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# Coping with the Double Legacy of Authoritarianism and Revolution in Portuguese Democracy

António Costa Pinto

*Comparative research on democratisation suggests the political space for the immediate punishment of previous dictatorships depends on the type of transition and the correlative power-sharing and veto capacity of the political actors and institutions. This article argues that the type and diversity of transitional justice in Portugal's democratisation must be correlated not only with the absence of the veto capacity of former authoritarian elites and institutions, due to their collapse, but mainly with the cleavages opened by democratisation and military intervention in politics. We also argue that the nature of the transition is superimposed on the nature of the authoritarian regime and the extent of its legacy in the type of transitional justice, and that the transition's powerful dynamic served to constitute another legacy for the consolidation of democracy, strongly counterbalancing those of the authoritarian regime.*

*Keywords:* Democratisation; Purges; Transitional Justice; Portugal

Portugal, with its neighbour Spain, experienced one of the longest right-wing dictatorships of the twentieth century. Institutionalised under the leadership of António de Oliveira Salazar during the 1930s, the Estado Novo was close to the Linzian ideal-type of authoritarian regime (Linz 2000; Pinto 2003). In 1968 Salazar was replaced by Marcelo Caetano, who initiated a limited liberalisation that was brought to an abrupt halt by the worsening colonial war that the regime had been waging in Angola, Mozambique and Guinea-Bissau since 1961. The inability of Salazar's successor to resolve the dilemmas caused by the war provoked the collapse of the dictatorship and made the military the protagonists of the regime's overthrow.

Compared with the other Southern European 'third wave' democracies, the most conspicuous characteristic of Portugal's democratisation during the 1970s was the nature of the rupture from the preceding authoritarian regime (Linz & Stepan 1996). With a transition marked by an attempt at the radical elimination of the legacies

of authoritarianism, which in itself resulted in another legacy to the consolidation of democracy, the process of regime change resulted in a significant state crisis in the wake of the 25 April 1974 military coup. The simultaneity of the processes of democratisation and of decolonisation was one factor in the crisis. The latter was the main reason for the conflict that broke out in the immediate wake of the regime's collapse between some conservative generals and the Armed Forces' Movement (MFA—*Movimento das Forças Armadas*) that had planned and executed the coup. This conflict was at the root of the military's intervention in political life following the overthrow of the dictatorship (Bermeo 2007).

Portugal's democratisation was characterised by an intensive break with the past, facilitated by the state crisis and political radicalisation in which the new political elite pushed for punishment and accountability. The process of transitional justice that developed during the two years following the coup affected the institutions, the elite, collaborators and civil servants and extended to the private sector (Pinto 2006). Many of the measures adopted during this period were based on a 'revolutionary legitimacy' and therefore stand outside normal and democratic legal procedures. Most of the punitive measures taken against the more visible and better-known collaborators took place prior to the establishment of the democratic institutions, and with the judiciary playing a minor role. These included the criminalisation of the repressive apparatus—particularly the political police—a strong public denunciation of the dictatorship, purges, the dissolution of institutions, 'wildcat' purges and the dismissal of managers in private firms—these last two being symbols of a powerful anti-capitalist wave of feeling. The entire process represented a milestone in civil society activism and counted on the participation of the trade unions and workers' commissions, small political parties of various left-wing and extreme-left ideologies and segments of the MFA.<sup>1</sup>

The 'revolutionary period' of 1974–75 was the most complex phase of the transition, and was characterised by a heightened degree of uncertainty and the conflictual nature of the regime change. During this period powerful tensions emerged within Portuguese society, tensions that only began to subside after the holding of legislative and presidential elections in 1976. Sections of the military elite, the leaders of some interest groups and the moderate parties represented in the first provisional government sought the swift establishment of a democratic regime; however, the institutionalisation of the MFA had transformed it into the dominant force behind the provisional governments. The main point of disagreement during this period was between General António de Spínola, Portugal's first post-authoritarian president, and the MFA, the former seeking to delay the decolonisation process and the latter calling for the colonies to be given their independence as quickly as possible. The subsequent overthrow of General Spínola, the MFA's shift to the left, the implementation of agrarian reform and the nationalisation of large economic units were both symbols and motors of an ever-worsening state crisis sustained by powerful social movements (Durán Muñoz 1997; Palacios Cerazales 2003).

