

A PACTED TRANSITION? THE FIVE PACTS OF THE PORTUGUESE DOUBLE TRANSITION (1974-1982)¹

¿Una transición pactada? Los cinco pactos de la doble transición portuguesa (1974-1982)

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Abstract

The Portuguese transition has been reviewed by several political scientists and a part of the literature devoted to transitions to democracy since the 1970s. However, it remains difficult to understand and explain its success. This is what the present article purports to do, retrieving some of these contributions and linking them to a historiographical approach anchored in recent studies on Portuguese political history. In this sense, it reclaims the idea of a double transition taking place in Portugal between 1974 and 1982 and draws attention not only to the two pacts signed in 1975 and 1976, but also to three other pacts which we believe were decisive to the success of the Portuguese transition.

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Keywords

Democracy; Portugal; pacted transition; Southern Europe; civil-military relations.

Resumen

La transición portuguesa ha sido analizada por varios politólogos desde la década de 1980 del siglo xx y forma parte de la literatura dedicada a las transiciones a la democracia. Sin embargo, sigue siendo difícil comprender y explicar su éxito. Esto es lo que pretende este artículo, recuperando algunas de estas contribuciones y relacionándolas con un enfoque historiográfico basado en estudios recientes sobre la historia política portuguesa y en un conjunto de fuentes primarias que entre tanto han sido desclasificadas. En este sentido, recupera la idea de la existencia en Portugal de una doble transición que tuvo lugar entre 1974 y 1982 y llama la atención no solo sobre los dos pactos firmados en 1975 y 1976, sino también sobre otros tres pactos posteriores que fueron decisivos en el éxito de la transición portuguesa.

Palabras clave

Democracia; Portugal; transición pactada; Europa del sur; relaciones civiles-militares.

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I. INTRODUCTION

Despite having launched what Huntington called the third democratic wave at a global level, the Portuguese process of democratization is in many ways unique. The long lifespan of the previous authoritarian regime, the fact that its downfall was brought about through rupture, by means of a non-hierarchical military coup which had its roots in a prolonged colonial war, the simultaneity of the process of political change with decolonization and the end of the last imperial cycle, the role of the military in the revolutionary process which followed the coup and elicited a crisis in the structures of the State almost leading the country to a civil war, all this makes Portugal an unusual story of success that tends to disregard the misgivings and uncertainties of this process; namely, that between 1974 and 1976 the transition to democracy was under threat and that Portugal therefore had to deal with a double legacy of the right-wing authoritarianism of the *Estado Novo* and the authoritarian threat of the far left².

Given these specificities, Portugal did not really fit the role of a model. Some authors have indeed pointed out that the opposite is true. The transition initiated by rupture and followed by a revolutionary process encouraged the political and military elites in the neighboring country —also in the grip of a long authoritarian regime— to promote a negotiated transition process, thus forestalling excesses like the ones in Portugal³. But Portugal also went through a long process of negotiated transition, not led by the elites of the previous authoritarian regime, but among the new military and civilian leaders who, through a succession of agreements, paved the way for the consolidation of a Western democratic regime.

² Pinto (2010).

³ Linz y Stepan (1996: 117); Cervelló (2000); Lemus (2001: 93-109).

II. PORTUGAL: A DIFFICULT CASE TO FRAME

Studies on regime changes have identified the existence of three phases: regime breakdown, democratic transition, and democratic consolidation. These three stages can follow one another or coincide temporally, but it is important to remember that “the breakdown of authoritarian rule does not inevitably lead to democratic polity, and historically most cases of authoritarian collapse have spawned further authoritarian regimes”⁴.

In the Portuguese case, after the fall of the right-wing authoritarian regime, there loomed in the horizon a left-wing authoritarian threat, which, in order to be completely overcome, led to a long transition during which several pacts were established that proved to be decisive for the implantation of a successful democratic regime.

One of the first works dwelling on the end of the Portuguese authoritarian regime underlined the importance of the existence of divisions within the regime and pushed the issue of relations between the State and civil society into the background⁵. Posteriorly, seeking to understand the historical simultaneity of the changes registered in Southern Europe, Robert Fishman established a distinction between State and Regime. In Portugal, the divisions occurred at State level (within the Armed Forces), while in Spain they were felt within the Regime. This difference explains the different modes of transition followed in the two Iberian countries, but not only that. The radical nature of the changes that took place in Portugal was also more profound than in Greece—a country in which political change also began in the Armed Forces—since in Portugal the military failed to enforce internal discipline, as the structures of domination and coercion, including the coercive apparatus, had been dismantled⁶.

In Portugal, unlike in Greece, the integrity of the Armed Forces was not preserved, some functions of the State were no longer in place and the path to revolutionary social mobilization was paved by the action of a group of military. After the military coup, the country witnessed a political radicalization, a crisis of the State and a wide mobilization of the masses that made the transition to a democratic regime of the Western type merely one among the various options. Portugal then went through a process of social revolution that left an important legacy in Portuguese civil society, which became more solid, more institutionalised and organised than that of the neighboring country⁷.

⁴ Gill (2000: 8).

⁵ Schmitter (1975).

⁶ Fishman (1990).

⁷ Fernandes (2015) and Fishman (2019).

It was in this context of uncertainty that the military became the main political force, but even the military which had overthrown the authoritarian regime also ended up breaking apart. This division gave rise to several alliances between parties and sectors of the Armed Forces, which nearly led the country to civil war. The moderate forces would eventually assert themselves, but to overcome the political-military instability experienced in 1975 it was necessary to resort to a succession of pacts. For this reason, although Portugal did not experience a pact transition as Spain did⁸, its transition was not accomplished simply through rupture either, but a double transition.

For these reasons, it is difficult to fit Portugal in comparative analyses of democratization processes. The Portuguese process has too many specificities and particularities, and the Carnation Revolution remains an untypical case of genuine social revolution that led to democratic rule⁹. This difficulty can be overcome if we give up looking at the Portuguese transition as a transition accomplished merely by rupture and concede to also fit it in the model of pact transitions. After the fall of the authoritarian regime, the success of the Portuguese transition resides in a succession of pacts which, in a first moment, made for the end of the revolutionary transition and, at a later stage, enabled the completion of the constitutional transition.

