

The return to parliamentarianism during the spanish transition: The transformation of the Cortes and the Parliamentary representation of the Basque Autonomous Community¹

Parlamentarismoaren itzulera Trantsizioan: Gorteen eraldaketa eta Euskal Autonomia Erkidegoaren ordezkartza Parlamentuan

La vuelta al parlamentarismo durante la Transición: La transformación de las Cortes y la representación parlamentaria de la Comunidad Autónoma Vasca

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Hartua: 2019.06.20

BIBLID [1136-6834, eISSN 2386-5539 (2019), 4; 203-230]

Onartuta: 2019.10.29

I would like to introduce you into the process of transformation that the Spanish Cortes went through during the Spanish Transition, as well as the main characteristics of the different Chambers that existed during the process. The reestablishment of democracy in Spain started with the abolition of the francoist Cortes and the replacement for a demoliberal parliament. After Franco's death in November 20 1975, his institution still continued operating as a result of the Government's continuist character with Arias Navarro at the front and the inability of the opposition to bring him down and impose a political break. However, the increasingly unsustainable social unrest and the growing political instability forced King Juan Carlos I to promote a democratic change, in order to safeguard the legitimacy of the monarchy. Thus, the reform project, led by Adolfo Suárez, took charge of the state and launched the Law for Political Reform, a key element to the establishment of a legislative Chamber based on a pluralistic system. Starting from the legality of the Francoism, the LPR replaced it for another of the same liberal democratic stigma. So Francoist organic Cortes were supplanted by a new bicameral system whose representatives were elected in the general elections of June 15, 1977. Nevertheless, these Chambers had certain peculiarities of provisional, diffuse and multiple character. So, instead of simply reforming the fundamental laws of the former regime, they ended up establishing the drawing up of the Spanish Constitution (the Magna Carta). It was definitely the Constitution of 1978 that established and defined the democratic nature of the future Spanish Parliamentarism, which started running with the start of the First Legislature in 1979.

Keywords: Spanish Transition. Parliamentary History. Spanish Cortes. Basque parliamentary representation.

1. This work has been prepared in the framework of the research project *Biografía colectiva y análisis prosopográfico más allá del Parlamento* (COD. PGC2018-095712-B-100).

Testu honen bidez Espainiako Trantsizioan zehar Gorteen ezagutu zuten eraldaketa azaldu da. Sistema demokratiko baten ezarpena gauzatzeko beharrezkoa zen Gorte frankisten abolizioa eta haien parlamentu demoliberal batez ordezkatzeta. Frankoren heriotzaren ostean, 1975eko azaroaren 20an, instituzio frankistek funtzionamenduan jarraitu zuen Arias Navarrok Gobernu kontinuitate bermaturik, baina baita, oposizio politikoak sistema hura deusesteko eta haustura politikoa bideratzeko erakutsi zuen ezintasunagatik ere. Dena den, gatazka sozialen indartzeak eta handiagotzen ari zen ezegonkortasun politikoak, Juan Carlos I erregeari behartu egin zioten aldaketa demokratiko bat bideratzera, gehien bat, instituzio monarkikoaren legitimazioa bermatu ahal izateko. Modu horretan, proiektu erreformista, Adolfo Suárezek gidatua, Estaturen kontrolarekin egin zen eta "Ley para la Reforma Política" deiturikoa jarri zuen martxan, sistema pluralista baten oinarritutako Legebiltzar berri bat eratzeko balaibide juridikoa izango zena. Gauzak horrela, Gorte frankista organikoak sistema bikameral berri batez ordezkatu izan ziren, bere ordezkariak 1977 ekainaren 15an ospatutako hauteskunde orokorretan aukeratuak izan zirelarik. Artikulu honetan, beraz, eraldaketa prozesu hau aztertzeaz gain, legebiltzar berri honen bereizgarritasunak, funtzionamendua eta eginkizuna aztergai izango ditugu. Bestetik, Legebiltzar honetan izandako ordezkari euskaldunak eta haien zeregina azaltzen saiatuko gara.

Hitz gakoak: Espainiar Trantsizioa. Historia parlamentarioa. Gorte espainolak. Euskal ordazkaritza Parlamentuan.

Mediante este texto quisiera explicar el proceso de transformación que conocieron las Cortes españolas durante el periodo de Transición española, así como las principales características de las diferentes Cámaras que existieron durante dicho proceso. El restablecimiento de la democracia en España pasaba obligatoriamente por la abolición de las Cortes franquistas y su sustitución por un parlamento demoliberal. Tras la muerte de Franco el 20 de noviembre de 1975 la institución franquista continuó funcionando fruto de la posición continuista del Gobierno de Arias Navarro y la incapacidad de la oposición para derribarlo e imponer una ruptura política. No obstante, la cada vez más insostenible conflictividad social y la creciente inestabilidad política obligaron al Rey Juan Carlos I a promover un cambio democrático, de cara a, sobre todo, salvaguardar la legitimidad de la institución monárquica. De esta forma, el proyecto reformista, liderado por Adolfo Suárez, se hizo con las riendas del Estado y puso en marcha la Ley para la Reforma Política, elemento jurídico clave hacia la instauración de una Cámara legislativa basada en un sistema pluralista. Partiendo de la legalidad franquista la LRP sustituyó esta misma por otra de cuño democrático liberal. Así las Cortes orgánicas franquistas fueron suplantadas por un nuevo sistema bicameral cuyos representantes fueron elegidos en las elecciones generales del 15 de junio de 1977. Sin embargo, estas Cámaras tuvieron ciertas peculiaridades de carácter provisional, difuso y múltiple. Así, en lugar de ejercer de simples reformadoras de las leyes Fundamentales del régimen anterior, acabaron erigiéndose en las encargadas de la elaboración de la Carta Magna española. Fue definitivamente la Constitución de 1978 la que estableció y definió la naturaleza democrática del futuro parlamentarismo español, el cual comenzó a rodar con el inicio de la I Legislatura en 1979. Igualmente, también se presta atención a la representación parlamentaria de la Comunidad Autónoma Vasca y su incidencia en todo el proceso. los representantes de la Comunidad Autónoma Vasca y su participación institucional.

Palabras clave: Transición. Historia parlamentaria. Cortes españolas. Representación vasca en el Parlamento.

1. INTRODUCTION

The convulsed Spanish political life developed during the contemporary period, had its particular reflection in each of the phases that the Spanish Parliamentarism went through. The different processes of political, legal and institutional change orchestrated throughout the nineteenth and twentieth centuries originated certain parentheses in the liberal and democratic periods, which led to an intermittent existence of different representative assemblies. This happened, for example, after the victory of the rebels in the Spanish Civil War (1936-1939), as the republican legality was abolished. The Parliamentary institution created under the Constitution of the Second Spanish Republic in 1931, which established a unicameral Parliament and was called the Congress, was replaced in 1942 by the so-called Spanish *Cortes* or Francoist *Cortes*. This institution which followed the oldest traditional principles of liberal Parliament denial of universal suffrage and political parties, remained in effect beyond Franco's death, the result of the immobility promoted by the government of Arias Navarro. However, the increasingly untenable institutional and social situation eventually precipitated the resignation of Arias Navarro². The young and not so well-known Adolfo Suarez got in charge of the State, who as a supporter of the reformist project put in place the necessary mechanisms for the replacement, under the Francoism legality, of the Spanish *Cortes* for a democratically elected pluralist Parliament itself.