In 1974 the Portuguese Communist Party (PCP—Partido Comunista Português) emerged as a legal organisation with a powerful political structure and very quickly exerted significant influence over the government, civil society and, most importantly at this time, the military. The PCP's initial success faced a growing challenge from Mário Soares's recently formed Socialist Party (PS—Partido Socialista). It was also at this critical juncture that the parties representing the right and centre-right—the Social Democratic Centre (CDS—Centro Democrático Social) and the Popular Democratic Party (PPD/PSD—Partido Popular Democrático/Partido Social Democrata)—were formed. Much effort was made to exclude from these parties anyone who had been associated with the *Estado Novo* and to find leaders with democratic credentials. Indeed, the CDS was on the verge of being declared illegal up until the 25 April 1975 elections to the constituent assembly.

At this time the manifestos of all the political parties exhibited a shift to the left, the CDS declaring itself to be a party of the centre and the PSD having a programme that placed it on the centre-left. As has been noted elsewhere, 'the Portuguese revolution constrained political elites, particularly those of the right ... to present themselves during the first elections as parties much further to the left than their subsequent behaviour would justify' (Gunther & Montero 2001, pp. 142–143).

The MFA's decision to respect the electoral calendar and the holding of elections for a constitutional assembly as scheduled greatly enhanced the position of the moderate political parties, since the PCP, which was increasingly powerful within the state apparatus, the armed forces and the social movements, received only 12 per cent of the votes cast in the April 1975 election. The attempt by the PCP and its military allies to ignore this result led to the outbreak of political conflict between them and the moderate parties. Portuguese society began to polarise, with the emergence of an anti-communist movement in the north of the country. It was in this context of increasing radicalisation that on 25 November 1975 moderate MFA officers organised a successful counter-coup that toppled the radicals. This anti-communist and anti-left mobilisation, which was led mainly by the socialists and moderate military officers in coalition with the parties of the right, represented a decisive shift in Portugal's transition.

As comparative research on democratisation suggests, political space for the immediate punishment of previous dictatorships depends on the type of transition and the correlative power-sharing and veto capacity of the political actors and institutions (Elster 2004). It will be argued below that the type and diversity of transitional justice in Portugal's democratisation must be correlated not only with the absence of any veto capability on the part of the former authoritarian elites and institutions, due to their collapse, but mainly with the post-authoritarian cleavages opened by democratisation and the military intervention in politics. It is also argued that the nature of the transition is superimposed on the nature of the authoritarian regime and the extent of its legacy in the type of transitional justice, and that the transition's powerful dynamic served to constitute another legacy for the consolidation of democracy, strongly counterbalancing those of the authoritarian regime.

### Democratisation and Transitional Justice in Portugal

The first laws promulgated by the National Salvation Committee (JSN—Junta da Salvação Nacional), a group of senior military officials who assumed power after the April coup, legitimised the dismissal of the regime's president, cabinet and civil governors and the leaders of the single party. By offering senior regime officials the option of external exile, the new government avoided the consequences of any popular demand for criminal trials that would have arisen had they remained in Portugal. The military sent the President of the Estado Novo, Américo Tomás, to Madeira on 26 April, from where he and his family soon thereafter went to exile in Brazil for the next four years. Similarly, the Prime Minister and Salazar's successor, Marcelo Caetano, was put on a plane to Madeira, and from there went to Brazil.

During the first days following the overthrow of the dictatorship, the regime's most important political and repressive institutions were closed down. These included the National Assembly, the Corporatist Chamber, the single party, the militia organisations such as the Portuguese Legion (LP—Legião Portuguesa) and Portuguese Youth (MP—Mocidade Portuguesa), the censor and the political tribunals. In some cases the legislation was preceded by political action, for example, in the case of the regime's official trade unions (*sindicatos nacionais*) and the censor, through the occupation of their headquarters.

One of the landmarks of Portuguese criminal transitional justice was the removal of collaborators with the political police (PIDE/DGS—Polícia de Informação e Defesa do Estado/Direcção Geral de Segurança) from the state apparatus and from within the private sector.<sup>2</sup> In 1975 legislation criminalising both officers of and collaborators with the political police was approved. This law stated that all members of the political police from 1945 onwards would be prosecuted and tried according to their position within the hierarchy, declaring 'the political police to be an organisation of political and social terrorism' that committed acts of which 'no officer or collaborator can claim to have been unaware'. The law's preamble also declared that the political police had committed 'systematic crimes against the Portuguese people by using arbitrary and inhumane practices that were nationally and internationally condemned by public opinion'. The law declared itself to be based on a 'revolutionary legitimacy ... in order to punish those accountable'. The authors of the law promoted it as a response to 'the overwhelming demand coming from the collective consciousness of the Portuguese people for the punishment of those responsible for fascist repression. This is the only way to redress the historic injustice their criminal actions produced' (Law 1975).

