

SALAZAR CONSTRUCTS HIS 'NEW STATE'

In political terms, it is possible to characterise Portugal in the early 1930s as a once densely forested tract where the trees had mostly been felled by a sudden and massive storm. What was left was a *tabula rasa*, a virgin land, in other words one capable of being redefined and built on by nimble and single-minded newcomers. It was Salazar who emerged from the pack of ambitious politicians, soldiers and intellectuals hoping to benefit as the dictatorship searched for definition and permanence. His background as a Catholic activist was unpromising but, during a time of rapid transition, he revealed himself to be a political entrepreneur unmatched in skill and effectiveness.

Within five years of arriving on the national scene, Salazar, through his management of budget allocations, brought the major part of the civilian bureaucracy under his direct control.¹ He then proceeded to place much of the nation's business and commercial activity under the sway of the regime. Much of Europe was already witnessing the centralisation of political power in even more unsettling ways, but this *démarche* was highly unusual in the context of recent Portuguese history.

The past was being relegated to a forlorn era as Salazar announced the arrival of a 'New State' (*Estado Novo*). How 'new' it would really turn out to be was, however, open to doubt. Just over forty years later, one not unsympathetic observer depicted the Portugal of Salazar as a modern, more complex, authoritarian extension of 19th-century man-

aged politics under civilian, professorial leadership.² But there were genuine innovations which drew the attention of numerous analysts of European affairs whose gaze had rarely, if ever, alighted on Portugal.

In the eighteen months after Salazar became prime minister, a concentrated wave of law-making ensued. Work had been taking place on a new constitution from 1931. An *éminence grise* of the regime, Quirino de Jesus (1855–1935), had a major hand in drawing it up. His 1932 book, *Nacionalismo português*, revealed in some detail what would be the juridical framework for the Estado Novo.³ By now an elderly figure, he assisted the ‘dictator of finance’ in breaking the hold on colonial affairs of Cunha Leal, who had comprehensively lost out in a power struggle with Salazar.⁴ The historian António Sérgio referred to Quirino as ‘the technical choreographer’ of the dictatorship.⁵

Salazar’s young lieutenants Marcello Caetano and Teotónio Pereira were also hired to work on the blueprint. As former Integralists, it is unlikely that they would have had much patience with a document portraying the state as a representative and democratic republic. This description had appeared in an initial draft, but in article 5 of the final version Portugal was described as a corporative and unitary republic.⁶

A costly propaganda campaign preceded a plebiscite on 19 March 1933 meant to ratify the document. Further publicity drives would extol it beyond Portugal itself for the rest of the decade. One of Salazar’s intellectual mentors, the French sociologist Gustave Le Bon, had warned that ‘enlightened constitutions and laws founded on reason’ were usually of no avail in ‘the Latin states’ unless efforts were also made to improve ‘the moral heritage’.⁷ In a population of just over six million, around 1,200,000 people were eligible to vote. Officially, 719,364 approved the constitution while 5,955 voted against. However, about 30 per cent of the registered electorate (488,840) abstained.⁸

The 1933 Constitution was an eclectic document, a mixture of democratic and clearly authoritarian elements. The Integralists were bitterly disappointed and turned their backs on Salazar. Far from undoing the liberal inheritance which they felt had blighted the evolution of Portugal for over a century, they believed far too many concessions had been made to parliamentarism at a time when it was in eclipse elsewhere. But the veteran political thinker Quirino de Jesus seemed to think that Portugal needed something eclectic that transcended past

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divisions. He depicted the Constitution as being based on 'an ideology that was simultaneously liberal, nationalist and humane, but was firmly opposed to socialism, communism and "counterfeit" liberalism'.⁹