The purpose of this report is, therefore, to try to explain, as clearly and briefly as possible, the main features of the different cameras that occurred during the Spanish Transition³ (Francoist *Cortes*, and The *Cortes Generales*) and the process of replacement of each other. This ultimately allowed the configuration of the current Spanish Parliament, a complex organ consisting of two Chambers, the Congress and the Senate, which together make up the *Cortes Generales*⁴ (Parliament).

2. Arias Navarro was the last prime minister of Franco's Regime, named after the assassination of his predecessor Admiral Carrero Blanco at the hands of the armed group ETA in December 1973; and the first Prime Minister of the monarchy established after the death of dictator Franco. See TUSELL, Xavier Queipo, *Genoveva Tiempo de incertidumbre: Carlos Arias Navarro entre el franquismo y la transición (1973-1976)*, Barcelona, Critica, 2003. See, TUSELL, Javier, QUEIPO DE LLANO, Genoveva: *Tiempo de incertidumbre: Carlos Arias Navarro entre el franquismo y la transición (1973-1976)*, Barcelona, Critica, 2003.

3. Despite there are various theories about the chronology of the historical process called Spanish Transition, I think the most convenient is to place it from the period of the dictator Franco's death in 20 November 1975, to the proclamation of the Spanish Constitution in 1978.

4. The term *Cortes* has its origins in the representative assemblies of the Old Regime in Spain, which in practice were subjected to the king. In any case, the name *Cortes* was also adopted in the formation of the first Spanish liberal parliament in 1810 as historical reference suitable for a new parliament that sought its legitimacy in history to make it acceptable to the supporters of the old regime. The name *Cortes* adopted for that time became permanent, both to appoint a single-chamber system period or a bicameralism system periods. We discussed the issue in the following communication: ONAINDIA, Aritz and URQUJO, Mikel: "The search to legitimize autonomous

2. THE SPANISH CORTES OR FRANCOIST

The Spanish *Cortes* were the main institution in which the representative system of “organic democracy” launched by Franco’s dictatorship materialized. This Chamber had a very remote composition of the liberal Parliamentarianism and was entrusted with extensive legislative and oversight functions. Nevertheless, the authoritarian context in which they were developed, prevent these functions to be put into practice and emptied the institution of the smallest shadow of representation⁵. This institution maintained, thus, close similarity to the corporate system of the Italian Fascism, given the emphasis on organic and not democratic⁶ representation.

According to the Spanish *Cortes* Act, enacted in July 17, 1942 and amended by the Organic Law of the State of 1967, the supreme authority to issue legal general rules resided in the Head of State. As dictated its own preamble, *Cortes* embody a “principle of restraint for a more systematic institution of the power”.

Its members, the prosecutors, were appointed in an indirect and no legal initiative, as it was the Head of State who appointed them or were elected by corporate organic suffrage. They were about 530. There were three kind of attorneys: born, elected and appointed⁷:

- Born, those who are so because of their charge (members of government, members of the National Movement, Presidents of the principal government agencies, Spanish universities’ Rectors, representatives of local administrations, the unique vertical union representatives, etc. .); therefore they ceased as attorneys as the charge that gave them that status was ceased as well.
- Elected, those attorneys who, as the very name suggests, owe their status to an election; their term as attorneys will last four years, being eligible for reelection.
- Appointed, those people who were chosen by the Head of State due to their ecclesiastical, military, administrative hierarchy, or to relevant services to the country of Spain.

communities through the tradition of historical representative assemblies (spain, 1978-1983)”, in *66 Annual Conference of the Internacional Commission for the History of Parliamentary and Representative Institutions. Making constitution, building parliaments*, London, June 30 - July 3, 2015.

5. GIMÉNEZ MARTINEZ, Miguel Ángel: “Las primeras Cortes del Franquismo, 1942 - 1967: una dócil cámara para la dictadura”, *Vínculos de Historia*, (1) (2012), pp. 247 - 270.

6. See, Lyttelton, Adrian. *Liberal and Fascist Italy: 1900-1945* (Short Oxford History of Italy) (2002); Smith, D. Mack. *Modern Italy: A Political History* (1997).

7. Article 2 of the Ley Constitutiva de las Cortes Españolas de 1942.

The independence of the exercise of these attorneys was also very limited. The Cortes were obviously a representative assembly under control. The legislative power resided in the Head of State⁸, who could veto the laws and return them to a new deliberation⁹. In short, it was little more than an echo Chamber for speeches about the regime, a docile Chamber at the service of dictatorship¹⁰.

3. LAW OF POLITICAL REFORM, THE “HARA-KIRI” OF THE ORGANIC CORTES

After Franco’s death in November 20 1975, his institution still continued operating as a result of the Government’s continuist character with Arias Navarro at the front and the inability of the opposition to bring him down and impose a political break. However, Arias Navarro’s denial to start any project of political openness proved unsustainable, as circumstances required the search of a workable formula to promote real political change.

The fact that the reforms would advance less than nothing, made the whole country to show impatience for a change that never happen to occur. The excitement grew and citizens claiming and demanding democracy and social freedoms were increasing massively¹¹. To this social wave there must be added: international pressures, the resurgence of the historical nationalisms (Catalonia and the Basque Country), pressure from the media, the rampant economic crisis, the strengthening of the democratic opposition, the heterogeneity of the own Cabinet and the poor understanding between the president and the King.

Pressured by the difficult socio-political situation and by both regime tendencies (reformist and immobile), and mostly by the King, Carlos Arias Navarro resigned in July 1, 1976. This way , the limited reform policy was put

8. SÁNCHEZ-BEATO, Estefanía Jerónimo and MORALES PAYÁN, Miguel Ángel: *De las Cortes Españolas al Congreso de los Diputados: el devenir de su presidencia (1942-1978)*, Universidad de Almería, Almería, 2005, p. 24.

9. Article 17 of the Ley Constitutiva de las Cortes Españolas de 1942.

10. GIMÉNEZ MARTÍNEZ, Miguel Ángel: *Las Cortes Españolas en el régimen de Franco: nacimiento, desarrollo y extinción de una Cámara Orgánica*, Congreso de los Diputados, Madrid, 2012, p. 43.

11. About the social movements in Spanish Transition see, JULIÁ DÍAZ, Santos: “Orígenes sociales de la democracia en España”, en *Ayer*, 15 (1994), pp.165-188; VV.AA.: *Por la memoria anticapitalista. Reflexiones sobre la autonomía*, Madrid, Klinamen, 2009; PEREZ QUINTANA, V., SANCHEZ LEÓN, P.: *Memoria ciudadana y movimiento vecinal, Madrid, 1968-2008*, Madrid, La Catarata, 2009; BETH RADCLIFF, Pamela: *Making Democratic Citizens in Spain. Civil Society and the Popular Origins of the Transition, 1960-78*, Houndmills, Palgrave Macmillan, 2011; ALONSO, Gregorio, MURO, Diego: *The Politics and Memory of Democratic Transition: The Spanish Model*, Routledge, Nueva York, 2011.

to an end and followed by the King's support, aware of the need to promote democratic change to put down social unrest and establish a stable political climate, but mainly to safeguard the legitimacy of the monarchy, a new stage started. Led by Adolfo Suarez¹², the reformist project took over lead the state.

On July 2, 1976, even the issue was being discussed previously, the Privy Council met up to decide which short-list the future president would come out off. After two long meetings, the Council provided the monarch the final list, which included three candidates, one for each political family of Franco's regime: Federico Silva Muñoz, representing the conservative Christian Democrats; Gregorio Lopez Bravo, by the Opus family-technocrats; and Adolfo Suarez, representing what it could be called "Movement" (set of organizations and mechanisms which Francoist regime was made up)¹³.