The imprisonment and punishment of former PIDE/DGS officials and informants was one of the main popular demands, the pursuit of which became in some cases a 'PIDE-hunt'. The arrests were made by the military through the Continental Operational Command (COPCON—Comando Operacional do Continente) led by Otelo Saraiva de Carvalho, who was soon to become the main leader of the populist left-wing faction within the MFA. In order to proceed with the dismantling of the political police structures and bring its members before a judge, in June 1974 the

military created the Commission for the Abolition of the PIDE and LP (CEPL—Comissão de Extinção da PIDE/DGS e LP). While many former PIDE agents remained prisoners, many others fled the country within days of the coup. In July 1975, Constitutional Law 8/75 used ‘revolutionary legitimacy’ to provide for the trial in special military courts of members of PIDE and government officials who were considered directly responsible for repression. The law also provided sentences of two to 12 years, with no statute of limitations; however, the lack of coordination and the existence of more urgent matters resulted in the postponement of the trials (Raimundo 2007). Finally, controversy grew around the PIDE’s archives and their alleged appropriation by left-wing parties in the immediate aftermath of the coup.

One of the first institutions to be purged was the armed forces. Immediately after the coup, the MFA handed General Spínola the names of the 60 generals who had pledged their allegiance to the authoritarian regime, and who were subsequently placed on the reserve by the JSN. The purge of the armed forces was part of the MFA’s political programme and, against General Spínola’s wishes, the process was extended to affect an increasing number of officers. In the months following the 1974 coup, special military commissions administered the purges demanded by the MFA. Incompetence became the official criteria for removal, as it became impossible to sustain such political criteria as ‘collaboration with the old regime’, given that the whole defence establishment had collaborated with the Estado Novo during the colonial war.

Civil servants were probably the most affected by the radicalisation of popular action. Unfortunately, reliable figures are not available in the majority of cases, and the figures that do exist do not always match. The minimum punishment was to be transferred to another post, while the maximum was immediate and compulsory dismissal. All former officials of the political police were to be dismissed. Maximum penalties were applied according to priorities defined a little later by the government: membership of the dictatorship’s governing elite; PIDE collaborators; leading members of the MP, LP or the single party; and the heads of the regime’s censorship board. The law also determined the creation of an inter-ministerial purge and reclassification commission (CISR—Comissão Inter-ministerial de Saneamento e Reclassificação) to undertake this mission. This commission was linked directly to the Council of Ministers and was charged with coordinating the purge commissions in each of the ministries.

Following an attempted coup by right-wing military forces loyal to the ousted president, General Spínola, on 11 March 1975—the failure of which forced the General to flee into exile—the military was granted greater autonomy (first from the JSN and, after March 1975, from the Council of the Revolution) and the authority to open or reopen any case and to apply any measures deemed necessary in any particular situation. From the first version of the law (June 1974) to the second (March 1975), ‘revolutionary legitimacy’ was reinforced and the process of purging civil servants made easier (Decree-Law 1975). This law defined the previous dictatorship as a ‘fascist regime’ and determined that purges could be administered on the basis of an individual’s political behaviour prior to the fall of the authoritarian regime.

At the end of 1974 about 4,300 civil servants had been subjected to a purge process (Table 1). In February 1975, official reports on the purge process stated that approximately 12,000 people had been either permanently removed from their posts or suspended (O Século 1975), while it is estimated that between March and November 1975 the number of removals and suspensions increased significantly.<sup>3</sup>

The action of the various ministerial purge commissions was very uneven and depended upon the party to which the minister belonged and the shape of public opinion and extent of trade union pressure. In the Ministries of Labour and Education removals were frequent, while one of the least affected ministries was that of justice, magistrates of the regime's political courts largely being left untouched. Institutional factors, the moderation of the socialist Minister of Justice and the strong culture of judicial independence were important factors counteracting the drive to purge the legal profession and the Ministry of Justice (Magalhães 2003). Nevertheless, of a body of 500 magistrates, 42 judges were submitted to a purge process in 1974–75—most for participating in political courts or for holding government posts or positions within the censor (Rezola 2009, p. 258). While most of these purged had occupied senior positions within the administration, in some cases lower-ranking civil servants were also affected, particularly for collaborating with the PIDE. However, long delays in the proceedings reduced the overall scope of the process.

