects of the constitutional evolution of Portugal, with special emphasis on key-moments from the past hundred years.

**KEYWORDS:** *constitution, public administration, dictatorship, Revolution of Carnations*

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## 1. Introduction

In the first place, we will discuss about the First Republic in Portugal that only took like 16 years to disappear due to bankruptcy, corruption, public violence and more subjects related to a bad public system.

The Dictatorship has taken the First Republic place, with a Portuguese well known dictator named António Salazar, who at first was the minister of finance, and then he became the prime minister of Portugal, leading this country to a “new state” with an upward economy. Everything was good with the economy, but the people were not happy with this type of system, and lead to a big revolution, called the Revolution of the Carnations (April 25, 1974), that in our days is considered an important event that we have a national holiday related to this.

In the last part we talk about our present day, the Constitution that takes place in 1976, and our fundamental institutions.

## 2. The First Republic (1910–1926)

The new regime formed a provisional government under the presidency of Teófilo Braga, a well-known writer. A new electoral law was issued giving the vote only to a restricted number of adult males. The provisional government presided over the election of a constituent assembly, which opened on June 19, 1911. The constitution was passed by the assembly on August 20, and the provisional

government surrendered its authority a few days later (August 24) to the new president, Manuel José de Arriaga. Despite initial hopes that the republic would solve the massive problems inherited from the monarchy, Portugal soon became western Europe's most turbulent, unstable parliamentary regime.

By 1912 the republicans were divided into Evolutionists (moderates), led by António José de Almeida; Unionists (centre party), led by Manuel de Brito Camacho; and Democrats (the leftist core of the original party), led by Afonso Costa. Several prominent republicans had no specific party.

Though officially neutral, Portugal at the outbreak of World War I had proclaimed its adhesion to the English alliance (August 7, 1914) and on November 23 committed itself to military operations against Germany. On September 11 the first expedition left to reinforce the African colonies, and there was fighting in northern Mozambique, on the Tanganyika (now Tanzania) frontier, and in southern Angola, on the frontier of German South West Africa. In February 1916, in compliance with a request from Britain, Portugal seized German ships lying in Portuguese ports, and on March 9 Germany declared war on Portugal.

Former Evolutionist Almeida became the only president to complete his term during the First Republic, but the cycles of bankruptcy, corruption, public violence, and military insurrectionism continued. Finally, on May 28, 1926, the parliamentary republic was overthrown in a bloodless military coup that instituted what was to become western Europe's most long-lived authoritarian system.

### **3. The dictatorship (1926–1974)**

#### ***3.1. Salazar becomes the Prime Minister***

The provisional military government was shortly taken over by General António Óscar de Fragoso Carmona. In 1928, in the face of financial crisis, Carmona appointed António de Oliveira Salazar minister of finance with full powers over expenditure. A prominent professor of economics at the University of Coimbra, Salazar assembled a civilian elite of intellectuals and bureaucrats to steer the course of recovery. Budgetary surpluses became the hallmark of his regime, making possible large expenditures for social programs, rearmament, and infrastructure development. This progress, coupled with personal austerity and hard work, won Salazar the grudging collaboration of diverse parties and interest groups that included monarchists, conservative republicans, fascists, pseudo-fascists, nationalists, the church, business leaders, land barons, and the military establishment. As minister of colonies in 1930, he prepared the Colonial Act, assimilating the administration of the overseas territories to his system. In July 1932 Salazar became prime minister, a post he was to hold (along with other key ministries during crises) until 1968.

### ***3.2. The New State***

The new constitution of 1933 declared Portugal a “unitary, corporatist republic”. Salazar’s New State (Estado Novo) provided for a National Assembly, with deputies elected quadrennially as a bloc, and a Corporative Chamber comprising representatives of occupations. All seats in the assembly went to government supporters; the Corporative Chamber was not established until employers’ and workers’ syndicates were formed. The government regulated labour-management relations, banned strikes and lockouts, and monitored social welfare planning. Political parties were prohibited, and all eligible voters were encouraged to join the National Union, an approved loyalist movement. Ever mindful of the confusion that preceded it, the New State emphasized order over freedom and attempted to “neutralize” society using censorship, propaganda, and political imprisonment. On the other hand, it partially restored the pre-1910 privileges of the church in law, society, and education.

In World War II, Portugal maintained official neutrality (while quietly favouring Britain) until Britain invoked the ancient Anglo-Portuguese alliance to obtain bases in the Azores. Portugal joined the North Atlantic Treaty Organization (NATO) as a founding member in 1949 but did not gain admission to the United Nations until 1955.