The King appointed Prime Minister Adolfo Suarez in July 3, and he was sworn in two days later, July 5. The appointment of Suarez elicited different reactions, but overall it was received with confusion and rejection, from the majority of the regime, as well as the opposition. The foreign press also did not applauded the news and branded the new president of illiberal for his Francoist past¹⁴.

The government formed by Suarez increased even more the general dissatisfaction. After the rejection of the most famous reformers to integrate into the executive, Adolfo Suarez was forced to form a government composed of moderate politicians, mostly young and second-rate. This tandem of people was even known as "Government of the NNP" (Untenured teachers), for their intellectual development and their lack of practical experience.

Nevertheless, it was this government team, led by Adolfo Suarez, who assured, in just three months, the approval of the Law for Political Reform, the legal element that allowed laying the groundwork for moving from an autocratic regime to a democratic Parliamentary political system. Its implementation was mainly because the reformists were clear that the only way to maintaining the

12. About Adolfo Suarez see, ABELLA, Carlos: *Adolfo Suárez. El Hombre Clave de la Transición*, Madrid, Espasa, 2006; FUENTES, Juan Francisco: *Adolfo Suárez. La historia que no se contó*, Planeta, Barcelona, 2011; CAMPO VIDAL, Manuel: *Adolfo Suárez. El presidente inesperado de la Transición*, Barcelona, RBA Libros, 2012.

13. Thanks to the support and a series of deft maneuvering of Torcuato Fernandez Miranda, president of the Spanish Cortes and close political ally of the King, Adolfo Suarez managed to get into the short list representing the movement. Despite not having a clear political project, Suarez soon began to work and generated a flurry of activity within a few months, unthinkable before. Moreover, the very course of events made Suarez gain more autonomy from their mentors, King and Fernandez Miranda, who believed in his candidacy and wanted him under to control and make of him a mere executor. This misunderstanding diverted to him all the attention. SOTO CARMONA, Álvaro: *La transición a la democracia en España, 1975-1982*, Alianza Editorial, Madrid, 1998, pp. 35-36.

14. ABELLA, Carlos: *Adolfo Suárez...*, p. 102.

control of the government and ensuring order and security, started with the transformation of the regime¹⁵.

The name itself, Law for Political Reform, was very significant because it was not a law reform concluded in itself, but a reform bill that would allow the passage from the old, but still valid, Franco's legality to the new democratic legality. It was presented as another of the fundamental laws that had served to shape Franco's regime, which represented the role that a democratic system makes the constitution. In any case, the goal of the law was simply a call for Cortes with constituent authority, reason why it was characterized as a *bridge law*¹⁶.

The draft bill would proposed creating a representative system formed by two Chambers, The Congress and Senate, which would be elected by universal, direct and secret suffrage in free and competitive elections, although the King was given the right to appoint a number of senators never more than a fifth of the elected ones. Likewise, the monarch also possessed the ability to appoint the President of the Parliament and the Council of the Kingdom. The text gave the Congress and the government, mainly to this last one, the proposed constitutional amendment, but claimed that any of these reforms would require approval by the majority of members of the Congress and the Senate. The king also would hold the power to enact a constitutional law, but for this, he should beforehand submit the draft to a national referendum. They determined that the Congress elections would be modeled based on proportional representation criteria, while elections concerning the Senate would be dictated by the majority in a vote based method. The committee, in turn, proposed that the term of office of senators and deputies would be four years, after this time, new elections would be held; as long as they wouldn't have to bring them forward due to resignation of the executive or any other cause. Therefore, the fundamental point of the Political Reform Act was the calling of elections and the setting of a minimum institutional framework to carry them out, that would consist in the creation of two representative Chambers, Congress and Senate, which would have as a mission the development of a new constitution.

The Government's proposal did not find strong resistance from the National Council, which only "proposed corrections that seemed more than adjectival, for example, declaring both Chambers co-legislators, showing preference for an electoral majority law and requiring the King's Council report for the call of any referendum by the King"¹⁷. The report was approved by 80 votes to 13, and

15. SOTO CARMONA, Álvaro: "De las Cortes orgánicas a las Cortes democráticas", in PEDERO SAN ROMÁN, Manuel (ed.): *La transición a la democracia en España*, in *Ayer*, 15 (1994), p.113.

16. POWELL, Charles: *España en democracia, 1975-2000. Las claves de la profunda transformación de España*, Barcelona, Plaza & Janés, 2001, p. 166.

17. TUSELL, Javier: *La Transición...*, p. 102.

6 abstentions recorded. The only opposition came from the ultra-conservative regime, which was known as the bunker sectors. It has been suggested that one of the reasons why the National Council approved the project was that there existed a clause where they foresaw the direct appointment of 40 senators by the King. That is to say, the same number of National Councilors appointed by the Head of State. This could have been seen by many as an opportunity for political survival in a democratic regime¹⁸. Somehow it was evidenced the Council's inability to openly confront the government and its project, but it revealed that as far as possible, they were seeking to keep control of the democratic system that inevitably was coming¹⁹.

Together with the amendments adopted by the Council, the debate was transferred to the *Cortes*, where the Law for Political Reform would pass its particular acid test, since the decision of this body was binding. Its approval by the attorneys was far less certain, but thanks to the work of the government the law managed to move forward²⁰.

In the Spanish *Cortes* voting, in November 18, 1976, the Political Reform Act was approved by an absolute majority. From the 531 total attorneys who composed the Chamber only 497 attended, 425 voted in favor, 59 against and 13 abstained²¹. So the attorneys themselves were who allowed the start of the dissolution of the institutional framework of Francoism, resulting it was said then, their own political *hara-kiri*²².

Once the triumph was obtained in the Parliament, the text had to be ratified by the nation. In December 15, the referendum was held, with an involvement of the 77.7% and a balance of 94% of affirmative votes, 2.6% negative and 3% blanc.

The Political Reform Act was followed by another series of laws, promoted by the government, which allowed to ease the way towards the establishment of a

18. SÁNCHEZ NAVARRO, Ángel L.: *La transición política en las Cortes de Franco: hacia la Ley para la Reforma Política (1975-1976)*, Instituto Juan March de Estudios e Investigaciones, Madrid, 1990.

19. TUSELL, Javier: *La Transición...*, p. 102.

20. The government put all means at its disposal to ensure the approval, such as the law to be processed by the urgent procedure; rise expectations that attorneys would be reelected by royal appointment positions; invite many to embark on journeys of authentic luxury, Panama and Cuba, with the idea of keeping them away of the voting; accept a representative approach to the absolute proportionality or put in front of the paper to be submitted and reviewed before in front of *Cortes* to a group of people whose political trajectories did not rise great misgiving among the attorneys.

21. Daily Record of the Spanish *Cortes*. X Legislature. No. 29. 16, 17 and 18 November 1976, p. 207. Once again, the low rejection of the project came from the most inflexible continuists attorneys attached to the aforementioned *bunker* sector.

22. SÁNCHEZ CUENCA, Ignacio: *Atado y mal atado. El suicidio institucional del Franquismo y el surgimiento de la democracia*, Alianza Editorial, 2014.

plural Parliament, homologous to the european democracies²³. In February 8 a decree-law amended the Law of Political Associations with the idea of speeding up the process of the legalization of the parties, still called associations.

In March 8, 1977, a new decree law called elections to be held in June 15, 1977, and provided the electoral law under which they would be held.

The cards were laid the table, the abolition of the Francoist *Cortes* were already an imminent reality, the only thing missing was the results of the election which would reveal the composition of the new liberal stigma Parliament which would replace the previous organic institution. At the same time, they would determine in whom the transcendental task of conducting a constitutional process would fall, as well as marking the degree of political openness that the Spanish society wanted to achieve, and the degree of autonomy and characteristics that would govern the future Parliament.