Portugal's democracy inherited a complex 'para-state' system of economic regulation that was associated with the corporatist apparatus, the dissolution and purging of which will not be analysed here. However, the overall process of nationalisation, state intervention, land occupation and agrarian reform had a very significant impact in important sectors of the Portuguese social and economic elite. It is estimated that around 244 private enterprises were directly nationalised in 1975 and another 300 small- to medium-sized enterprises came under public management as the government 'intervened' to rescue them from bankruptcy following their takeover by workers or their abandonment by management (Martins 1975)

The economic elite was hit hard by the process of nationalisation and state intervention, as well as by the flight of industrialists and entrepreneurs from the country. Strike movements and a strong drive towards state intervention led to the first wave of self-exiles. Some of the most important illegal purge processes were also initiated against members of the economic elite. The purge of the boards of public and private companies was rapidly transformed into a component of collective action that increasingly assumed anti-capitalist traits. These wildcat purges were concentrated mainly in large enterprises in the industrial area around Lisbon and in the recently nationalised banking and insurance sectors.

It is not always easy to disentangle purges from workers' occupation, and the self-exile of owners and managers from the general lack of data for the private sector. According to Harry Makler's follow-up surveys of 306 enterprises, conducted in July 1976 and again in June 1977, only 15 per cent of industrialists in small enterprises had quit compared with 43 per cent in larger enterprises, while more than half of those in the largest firms had quit. Makler's calculations show that the higher the

**Table 1** Number of prosecutions instituted by the Ministerial Purge Commissions (May 1974 to 31 December 1974)

	Number of civil servants*	Number of prosecutions		
		On the initiative of the purge commissions	Total	Number implicated
Presidency of the council of ministers	1 470	6	37	43
Inter-territorial coordination	2 000	205	278	278
Internal affairs	7 000	—	737	737
Justice	5 000	59	59	59
Economy	8 000 <sup>†</sup>	—	891	891
Finance	12 000	—	191	191
Foreign affairs	523 <sup>‡</sup>	—	87	87
Environment	80 000	10	303	303
Education and culture	65 000	25	1 029	1 029
Labour	5 270	237	317	317
Social affairs	27 171	—	219	329
Information	610	12	29	29
Total	208 044	954	4 177	4 293

*Source:* Maurício & Castelo Branco (1975, p. 90).

\* Approximate numbers.

<sup>†</sup> Estimated numbers from CIR, with possible errors or omissions.

<sup>‡</sup> Does not include salaried employees and locally hired staff.

socio-economic class origin, the greater the likelihood the industrialist had left the firm in 1975. He also notes that ‘the more upwardly mobile also were more likely to have quit than those who were downwardly socially mobile’. Significantly, a much larger percentage of professional managers (52 per cent) compared with owners of production (i.e. founders—18 per cent; heirs—21 per cent; owner-managers—32 per cent) had left their enterprise (Makler 1983).

Portugal did not experience the establishment of any truth-seeking type mechanisms as a component of transitional justice, but it is worth mentioning the existence of two state initiatives established with the goal of denouncing the authoritarian past: the cultural action campaigns (*acções de dinamização cultural*), and the publications by the Commission for the Black Books on Fascism.

The cultural action campaigns were developed by the MFA in collaboration with left-wing civilians and parts of the Student Civic Service (SCE—Serviço Cívico Estudantil). One of the goals of the programme was to ‘put the military closer to the population, in the belief their presence will allow for the clarification of the reasons leading this country to the regretful condition in which we find it’ (Almeida 2008, p. 821). The main goal was to democratise the rural world through cultural initiatives dedicated to denouncing the repressive past and promoting civic participation. Faced with strong reactions in the rural north fuelled by conservative priests and local elites, the cultural action campaigns were brought to an end in 1975.

The state body that came closest to the classical ‘truth-commission’ was the Commission for the Black Books on Fascism. Created in April 1977, it appeared after the purges and criminal proceedings, at a time when Portugal was seeking reconciliation with the past and overcoming its legacies. This was a government body established to denounce the abuses of the authoritarian regime. The commission, which comprised socialist and left-republican politicians and intellectuals, was responsible to the presidency of the Council of Ministers. Using the dictatorship’s archives as its source, the commission published 22 books containing primary documentation, which, amongst other issues, denounced the regime’s repression, the treatment of political prisoners, censorship and the collaboration between economic groups and the PIDE.

As we have seen above, the military, political, administrative and economic elite were all deeply affected—albeit to different extents—by the measures introduced during the first two years of the transition as a means of punishing them for collaborating with the previous regime. It is also worth noting that the two main parties legitimised by the first democratic elections, the PS and the PSD, maintained moderate positions and did not offer particular support to the purges, despite officially being in favour of the process (Raimundo 2007). When at the end of November 1975 the radical-left within the military and their allies were removed from the political scene, the ensuing process of democratic consolidation marked the end of the period of purges that soon became associated with a ‘period of exception’ dominated by the communists and the populist left. However, the main legacies of the transition had in the meantime been written into the constitution.