According to the definition proposed by two well-known authors, a pact is “an explicit, but not always publicly explained 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”¹⁰. The same authors draw attention to the importance of pacts in transitions from authoritarian to democratic regimes, although they consider that pacts are not indispensable¹¹. In fact, the existence of pacts is not decisive at all for a successful democratic transition, although Portugal should not be presented as an example of a transition without pacts.

In Portugal there were no pacts between the former authoritarian elites and the forces that challenged them, but the construction of the new

⁸ The transition model in Spain has also been called into question. A recent study, which also seeks to cross the first works carried out by Political Science with the historical knowledge acquired in the meantime, argues that in Spain it was neither a case of a simple pact transition, agreed between the Francoist elites and the opposition, nor a transition *by* rupture, but a transition *with* rupture (Molinero y Ysàs, 2020: 71).

⁹ Fishman (2019: 21).

¹⁰ O'Donnell y Schmitter (1986: 37).

¹¹ *Ibid.*: 39.

democratic regime required consensus and understanding, which were materialised in a set of pacts established first between the military and the parties, and then only between political parties. It was this succession of pacts that ensured not the exit from the scene of the former authoritarian elites, but of the military who, at the height of the revolutionary transition, played a central role in political, economic, social and, of course, military life. Some of the characteristics and functions of the pacts that have been identified as instruments for the introduction and stabilization of democratic regimes are the establishment of basic principles and guarantees of vital interest for the various sides involved, the reinforcement of moderation and commitment, the autonomy of elites and the reduction of uncertainty, while some of the negative aspects associated with its existence are popular demobilization, decision-making focused on a small group of the elite and choice limitation¹². Both the former and the latter were recorded in Spain¹³, but also occurred, as we shall see, in Portugal, between 1975 and 1982. This article describes and analyzes this process, which ends in 1982 with the definitive return of the military to the barracks and the submission of military power to civilian power.

III. THE PORTUGUESE DOUBLE TRANSITION

A study examining 24 democratic transition cases between 1974 and 1993 carried out by Cretchen Casper indicates that Portugal is one of two cases of an “extreme conflict path” that led to a consolidated democracy. The author of this study considers that within two years, Portugal completed a successful process of democratic transition¹⁴. And she is not alone in this. Several political scientists have argued that the democratic transition in Portugal was completed in 1976, after elections for a Constituent Assembly were held and once the Constitution had been approved and legislative and presidential elections had been held. A “tutelary” consolidation process then followed, ending in 1982 with the extinction of an unelected sovereign body composed only of the military—the Council of the Revolution—after the approval of the 1982 constitutional revision¹⁵. Other authors, pointing out that the 1976 Constitution was undemocratic, argue the existence of a

¹² Gill (2000: 52-58).

¹³ Hamann (1997: 111-115).

¹⁴ Casper (2000: 55-77).

¹⁵ Pinto (2001).

simultaneous process of democratic transition and consolidation, completed in August 1982, with the constitutional revision¹⁶.

However, the timeline of the end of the democratic consolidation period also isn't uncontentious. Geoffrey Pridham, for instance, believes that only with the election of a civilian as President of the Republic, which happened in 1986, could the process of democratic consolidation be considered complete¹⁷, but other political scientists consider that the consolidation was only completed in 1989, after some articles of a programmatic nature—preventing the re-privatization of companies that had been nationalised during the revolutionary period—were removed from the Constitution¹⁸. In the latter's view, democratic consolidation extended for a period of 14 years, between 1975 and 1989, during which various partial agreements were reached that progressively transformed Portugal into a pluralist democracy of Western type¹⁹. Despite such differences, these periodizations tend to overlook the uncertainty, the fragility, and the precariousness of the political situation in Portugal after 1976, and to disregard a series of pacts signed between 1976 and 1982.

Contradicting these analyses, Manuel Braga da Cruz, a Portuguese political scientist who underlined that the Portuguese transition was led by the military and politically pacted, presented a different periodization, pointing to a transition process which is divided into three moments and takes place between 1974 and 1986. Thus, the first part, the revolutionary transition, began when the I Provisional Government took office, in May 1974, and ended with the approval of the II Pact between the military and the parties, in February 1976. The second, the constitutional transition, began with the promulgation of the Constitution in early April 1976, and lasted until 1982, the year when the 1976 Constitution was revised. The last phase, which he calls "institutional demilitarization", would close the transition phase with the election of the first President of the civil Republic by universal

¹⁶ Linz y Stepan (1996: 123-129).

¹⁷ Pridham (2000).

¹⁸ Gunther *et al.* (1995: 26-29).

¹⁹ Based on a work by Lawrence Graham (1992), Gunther, Diamandouros and Puhle point to the existence of 5 partial agreements: the two agreements between the military and the parties (the MFA-Parties pacts of 1975 and 1976); the inter-party agreements that allowed important changes to be made to the Constitution (1982 and 1989) and finally the last would be the abandonment, by the PCP, of its revolutionary program in the late 1980s. This article presents a different view, drawing attention to other pacts that have not been considered.

and direct suffrage²⁰. We, however, consider that the latter fits better in the consolidation phase and, as such, we identify a double transition (revolutionary and constitutional). This division has the merit of highlighting the dual legacy of the regime established with the 1976 Constitution, which, in addition to being a reaction to the dictatorship of Oliveira Salazar and Marcelo Caetano, is also the result of the ambiguities of the 1975 revolutionary process²¹. On the other hand, this periodization reminds us that, in 1976, there was hardly any consolidation of democracy to speak of. Although a Constitution was in place, as well as a Legislative Assembly and a President elected by direct and universal suffrage, there was also an unelected sovereign body, composed exclusively by the military, with broad powers over the other organs of sovereignty. In addition, the Constitution pointed to the “transformation into a classless society” and sought “to ensure the transition to socialism”, and the President of the Republic accumulated this civil function with military functions, as he was also Chief of General Staff of the Armed Forces and President of the Council of the Revolution (CR).

This extraordinary accumulation of powers did not pave the way to any kind of autocratic solution, but rather contributed to ensuring the subordination of military power to civilian power²². As in Spain, where King Juan Carlos played a key role in the transition process²³, in Portugal, the President of the Republic, General Eanes, was a crucial element to the success of the democratic transition, fostering the necessary conditions for democratic consolidation.