4. THE CONSTITUENT CORTES

In July 15, 1977 general elections were held, which had not happend in Spain since February 1936. However, some authors such as Pere Ysás, consider that these elections can not be counted as fully democratic, in part because some parties of the radical left or the republican character were not legalized.(in addition to the advantage that the UCD took of the state institutions and an extensive network of influences that gave them the power and the extraordinary defect in conducting the scrutiny)²⁴.

The Political Reform Act attributed to the Government the power to regulate the first elections to form a Congress of 350 deputies and elect 207 senators. That was how the Royal Decree-Law for Election Standards was born in March 18, 1977, which would establish the rules to govern the new electoral process, replacing the complex corporate regulations that was in force²⁵. We do not want to explain in detail the electoral system itself, but in this respect, I find interesting to quot Professor Alvaro de Carmona´s words:

The choice of the electoral system responded mainly from a political point of view, to the need to ensure the stability of the government, avoiding excessive division of the Chamber, as it happened in Italy. Strong, stable governments, that favoured the process of political change were needed. But together with this, they tried to design a system that would favor the right side, fact (elections of 1982, 1986 and 1989)that was proved to be false later in time²⁶.

23. Between January and June 1977 no less than 38 decree-laws were issued.

24. YSÁS SOLANES, Pere: "La transición...", p. 52.

25. REAL DECRETO LEY 20/1977, de 18 de marzo, sobre Normas Electorales. BOE, núm.70, de 23 de marzo de 1977, pp. 6.584-6.600.

26. SOTO CARMONA, Álvaro: *Transición y cambio...*, p. 86.

The final count gave the victory to UCD with Adolfo Suarez to the front. This coalition was able to form a government after the 34.44% of the vote and 166 seats, of which 17% were occupied by deputies who had been Franco's attorneys.

The formation of the Congress after the 1977 elections

| POLITICAL PARTY | DEPUTIES |
|---|-----------------|
| Unión de Centro Democrático (UCD) (<i>Union of Democratic Center</i>) | 166 |
| Partido Socialista Obrero Español (PSOE) (<i>Spanish Socialist Workers' Party</i>) | 118 |
| Partido Comunista de España (PCE) (<i>Communist Party of Spain</i>) | 19 |
| Alianza Popular (AP) (<i>Popular Alliance</i>) | 16 |
| Pacte Democràtic per Catalunya (PDPC) (<i>Democratic Pact for Catalonia</i>) | 11 |
| Partido Nacionalista Vasco (PNV) (<i>Basque Nationalist Party</i>) | 8 |
| Partido Socialista Popular-Unidad Socialista (PSP-US) (<i>Popular Socialist Party</i>) | 6 |
| Unió del Centre i de la Democràcia Cristiana de Catalunya (UDC-DCC) (<i>Union of Christian Democrats and the Centre of Catalonia</i>) | 2 |
| Esquerra de Catalunya (EC) (<i>Left of Catalonia</i>) | 1 |
| Euskadiko Ezkerra (EE) (<i>Left of the Basque Country</i>) | 1 |
| Candidatura Aragonesa Independiente de Centro (CAIC) (<i>Independent Aragonese Candidacy Center</i>) | 1 |
| Candidatura Independiente de Centro (CIC) (<i>Independent candidacy Center</i>) | 1 |
| TOTAL | 350 |

The formation of the Senate after the 1977 elections

| POLITICAL PARTY | SENATORS |
|--|-----------------|
| Unión de Centro Democrático (UCD) (<i>Union of Democratic Center</i>) | 106 |
| Partido Socialista Obrero Español (PSOE) (<i>Spanish Socialist Workers' Party</i>) | 47 |
| Senadores por designación real (<i>Appointed senators</i>) | 41 |
| Independientes (<i>Independent</i>) | 17 |
| Izquierda Democrática (ID) (<i>Democratic Left</i>) | 5 |
| Partido Socialista Unificado de Cataluña (PSUC) (<i>Unified Socialist Party of Catalonia</i>) | 4 |
| Socialistas catalanes (<i>Catalan Socialists</i>) | 4 |
| Partido Socialista Popular (PSP) (<i>Popular Socialist Party</i>) | 4 |
| Partido Nacionalista Vasco (PNV) (<i>Basque Nationalist Party</i>) | 4 |
| Partit Socialista de Catalunya-Congrés (PSC-C) (<i>Socialist Party of Catalonia-Congress</i>) | 3 |
| Convergència Democràtica de Catalunya (CDC) (<i>Democratic Convergence of Catalonia</i>) | 2 |
| Alianza Popular (AP) (<i>Popular Alliance</i>) | 2 |
| Independientes Nacionalistas Vascos (<i>Independent Basque Nationalists</i>) | 2 |
| Alianza Liberal (AL) (<i>Liberal Alliance</i>) | 1 |
| Partido Comunista de España (PCE) (<i>Communist Party of Spain</i>) | 1 |
| Esquerra Republicana de Catalunya (ERC) (<i>Republican Left of Catalonia</i>) | 1 |
| Euskal Sozialistak Elkartzeko Indarra (ESEI) (<i>The Sum of the Basque Socialists</i>) | 1 |
| Euskadiko Ezkerra (EE) (<i>Left of the Basque Country</i>) | 1 |
| Candidatura Aragonesa Independiente de Centro (CAIC) (<i>Independent Aragonese Candidacy Center</i>) | 1 |
| Asamblea Majorera (AM) (<i>Majorera Assembly</i>) | 1 |
| TOTAL | 248 |

The jointly opening session of the Congress and the Senate, on July 22, 1977, a start was given to the post-Franco legislature. By then, even though the Political Reform Act did not explicitly attributed them that function, all the main represented political forces had assumed that those Chambers would have as their primary objective the development of a constitution which had to be a result of them as a whole. In addition, the new government of Adolfo Suarez, forced by the election results to give greater political prominence to

the opposition and to seek agreements with them, facilitated the achievement of this constitutional process based on “consensus”²⁷.

After the acceptance by the Government that the process had to be led by all the forces represented in the Parliament, a presentation within the Committee on Constitutional Affairs and Civil Liberties, of the Congress was created, to which it was entrusted with a draft of a preliminary plan²⁸.

The paper concluded and published the draft of the Constitution in April 17, 1978, which was yet to be subjected to Parliamentary debates of the Commission and plenaries in both Chambers²⁹.

In October 31 a voting proceeded of the Joint Committee in the Congress and Senate, which was an emphatic success³⁰.

Once ratified by the people in a referendum, the King proceeded to the adoption of the Constitution in a meeting jointly with the Congress and the Senate in December 27, 1978. Finally, after its publication in Spain's Official Gazette, the new Constitution of Spain came into force in December 29, 1978. Along with its publication in the Official Gazette³¹ the decree of dissolution of the Cortes was enacted, which was put into effect in January 2, 1979³².

To sum up, the Cortes designed for Political Reform could not be described as constituents, because according to the verbatim of the Act, the Chambers that emerged in 1977 would only be reformist by nature. In short, although the projected law established a regular and democratic Cortes, with no constitutive character, the will of the Parliament, the government and the king turn them into constituents, disappearing in fact, the reformist ambiguity contained in the LRP³³.

