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a dictatorship?

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The Afro-Asiatic nations, the communist countries and some great international interests have unleashed a spectacular campaign against Portugal, especially in the United Nations Organization.

The purpose of some of them is to expel the whites from Africa, according to that over-simplified, racist formula of «Africa for the Africans». Others seek to undermine one of the last remaining bastions of western and christian culture and to provoke the disintegration of Europe. Others yet wish to find markets and raw materials for themselves by taking the roundabout way of economico neo-colonialism.

Portugal will remain in Africa. Many are surprised to see Portugal remain when so many others have left or are leaving. Many are amazed at an attitude which seems to contradict what is called «the sense of history».

The fact is that Portugal preceded the other peoples along the highways of the world, some five centuries ago. Half of Portugal's eight centuries of history has been made of the fusion of a multi-racial community, of which Brazil, for instance, is an undeniable example.

The international campaign launched against Portugal naturally employs all possible means to disparage the Portuguese State: in politics what matters is not to be right so much as to make others believe that you are.

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The attempt is made to draw a certain picture of Portugal. Some will say, for example, that Portugal «is a dictatorship» and the taboo which subtle propaganda has cast on to the very term «dictatorship» is enough to make the accusation instantly create a feeling of aversion. No attempt is made to discover what kind of dictatorship it is, or even whether there really is a dictatorship. The mere accusation bears its own previous condemnation implicit.

It would therefore be well to consider the charge more closely. Is Portugal a dictatorship? If not, what is it then?



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The Portuguese Constitution was approved by the plebiscite of March 18 1933. It defines the Portuguese State as «a unitary and corporative Republic based on the equality of all citizens before the law, the free access of all classes to the benefits of civilization and the intervention of all the structural elements of the Nation in administrative activity and the drafting of laws».

If, now, we open a dictionary, what definition will it give us of a «dictatorship»? According to Larousse, it is «the exercise of the functions of a dictator». We turn to the word «dictator» and we read: «a person invested with sovereign, *absolute* authority».

This definition does not therefore agree with that of the Portuguese State where we read of the «intervention of *all the structural elements of the Nation* in administrative activity and the drafting of laws». There can be no absolute personal authority where the drafting of laws and their administration are carried out through «all the structural elements of the Nation».

But this is not all. Article 4 of the Portuguese Constitution specifies that the sovereignty of the State is limited at home by «morality and law», and abroad by «freely concluded conventions or treaties» and by «freely accepted consuetudinary law».

Here, then, we have a State which limits its own sovereignty constitutionally by barriers as categorical as morality, law and international agreements.

In the view of those who accuse Portugal of being a dictatorship, the word plainly means a State, the reprehensible nature of which springs from the fact that it accepts no limitation and merges into tyranny. On the basis of such a definition, then, it is clear that the accusation breaks down entirely as regards Portugal.

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If we bear in mind the concept of «structural elements of the Nation» and if we note the will of the State to limit its own authority constitutionally, what kind of power are we dealing with?

A monarchy? Clearly not, since it is a «unitary and corporative Republic». An aristocracy? Not this either, since we have «all the structural elements of the Nation» and the «equality of citizens before the law».

What then is this State, which is neither dictatorship, monarchy nor aristocracy?

It is a democracy?

In this case we should also have to define what kind of democracy we were talking about, for current political terminology speaks of

democracies of many kinds: popular, parliamentary, liberal, authoritative, christian, democracy by plebiscite, presidential democracies, directed democracy, fundamental, organic, and so on.

All these reasons have some justification. They indicate the *manner* in which the people exercise power.

We already possess a most important piece of information in the expression used by the Portuguese Constitution when it talks about the «structural elements of the Nation». It is the structure of the Nation that is to condition and legitimize the representativity of the people's delegates.

«The meaning of the word 'democracy'» writes Dr. Salazar, «has changed so much that we have given up using it». He gave as a true feature of the Portuguese regime its corporative organization, of which the State, thanks to its different bodies, would be the emanation and the reflection (vide «Une révolution dans la Paix» ('A revolution in peace'), page XXXIV).

«The greatest problem of our time», he said in 1934, «is likely to be the need to organize the nation as far as possible on its natural plane, that is, respecting the spontaneous grouping of men about their interests or their activities so as to fit them into the State, so that the latter is no more, so to speak, than the representation of the Nation with the organs it needs to achieve collective aims».