The liberal dimension was overtly expressed in the form of a National Assembly which would eventually sit from 1935 to 1974. It was a deliberative not a legislative body, its right to initiate legislation being subject to the proviso that no law or amendment might be proposed which would prejudice the national revenue. It had little influence on the formation or composition of the government, which became 'the exclusive attribute of the presidency of the Republic, the preservation of whose powers do not depend on the fate of any bills or votes in the National Assembly'.¹⁰ The vote was confined to male citizens over twenty-one who knew how to write and had paid some taxes and to women with secondary education or who were family heads. It resulted in an electorate higher than the one before 1926. By 1942, owing to the slow decline of illiteracy, ten voters out of every 100 inhabitants could vote but, until 1945, only the National Union (UN) was able to nominate candidates.¹¹

The National Assembly met for three months of the year, from November to February. The government could legislate by decree at any time without reference to the Assembly when it was not in session. When it was, Salazar had the power to suspend its sittings, should such action seem desirable.¹² He gave his own unflattering description of his creation in a 1938 interview: 'there are three months of the year when you have got to listen to parliamentary debates. Of course, there are occasional ideas of value but it is mostly fine phrases, just words! The present Council of Ministers is good enough for me; it's a small parliament in a way, and it's also useful and does something.'¹³

The Constitution made the president of the Council the dominant political figure. No longer was he first among equals.¹⁴ It was a situation aptly described by Marcello Caetano as 'the presidentialism of the prime minister'.¹⁵

There was a head of state or president who in theory was the most important figure. In practice his function was to discharge largely ceremonial duties, leaving the prime minister with complete authority to run the country. Ministers were hired or fired on his recommendation to the president. The Constitution did not require the cabinet to meet

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in full session and, especially as he grew older or was in the midst of crises, Salazar preferred to work with ministers on an individual basis.

His constitution was a compromise between the conservative and authoritarian forces that had rallied behind him. Some were rooted in the pre-1926 system; others were opposed to it. They had shelved their differences in order to endorse someone who seemed capable of stabilising a social order which appeared to be collapsing next door in Spain, and who also displayed an unusual capacity for tackling national problems. Salazar promised an end to the situation where 'for many years in this country, politics killed administration: partisan fighting, revolutions, intrigues ... have proved to be irreconcilable with the resolution of many national problems'.¹⁶ The term 'Salazarism' would enter the political vocabulary in the month that the Constitution was promulgated, perhaps an early recognition that his regime was ultimately a personal one.¹⁷

Article 8 of the Constitution listed basic rights and guarantees. Marcello Caetano set these out in what would be the key textbook on constitutional law for the next four decades. Among the rights enshrined were, for example, the right to life and personal integrity, property rights and basic guarantees of criminal proceedings. Added to these were freedoms typical of democratic regimes, such as freedom of expression of thought 'in any form', freedom of education, freedom of assembly and association, right of petition, complaint and complaint before organs of sovereignty, and right to resist orders violating fundamental rights.¹⁸

However, article 8 also entitled the state to prevent 'the perversion of public opinion' and 'safeguard the moral integrity of citizens'. It meant the state could regulate liberty of expression through a system of censorship directed from the ministry of the interior. Nor did freedom of association extend to allowing political parties. Moreover, 'crimes against the security of the state' became punishable by imprisonment. Finally, the state was also given the constitutional right to defend itself against 'all the factors that violated truth, justice, good administration and the common good'.¹⁹

Jorge Borges de Macedo, a historian who, after 1974, was often seen as a guarded defender of the *Estado Novo*, nevertheless argued that Salazar did not give sufficient attention to the practical means of ensur-

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ing the subordination of the state to law and morality.²⁰ But he was hardly under much pressure to do so given the discredit that democracy had fallen into even in some of its Western citadels. Professor Walter Shephard, president of the American Political Science Association in the year Portugal's Constitution was unfurled, called into question the viability of liberal democracy. 'Is it not evident', he asked, 'that the theory of popular sovereignty, the central idea of democratic ideology, cannot stand up under an objective political analysis, and must be abandoned?'²¹