27. Still, in the words of Javier Tusell, the Government possessed a “undisputed leadership” and “as in the previous stage, always held the initiative in all major issues” TUSELL, Javier: *The Transition ...*, p. 145

28. This Commission was elected in July 25, 1977 and consisted of 36 members: 17 UCD, PSOE 13 of two of the PCE, two AP and two Basque-Catalan Minority. WHITE VALDES, Robert L.: *The Constitution of 1978*, Madrid, Alianza Editorial, p. 46.

29. About debates on the constitution see, BLANCO VALDÉS, Roberto L.: *La Constitución de 1978*, Madrid, Alianza Editorial, 2003; DE ESTEBAN, Jorge: “El proceso Constituyente español, 1977-1978”, in VV.AA: “La Transición democrática española”, Sistema, Madrid, 1993.

30. 325 votes in favour of the 350 deputies; of the 239 senators in place, 226 voted in favour.

31. B.O.E. Núm. 311.1, 29 de diciembre de 1978.

32. BLANCO VALDÉS, Roberto L.: *La Constitución...*, p.47.

33. SOTO CARMONA, Álvaro: “El Senado en la transición democrática”, in PÉREZ LEDESMA, Manuel (coord.): *El Senado en la Historia*, 2 ed., Senado, Madrid, 1998, p. 467.

The opened Parliament in 1977 was set like that, on a unique historical position, between a dictatorship whose remains had not yet been fully liquidated and a democracy that, although it had set in motion, lacked a constitutional framework in which it was difficult to fully evolve³⁴. This also led to the new Cortes to operate on a mixture of breakouts and continuity compering to the former ones. Despite being based on a principle of radical contrarity to the legitimacy of Francoism.

The Political Reform Act had created a Parliament, but not a Parliamentary system, causing that in many occasion they had to resort to a temporary character . This law articulated only those basic in order to elect the new Cortes and some of the functions to be performed, as well as certain rules concerning its function. Whereas it left some important issues concerning, for example, the organizational level or the relationship system that should exist between the government and the Chambers. Therefore, before being an formally regulated institution in the Constitution of 1978, they lived in a provisional situation³⁵.

5. A NEW BEGINNING FOR A PARLIAMENTARY PERIOD

The Spanish Constitution of 1978 finally established a fully democratic Parliament and marked the beginning of a new Parliamentary era for Spain, which remains today.

The Cortes were constituted and governed by the Title III of the Spanish Constitution of 1978, according to which were erected in representatives of the Spanish people, under an asymmetric bicameral configuration, consisting of the Senate, considered the Upper Chamber; and the Congress, known as the Low Chamber.

Furthermore, as representatives of national sovereignty, the Cortes Generales exercises the legislative power of the State, approves its Budgets, controls the action of the Government and has the other competences assigned by the Constitution³⁶. This section also makes a refrence to the inviolability of the Cortes Generales³⁷.

34. GIMENEZ MARTINEZ, Miguel Ángel: Un Parlamento en transición. Las Cortes Constituyentes (1977-1979), Ediciones UAM, Madrid, 2014, pp. 42 and 43.

35. GIMENEZ MARTINEZ, Miguel Ángel: Un Parlamento en transición..., pp. 25-28.

36. Article 66.2 of the Spanish Constitution of the 1978.

37. Article 66.3 of the Spanish Constitution of the 1978.

The Parliament, for its part, is the only one of the powers arising from the direct expression of popular will, as the Crown is hereditary, the Prime Minister is voted in the Congress, and the other rest of the members are appointed by King at President proposal, and the judiciary is composed of official and independent judges and magistrates³⁸.

The Parliament is, thus, representative to be understood like a deduced, synthetic expression of society; a representation of itself, as it is composed of elected Parliamentarians representing citizens who are unable or unwilling to act personally in the field of decision³⁹. Nevertheless, it should not be categorically said that the Spanish Parliament supposes a reliable mirror of the society, as it is undeniable that certain features and interests have remained regardless of Parliamentary representation. We especially refer to the political and social spectrum of outlawed parties, as well as citizens who choose active or ideological abstention, as a rejection of the legitimacy of the political system⁴⁰.

In any case, the electoral system is based on D'Hondt⁴¹ law, a system account principles of proportional representation, but with certain elements that in certain circumstances makes it work practically as a majority. Methods commonly used for proportional conversion of votes into seats, the D'Hondt method, being quite proportional, tends to favor a bit more the large parties⁴². Especially in districts with a low number of seats, which in Spain are quiet a lot, about half of the provinces⁴³.

38. GUERRERO SALOM, Enrique: *El Parlamento. Qué es, cómo funciona, qué hace*, Editorial Síntesis, Madrid, 2004, p. 28.

39. *Ibidem*.

40. Since the democratic elections in 1977, the average abstention in the general elections in Spain stood at 26.54%. The minimum abstention historically came in 1982, with a 20%. The highest abstention in general elections was in 1979, reaching a 31.96%. In the last elections in 2011 the abstention was close a maximum, a 31.06%. Similar figures were achieved in 2000 (31.29%) and 1986-1989 (29.51% and 30.26% respectively). Ever since then, the Spanish Transition acquired the term *disenchantment*, to define a not insignificant number of citizens who ever showed a greater distancing from politics. Nevertheless, abstention is due to several phenomena and it is difficult to identify the actual percentage of those who abstain to actively vote.

41. The D'Hondt system is an electoral formula, created by Victor d'Hondt, giving the number of elected seats allocated to candidates in proportion to the votes obtained. In the case of Spain this system is used but corrected.

42. BENOIT, Kenneth: "Which Electoral Formula Is the Most Proportional? A New Look with New Evidence", in *Political Analysis*, 8(4) (2000), pp. 381-388.

43. The constituency, this is to say, the territory in which parliamentarians are elected, it's the province, which will ensure an initial minimum of Deputies, while the rest of Deputies are divided according to population. Given the highly variable amount of population among provinces, in the less populated, representing more than a third of the total and where the number of seats is small, majority formations are favored, since the minor formations find it hard to pass the minimum barrier of votes per constituency.

The legislation marked by the new Constitution to regulate elections did not assumed any variations in the standards set by the previous Royal Decree-Law on Electoral Standards 1977. This way only the following changes could be highlighted: All Spaniards over age can vote (age 18), replacing the previous rule establishing the minimum age for voting at 21. Meanwhile, the Congress passes to consist of a minimum of 300 and a maximum of 400 deputies (in practice they are 350), elected by universal suffrage, free, equal, direct and secret, under the terms established by law⁴⁴. In second place, the Congress is elected for four years and the mandate of the Deputies ends four years after their election or on the day of the dissolution of the Chamber⁴⁵. As for the Senate, along with the four senators from each province elected by universal suffrage (they can not be obtain the four of them by the same political force), the Autonomous Communities will also designate a senator and another one for every million inhabitants in their respective territory. The appointment shall be incumbent upon the Legislative Assembly or, failing that, the highest corporate body of the Autonomous Community in accordance with the provisions of the Statutes, which ensure, in any case, the adequate proportional representation⁴⁶. And finally, in this case as well, the Senate is elected for four years and the mandate of the Senators end four years after their election or on the day of the dissolution of the Chamber⁴⁷. It was also removed any reference of corporatism, as it was the real appointment of the Senators.

In relation to elected Parliamentarians, the Constitution provides that no person may be a member of both Chambers simultaneously, or pile up the act of the Autonomous Community Assembly and a Member of Congress. Likewise, members of Parliament can not be bound by any compulsory mandate⁴⁸.

These same Representatives and Senators enjoy inviolability for the opinions expressed in the exercise of their functions; as well as immunity, which indicates that can only be arrested in flagrant crime. They can only be charged or prosecuted with a prior authorization of the respective Chamber. In a possible serious cause the Criminal Chamber of the Supreme Court's would be the competent authority . It is state as well that Deputies and Senators shall receive a salary to be fixed by the respective Chambers⁴⁹.