The Portuguese case must therefore be analyzed as a double transition. The first one, initiated by rupture, launches a revolutionary transition of indistinct outlines, since the objectives of the main political forces and the different military sensibilities were very different and, in some cases, incompatible. The second, initiated after the signing of the two well-known pacts between the military and political parties, presents all the features of a negotiated transition and would guarantee the implantation of a democratic regime in Portugal. At this stage, we are able to identify three other pacts that would prove decisive to the course taken by Portugal towards democracy: the pact celebrated between the parties and the military for the election of the first president of the Republic; the pact between the socialist party and the President of the Republic to ensure his re-election; the pact between the leaders of three of the four largest political parties to change the Constitution.

²⁰ Cruz (1986: 205-206); Cruz (1999: 73-81).

²¹ Maxwell (1986: 133).

²² Castaño (2017).

²³ Powell (1991).

IV. THE FIRST MFA-PARTIES PACT

The effortlessness with which a group of intermediate officers of the Armed Forces overturned the longest European authoritarian regime was at odds with the difficulty of establishing a Western-style democratic regime. Nonetheless, this was only one of the options envisaged when the military coup opened the path for a revolutionary process. The Program presented by the military to the country on April 26th (Program of the Armed Forces Movement-MFA) provided for the holding of elections for a Constituent Assembly within a maximum period of one year, but a succession of events challenged that initial promise. The resignation, in July, of the Prime Minister of the I Provisional Government, and the resignation, in September, of the President of the Republic, reveal the tensions and divergences that crossed political-military power and constitute two milestones in the acceleration of the revolutionary dynamic.

Towards the end of 1974, the idea gains ground that the MFA's military should be represented at the Constituent Assembly so as to ensure that the objectives of the MFA Program were fulfilled. This solution was argued by advocates of a deepening of the revolutionary path. The supporters of the pluralist path, on the other hand, while not disputing the need to find a formula that would guarantee the maintenance of the MFA's influence, were opposed to the possibility of direct participation of the military in the Constituent Assembly. It is therefore in this context that the idea begins to take shape of the need to promote the institutionalization of the MFA and the signing of a pact between the political parties and the military responsible for the overthrow of the previous authoritarian regime²⁴. This agreement thus emerges as a bargaining chip precluding the direct participation of the MFA in the Constituent Assembly while safeguarding the holding of elections and the implementation of the MFA's program.

Negotiations began in February 1975 and the military delivered to the parties a document comprised of 14 points which, among other aspects, aimed to guarantee: a controlling intervention by the MFA on the legislative activity of the Parliament and the Government in some areas; that the future Constitution would be in harmony with the MFA Program; that the future President of the Republic must have the full trust of the MFA; that the Constitution should determine that governments would be dependent on the President of the Republic and not on the Assembly; and that the MFA should be institutionalised²⁵. At the beginning of March, the parties had sent their replies to the

²⁴ Rezola (2012b: 641-646).

²⁵ Castaño y Rezola (2021: 59-63).

14 points presented by the MFA and were preparing for a new round of negotiations, but the process would be stalled by a new event that would trigger a new development in the revolutionary dynamic.

On March 11, the former President of the Republic, General Spínola, was involved in a botched coup that ended up strengthening the positions of those he intended to remove from power. That same night, a meeting of the MFA took place. During the meeting, the military defended the application of revolutionary measures and approved the institutionalization of the Movement through the creation of a Revolutionary Council and an MFA Assembly. Only the strong opposition of President Costa Gomes during what became known as the “Wild Assembly” prevented the approval of what was willed by the majority of the military in attendance: the cancellation or the *sine die* postponement of the elections to the Constituent Assembly²⁶.

Fearing the prospect of a postponement or cancellation of the elections, the political parties accepted all the proposals put forward by the military in the negotiations to conclude the agreement²⁷. These were no longer restricted to the institutionalization of the MFA, which was enshrined in the law on March 14th (Law 5/75 of March 14th), or to the outline of the future constitutional organic structure, but sought to guarantee “the continuation of the political, economic and social revolution which began on the 25th of April 1974”²⁸. Although virtually none of the counterproposals submitted by the parties to minimise the preponderance of military power on political power were accepted²⁹, the parties subscribed to the Pact, which was signed on the 11th of April 1975. This pact established the Council of the Revolution as the nuclear and more important body of the future political structure, with powers over the President of the Republic and over the government, and also the existence of a military Assembly —the Assembly of the MFA— which together with a legislative assembly would elect the President of the Republic. That is to say, although the elections were guaranteed, the future Constituent Assembly would have to follow the model pre-established in the agreement with the military. Moreover, the revolutionary military conducted a campaign

²⁶ Rezola (2006: 131-133) and Rodrigues (2008: 230-231). A transcript of a recording of the interventions of the military who participated in that meeting was recently published (Contreiras, 2019).

²⁷ Reis (1993: 43) and Ferreira (1994: 209).

²⁸ Archive of the Council of the Revolution, Annex “C” of the Minutes of the Council of the Revolution of 27 March 1975, box, 1. Torre do Tombo National Archive.

²⁹ Archive of the Council of the Revolution, box 84, “MFA-Parties Pact”, Torre do Tombo National Archive.

against the parties, calling for a blank vote. However, white or void votes stood at only 7%, and the parties advocating the establishment of a pluralist and representative democratic regime won the majority (72%). Although these results did not have a direct impact on the constitution of the provisional government and no immediate impact on the balance of political-military forces, the revolutionary legitimacy—which until then had been monopolistic—was forced to give some ground to the electoral legitimacy.

The military had to take into account the will expressed by voters and not just the pressure exerted on the streets. Despite this First Pact sanctioned the primacy of revolutionary power over political parties, by guaranteeing and enabling the holding of elections, it opened a narrow door, essential for the subsequent affirmation of electoral legitimacy³⁰.

In June 1975, the work of the Constituent Assembly began. But the revolutionaries did not give up and organized major demonstrations in favor of the establishment of a popular power, the formation of a revolutionary government, and the dissolution of the Constituent Assembly. In the following weeks, the actions in favor of the immediate formation of a revolutionary government and the dissolution of the Assembly multiplied.