Portugal’s foreign and colonial policies met with increasing difficulty both at home and abroad beginning in the 1950s. In the presidential election of 1958, General Humberto Delgado generated political heat after challenging the regime’s candidate, Admiral Américo Tomás. Internationally, the tensions of the Cold War gave Portugal’s largely undeveloped overseas empire a new significance. The determination of the Indian government to annex Portuguese India led to a severing of diplomatic relations (August 1955) and to mass invasions of the Portuguese possessions by Indian passive resisters. Portugal disputed but effectively lost the enclaves of Dadra and Nagar Haveli to India (despite a ruling by the International Court of Justice in April 1960 favouring Portugal), and on December 19, 1961, India took over Goa, Diu, and Daman.

Salazar had made it clear that he did not favour decolonization, and, when in early 1961 Angola was the scene of disturbances, he reinforced the troops in the African territories and took over the Ministry of Defence. Nevertheless, colonial wars erupted in Angola, Mozambique, and Portuguese Guinea between 1961 and 1964.

### ***3.3. The Economy of The New State***

Despite its failure to rejuvenate agriculture and its reluctance to industrialize, perhaps the most important contribution of the New State was to the economy.

Development plans, closely monitored by the demanding Salazar, were conservative but consistent. The government significantly reduced its debt, diminished its economic dependence on British investment, and tightly controlled foreign investment and did not openly encourage it until the mid-1960s, when

expensive wars in Angola, Mozambique, and Portuguese Guinea prompted a revision of the investment code. The government also supported industry, though not massively, and emphasized infrastructure development over health, education, and welfare. From about 1960 until the inflation surge and energy crisis of 1973, Portugal experienced economic growth at an annual rate of 5 to 7 percent, which constituted a boom for western Europe's poorest country.

In September 1968 Salazar was incapacitated by a stroke. President Tomás invited Marcello Caetano, one of the architects of the New State, to form a government, but Salazar was never informed of this transition. On July 27, 1970, he died. Although Caetano was less reserved than his predecessor, he proved unable to reverse the tide of Portugal's African wars, to alleviate the economic woes of 1973–74, or to avert revolution.

### ***3.4. PIDE (Polícia Internacional de Defesa do Estado)***

Salazar relied on the secret police established in 1945 and lasting till 1969. The job of the secret police was not just to protect national security in a typical modern sense but also to suppress the regimes political opponents, especially those related to the international communist movement or the USSR which was seen by the regime as a menace to Portugal.

The PIDE was efficient, however it was less overtly brutal than other countries and the foreign policies that were the model for its creation.

## **4. The Revolution of the Carnations**

The Carnation Revolution was the movement that overthrew the Salazar regime in Portugal, and occurred in 1974, in order to establish democratic freedoms, with the aim of promoting social transformations in the country.

On April 25, 1974, the revolution exploded. The password for the beginning of the movement was given at midnight through a radio station, the password was a song prohibited by the censorship, "Grândula Vila Morena", by Zeca Afonso. The revolution encountered little resistance from the dictatorship's remaining loyalists and won initial support from an urban middle class vexed by economic and political uncertainty. The transition to a functioning, consolidating, pluralist Portuguese democracy mirrored, though in a nonviolent way.

The military caused Marcelo Caetano to be deposed. He eventually fled to Brazil. The presidency of Portugal was assumed by the general António de Spínola. The population took to the streets to commemorate the end of the 48-year dictatorship, and distributed carnations, the national flower, to the rebel soldiers in the form of gratitude, giving rise to the name "Carnation Revolution".

As a result, the political parties, including the Communist, were legalized, on the other hand the (PIDE) political police of the Salazarism, was extinguished. The

new regime put Portugal in revolutionary agitation. However, Spínola failed in his attempt to control the left's political and military force and resigned in September 1974. The government was then dominated by the Armed Forces Movement, heavily influenced by the Communist Party. In the meantime, Angola, Mozambique, Cape Verde and Guinea-Bissau achieved independence.

Political and social instability prevailed through most of 1975. More than half a million people fled to Portugal from the former African colonies, adding a refugee problem to the already volatile domestic situation; some 30 persons died in incidents of public violence, new political parties proliferated, and strikes were widespread. In 1975 the government also decided to nationalize banking, transport, heavy industries, and the media. In the Alentejo in southern Portugal, farmworkers expropriated latifundia and established communal farming.

In March of the following year, 1975, after an attempt of blow defeated of Spínola, the government happened to be dominated by generals Costa Gomes, Otelo Saraiva de Carvalho and Vasco Gonçalves. The Socialist Party of Mário Soares won elections to the Constituent Assembly in April, and in November of that year, the failure of a coup attempt by left-wing officials put an end to the revolutionary period.