As for the Chambers, each one is independent of the other in terms of

44. Article 68.1 of the Spanish Constitution of the 1978.

45. Article 68.4 of the Spanish Constitution of the 1978.

46. Article 69.5 of the Spanish Constitution of the 1978.

47. Article 69.6 of the Spanish Constitution of the 1978.

48. Article 67 of the Spanish Constitution of the 1978.

49. Article 71 of the Spanish Constitution of the 1978.

organization and operation, and both have the autonomy to set their own regulations, autonomously approve their budgets and, by common agreement, regulate the Staff of the Parliament of the Cortes Generales. The Regulations and reforms are subjected to a final vote over the whole, which requires an absolute majority⁵⁰.

But one of the main features of the Cortes Generales is its asymmetric bicameral character. Each of the Chambers has a different political logic, composition and different competences. However, cooperation of both is essential to fulfill certain functions of Parliament as a whole⁵¹.

They meet and deliberate separately, except for certain matters related to the Crown, where it acts as a conjuncted Cortes Generales. The Constitution also provides that in these situations, the jointly sessions of both Chambers shall be governed by a regulation approved by the Cortes Generales approved by an absolute majority of each of those⁵². But the fact is that nowadays that Regulation does not exist, it is true though that of those circumstances have happened in two occasions: in 1986, the Oath of Prince Felipe de Borbon as heir to the throne when over age; or in 2014 when King Juan Carlos I abdicated and the hosting of the oath of the new King Felipe VI to be proclaimed as such.

The Senate, apparently marked by a pattern of territorial character, has a certain prominence in certain relations between the central authorities and the autonomous regions. It is paired with the Congress Chamber in other very important issues such as constitutional reform or the appointment of members of the General Council of the Judiciary, the Constitutional Court or the Court of Auditors. But from the political point of view, and considering the importance of some decisions that concern the Senate exclusively, in the Spanish Parliament the Congress has a clear primacy. And that is why we can talk about the existence of an asymmetric bicameralism, unbalanced, imperfect or attenuated. It is for this reason that there are more and more numerous initiatives demanding a possible reform of the Senate, especially those designed to give a completely territorial character.

50. Article 72 of the Spanish Constitution of the 1978.

51. PELEGRÍ GIRÓN, Juan: "Las Cortes generales. Las funciones de las Cortes. El funcionamiento de las Cortes", in *Escuela de Hacienda Pública. Compendio de Derecho constitucional y administrativo*, 1987.

52. GUERRERO SALOM, Enrique: *El Parlamento...*, p. 32.

6. THE BASQUE PARLIAMENTARY REPRESENTATION DURING THE TRANSITION (1977-1982)

We now present tables showing the electoral results in the three Historical Territories (Araba, Bizkaia and Gipuzkoa) of the Basque Autonomous Community (henceforth BAC) in the elections to the *Cortes Generales* (Congress of Deputies and Senate) falling within the chronological framework of study. That is, the general elections held on June 15 1977, March 1 1979 and October 28 1982.

Table 1: [5.3.1.1.] Results of the election to the Congress of Deputies on June 15 1977 in Araba, Bizkaia and Gipuzkoa.

| CIRCUMSCRIPTION | ELECTORAL FORMATION* | NUM. VOTES | % VOTES | SEATS |
|---------------------------------|----------------------|------------|---------|-------|
| ARABA (4 deputies) | UCD | 38,338 | 30.86% | 2 |
| | PSE-PSOE | 34,244 | 27.57% | 1 |
| | EAJ-PNV | 21,708 | 17.48% | 1 |
| BIZKAIA (10 deputies) | EAJ-PNV | 171,991 | 30.92% | 4 |
| | PSE-PSOE | 140,643 | 25.28% | 3 |
| | UCD | 91,262 | 16.41% | 2 |
| | AP | 36,934 | 6.64% | 1 |
| GIPUZKOA (7 deputies) | EAJ-PNV | 102,494 | 30.94% | 3 |
| | PSE-PSOE | 93,010 | 28.07% | 3 |
| | EE | 31,208 | 9.42% | 1 |

Source: Electoral figures taken from the website of the Spanish Ministry of the Interior <http://www.infoelectoral.mir.es/min/>. In subsequent tables referring to results of the elections to the *Cortes Generales* we have used the same sources.

*UCD: Unión de Centro Democrático (Union of the Democratic Centre) / PSE-PSOE: Partido Socialista de Euskadi-Partido Socialista Obrero Español (Socialist Party of Euskadi-Spanish Socialist Workers' Party) / EAJ-PNV: Eusko Alderdi Jeltzalea-Partido Nacionalista Vasco (Basque Nationalist Party) / AP: Alianza Popular (Popular Alliance)/ EE: Euskadiko Ezkerra (Basque Left)

Table 2: [5.3.1.2.] Results of the election to the Senate on June 15 1977 in Araba, Bizkaia and Gipuzkoa

| CIRCUMSCRIPTION | ELECTORAL FORMATION | ELECTED CANDIDATE | VOTES |
|---------------------------------|--------------------------|--|---------|
| ARABA (4 senators) | PSE-PSOE | Luis Alberto Aguiriano Forniés | 60,676 |
| | EAJ-PNV | Ignacio Oregui Gorenaga | 59,399 |
| | INDEPENDENT ¹ | Ramón Bajo Fanlo ² | 55,773 |
| | UCD | Alfredo Maco Tabar | 40,738 |
| BIZKAIA (4 senators) | FA* ³ | Ramon Rubial Cavia (PSE-PSOE) | 324,648 |
| | FA | Juan María Vidarte de Ugarte (IN-DEP) | 323,081 |
| | FA | Miguel Unzueta Uzcanga (EAJ-PNV) | 231,619 |
| | UCD | Martin Fernández Palacio | 111,041 |
| GIPUZKOA (4 senators) | FA* | Federico Zabala Alcibar (EAJ-PNV) | 169,927 |
| | FA | Enrique Iparraguirre García (PSE-PSOE) | 167,294 |
| | FA | Gregorio Javier Monreal Zia (ESEI) | 167,103 |
| | EE | Juan María Bandres Molet | 67,978 |

*FA: Frente Autonómico (Autonomous Front) / *ESEI: Euskal Sozialistak Elkartzeko Indarra /Force for the Union of Basque Socialists

Table 3: [5.3.1.3.] Results of the election to the Congress of Deputies on June 15 1979 in Araba, Bizkaia and Gipuzkoa

| CIRCUMSCRIPTION | ELECTORAL FORMATION* | NUM. VOTES | % VOTES | SEATS | Dif. ⁴ |
|---------------------------------|----------------------|------------|---------|-------|-------------------|
| ARABA (4 deputies) | UCD | 29,625 | 25.41% | 2 | = |
| | EAJ-PNV | 26,722 | 22.92% | 1 | = |
| | PSE-PSOE | 24,891 | 21.35% | 1 | = |
| BIZKAIA (10 deputies) | EAJ-PNV | 161,480 | 29.18% | 4 | = |
| | PSE-PSOE | 105,481 | 19.06% | 2 | -1 |
| | UCD | 88,431 | 15.98% | 2 | = |
| | HB | 80,280 | 14.51% | 2 | / |
| GIPUZKOA (7 deputies) | EAJ-PNV | 87,090 | 26.5% | 2 | -1 |
| | PSE-PSOE | 59,863 | 18.21% | 2 | -1 |
| | HB | 57,811 | 17.59% | 1 | / |
| | UCD | 50,551 | 15.38% | 1 | +1 |
| | EE | 42,293 | 12.87% | 1 | = |