The divisions in Portuguese society were reflected inside the MFA, from which programmatic texts began to emerge that ran counter to its initial program. At the end of June, the MFA released a Political Action Plan (PAP) which sought to reconcile representative democracy and direct democracy. This document stressed that the Constituent Assembly should not have “any type of official interference in national political or administrative life”, and encouraged the creation of popular organizations, which would constitute “the embryo of an experimental system of direct democracy”³¹.

Despite the almost complete ostracization of the Constituent Assembly, when the MFA Assembly met with the intention of unifying the military around this ambiguous plan, two other documents emerged. One presented by the Prime Minister, Vasco Gonçalves, who defended the construction of a socialist path supported by a political vanguard, and the other, subscribed by elements of the army—the “People-MFA Alliance Guide Document”—that presented a set of actions to be carried out with the establishment of popular

³⁰ Kenneth Maxwell claims that the radical military would come to regret having accepted this compromise. They did not realize that, whatever the outcome of the vote, it was inevitable that it represented a potential challenge to military dominance, because for the first time since the April coup, there would be an alternative source of legitimacy. Maxwell (1999: 132-133).

³¹ Rezola (2007: 258).

power in view, and which completely ignored the newly set up Constituent Assembly. These included the dismantling of the state apparatus and the formation of committees and popular assemblies at local, regional, district and national levels, which would also include elements of the three branches of the Armed Forces³².

Given the approval of the Alliance Guide Document by the Assembly of the MFA, as well as the failed attempts to remove Vasco Gonçalves from the leadership of the government promoted by a group of MFA officers who opposed the model advocated by the Prime Minister, the Socialists abandoned the government, being followed soon after by the popular democrats, and both parties were engaged in the organization of large rallies against the permanence of Gonçalves. This demonstration of mobilization was what largely paved the way for the replacement of Vasco Gonçalves in the leadership of the provisional governments, and for the military clarification, carried out by a group of nine advisers of the Revolution who rebelled against the fact that a minority “revolutionary vanguard” intended to impose a revolutionary project without taking into account the “complex historical, social and cultural reality of the Portuguese people”³³.

The Prime Minister’s exit from the scene did not help ease tensions. In November 1975 the country almost split into two, with revolutionary forces dominating the capital and the south and moderate and conservative forces the center and the north of the territory. Portugal was on the verge of a civil war, but on 25 November, after being urged to act, the revolutionary forces were defeated. The strategic retreat of the Communist Party assured its permanence in the government and prevented the party from being outlawed, as advocated by some elements of the victorious forces, fitting into the concept of “trade-of between participation and moderation” presented by Huntington³⁴.

V. THE SECOND MFA-PARTIES PACT

By the end of November 1975, the work of the Constituent Assembly was almost complete. The political and military clarification resulting from the 25th of November would be decisive for the conclusion of the constitutional process. Fearing that the parties might defend the repeal of the pact signed in April 1975, the victorious military called for the opening of

³² *Ibid.*: 273-275.

³³ “Document of the Nine”. Available at: <https://shorturl.at/kPkok>.

³⁴ Huntington (1991: 161).

negotiations to revise that agreement, as long as its “essence” was not questioned³⁵. A few days later the Prime Minister informed his colleagues at the Council of the Revolution that the leaders of the two major parties would leave the government if the pact was not revised³⁶. It was in this context that negotiations began³⁷.

On December 17, a delegation from the CR received the representatives of the parties that had signed the Pact. This delegation did not submit any draft amendments to the parties, merely asking them to send proposals for amendments to the agreement³⁸.

The parties represented in the Constituent Assembly delivered very different proposals. The PCP (Partido Comunista Português-Portuguese Communist Party) and the MDP (Movimento Democrático Português-Portuguese Democratic Movement) made similar proposals which introduced few amendments to the existing Pact since they continued to advocate “a very significant role for the military”. The only substantive change was presented by the PCP, which now endorsed the election of the President by direct suffrage. The PS (Partido Socialista-Socialist Party), proving “favorable to the institutionalization of political democracy” through the entry into force of the Constitution, proposed the abolition of the MFA Assembly, but believed that the military should have “a transitional political presence within the constitutional framework”. This presence would involve the conversion of the Council of the Revolution into an “organ of permanent consultation of the President of the Republic”. As for the election of the President, the Socialists defended “the principle of direct election”. Despite endorsing the outright annulment of the former Pact, the PPD (Partido Popular Democrático-Democratic Popular Party) agreed to discuss its reformulation, and presented a set of suggestions: the submission of the future Constitution to a referendum; the extinction of the MFA Assembly; the renaming of the Council of the Revolution, which would become the Council of the Republic and integrate civil advisers; and the direct election of the President of the Republic. Finally, the CDS (Centro Democrático Social-Social Democratic Center) also defended the election of the President by direct, universal and secret suffrage, the

³⁵ Archive of the Council of the Revolution, Minutes of the Council of the Revolution, 3-12-1975, box. 2. Torre do Tombo National Archive.

³⁶ Archive of the Council of the Revolution, Minutes of the Council of the Revolution, 11-12-1975, box. 2. Torre do Tombo National Archive.

³⁷ For detailed descriptions of the negotiations that led to the formalization of the II Pact, see Gómez (2002) and Rezola (2012a: 512-523).

³⁸ *Diário de Lisboa*, 18-12-1975.

replacement of the CR by a Council of State, without legislative, executive or juridical functions, which, as in the proposal presented by the PPD, would be comprised of civilians and military³⁹.

The military accepted the direct election of the President of the Republic, defended by all parties except for the MDP, and the elimination of the MFA Assembly, advocated by PS, PPD and CDS. However, the proposal presented to the parties defined the Council of the Revolution as the “guarantor of fidelity to the spirit of the democratic and socialist revolution”, and assigned several powers to this body, namely to assist the President in the appointment of the Prime Minister, the right of veto over the diplomas of the Assembly and of the Government on certain issues, and also legislative and jurisdictional competencies, to which was added legislative and executive powers in military matters⁴⁰.