Since the Constitution wished to correct 'the excesses of individualism', the presence of such authoritarian features is not surprising. In hindsight, Diogo Freitas do Amaral, who founded and led the only right-wing party to achieve prominence after 1974, believes the decision to embrace undemocratic politics was a misguided move given the concentrated support Salazar enjoyed in the Portugal of the early 1930s.²² But few parts of the world witnessed the creation of new democracies at this time and Portugal had just emerged from the failed 1910–26 liberal regime (albeit one with elections fought on a very narrow franchise). Salazar, temperamentally an autocrat, would have found it hard to keep his coalition of interests intact and probably would have been lucky not to be swept aside in the resulting turmoil if he had sought to preserve a recognisably competitive form of politics in Portugal.

The father of this post-1974 politician, Duarte Freitas do Amaral, was a prominent figure in the Corporative Chamber (*Câmara Corporativa*). This was the regime's upper house and was staffed by representatives of various functional interests drawn from agriculture, commerce, industry, the military, the church, the universities, and various ministries and municipal authorities. Under the Constitution Portugal had been declared a corporative state. This doctrine saw the interests of various social classes as essentially complementary. It promised the abolition of strife between worker and employer, and even the end of capitalist exploitation. The body which would theoretically fulfil this aspiration was the corporation, supposedly meant to promote social justice and economic harmony.

The corporative ideal stretches back to medieval times when guild associations brought master and artisan together. In the 19th century it

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was refurbished by various thinkers alienated, to different degrees, from capitalism. From both right and left, capitalist individualism and the rise of the materialist state were decried. A historic breakthrough for the doctrine seemed to arrive with the triumph of Italian fascism.

Benito Mussolini placed the state at the heart of the corporatist ideal. Policy and administration came from an autocratic centre and not from 'the organic unity of all producers'. In reality this meant Mussolini himself. By 1939, when a corporative chamber finally replaced the old parliamentary system, he had made enough concessions to business and industry to nullify any innovative features of the doctrine. His corporations were little more than bureaucratic sinecures for fascist chiefs and their followers.

Salazar's nationalist regime had wanted to avoid copying a foreign experiment. The Portuguese system was supposed to centre around associations and not the state. The only external influence he readily acknowledged was that of the papacy. Two encyclicals were portrayed as cornerstones of his experiment, Leo XIII's *Rerum Novarum* (1891) and Pius XI's *Quadragesimo Anno* (1931), both of which stressed the desirability of labour and capital collaborating for the common good. In Portugal the law that sought to underpin this ideal was the National Labour Statute (ENT). Enacted on 23 September 1933, it was a charter for state control over life in the workplace. New labour organisations, known as *sindicatos*, were set up. They were controlled by the National Institute of Labour and Welfare (INTP—*Instituto Nacional do Trabalho e Previdência*). Their governing statutes and prospective leaders had to be submitted for state approval, and if they diverged from the ENT model they were dissolved.²³

In time, figures from within the regime, such as António Castro Fernandes, conceded that, rather than treating capital and labour equally, the system perpetuated class antagonisms and favoured employers.²⁴ The right to strike was abolished but employers continued to enjoy much of their previous freedom of action. 'Anti-plutocratic' rhetoric employed by Salazar and his advisers failed to result in any deterrent action against exploitative capitalists. All employers were supposed to enrol in guilds centred around their area of economic activity and known as *grémios*. It was envisaged that they would work in unison with the *sindicatos*. But a *sindicato* required at

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least 100 members and most factories were small, family-run concerns. It was in the larger industrial concerns where the *sindicatos* were imposed, places where there had often been industrial unrest before 1926. By concentrating on industrial stress points, the regime demonstrated that it was more interested in social control than any innovative approach to industrial relations.