## **The Dual Legacy and the Consolidation of Democracy**

The military intervention of 25 November 1975 marked the beginning of the process of democratic consolidation, although one that was still under the tutelage of the Council of the Revolution until 1982. Following the counter-coup that neutralised the radical left-wing military, a new settlement between the parties and the military followed: the so-called Second Pact. This included the direct election of the president of the republic by universal suffrage, but under stringent conditions imposed by the moderate military that had now gained control of the reins of power. Among those conditions was the requirement that the major parties must endorse a particular candidate in the first presidential elections (held in 1976). In the economic sphere, a heavily nationalised sector and extensive state interventionism, along with the introduction of severe austerity measures following the first Portuguese agreement with the International Monetary Fund (IMF), became symbols of recession.

During the years of democratic consolidation, Portugal could be characterised as having a multi-party system with endemic cabinet instability. There were minority PS governments, coalitions with the PS and the right-wing CDS, independent governments appointed by the president and centre-right coalitions of the PSD and CDS. In 1976, by imposition of the moderates within the military and with the acceptance of the main political parties, General Ramalho Eanes was elected president. From that moment the two main parties, both separately and together, governed under the tutelage of both the military and the president. Meanwhile, the parties of the right and centre-right, followed with some hesitancy by the PS, refocused their political programmes and immediately placed on the political agenda the need to eliminate some of the 'socialist' legacies of the transition contained in the constitution and in the pacts with the military. The communists, meanwhile out of government, became the only party defending the 'socialist' legacies of the transition.

The Portuguese case is an illustration of the dominant process of democratic consolidation in Southern Europe: 'consolidation through parties' (Morlino 1998, p. 249). The legacy of the cleavages introduced by the transition was visible in two dimensions: the exclusion of the PCP, which was now perceived to be an anti-system party; and the cooperation between the PS, PSD and CDS, 'forming an implicit democratic coalition with the aim of establishing a liberal democracy' (Jalali 2007, p. 76).

The official position of the first two constitutional governments led by the socialist Prime Minister, Mário Soares, and of the first democratically elected president, Ramalho Eanes, favoured reconciliation and pacification. According to the official position of Mário Soares's PS and that of the centre-right democratic parties, Portuguese democracy was shaped by a double legacy: the authoritarianism of the right under the *Estado Novo* and the authoritarian threat of the extreme left in 1975— which they officially considered to be an attempt by the communists to seize power. Through this position, they sought to establish a particular 'institutional memory' about the origins of contemporary Portuguese democracy, which has survived the

consolidation of democracy, albeit with minor differences, within both the PS and the PSD.

The purges were soon brought to an end and their role re-evaluated in light of the claim they were an excess of the early transitional period. At the same time, a number of communists and extreme left-wing civilians and military figures were removed from their positions within the civil service and state-owned companies in a kind of counter-purge that was particularly evident within the armed forces. However, a climate of political reconciliation predominated during the last years of the 1970s, shaping the way in which the government dealt with the legacy of the dictatorship. This was particularly true with the trial of members of the PIDE/DGS. Their trials were conducted according to the new post-revolutionary political ethos and as a result those who had not taken advantage of their bail to flee the country received only light sentences from the military courts (normally they were sentenced to time already served). Those who had good military active service reports from the colonial war period received especially benevolent treatment (Raimundo 2007). Although there were public demonstrations against and criticism of the sentences meted out, the trials did serve as notice that judicial legality and the rule of law had been re-established following the 'excesses' of the turbulence of 1974–75.

Between 1976 and the early 1980s, steps were taken to reintegrate those who had been victims of the purges. New legislation was passed and measures were quickly adopted to normalise the situation in the economic arena in which the wildcat purges had been most severe. The government followed this up with a series of measures designed to facilitate the return of exiles (mainly business managers and entrepreneurs) who had been forced out of the country by the radicalisation of the social movements. The purge commissions in the ministries ceased to operate in 1976 and the Council of the Revolution, which took on the role of these commissions as well as the leadership of the CEPL, reinforced legal mechanisms to ensure a process of rehabilitation took place. A moderate member of the Council of the Revolution, Captain Sousa e Castro, was given responsibility for the entire process (Castro 2009). The Commission for the Assessment of Purge Appeals and Reclassifications (CARSR—Comissão de Análise de Recursos de Saneamentos e de Reclassificação) was then created under the auspices of the Council of the Revolution, and continued in operation until the mid-1980s, rehabilitating the vast majority of appellants who came before it. This commission was composed of legally qualified military officers and civilians who had no links with the dictatorship. According to a report into its activities, the commission expressed the view that 'it is necessary to repair the damage that was done' during the 1974–75 period when many of the purges were 'merely arbitrary' (CARSR 1976–78, p. 1). Most of those who had been dismissed during the purges had their punishment changed to compulsory retirement.