The leaders of the two largest parties did not hide their dissatisfaction. The Socialist Secretary-General deemed the counterproposal presented by the CR unacceptable insofar as it kept the military in a hegemonic position⁴¹. Sá Carneiro also revealed his party’s frustration and expressed his opposition to the “excessive concentration of powers on the part of the Council of the Revolution”, which would be in a position, in certain cases, to replace the Parliament. The leader of the Popular Democrats also criticised “the reduced powers and attributions of the President of the Republic”, and questioned the true intentions of the military, stating that the proposed model would be no more than a “mitigated or monitored democracy”, an “authentic military dictatorship with a liberalizing façade”⁴².

These criticisms were not unjustified. During a meeting of the Council of the Revolution, Melo Antunes —the Counselor who led the MFA commission in charge of negotiations with the parties— recognised that the proposal presented to the parties “advocated a very strong intervention of the military in political institutions”⁴³. Faced with the strong opposition of the two most voted parties, the CR removed some of the prerogatives it had contemplated in the first proposal, namely the right of veto on the appointment of the Prime

³⁹ Archive of the Council of the Revolution, box 84, “MFA-Parties Pact”, part II, Torre do Tombo National Archive.

⁴⁰ Archive of the Council of the Revolution, box 84, “MFA-Parties Pact”, part II, Torre do Tombo National Archive.

⁴¹ *Diário de Lisboa*, 20-1-1976.

⁴² Carneiro (2012: 69).

⁴³ Archive of the Council of the Revolution, Minutes of the Council of the Revolution, 9-2-1975, box 2. Torre do Tombo National Archive.

Minister, cut down the legislative matters on which it had right of veto and transferred some powers to the President⁴⁴.

The negotiations progressed, but the introduction, in the preamble to the new Pact, of a reference to the Armed Forces as an entity whose “historical mission” was to guarantee the conditions that would allow “the peaceful and pluralistic transition of the Portuguese society to democracy and socialism”, once again imperiled the agreement. Faced with the opposition of the parties, the military agreed to abolish the preamble⁴⁵.

Finally, on February 26, 1976, the parties and the Council of the Revolution signed the new Platform for Constitutional Agreement. Despite some setbacks, the CR continued to play an important role in the political order. As an organ of sovereignty, it was assigned several functions: “Council of the President of the Republic”; “Guarantor of the fulfillment of the Constitution and of the fidelity to the spirit of the Portuguese revolution”; and had, as “political and legislative body in military matters”, “exclusive competency to legislate on matters of organization, functioning and discipline of the Armed Forces” and to “approve international treaties or agreements respecting military affairs”. The Council of the Revolution could thus, on its own initiative or at the request of the President, decide on the constitutionality of any law, recommend the implementation of measures deemed necessary for compliance with constitutional rules, and pronounce “with obligatory general force on the constitutionality of any diplomas already promulgated”. To assist the Council in this task, the new Pact established the creation of a Constitutional Commission, chaired by a member of the CR, with a tie vote. On the other side of the scales, it is worth pointing out, there was a strengthening of the President’s powers, which would be elected by “universal, direct and secret suffrage” and the MFA Assembly came to an end. The new Pact also established that the first parliamentary term would have four years, and that in the second legislature the Parliament would have constituent powers⁴⁶.

Once this agreement was reached, the Constituent Assembly was finally able to complete its work, and on April 2nd, 1976, the Constitution was approved by all parties, except for the CDS, which refused to endorse a strongly ideological text. The 1976 Constitution must therefore be seen not as the result of the independent and free work of the constituent deputies and

⁴⁴ “Political developments”, telegram from the US embassy in Lisbon to the State Department, 6-2-1976, Lisbon 00855. State Department Cables.

⁴⁵ Castaño y Rezola (2021: 183).

⁴⁶ Archive of the Council of the Revolution, “Agreement Platform”, 26-2-1976, box 84, “MFA-Parties Pact”, part II, Torre do Tombo National Archive.

the agreements established between them, but as the formal consecration of the second Pact.

The promulgation of the Constitution closed a cycle that made possible the onset of a new phase. The revolutionary transition had been concluded and the constitutional transition was set in motion. In this new cycle, the choice of the future President of the Republic was decisive and led to a new pact, which guaranteed the election of one of the military officers responsible for the victory of the moderate forces on 25 November 1975.

VI. THE PACT FOR THE ELECTION OF RAMALHO EANES

There was no point in the second pact stating that the future president had to be a serviceman. However, given that the President would also have to preside over the Council of the Revolution, an organ of sovereignty composed solely of military, there were serious obstacles to a civilian candidacy.

In early 1976, PS, PPD and the military responsible for the operations of the 25th of November shared the idea that Costa Gomes should not continue in office, and the name of the officer responsible for the military operations of the 25th of November began to emerge as the one able to secure the widest possible support among the military.

After November 25, Ramalho Eanes went on to lead the Army, adopting a number of initiatives aimed at stopping the disintegration of the military institution and showing his commitment to a progressive eradication of the most radical sectors. The candidacy of the new head of the Army began to take shape and attract attention among the other candidates (the commander of the Northern Military Region, Pires Veloso, and the successor of Vasco Gonçalves at the head of the provisional governments, Pinheiro de Azevedo), insofar as Eanes stood out as the candidate most able to overcome the ideological gaps that divided the Armed Forces⁴⁷.

Aware of the instability within the Armed Forces and the obstacles that hampered a civilian candidacy, the two largest parties chose to support a military candidate as long as he was able to gather a broad consensus in the military milieu. A new pact was then forged between the victorious military of the 25th of November and three of the four largest parties (in addition to PS and PPD, the CDS Christian Democrats also supported Eanes'

⁴⁷ "Eanes emerges as leading presidential candidate", telegram from the US embassy in Lisbon to the State Department, 26-2-1976, Lisbon 01252. State Department Cables.

candidacy) to guarantee the victory of the Chief of Staff of the Army in the first round.

In mid-May, after making sure that he would combine the functions of President of the Republic and President of the Council of the Revolution with those of Chief of the General Staff of the Armed Forces and that he would have a decisive say in the choice of his successor to head the Army, Eanes formally presented himself as a candidate. In the presence of leaders of the three parties that supported him, during a ceremony that strived to be markedly civilian, without a military uniform in sight, Ramalho Eanes stated that his chief objectives were the uncompromising defense of the institutionalization of democracy and the defense of national independence and cohesion of the Armed Forces, following a strict compliance with the Constitution⁴⁸.