Far from trying to detach sovereignty from the Nation to benefit a personal dictatorship, then, we may say that all the effort of Dr. Salazar's thought has been to seek to discover the most suitable methods by which to guarantee an *authentic* exercise of the Nation's sovereignty.

Thus we find the Constitution declaring that «sovereignty resides in the Nation», as is the foundation of all popular States, while discussion is allowable on the choice of the *means* to be used to that end. Nowhere, in fact, is the sovereignty of the Nation exercised in an identical manner. Neither at Washington, at London or at Paris are legal and political forms identical, and if we admit the socialist nations or the directed Afro-Asiatic democracies into the category of democracies, then the difference of organizations becomes more striking still. The Portuguese organization shows features of its own.

Among other functions, the Constitution entrusts the Council of State with the competence, appointed for life by the President of the Republic, to propose and to nominate and to dismiss the President of the Republic, the Attorney-General of the Republic, and ten public men of high rank.

As organs for the sovereignty which resides in the Nation, the Portuguese Constitution provides for the «Head of the State, the National Assembly, the Government and the Courts».

The Head of the State is «elected by the Nation through an electoral college made up of the members of the National Assembly, and the Corporative Chamber, the municipal representatives of each district or

each overseas province and by the representatives of the Legislative Councils and the Governor's Councils of the provinces».

This simple nomenclature calls into existence numerous intermediary national, provincial or municipal bodies, which together co-operate both in the representation of the Nation and also in the exercise of its sovereignty.

The choice of the electoral college for the presidency of the republic is a wide and free one since only twenty electors are needed to put forward a candidate and the election takes place without «any previous debate, by secret ballot».

So the chief authority of the State is elected. Has the Nation thereby given itself a dictator, which, after all, would be its right, and would not modify the popular essence of the Power? No. The functions of the President are strictly limited by the Constitution. He appoints the Chairman of the Council of Ministers and all the members of the Government and releases them from office. The Constitution entitles him to convoke and dissolve the National Assembly, to which he can send Presidential Messages. He represents the Nation, directs the foreign policy of the State, regulates international agreements but submits them, through the Government, to the approval of the National Assembly. He promulgates all laws but all these acts must be countersigned by the Chairman of the Council of Ministers and the minister or ministers directly concerned, otherwise the decree will be null and void. Exceptions are the appointment or dismissal of the Chairman of the Council of Ministers, his Messages to the National Assembly or his resignation from office.

There is not one of these provisions that we cannot find in any of the democratic Constitutions at present in force in the world at large.

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In connection with the President of the Republic we have the Council of State, which is the guardian of the Constitution. It comprises the Chairman of the Council of Ministers, the Chairmen of the National Assembly, of the Corporative Chamber, of the Supreme Court of Justice, the Attorney-General of the Republic, and ten public men of high competence, appointed for life by the President of the Republic.

Among other functions, the Constitution entitles the Council of State «to decide on the capacity of the candidates for the post of President of the Republic according to the provisions of § 1 of art. 73, which reads: «those candidates cannot be put forward to universal ballot who do not give sufficient guarantees as to respect for, and faithfulness to, the fundamental principles of the political and social order established in the Constitution».

Clearly this provision calls for some commentary, in spite of the fact that it has always been applied most liberally. Only one communist candidate has been rejected, for the simple reason that the communist party is illegal, a legal situation which is applied to it in many other democracies.

Dr. Salazar once pointed out that «all States, even if liberal ones, obey some philosophical concept: all government is a doctrine in action» (preface to the book '*Salazar*' by António Ferro, p. XII). «Of itself» and whatever form it takes it is «a political edifice which derives from a system of fundamental concepts: the concept and value of the Nation, the concept of the human being and his rights, the ends of man, the prerogatives and limits of authority». As from this «all the rest logically springs, as it is of the essence of power to seek to maintain itself, there will always be a greater or lesser number of principles that power will not allow to be questioned, that is, as regards which no liberty is allowed. No denial can gainsay this fact».

It is plain that in all democratic regimes of the present day there exist limitations, restrictions, prohibitions which limit the liberty of the citizens as regards a greater or smaller number of political concepts.