In the case of PIDE/DGS agents, the CARSR followed the precedent established by the military tribunals. These courts had heard the cases against political police agents and had decided 'the fact that those being tried were former agents of the PIDE/DGS is irrelevant because it was not illegal in the past to be a member of the political police'.

This principle restored to them their rights as public employees, but only if they had not 'taken part in illegal activities' (CARSR 1976–78, p.1).

It was during this period the 'historical memory' of the political parties that was to dominate Portugal's democracy was fixed and developed in the official discourse for the ritual commemoration of the anniversary of 25 April 1974. Throughout these years there was a common denominator for the CDS, PSD and PS (albeit with some minor differences between them): the first democratic elections of 1975 as the founding event of Portuguese democracy and its role in the resistance to 'the totalitarian perversion' of the communists. The PS stressed the idea that the events of 25 November represented 'democracy's reconciliation with itself' and not the anti-communist revanchism that some on the populist right would have desired (Campilho 2002, p. 71).

As noted above, the CDS—the most right-wing of the democratic political parties, and one that had been subjected to several violent attacks during the early years of the transition—embarked on a difficult process in order to establish itself legally. Its political legitimacy eventually came about through the celebration of the defeat of the communists in 1975 and through its being the only party to refuse to approve the 1976 constitution. The CDS also sought to symbolically equate the events of 25 November 1975 (the defeat of the radical left) with those of 25 April 1974.

Created by reformist-dissident elements within the dictatorship and led by Francisco Sá Carneiro, the PSD—which initially attempted to become a member of the socialist family—established itself as the main centre-right party. For the PSD, the elections of 1975 and the 'popular resistance' to communism was an element of its celebration speeches on the foundation of Portuguese democracy. Despite this, and particularly during the early years of democratic consolidation, the record of resistance to the dictatorship of some of its leaders was an important element in separating the PSD from the CDS. Throughout the entire democratic consolidation period, the PSD also differentiated itself from the PS by speaking out against the military and economic legacy of the transition.

Heir to the political culture of anti-Salazarist republicanism and formed in 1973, the PS almost immediately used the strong anti-authoritarian record of its leaders against the parties of the right. However, the PS was also the key party in the struggle against the communists in 1975, transforming it during the early years of Portugal's democracy into a party that was very close to the centre of the political spectrum. The role of the PS in the anti-communist struggle of 1975 has been a central element of its political identity and it was not until 30 years after the fall of the dictatorship that it began to show signs it was abandoning that 'double legacy' approach in its official discourse.

The PCP, the only party to refer systematically to Salazarism as a 'fascist dictatorship', became the only supporter of the legacy of the April revolution contained in the 1976 constitution—particularly the agrarian reform and the nationalisations the first constitutional governments set about reversing (Bosco 2000).

By 1985, on the eve of Portugal's accession to the European Economic Community (EEC), the heritage of the double legacy was practically extinct in institutional terms. There was no party of the right of parliamentary or electoral significance that

represented the old elite or acted as a carrier of the authoritarian values inherited from Salazarism, while the legacy of military tutelage and state socialism had also disappeared following the constitutional reforms of 1982 and 1989.

### **The 'Politics of the Past' in Democratic Portugal**

Research on the impact of transitional justice on the quality of democracy, both in theoretical terms and, to a lesser extent, in empirical findings, underlines its association with the recreation of a definitive break with the past that benefited democracy by ending impunity, celebrating regime change and fostering a new sense of democratic community (Merwe et al. 2009). At the elite level, Portuguese political institutions developed a strong anti-authoritarian 'politics of the past', associating themselves with the legacy of political opposition to the dictatorship.

The semi-presidential nature of the political system and the fact that the first two civilian presidents (Mário Soares and Jorge Sampaio) had been active members of opposition movements during the dictatorship were important symbolically. During the first 30 years of democracy successive presidents have posthumously rehabilitated many of the dictatorship's victims and awarded members of the anti-Salazar opposition awards such as the Order of Freedom. Streets and other public places were renamed after famous opposition figures—republicans, communists and socialists alike—while Salazar's name was removed from all public monuments and squares and from the bridge over the Tagus, which was swiftly renamed Ponte 25 de Abril (25 April Bridge).

Another aspect of the attempt to symbolically delegitimise the authoritarian past was the alteration of national holidays. The date of the republican revolution, 5 October 1910 (the republic had never been abolished by the dictatorship), assumed greater significance, while the 28 May holiday, which celebrated the military coup of 1926, was replaced with a new holiday on 25 April, celebrating the foundation of the new democratic regime. Another dimension of the legacy of the transition concerns the presence of a strong programme in civic, or citizenship, education in public schools. Although changing the more ideological left-wing orientation of the manuals written during the transition, in this respect 'Portugal seems to follow, albeit at a distance, the example of the Europe's prime post-revolutionary republican democracy—France, the world leader in citizenship education' (Fishman 2004).