In addition to Ramalho Eanes, three other candidates presented themselves to the electorate. The Communists put forward the civilian candidacy of a well-known Communist leader, Otávio Pato. Other parties and movements to its left became engaged in the candidacy of the former commander of the Lisbon Military Region and one of the great losers of the 25th of November, Otelo Saraiva de Carvalho. Finally, former Prime Minister Pinheiro de Azevedo, unhappy with the unanimous welcoming of Eanes' candidacy, also presented himself as a candidate.

The elections were held on the 27th of June. The candidate supported by important sectors of the Armed Forces and by three of the largest political parties (PS, PPD and CDS) obtained 61.6%, followed by Otelo with 16.5%, Pinheiro de Azevedo with 14.4%, and the PCP's candidate, with 7.6%. The election of Eanes, the fruit of an understanding between the military and three of the four major political parties, represented the first pact of the constitutional transition. This agreement prevented the victory of the candidates committed to the revolutionary path and paved the way for an accumulation of civilian and military powers by the new President of the Republic, which proved indispensable for the success of one of the priorities of the new head of state: the institutional recovery of the Armed Forces⁴⁹.

The Armed Forces had been profoundly shaken by the revolutionary process. Military units and facilities had been transformed into stages of doctrinal, ideological, political, and partisan battles, and the basic values of the Armed Forces, such as discipline and hierarchy, had been called into question. One of the priorities of the new President of the Republic was to

⁴⁸ *Diário de Lisboa*, 19-5-1976.

⁴⁹ On the action performed by Ramalho Eanes at the beginning of his first term, see: Castaño (2017) and Castaño (2018: 43-93).

halt and reverse this process, while trying to avoid a simple return to the pre-revolutionary period. Eanes then led a process of reforms to prepare the subordination of military power to civilian power. To this purpose, he used his powers as President of the Republic, Chief of the General Staff and President of the Council of the Revolution, and their respective legitimacies: political, functional and revolutionary to enforce his strategy.

The Council of the Revolution, in addition to its broad constitutional powers, also had direct links to the military units through the counselors who simultaneously occupied command positions in the military regions. One of the priorities of the new President of the Republic was to put an end to this link, thus forcing the counselors who were in this situation to make a choice: either to remain in the Council or to go on commanding the military regions⁵⁰. This measure of great political-military impact paved the way for a reshuffle of the Council, brought about changes to the military commands and counteracted solutions advocated by some counselors who followed the opposite direction, that is, who sought to underline the military aspect of the Council and strengthen the links with the military units which would ultimately place the CR at the top of the hierarchical structure of the Armed Forces⁵¹.

This was not the path advocated by Ramalho Eanes who, in addition to establishing the division between political and military functions of the members of the Council of the Revolution, pledged, as CEMGFA, to promote changes reinforcing its own powers in the processes of appointment of military leaders⁵². At the same time, following the effort to depoliticise the Armed Forces, which began straight after the 25th of November, he pushed for the approval of the Code of Military Justice and the Regulation of Military Discipline⁵³, two essential instruments for reestablishing discipline and strengthening the authority of military leaders outside the Council of the Revolution.

With these measures, Eanes assigned trusted officers to key places of the military establishment, seeking a balance between the different generations of officers, through a complex process of management of graduations and promotions which aimed to bring the hierarchy back to a traditional scheme.

⁵⁰ Archive of the Council of the Revolution, Minutes of the Council of the Revolution, 11-8-1976, box 3. Torre do Tombo National Archive.

⁵¹ Archive of the Council of the Revolution, Minutes of the Council of the Revolution, 23-7-1976 and 26-7-1976, box 3. Torre do Tombo National Archive.

⁵² Decree-Law no. 669/76 of 11 August.

⁵³ Code of Military Justice, Decree-Law, 141/77; Regulation of military discipline, Decree-Law 142/77.

With the end of direct liaising between the CR and operational military commands through advisers with effective military power, with the reinforcement of the power of the traditional hierarchy, with the gradual depoliticization of the Armed Forces and with the assigning of trusted officers to key positions, Eanes gathered extensive powers and prepared the country for a gradual withdrawal of the military from political life, a path intended to ensure that the Council of the Revolution had a less interventionist position not only at a military level, but also in the political field. However, unlike some political forces, Eanes did not wish for the premature end of the sovereignty body. Despite the progressive emptying of functions of the CR, the President argued the maintenance of this body until the end of the transitory period established in the Constitution of 1976. Thus, there was a gradual transition from military powers centered in the Council of the Revolution into a military institution gradually resuming the traditional hierarchical structure, whose vertex was not the CR, but the General staff and the heads of the three branches of the Armed Forces.

This process went on between 1976 and 1982 and may be seen as a slow process of appeasement inside the Armed Forces, crucial for the subordination of military power to democratic civilian power.

Despite the vast constitutional powers at their disposal, the revolutionary military was kept in a sort of gilded cage: the Council of the Revolution. On numerous occasions during those six years, several councilors expressed their displeasure and their resentment at being part of a powerless body, incapable of regaining the centrality and relevance it had enjoyed during the revolutionary transition. The Council split into two major factions. On the one hand, were the historical councilors, who had managed to overcome the various makeovers of the CR and remained in the Council from its inception. On the other, the new councilors, the military leaders appointed by Ramalho Eanes in his dual capacity as President of the Republic and head of the armed forces. However, the divisions, conflicts and tensions within the Council of the Revolution were limited to this sovereignty body, with only slight echoes and repercussions in the military apparatus. Thus, it was possible to preclude a replication of the atmosphere of endless tugs-of-war experienced during 1975, which might ultimately have set against one another different military units.