When the United States Government declares the communist party illegal and refuses to allow those suspected of having communist or fascist convictions into posts in the Administration; when the Fifth Republic in France forbids certain political groups, such as the nationalist party, or restrains the activities of certain movements to keep Algeria French; when the German Federal Republic or the Italian Republic prohibit the reconstruction of the National Socialist or Fascist parties, which at one time brought together large masses of the electorate, it is clear that we have limitations of the citizens' freedom of choice based on a certain philosophical concept, on a doctrine.

That is clear and it would be rather hypocritical to deny the fact. As far as Dr. Salazar is concerned, he has always stated this constant, general aspect of sociology, which considers the State to be a *doctrine in action*. He recognizes this characteristic of the State to be inevitable and he has given his whole attention to the definition of this doctrine so that it can guarantee the maximum of liberty compatible with its principles. He himself has said that the Portuguese Constitution enshrines «a certain number of principles which guide political, economic and social reform» ('*Une révolution dans la Paix*', p. XXX).

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In Dr. Salazar's view the State is no more than an instrument in the service of the Nation, and it is this latter that is the «first reality». «It is for the Nation that the State exists, it is to its profit that power

is organized, that the public organs of power are created and function» (*Speeches*, vol. III, p. 394).

A certain number of obligations derive from this concept and we may consider them to be the means suited for the attainment of that aim and which cannot be visualized separately from it.

«In the first place all private or collective activities, with their own interests, which are the constituent elements of the organism of the Nation are subordinated to the highest, supreme objectives of the Nation. Moreover, as a guarantee of the highest effectiveness of this sacrifice, clearly the nation cannot be identified with a party, and a party cannot be identified with the State» (*Speeches*, vol. I, p. 77-78).

In contemporary political society we see a double phenomenon: «the nation instinctively tends towards unity, but the parties towards division». As, however, the tendency towards disintegration is none the less evident therein, we must seek the cause of this double, contradictory tendency. It would seem that here we have the same aspiration to unity: each party constitutes an ideal representation, a certain idea of the nation. Each party cherishes the ambition of one day becoming the whole nation. Now the mistake lies precisely in wishing to attain this unity through a system based on the plurality of parties which will forever oppose one another. The suppression of parties is thus the indispensable preliminary if a government is *to be able* to govern with a view to national unity.

From parties we have to gain that renunciation which they agree to in a serious crisis or in time of war. Some, Dr. Salazar remarks, think that this should be the case only in a time of collective danger, while «I conclude from its application at the most serious junctures that it is both possible and advantageous to extend it to all cases and at all times» (*Speeches*, vol. IV, p. 469).

The advantage of the suppression of parties is that it allows the State to come into contact only with citizens with whom no previous incompatibility for collaboration exists. The problem of majorities, of party agreements and coalitions does not arise.

But, it will be objected, what about liberty?

It is a sophism to speak about liberty. It does not exist as such, in the abstract. What exists is *liberties* or, more accurately still, that portion of authority which each individual has at his disposal. Liberty is no more than the possibility of exercising an authority. The greater authority an individual wields, the freer he is.

«The desire to guarantee those liberties considered essential to social life and human dignity itself», Dr. Salazar has said, «does not imply the obligation to consider liberty *as such* an element on which all political construction should be based». He advised as follows: «Let

us then entrust liberty to authority, for it is only authority that knows how to administer and defend it. The liberty that the individualists advocate and call for is a figure of rhetoric, a mere literary image. Liberty assured by the State, regulated by authority, is the only possible liberty» (António Ferro: *Salazar*, p. 51).

Thus the real problem for individuals is not to have an *indeterminate* liberty recognized, but to enjoy the possibility of choosing for themselves an authority capable of administering and defending those liberties essential to social life and to human dignity.

The whole of the Portuguese Constitution, all the doctrinal training of Dr. Salazar are geared to this idea and the ways of carrying it out. To sum up, we might say that the problem which the State seeks to solve is that of the constitutional guarantee of the fundamental liberties that liberalism compromises by abandoning society to the divisions of uncontrolled interests, pressure groups, hidden financial or political powers.

The function of the Council of State in the appraisal of the guarantees that a candidate for election as President of the Republic can put forward, «as regards respect for, and faithfulness to, the fundamental principles of political and social order laid down in the Constitution» is in fact to assure these fundamental liberties by making sure that the Head of the Executive will not endanger them and will remain faithful to the fundamental principles which protect them.