Attempts to compensate those activists who had struggled against the dictatorship were also made from the 1970s onwards, although some of the proposals did not initially receive parliamentary approval. Members of the opposition to the dictatorship had to wait until 1997 and the introduction of the PS government's legislation enabling them to seek compensation in terms of social security and retirement pension entitlements for the years they remained clandestine or in exile (Law 1997).

At the political elite level the double legacy was still very much present right up until the turn of the century. An example of this was the official exhibition, sponsored by the

office of President Jorge Sampaio and the socialist government of António Guterres, that celebrated the 25th anniversary of Portuguese democracy. The exhibition was aimed at both students and the general public. Thousands of visitors travelled through the dark passages of Salazarism, through the torture chambers of the political police and corridors lined with photographs of political prisoners, while opposition figures and the pro-democratic press were celebrated. There was a threatening corridor dedicated to the colonial war, which ended in a well-lit area celebrating the fall of the dictatorship. Significantly, the exhibition ended where democracy began. The turbulent period of the first years of the transition were omitted, represented symbolically by thematic panels that portrayed the process of social and political change that had taken place during the 25 years since the fall of the Salazar regime. It would have been very hard for an official exhibition to deal with the transitional period given the complex legacy of the first two years of the transition.

How does contemporary Portuguese society perceive both the authoritarian past and the transition to democracy? Hite and Morlino recognise the difficulties of operationalising the legacy of the previous dictatorships as an independent variable in the analysis of attitudes concerning the new democratic regimes (Hite & Morlino 2004, p. 73). In Portugal, although there are very few surveys to support it, the coexistence of the assessment of 25 April 1974 as a positive break with the past and the distrust of democratic institutions seem to be very much present.

As part of the celebrations for the 30th anniversary of democracy in 2004, several opinion polls were commissioned seeking the views of the Portuguese concerning the nature of the country's transition. Of those questioned in one survey, 77 per cent stated they were proud of the manner in which the transition took place,<sup>4</sup> while the majority of Portuguese (52 per cent) believe the 25 April 1974 coup was the most important event in the country's history. Some disagreement is evident when the responses are broken down by party support, with those on the political right more likely to believe membership of the European Union (EU) or achieving independence from Spain in the seventeenth century was a more significant event. The *Estado Novo* is negatively perceived, while 25 April is viewed positively, with a minority of, respectively, 17 and 14 per cent believing the dictatorship was a good thing and 25 April a bad thing (Table 2).

**Table 2** Attitudes towards the authoritarian regime and 25 April 1974 (2004, per cent)

Characterisation	Estado Novo	25 April 1974
More positive than negative	17	58
As positive as negative	26	23
More negative than positive	50	14
Don't know/no reply	7	5
Total	100	100

Source: Portuguese Catholic University Opinion Poll, Commission for the Commemoration of the Thirtieth Anniversary of 25 April 1974.

Are the cleavages of 1975 still present in Portuguese society after more than 30 years of democracy? With the partial exception of PCP supporters, the response is that they are not. If the 1976 constitution is perceived to have reflected the left's overwhelming domination of the transition process, subsequent revisions of the constitution have reflected the influence of the right. The end of empire, democratic consolidation and accession to membership of the EU have all served to seal many of the cleavages caused by the transition.

Democracy appears to be the preferred regime type for 72 per cent of Portuguese, independent of their age or political beliefs. The events of 25 April are positively associated with improvements in the population's general standard of living, 68 per cent of Portuguese believing Portugal is a better place because of the transition to democracy. Nevertheless, these same polls indicate the Portuguese have a low opinion of the operation and 'quality' of their democracy. Comparative studies show that, of all European nations, the Portuguese have one of the lowest levels of confidence in their system of government.

Portuguese society has had little more than sporadic public debates, parliamentary initiatives and 'eruptions of memory' within civil society that pertain to the authoritarian past. A few episodes have brought the past back to the public sphere—a secret interview in Lisbon with the former head of PIDE who had been tried and convicted in absentia; a pension awarded to a former official of the political police for 'services to the nation'; and a television show in which the former dictator was named as the greatest Portuguese of the twentieth century. Nonetheless, it remains true that none of these episodes has been particularly divisive within Portuguese society.