VII. THE PACT FOR THE RE-ELECTION OF THE PRESIDENT

Although the military situation had stabilized with the action of President Eanes, the final years of the 1970s were marked by various political and

financial crises that questioned the fragile foundations of the democratic regime. Between 1976 and 1980, Portugal had 6 governments. The minority government of the Socialist Party was unable to withstand the cross opposition of the parties to its left and to its right and was replaced by an unlikely coalition government between the socialists and the CDS, a party that, while not having voted in favor of the Constitution, nevertheless was seeking legitimacy and recognition. However, this formula was also unable to endure the whole length of the legislature. Faced with the failure of the parties to find majority solutions capable of approving the unpopular legislation that would tackle the economic and financial crisis affecting the country, the President of the Republic sponsored the formation of governments composed of personalities he trusted. These, however, were time and again rejected by the Assembly of the Republic⁵⁴. Government instability led the President to call for interim legislative elections, which did not mean the end of the legislature. Were it not for midterm elections, the new Assembly would have constituent powers, but the Constitution determined that the fundamental law could only be revised after four years. It was also established that a two-thirds majority in Parliament was required to amend the Constitution.

The midterm elections of 1979 gave victory, with an absolute majority, to an alliance formed by PSD (former PPD), CDS and a small monarchist party, PPM (Partido Popular Monárquico-People's Monarchist Party). For the first time since 1974, the right came to power. It was an important step towards the democratic alternation through free elections. However, this government was destined to have a short lifespan, since legislative elections were planned for 1980, and these would serve to form a new assembly empowered to amend the Constitution. It turns out that the need to achieve a 2/3 majority implied an understanding that also covered PS, but the two major parties had quite different views on the scope and scale of the changes to be introduced in the Constitution. Among the major changes, only the abolition of the Council of the Revolution brought PS closer to the conservative bloc, which was committed to promote other fundamental changes, especially in the economic and programmatic fields. For the parties supporting the government, the Constitution should no longer mention that Portugal was moving towards socialism and preclude the reprivatizing of companies nationalised during the revolutionary process. In this sense, the conservative bloc advocated the revision of the Constitution by referendum, which implied the election of a President of the Republic who supported this form of constitutional amendment.

⁵⁴ On semi-presidentialism and the governments chosen by the President of the Republic, see: Cruz (1994).

Despite criticism from the Democratic Alliance regarding the presence of the military in political life, its leaders eventually chose a military to run for president against General Eanes. The main intention was to polarize civil society and the military. Their choice fell on Soares Carneiro, a conservative military man who had commanded the special troops and been Angola's secretary-general before April 25. When he presented his candidacy, in addition to criticizing the model of economic organization established in the Constitution, he defended the use of the referendum as a way of unlocking the constitutional revision⁵⁵.

The socialist leader Mário Soares emerged as a potential civilian candidate. However, the overwhelming majority of the party's leaders argued that the Socialists should support Eanes instead, since this solution offered more guarantees for the defense of the democratic regime following the guidelines drawn by the 1976 Constitution⁵⁶.

Despite the reluctance of Soares, who would later withdraw his personal support for Ramalho Eanes' candidacy, the Socialists and representatives of the President of the Republic negotiated, between late spring and early summer of 1980, an agreement that ensured the support of the Socialists to the reelection of Eanes. This agreement ruled out the use of the referendum as a substitute for the 2/3 majority required for the constitutional revision, inhibited the President of the Republic from interfering in the specific issues and modalities of the revision, making it impossible to present or encourage any draft revisions, and allowed the formation of minority governments, blocking the formation of governments by presidential initiative without the prior agreement of the political parties. The agreement further determined that, should he would win, Eanes could no longer accumulate presidential functions with the leadership of the Armed Forces. On the other hand, the Socialist Party refrained from proposing, in its draft of constitutional revision, a limitation to the powers of the President, pledging to promote a balanced redistribution of the powers assigned to the Council of the Revolution⁵⁷.

This agreement, which secured the support of the second largest Portuguese party, was fundamental to the victory of General Ramalho Eanes, with 56% of the votes, in the presidential elections of January 1980, in which the

⁵⁵ *Diário de Lisboa*, 18-9-1980.

⁵⁶ Mateus (1996: 186); Castanheira (2012: 676-679).

⁵⁷ "Memorandum on the conditions of an independent candidacy that deserves political support from the Socialist Party", published by the National Commission to Support the candidacy of President Eanes, on November 21, 1980. *Diário de Lisboa*, 22-11-1980.

AD candidate stood in second place with 40%. This victory, and the death of Prime Minister Sá Carneiro three days before the electoral event, curtailed the chance of using the referendum to change the Constitution. Also, as agreed with the Socialist Party in early March 1981, Ramalho Eanes ceased to be the Chief of Staff of the Armed Forces. The end of the accumulation of civil and military functions, justifiable during the democratic transition, paved the way for democratic consolidation, but to accomplish this fully it was still necessary to change the Constitution.

VIII. THE PACT FOR THE REVISION OF THE CONSTITUTION

Once the option of constitutional revision by referendum was ruled out, the only way to amend the Constitution would have to involve an inter-party agreement capable of covering a two-thirds majority of the parliament formed following the October 1980 legislative elections. The Democratic Alliance parties had renewed their absolute majority by electing 134 of the 250 deputies, but only with 166 votes could the Constitution be revised.

Excluded the possibility of an understanding with the Communists, who advocated the continuity of the CR, a potential agreement would have to engage the Socialist Party. However, the right-wing parties advocated deeper changes than the Socialists and, after their presidential candidate was defeated, they focused on limiting the powers of the President of the Republic.

It turned out that the Socialist Party was bound by the agreement with Ramalho Eanes and inside the party there was a strong trend spearheaded by the leader of the parliamentary group, Salgado Zenha, who was committed to fulfill all the points of this agreement. However, the victory of the Secretary-General in the Party Congress, in May 1981, gave him the necessary strength to enforce, within the party, an understanding with the right-wing parties.

In this Congress, Mário Soares argued that the nominations of the heads of the Armed Forces, until then made by the President and the CEMGFA, should thenceforth be proposed by the government. In return, the Socialists demanded the preservation of “the economic-social model settled in the Constitution”, considering that the model of mixed economy in place was balanced⁵⁸. The path towards an inter-party understanding requiring compromise from both sides was thus opened.

⁵⁸ IV National Congress of the Socialist Party, 1981. CD-ROM «Fontes para a História do Partido Socialista», FMS, 1999.