Economic interests in large-scale agriculture and fishing were obliged to join the corporative order, but in industry more exemptions were allowed. In the summer of 1934 Salazar publicly conceded that he did not want to force business interests into a straitjacket that might have the effect of strangling the economy.²⁵ But no such flexibility was shown in the labour field, where compulsion reigned. At the start of 1934, a rebellion had erupted, based in the glass-making town of Marinha Grande, against the 'fascist-like' corporativist order. It was swiftly put down, but significantly it would be the first challenge to the regime from the Communist Party.²⁶

The thirty-one-year-old Pedro Teotónio Pereira was the architect of the corporative system. His base was the sub-secretariat of state for corporations and social affairs. It lay outside the cabinet and Pereira had hoped that this portfolio might be located within the prime minister's office, 'which would have given his agency more influence in the government system as a whole'.²⁷ Over more than three decades Pereira would prove himself to be a loyal collaborator.²⁸ He drew back from pushing through a full-scale corporativist revolution in the face of likely entrenched resistance from major business groupings; the armed forces and most of the state ministries remained outside the new ideological fold. Soon it was clear that 'a natural organic harmony' based on mutual voluntary collaboration between capital and labour was conspicuous by its absence.²⁹ The corporativist experiment certainly existed in the realm of public relations but its impact on governance was meagre. Portugal, to paraphrase Caetano (in 1950), was a corporative state in intention and not in fact.³⁰

The corporative edifice offered a paternalist and micro-managing leader like Salazar several advantages. It enabled him to supervise and influence the pattern of industrial activity and limit developments that he disliked or feared. One of these was foreign intervention in the economy. New foreign investors were likely to have found the corpo-

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rative structure disconcerting. The 1931 Law of Industrial Conditioning had already put curbs on foreign investment. But there was very little fresh domestic investment due to curbs on credit. Salazar's oversight of the economy was made easier the fewer the economic players there were. Despite the rhetoric condemning plutocrats, near monopolies grew up in several areas. Salazar could argue that rapid expansion would only overheat the economy and produce a cycle of boom and bust. But stagnation reigned in the first decades of his rule. State permission was needed to build a factory, add a new extension or move to a new site. Existing firms could intercede with the authorities to block approval.

How the system worked is well illustrated in the case of the industrialist Francisco Quintas, whose concerns were located in the northern coastal city of Povoia de Varzim. He had started a rope-making business in the 1920s and it soon became the nation's biggest producer. The government had been helpful. Sisal, the basic raw material, was obtained at fairly low cost from Portuguese Africa. The government also kept its price low, which boosted export sales. To discourage overproduction, licences were withheld from other competitors. But when he decided to branch into synthetic rope using plastic, he was rebuffed by the authorities, as another family firm in a nearby Portuguese city was already deeply involved in its production.³¹

Wolfgang Adler, a defender of Salazar's *dirigiste* economic approach, has argued that Portugal had been too prone to swallow foreign economic doctrines that were hardly suited to its long-term national conditions.³² A dependence on foreign investment (which could result in agendas being promoted that suited powerful companies while leaving most citizens disadvantaged) had also arisen owing to Portugal's peripheral status between 1820 and 1930. Salazar did not go down the path taken by authoritarian Spain after 1939, which was to launch state firms to substitute for foreign investment and a weak private sector at home. Instead, he retained a competitive market approach to economics but with one vital qualification. All rules and decisions had to be subordinated to the 'superior interests of the nation' with the reduction of external dependence to a minimum being underscored.³³ This priority was realised 'through an extensive system of industrial licensing, which essentially mandated "prior authorization from the state for

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setting up or relocating an industrial plant. Investment in machinery and equipment, designed to increase the capacity of an existing firm, also required government approval.”³⁴

The industrial workforce expanded from 1930 to 1940, rising from 478,000 to 602,000, and it grew even more rapidly in the following decade, rising to over 750,000 (an annual growth rate of 2.7 per cent). Employment in manufacturing grew from 12 per cent of total employment in 1930 to 19 per cent twenty years later.³⁵