## Conclusion

Transitional justice encapsulates a variety of measures that are adopted during a democratisation process that extended beyond the simple criminalisation of the authoritarian elite, its collaborators and repressive agents, and involving a wide range of extra-judicial efforts to eradicate the legacy of the previous repressive rule—including official investigations of the authoritarian repressive record, purges, reparations and the dissolution of institutions (Cesarini 2009, pp. 498–499). In Southern Europe in the 1970s, as in Latin America in the 1980s and in Central and Eastern Europe in 1990s, the pressures for the criminalisation of the authoritarian elites and repressive bodies were present from the very earliest moments of the transitions, but only in transitions by rupture did the opportunity for this to happen actually arise. Other forms of transitional justice, such as reparations or truth commissions, were the only option available in democratisations in which the former elites exercised direct or indirect veto power in the process of regime change (Barahona de Brito et al. 2001; Stan 2009).

Portugal and Spain are paradigmatic cases of democratic transition. In the former there was a sweeping policy of purges intended to cleanse the state and society of the authoritarian past, while in the later, by contrast, 'letting bygones be bygones, became

a foundation for democratic consolidation' (Encarnación 2009). However, the variety of transitional justice in Portugal must be correlated not only with the absence of the veto capacity of former authoritarian elites and institutions, caused by to their collapse, but also and mainly with the process of state crisis and military intervention in politics after the breakdown of the dictatorship. If, for example, the dissolution and punishment of the repressive bodies of the dictatorship—mainly the political police—was, as in Greece, an immediate consequence of the nature of the transition, the dissolution of the anti-riot unit of the police, the occupations of the headquarters of many of the official unions or the process of purge before any legal framework had been developed are precocious symbols of a different pattern.

Another characteristic of the attempt to make a radical break with the past during Portuguese democratisation—one that is visibly associated with the radicalisation of social movements—was the strong anti-capitalist overtone that existed during 1975. Nationalisations, urban and rural property occupations and purges in private companies were in many cases legitimised by a political language stressing the need to eradicate the legacy of the economic and social elite power that had been associated with the previous regime, in a kind of 'collective socio-economic dimension of authoritarian abuse' (Cesarini 2009, p. 509), making Portugal the only example of 'redistributive' transitional justice in Southern Europe.

The main political actors of this process were the extreme-left parties and the communists, under the umbrella of the MFA, while the moderate parties were still undergoing a process of institutionalisation and their political priority was the realisation of elections. To a large extent these parties complemented the radicalisation of social movements, which simultaneously helps explain the diffuse nature of the purge and lack of use for the judicial system. Furthermore, we have also seen above how in Portugal the more radical dimensions of transitional justice were never on the agenda of the main political parties: as soon as they gained legitimacy in the 1975 elections, they quickly dropped the theme in favour of a global appeal for a return to order and the rule of law.

The new political cleavages opened by what many analysts characterised as the 'revolutionary juncture' of 1975 were over-arching to the extent that consolidation of democracy was much more concerned with coping with the legacies of transition and much less with the previous authoritarian regime.<sup>5</sup> In this way, while the new elite was mainly concerned with overcoming the legacy of the transition, a language of 'reconciliation' also marked this first phase of Portuguese democracy. The nature of the first governments was also propitious, based on both formal and informal anti-communist coalitions of socialists with parties of the right and centre-right. Nevertheless, even when the first right-wing coalition took power, the PS never considered the possibility of making electoral or political gains by bringing the past to the political agenda at a time when the right included a small number of people who had been members of the authoritarian elite. The consolidation of Portuguese democracy thus represented, in terms of the 'politics of the past', the institutionalisation of a discourse and of a praxis regarding the origins of Portuguese

democracy as a result of success in coping with the legacy of authoritarianism and revolution.

## Notes

- [1] In May 1974, the purge was the third demand of a group of 149 labour conflicts and it remained on the top of the list of demands made by workers and strikers throughout the following year (Patriarca 1999, p. 141). See also Schmitter (1999).
- [2] Officially PIDE from 1945 to 1968 and DGS from 1968 to 1974; however, following the 1974 coup the regime's political police has commonly been referred to as 'PIDE/DGS'. The anti-riot division of the police, known as Policia de Choque, was also dissolved (Palacios Cerezales 2007).
- [3] Numbers obtained from different media sources. The exact figures remains unknown.
- [4] Data from the opinion poll carried out by the Portuguese Catholic University and the Commission for the Commemoration of the Thirtieth Anniversary of 25 April 1974, 25 April 2004.
- [5] It is interesting to note that until the 1980s many areas of international social science research on Portuguese democratisation, including the non-Marxist-oriented ones, used the concept of revolution to describe it. See, for example, Graham & Makler (1979) and Fishman (2004), on the economic and social legacies of reform in Spain and revolution in Portugal for the contemporary Iberian democracies.

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