*HB: Herri Batasuna (Popular Unity)

Table 4: [5.3.1.4.] Results of the election to the Senate on June 15 1979 in Araba, Bizkaia and Gipuzkoa

| CIRCUMSCRIPTION | ELECTORAL FORMATION | ELECTED CANDIDATE | VOTES | Dif. |
|---------------------------------|---------------------|-----------------------------------|---------|------|
| ARABA (4 senators) | UCD | Alfredo Marco Tabar | 28,750 | -1 |
| | UCD | Miguel Aguirre Martínez-Falero | 28,351 | |
| | EAJ-PNV | José Ignacio Bajo Fanlo | 27,996 | +1 |
| | EAJ-PNV | Juan María Ollora Ochoa de Aspuru | 27,211 | |
| BIZKAIA (4 senators) | EAJ-PNV | Michel Unzueta Uzcanga | 165,907 | +2 |
| | EAJ-PNV | Julio Jauregui Lasanta | 165,798 | |
| | EAJ-PNV | Ramón Sota Zorraquin | 163,284 | |
| | PSE-PSOE | Ramón Rubial Cavia | 107,636 | = |
| GIPUZKOA (4 senators) | EAJ-PNV | Federico Zabala Alcibar | 91,683 | +2 |
| | EAJ-PNV | José Félix Elozegi Odriozola | 89,503 | |
| | EAJ-PNV | José Luis Iriarte Errazti | 86,183 | |
| | HB | Miguel María Castells Arteche | 63,549 | / |

Table 5: [5.3.1.5.] Results of the election to the Congress of Deputies on October 28 1982 in Araba, Bizkaia and Gipuzkoa

| CIRCUMSCRIPTION | ELECTORAL FORMATION | NUM. VOTES | % VOTES | SEATS | Dif. |
|---------------------------------|-----------------------------|------------|---------|-------|-----------------|
| ARABA (4 deputies) | PSE-PSOE | 51,674 | 35.33% | 2 | +1 |
| | EAJ-PNV | 32,103 | 21.95% | 1 | = |
| | AP-PDP-PDL-UCD ⁵ | 27,974 | 19.13% | 1 | -1 ⁶ |
| BIZKAIA (10 deputies) | EAJ-PNV | 221,801 | 33.38% | 4 | = |
| | PSE-PSOE | 196,974 | 29.64% | 4 | +2 |
| | HB | 87,100 | 13.11% | 1 | -1 |
| | AP-PDP-PDL-UCD ⁷ | 79,866 | 12.02 | 1 | -1 |
| GIPUZKOA (7 deputies) | EAJ-PNV | 125,389 | 32.6% | 3 | +1 |
| | PSE-PSOE | 99,972 | 25.99% | 2 | = |
| | HB | 74,217 | 19.29% | 1 | = |
| | EE | 38,156 | 9.92% | 1 | = |

Tabla 6: [5.3.1.6.] Results of the election to the Senate on October 28 1982 in Araba, Bizkaia and Gipuzkoa

| CIRCUNSCRIPTION | ELECTORAL FORMATION | ELECTED CANDIDATE | VOTES | Dif. |
|---------------------------------|---------------------|----------------------------------|---------|------|
| ARABA (4 senadores) | PSE-PSOE | Luis Alberto Aguiriano Forniés | 49,820 | +3 |
| | PSE-PSOE | Amado Alejandro Ascasso Trincado | 48,982 | |
| | PSE-PSOE | María Lucia Urcelay de las Heras | 47,373 | |
| | EAJ-PNV | José Ignacio Bajo Fanlo | 31,758 | -1 |
| BIZKAIA (4 senators) | EAJ-PNV | Joseba Mirena Azkarraga Roderó | 220,464 | = |
| | EAJ-PNV | Carmelo Renobales Vivanco | 220,378 | |
| | EAJ-PNV | José Luis Robles Canibe | 217,666 | |
| | PSE-PSOE | Ramón Rubial Cavia | 194,735 | = |
| GIPUZKOA (4 senators) | EAJ-PNV | José Félix Elozegi Odriozola | 124,842 | = |
| | EAJ-PNV | Federico Zabala Alcibar | 123,545 | |
| | EAJ-PNV | Francisco Pozueta Mate | 123,362 | |
| | PSE-PSOE | Carlos Corcuera Orbegozo | 97,751 | +1 |

Participation in the constituent election held on July 15 1977 in the Basque Autonomous Community was 76% of the electorate; in the election of March 1 1979, it was 65.97%; while in the general election held on October 28 1982, it was 79.37%.

The electoral process helped to clarify the Basque electoral landscape, with the EAJ-PNV receiving the most votes. Thus a significant part of the Basque Country showed its support for either a break with the past and/or a certain attachment to it, as the big winners were nationalist parties that evoked the recovery of their respective Autonomy Statutes corresponding to the republican period.⁵³

In that way, the political map was shaped around six political parties and electoral coalitions that had received the most votes (EAJ-PNV, PSE-PSOE, HB, UCD, EE and AP). Two of them, EAJ-PNV and HB, were big nationalist organizations, another two formations, PSE-PSOE and UC, were relatively successful at the state level, while the remaining two, EE and AP, Basque and Spanish nationalists respectively, were situated at opposite extremes of the spectrum.

On balance, the resulting party system was not based on the hegemony of a single party, nor could it be defined as a simple two-party system, or even as an imperfect two-party system. Without any doubt, the most suitable formulas for defining this series of systems were coined by the Italian specialist Giovanni Santori:⁵⁴ an extreme multiparty system or, if one prefers, an extreme multiparty system with two main parties.

With respect to the typical parliamentarian: we are dealing with a male aged between 40 and 50 years, married with an average of two children, native to the province he represents or else with roots there; with a high level of education, above all based on higher studies in Law; a lawyer by profession and to a lesser extent a white collar worker or civil servant; a participant in diverse associations, the majority of them with a cultural character or trade unions; with a written output, above all, articles in newspapers; without prior connection to political practice, but with parliamentary permanence in

53. Even so, these parties also managed to communicate an image of renovation as they were now led by new and younger personalities who had managed to carve out a political future for themselves during the final years of the dictatorship and emerged with strength in the new reformist stage.

54. SARTORI, Giovanni: *Parties and party systems: a framework for analysis*, Cambridge, Cambridge University Press, 1976.

https://www.researchgate.net/publication/270599262_Party_System_Types_and_Party_System_Institutionalization_Comparing_New_Democracies_in_East_and_Southeast_Asia

successive legislative periods.⁵⁵

Broadly speaking, the presence of the typology of parliamentarians indicated above responded to certain concrete systemic characteristics, party goals and/or the political sociology of the Basque Country. Similarly, the representatives recruited by the political formations had specific social, ideological and professional characteristics. The intention was that these characteristics should make them into ideal candidates in the eyes of the population. As well as to place the parliamentary institutions in the hands of people with the aim of developing concrete activities. A task directed, above all, towards the formation and idealisation of a new constitutional order and the insertion and development of the autonomous system of the BAC into that framework.

On the one hand, the growing implantation of the Basque nationalist options, both moderate and radical, which occurred during the democratic Transition, gave rise to a system of parties in the Basque Autonomous Community differentiated from the Spanish system, and therefore a system of parliamentary representation with clear differences with respect to that of the state. To be precise, this was a system with a greater political plurality than the Spanish one. Nonetheless, they coincided in the fact that neither system was based on the hegemony of a single party or on a simple two-party schema, since the two systems pivoted around a polarised multiparty system, although with differentiated protagonists (political forces) and an unequal correlation of strength between them.