Despite the great differences between the draft revision submitted by the Democratic Alliance and the Socialist project⁵⁹, the leaders of PSD, PS and CDS promoted the holding of meetings that eventually led to an agreement regarding three major issues: the extinction of the Council of the Revolution, the limitation of the powers of the President of the Republic, and the placement of the Armed Forces in the exclusive hierarchical dependence of the government.

The Socialists still sought to obtain Eanes' agreement on one of the points he had negotiated with the AD: the end of the political responsibility of the government before the President of the Republic, which would be counterbalanced by the latter's unconditional power to dissolve the Assembly of the Republic⁶⁰. This change, as well as the placement of the Armed Forces in the exclusive hierarchical dependence of the government, were not welcomed by the President. Still, although he disapproved of these amendments and received a number of appeals to dissolve the Parliament or to resign, Eanes didn't take a single action that might endanger the process of constitutional revision⁶¹.

At the end of April 1982, the leaders of the two largest parties finally came to an understanding. In the following month, the members of Parliament received the text of the revision agreed on between the PS leadership and the parties of the Democratic Alliance. Party discipline was enforced, and on August 12, 1982, the revision of the Constitution was approved with 195 votes in favor.

On September 24, the President of the Republic promulgated the constitutional revision law. With its entry into force, the Council of the Revolution was abolished. The powers of the President were also altered. Among others,

⁵⁹ Draft bill for constitutional revision no. 2/II (presented by PSD, CDS and PPM), *Diário da Assembleia da República*, 27-4-1981, Series II, II legislature, Legislative Session 01, number 57, pp. 2329-2356; Draft Law of Constitutional Revision No. 4/II (presented by PS, ASDI and UEDS), *Diário da Assembleia da República*, 23-5-1981, Series II, II legislature, Legislative Session 01, number 70, pp. 2689-2712.

⁶⁰ Eanes (2006: 6-D 172-190).

⁶¹ Both the MDP and the Communist Party argued that the President should dissolve the Assembly before the process of revising the Constitution was completed. If the Assembly was dissolved the revision of the Constitution would be interrupted and only the future chamber of deputies could resume this process. The dissolution was also defended by several members of the Council of the Revolution. Minutes of the Council of the Revolution, 14-7-1982, Archive of the Council of the Revolution, Meetings, Minutes, box. 10. Torre do Tombo National Archive.

the principle of the political responsibility of the government and of the Prime Minister towards the President of the Republic disappeared.

The new constitutional balance between the powers of the President, the Assembly and the Government was not the one advocated by the President, but Eanes chose not to question it, and his action in the previous six years was decisive for the success of the constitutional transition. A revision of the Constitution carried out without taking into account its own procedures might well have undermined the transition to democracy, but the understanding reached between three of the four largest Portuguese parties enabled its successful completion. Thus, Portugal no longer had a sovereignty body which was foreign to representative democratic systems. With these changes to the Constitution, the process of democratic consolidation was finally launched. This process would last until the late 1980s and be marked by two key events: the election, by direct and universal suffrage, of the first civilian as President of the Republic, in 1986, and the constitutional revision of 1989, which would eradicate the last revolutionary traces of the fundamental law.

IX. CONCLUSION

The description and analysis of the democratic transition as a swift two-year process, or the merging of transition and consolidation into a longer process lasting eight years, tends to overlook or underestimate the various problems, crises and conflicts that threatened the deployment of a pluralistic democratic Western type of regime in Portugal. These different periodizations tend to disregard some aspects that only temporal distance and the use of primary sources can clarify.

The study and analysis, from a historical perspective, of the democratic transition in Portugal as a lengthy process divided into two distinct phases, allow us to better understand the Portuguese case, and reveal the importance of pacts or partial agreements during the years of constitutional transition.

In addition to the two pacts signed between the military and the parties during the revolutionary transition, we must take into account the agreement, signed after the Constitution came into force between the military victors of November 25 and the main political parties, for the election of a new President of the Republic. It was this understanding that secured the election, by a large majority, of the then Chief of Staff of the Army, in the first election of a President by direct and universal suffrage in Portugal. This fundamental agreement between civilians and the military legitimised the accumulation of civil and military functions by the new President, a military man, who used his powers

to prepare the Armed Forces for subordination to civilian power and ensure the success of the constitutional transition.

The threat of a revision of the constitution made outside the predefined molds forged a new agreement, this time between the President and the second largest Portuguese political party, establishing very concrete guidelines for the revision of the fundamental law and the separation of civilian and military powers. This understanding guaranteed the re-election of the President and precluded the use of the referendum as a device capable of circumventing the requirement of a 2/3 majority to approve amendments to the fundamental law, a process which, if initiated, would call the Constitution into question and open a new era of uncertainty. Once this scenario was discarded, and despite the profound divergences dividing them, the leaders of three of the four largest Portuguese parties strived and managed to reach an agreement allowing amendments to the Constitution and eliminate one of the greatest marks of the revolutionary period: the Council of the Revolution, which, despite the vast constitutional powers at its disposal, had been relegated to a secondary position by the persistent and important action carried out by the President of the Republic in previous years. This agreement, which involved only the parties, was in part made against the judgement of the President of the Republic, who nonetheless abstained from taking any sort of action that might hamper the constitutional revision. The understanding reached did not allow for a revision as extensive as some of the parties deemed desirable, but it put an end to the long transition process and paved the way for the consolidation process.

The success of the Portuguese transition can therefore be explained by the fact that the country was able to benefit from this double transition. The first, the revolutionary transition, initiated by rupture through a radical break with the previous right-wing authoritarian regime, opened the way for a social revolution that left an important legacy to Portuguese civil society. But that period also left another legacy, one of institutional and economic disruption that was only possible to reverse in the following years. The signing of the II Pact between the military and the MFA-Parties paved the way for a new phase of the transition, duly framed by the Constitution. Yet political, military, social and economic instability led to the establishment of several agreements which marked the constitutional transition. The pacts signed between 1976 and 1982 diminished the unpredictability, imposed moderation and were vital to enable the definitive subordination of the military to the civilian power.

Taking these pacts into account helps us better understand the Portuguese transition and explain its success in the context of democratic transitions in Southern Europe. Despite the various singularities of the Portuguese

case, we must not overlook the fact that some of the fundamental features of several other successful transitions can also be found in Portugal.

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