The most important contribution made by Dr. Salazar to contemporary sociology is that he has reminded us that it is of greater importance for societies to define meticulously the authority to which they entrust the administration and guardianship of their liberties than to proclaim a *formal liberty* in the name of which it proves possible to destroy *real liberties* and which ends in the tyranny of the majority, itself distorted by the corrupting action of Money and pressure groups.

National representation in the State is assured through two Assemblies which each represent one aspect of the Nation. These are the National Assembly and the Corporative Chamber.

«The National Assembly consist of 130 members, or deputies, elected by direct suffrage of the citizen electors». Their term of office is of four years and cannot be prolonged, «except in the case of happenings which would make it impossible to hold elections» (art. 85).

The members of the National Assembly enjoy parliamentary immunity for their opinions and the votes they cast in the exercise of their term of office (art. 89), except in the case of «diffamation, calumny and insult, outrages against morality or public incitement to

crime». On the other hand the National Assembly can suspend those members who «express opinions contrary to the existence of Portugal as an independent State or who, in one way or another, incite others to the violent overthrow of the political and social order» (ibid).

Thus we have a clear statement of the predominance of national independence and legal order over the free expression of such ideologues as might be contrary to them.

The Constitution also carefully guarantees the representatives of the Nation against the temptations of the anonymous powers of money or foreign interests. This done by decreeing the prohibition of accumulating the functions of a member of the Assembly with certain positions, functions or employment in private enterprises. The care to assure the representatives of the Nation against the influence of pressure groups is taken to a point reached by few Constitutions.

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Having said this, which characterizes the ethics of the regime, what are the powers of the National Assembly?

They are much more extensive than is generally thought and the best reply to the charge of 'dictatorship' perjoratively made against the Portuguese regime would be to publish the entire text of the Portuguese Constitution with the text of the Constitutions of some of its detractors at the side for purposes of comparison. Some surprises would be forthcoming!

Article 91 lays down that it is the right of the National Assembly to make laws, to interpret them, to suspend them and to repeal them. It may also supervise the execution of the Constitution and laws and to appraise the acts of the Government or the Administration, examine national accounts, authorize the Government to receive the revenue of the State and pay public expenditure and to contract loans. It is the Assembly which authorises the President of the Republic to declare war, to approve international conventions and treaties, to decree the state of siege, to define the territorial limits of the nation and so forth.

The National Assembly sits for three months in each year. The ministers can take part in the sessions of the committees and the members can ask questions in writing to enlighten public opinion on all the acts of the Government or the Administration.

The proposals and bills approved by the National Assembly are known as «decrees of the National Assembly» and are approved and promulgated by the President of the Republic. He may *veto* them temporarily but if they are re-approved by the Assembly by a majority of two-thirds the President cannot refuse his assent.

In this provision we clearly see the spirit of the Constitution: to balance powers and give time for mature reflection.

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The organization of the State takes on all its significance with the second Assembly, the Corporative Chamber. It deserves a study of its own but here we will give an outline of its working insofar as it is a further limitation that Power imposes on itself constitutionally in Portugal.

Article 102 of the Constitution decrees that the Corporative Chamber «will be made up of the representatives of local authorities and interests, these latter being considered in their fundamental branches, administrative, moral, cultural and economic in nature». Then, in art. 104, the Constitution lays down that it is the task of the Chamber to «draw up a report and give its opinion on all proposals and bills and all international conventions or treaties, which are to be presented to the National Assembly, even before the Assembly starts to discuss them».

If the Corporative Chamber favours the rejection of a bill and suggests it be replaced by another, «the government or any member of the Assembly can adopt this new bill, which will be debated at the same time as the earlier bill, without detriment to further consultation of the Corporative Chamber. If the latter suggests amendments to the proposal or bill in the specialized debate on it, then the National Assembly may determine that the vote shall be preferentially given to the text suggested by the Corporative Chamber, and any member can adopt the amendments put forward».

The Corporative Chamber thus functions as a real chamber for reflection and competence. It works both in plenary sessions and in sections or sub-sections. The sections correspond to the administrative, moral, cultural and economic interests, while the sub-sections refer to specialized interests embodied in each section (art. 104). Where the legislation being studied calls for it, two or more sections may be summoned to study it jointly.