## **5. The Constitution of 1976**

In April 1976 the Constituent Assembly approved a new constitution, which committed Portugal to socialism. Parliamentary elections held on April 25 produced no single majority party: The Socialists, the Popular Democrats (centre-right), the Social Democratic Centre Party (conservative), and the Communist Party (founded 1921) made the strongest showings, and the Socialist leader, Mário Soares, formed a minority government. In June, General António Ramalho Eanes, who had been instrumental in preventing a radical leftist military coup in November 1975, won more than three-fifths of the valid votes cast in the presidential election.

The new government swiftly moved to revise the character of the 1976 constitution. The Assembly of the Republic approved a series of reforms that included reducing the powers of the president and abolishing the Council of the Revolution, which had been given the power to determine the constitutionality of laws and gave the military effective veto power over legislation. These constitutional reforms completed Portugal's transition to full civilian rule.

### **5.1. Fundamental principles**

The fundamental principles cover the first eleven articles (1st to 11th) of the Constitution.

Article 1 – The status of Portugal as sovereign republic.

Article 2 – The status of the Portuguese Republic as a state based on the democratic rule of law.

Article 3 – The sovereignty residing in the people and the legality being subordinate to the Constitution.

Article 4 – The Portuguese citizenship.

Article 5 – The territory of Portugal.

Article 6 – The status of the State as being unitary.

Article 7 – The governance of Portugal in the international relations.

Article 8 – The incorporation of the international law in the Portuguese law.

Article 9 – The definition of the main tasks of the State.

Article 10 – The universal suffrage and political parties.

Article 11 – The national symbols and official language.

## ***5.2. Fundamental Institutions***

Trust in Portuguese institutions such as the literature has shown has been decreasing over the years, being that institutions in whom the Portuguese less trust are political institutions (political parties, Government and Assembly of the Republic) and institutions rely on who else are international institutions (United Nations and the European Parliament). However, the Assembly of the Republic being a political institution maintains a credit of trust superior to political parties and the Government.

The Parliament. The Portuguese Parliament consists of a single Chamber known as the Assembly of the Republic. The Constitution says that there are a number of entities that exercise sovereignty, of which the Assembly is one (the others are the President of the Republic, the Government, and the Courts). In the words of the Constitution, it is “the assembly that represents all Portuguese citizens”.

The Constitution, the Rules of Procedure and the Statute of Members lay down the Assembly of the Republic’s competences and the rules governing its modus operandi (the way it works), together with the rights and duties of its Members. In doing so they ensure that there is both a separation of powers and various forms of interdependence in relation to the other entities that exercise sovereignty.

In addition to its primordial role of representing all Portuguese citizens, the Assembly of the Republic is also responsible for passing the fundamental laws of the Republic, scrutinizing compliance with the Constitution and the laws, and considering the acts of the Government and the Public Administration.

The Assembly of the Republic is the assembly that represents all Portuguese citizens. It is made up of 230 Members of the Assembly of the Republic.

Any Portuguese citizen (aged 18 or over) can be a Member of the Assembly of the Republic. Electoral law does make some exceptions due to the nature of certain positions, such as judges, active military personnel, diplomats and others.

Each Member represents the whole country and not just the citizens from the constituency for which he or she was elected. Their term of office is four years, which corresponds to the duration of one legislature.

## 6. Conclusions

As we have seen, Portugal was marked by an anomaly among modern dictators, António Salazar that exemplified the power of a negative personality. He was ascetic rather than exuberant, professorial rather than gregarious, understated rather than ostentatious, yet he held Portugal for more than 40 years.

The Portuguese dictatorship is an echo of the Spanish dictatorship, just as the latter is an echo of the Italian. At bottom, all three are a reaction against the English and French type of parliamentary government.

The doctrine behind this reaction is as old as the world, the doctrine of absolutism, of direct government, without restrictions or responsibilities before the law.

## REFERENCES

1. <http://www.historiadeportugal.info/portugal-e-a-ditadura-salazarista/>.
2. <https://lisbonlisboaportugal.com/Lisbon-information/Antonio-Oliveira-Salazar-portugal.html>.
3. <http://www.parlamento.pt/Legislacao/Paginas/ConstituicaoRepublicaPortuguesa.aspx>.
4. <http://www.parlamento.pt/Parlamento/Paginas/Competencias.aspx>.
5. <http://www.parlamento.pt/Parlamento/Paginas/assembleia-como-orgao-soberania.aspx>.
6. <https://portugal.com/portugal/information/government>.
7. <https://www.infoescola.com/historia/revolucao-dos-cravos/>.
8. [https://www.infopedia.pt/\\$constituicao-de-1976](https://www.infopedia.pt/$constituicao-de-1976).

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