In general terms, the significant changes in the Basque electoral structure that took place during the Transition strengthened the presence of the nationalist parties (EAJ-PNV, HB and EE), which in turn worked indistinctly to spread Basque national identity. But, without any doubt, the majority force in the nationalist bloc was the EAJ-PNV which, as a result of the institutional abstention of HB, became unquestionably the main actor in the process of democratisation and institutionalisation in the Basque Autonomous Community. For its part, following the EAJ-PNV, the political option with the greatest electoral success was the PSE-PSOE. The markedly moderate and institutionalist character of the two parties contributed to stabilising the system of parties in the Basque Country. Moreover, the PSE-PSOE became the main interlocutor of the PNV in the Basque institutional field. Similarly, the presence of EE, smaller but firm in its positions, and that of the Spanish centre-right, represented by UCD and AP, served to balance the system of parties and avoid its possible political

55. This list of data are the result of a prosopographic study on the parliamentary representation of the Basque Country carried out in the work ONAINDIA MARTINEZ, Aritz: *De la biografía a la prosopografía: los parlamentarios de la Comunidad Autónoma Vasca (1977-1982)*, Eusko Legebiltzarra-Parlamento Vasco, Vitoria-Gasteiz, 2018.

polarisation.

Turning now to the characteristics of the group analysed, the whole series of available data make clear that the *Cortes* and the Basque Parliament could, to a certain extent, represent the Basque people with respect to the latter's ideological position and fragmentation, but the socioeconomic profiles of the representatives do not provide a real image, a reliable extension, of the population of the BAC as a whole. The parliamentarians analysed cannot be considered a faithful reflection, on a small scale, of the men and women who inhabited the three Historical Territories. Membership of the upper-middle class that figures amongst the characteristics associated with the parliamentarians analysed is in strong contrast with the social conditions of the majority of the population at that time. This conclusion is also drawn by professor Miguel Ángel Giménez Martínez in his analysis of the Constituent *Cortes*, when he compares the profiles of the parliamentarians with the characteristics of the population of Spain in the late 1970s.

The global profile of the parliamentarian of the BAC elected to the *Cortes* does not differ much from that shown by the legislator from the rest of the state, just as no substantial differences can be appreciated between the parliamentarian of the Basque Parliament and that of the Parliament of Catalonia in their foundational legislative periods. Be that as it may, the greatest element of homogeneity amongst all them, just as occurred with the same parliamentarians during the republican period, is the thorough renovation of political personnel. For its part, the most evident difference is the correlation of political forces found in the two chambers. The majority of the representatives of the CAV had a Basque nationalist affiliation, which was translated into parliamentary work based on a specific idea and political project, arising from their way of understanding the process of national reconstruction. Therefore, their activity favoured the unity and defence of the cultural and/or national identity of the Basque Country, above all from an autonomist position, projected by the party with the greatest number of representatives, EAJ-PNV. This meant that the greater part of parliamentary activity was focused on obtaining broad autonomous powers and the institutionalisation of the BAC resulting from decentralisation with respect to the central administration. Moreover, the main forces of the Basque parliamentary opposition, PSE-PSOE and EE, the two forces that almost monopolised activity in opposition to the PNV in the Basque Parliament, also favoured the autonomous path; they also centred the greater part of their parliamentary energies on the process of decentralisation of powers. It is well known that, in spite of their possible discrepancies on specific points, the activities of all three parties was, in general, focused on attaining the same goal.

Equally, the attitude of challenging the political system put into practice by HB, did not serve to undermine the institutional system, which became defined

and organised in this period. Similarly, the scant representation of UCD and AP in the BAC served to hinder their centralist resistance and prevented them from obstructing the markedly nationalist character of the process.

7. CONCLUSIONS

Throughout these pages we have been able to observe the survival of some organic Cortes, which lent the necessary institutional support to the authoritarian Franco's regime, became impossible as the political system required profound changes to make it comparable to Western democracies. During the first months after the dictator's death, marked by conflict and political violence, it was recorded that reformist bets for a successive Francoist regime was impossible without Franco⁵⁶. Also of an authoritarian regime or a limited democracy. This situation eventually gave way to a government composed of Francoist reformists, who were aware that only supplying a real democratic change would it achieve the necessary legitimization to stay in power of the decision-making positions and control the process of the required political change. These political maneuvers, sometimes subject to pure improvisation, also closed the door breakaway of republic and democracy project that had advocated the historic antifrancoism. The opposition after seeking confrontation with the Government abandoned its initial maximalist positions, convinced of the impossibility of a breakdown and resigned to the idea that the change to democracy was a process led by the successors of Franco. Thereby, the opposition began to accept the two basic principles of the reform: the recognition of the monarchy and negotiation with the government.

In this way, the reformist government led by Adolfo Suarez, and sponsored in turn by King Juan Carlos I, went to the forefront of political action to launch a political project aimed at democratizing the country. The main motive of this change was the Law for Political Reform, the legal instrument from the same Francoist law allowed to articulate the so called Spanish Transition. To get from a the dictatorial regime of the General Franco to a democratic constitutional system.

The subsequent adoption of the Law for Political Reform (event known as the "hara-kiri of Francoist Cortes", as it was the very same Chamber that accepted its own abolition) meant then the supplanting of the Francoist Cortes for a new Parliament of liberal stigma, based on a bicameral system, the Spanish Parliament and the Senate, whose members would be elected in June 15, 1977.

Although the Political Reform Act did not specify the constituent nature

56. MATEOS, Abdón: "¿Republica o monarquía? El PSOE y la oposición ante la forma de gobierno", en GÓMEZ BRAVO, Gutmaro (coord.): *Conflicto y consenso en la transición española*, Madrid, Editorial Pablo Iglesias, 2009, pp. 257-267.

of these new cameras, result of the legal ambiguity which were subjected to improvisation and alternation of rupturist and continuist elements, and ended up erecting in the main institution from which the Spanish Constitution of 1978 was born.

Finally, the Constitution collected and accurately defined the election system, the composition and functioning of the two Chambers. Besides finishing any legal inaccuracies, it reinforced the democratic nature of the Parliament to eradicate all kinds of historical anachronism and sponsor a plural composition thereof.

Alongside this process of creating and replace one Parliament for other, we have been also able to observe the main features of both Chambers. In first place the Spanish Cortes were described as distinguished by its emphasis on an organic representation and undemocratic, similar to corporate system of the Italian Fascism, and true reflection of the will of General Franco. After 34 years, divided into ten legislatures, the Francoist Cortes gave way to the so-called Constituent Cortes. Seed of the current Spanish Parliament, which despite being erected on a liberal basis, they remained subject to certain indeterminations that made of them some transition Chambers, waiting to be formally and fully governed in a constitutional text. To conclude detailing the uniqueness of the Cortes Generales, a constitutional body of the Kingdom of Spain constituted and regulated in Title III of the Spanish Constitution of 1978; that according to the Constitution, are the representatives of the Spanish people, having an asymmetrical bicameral configuration, perhaps its most distinctive feature, as well as one of its greatest weaknesses.

Likewise, in spite of the conditions that Basque society and politics might have been experiencing at that time, all these parliamentarians were a key pillar in building autonomy and the institutional framework that, since its subsequent consolidation, has been in effect down to the present, thus governing the organisation of the political system established in the Basque Country. Finally, the characteristics analysed determined how this system was shaped. The typology of the representation, which could be encapsulated in its specific parliamentary activity, resulted in the configuration of the constitutional system and its autonomous extension in the BAC.

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