So that every bill is studied by the qualified representatives of those affected by the legislation, even before the text is put before the National Assembly. This gives the work of legislation the maximum possible guarantees of competence and of estimation of its effects.

During the legislative session of the National Assembly, the Corporative Chamber enjoys the faculty of suggesting to the Government those measures it considers to be timely or necessary (art. 105).

The Government is thus assured that it is in contact with the legislative needs of the Nation, even if certain problems had previously

escaped its attention. The Corporative Chamber exists to call them to its notice.

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What, then, is this Government, which surrounds itself with so many counsellors and submits its bills to a double scrutiny?

Article 107 of the Constitution gives the following definition: «The Government consists of the Chairman of the Council of Ministers, who may administer the affairs of one or various ministries, and the ministers».

The Chairman of the Council of Ministers is freely appointed and released from office by the President of the Republic. The ministers, secretaries and sub-secretaries of State are appointed by the President of the Republic on the proposal of the Chairman of the Council of Ministers, and their appointment is sanctioned by the latter, as is also the release from office of outgoing ministers».

As for the Chairman of the Council of Ministers, he is freely appointed and dismissed by the President of the Republic. He is responsible to him for the general policy of the Government. He «coordinates and directs the activities of all the ministers, who are politically responsible to him for their acts».

But this Government, thus closely controlled by the Chairman of the Council of Ministers, is still subject to the strict control of the National Assembly. It may issue decree-laws but they are subject to the Assembly's ratification. If this is refused, then the decree-law cannot remain in force. Should the Assembly wish to introduce certain amendments the decree-law is sent to the Corporative Chamber and its execution suspended if two-thirds of the members call for it.

The Government is thus submitted to a triple control: the President of the Republic, to whom it is responsible; the Corporative Chamber, whose opinion it must seek on matters of legislation; and the National Assembly which by its vote approves or rejects bills. But so long as this Government enjoys the confidence of the President of the Republic it is enabled to carry on with the work of government, since its maintenance in office does not depend on the reception given to its bills nor on the votes of the National Assembly.

This gives the work of legislation the maximum possible guarantee of competence and of estimation of its effects.

During the legislative session of the National Assembly the Corporative Chamber is consulted on all bills. It can thus be said that within the limits of human foresight the Portuguese Constitution has sought to define the limits of authority rather than to proclaim an abstract liberty of opinion or an Assembly which would lead to the tyranny of circumstantial majorities. It has

entrusted the defence of fundamental liberties to a regulated authority, carefully balanced and enlightened by other constitutional authorities.

It will also be noted that the greatest authority is given to the President of the Republic, since he alone can change the Government. It is therefore interesting to note that in the regime he has installed Dr. Salazar has chosen the most delicate rôle, that of Chairman of the Council of Ministers, where his activity is restricted by the higher authority of the President of the Republic and the refusals the National Assembly may oppose his legislative plans with. It is a strange dictator that chooses the position most controlled by two elected representatives of the Nation, the President of the Republic and the National Assembly!

He can only govern with the assent of the Nation, which exercises this double control over him.

The suppression of the parties is not, therefore, in the Portuguese Constitution, any indication of a desire to install a «dictatorship». It is the consequence of another idea, to free the representation of the nation from the dictatorship of party committees which come between the Nation and its representatives.

It is not that any attempt is made to ignore the opinion of the Nation. Quite the contrary, for what is sought is that opinion expressed directly, free from the distortion imposed on it by the interests of parties, and it is *doubly* expressed, first on great national problems, through the National Assembly, then on professional activity, by the Corporative Chamber. This is the system for national *representation*. As far as the *exercise of sovereignty* is concerned, this mission is entrusted to the Government but under the control of two authorities elected by the Nation, the President of the Republic and the National Assembly.

Dr. Salazar has never sought to exert any «dictatorship» other than that of reason and if after thirty years the Portuguese people still submits to it when constitutionally it enjoys the means of escaping from it, then it is to the credit of Dr. Salazar and of the Portuguese. He because he has always given the reasons for his acts, and they because they have always understood the legitimacy of his decisions.

There is no other secret than this in Portuguese political life.

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