With few clouds yet on the horizon, Salazar admitted, in a speech delivered in February 1939, that the corporatist order had left many ordinary Portuguese empty-handed. There had been limited gains achieved by the workers in terms of salaries, social assistance and minimum wages.³⁶ Emergency conditions brought about by the world economic crisis and the war in Spain were offered as excuses.³⁷ By now Pereira had been away from the corporatist field for three years and was ambassador to Franco's Spain. The new agencies appear to have been used by Salazar to obtain oversight over different areas of economic life, suppress industrial agitation, and perhaps find a career outlet for university graduates whose support for the regime might otherwise slacken. Of the 4,000 university graduates being produced annually in the mid-1930s, over half were from the field of law, and the corporatist bureaucracy was an area where many of them could be absorbed.³⁸

Suspicion has been cast on the appointment of Pereira's brother Luís to be in charge of the important *grémio* of wine exporters in 1934. In this instance, the claim of nepotism appears to have a flimsy basis. His family had an involvement in the wine trade extending for at least a century and he was elected by the associates of the *grémio* rather than being the subject of a political appointment.³⁹ Affection for corporatism was likely to be sparse if it was associated with nepotism. Abuses in the system undermined the regime's legitimacy even when it seemed popular to foreign observers and, by the early 1940s, these would contribute to the *Estado Novo* facing unexpectedly strong opposition. With much of the world at war, a Portugal still at peace would see the corporatist institutions end up enforcing strict wartime rationing. For some it made it hard to recall Salazar's words of 1934 when he berated

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‘the modern tendency of unlimited State intervention to be a mistaken policy’.⁴⁰

A shrewd person like Salazar, who was closer to his people than many other authoritarian leaders, never seems to have figured out that corruption would be difficult to avoid in the corporatist order. Economic interests were already entrenched in various ministries and it was likely that lobbies and networks of power would seek to derive advantage from this new tier of bureaucracy. The British philosopher Herbert Spencer (1820–1903) had already warned how easy it was, in large state enterprises, for backstairs intrigue and sycophancy to determine selection, rather than merit.⁴¹ In a country like Portugal where much state activity appeared to be based around the exchange of favours in what was known as the *cunha* system, perhaps Salazar needed no telling. He would receive and deal with petitions through his long political life, and perhaps the corporative system was an essential way for him to cement loyalty to his system. But as one historian remarked, it fashioned Portugal ‘very much in the socialist way’, leaving the Portuguese accustomed to a large state presence and very much dependent upon the state.⁴² Indeed, in 1975 at the height of the left-wing revolution, one of its architects, the Coimbra professor José Teixeira Ribeiro, would be appointed a vice-premier in a communist-dominated government. His verdict back in 1945 had been that the legislation of the 1930s had created a ‘corporatism of the state’ and not a ‘corporatism of associations’.

Surprisingly, in its aftermath, as veterans of the Salazar regime and its remaining supporters wrote about their experiences, very few bothered to devote much space to the corporatist system. One veteran regime insider, Idelino Costa Brochado, despite being a fervent admirer of its creator, was in no doubt that corporatism was ‘opaque and illusionary’.⁴³ Such were its ambiguous features that variants of what was by then an unfashionable doctrine were later resurrected by European politicians, often though not exclusively on the left. In the aftermath of the New State, some democratic figures were drawn to interest group representation instead of a politics based around the cleavage of class.⁴⁴ Post-war corporatism (or ‘neo-corporatism’, to use Howard Wiarda’s term) was far less authoritarian and intrusive than its interwar predecessor. But within the liberal democracies generally,

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trends after 1945 paralleled what had occurred in Portugal in the 1930s. There was a growing tendency among ruling politicians to ensure that issues previously seen as belonging in the political arena were removed and decided 'pre-politically' by NGOs, civil servants and the European Union. Experts drawn from civil society and elsewhere became important players in their own right just as the corporative actors in Portugal had been.⁴⁵ In return for having access to resources, enjoying honours, and being given admission to the political elite, they were sometimes expected to defend the government of the day in the media when it fell under attack. The beneficiaries of the corporative order in Portugal had also been expected to be cheerleaders of the regime whenever it faced unwelcome pressure from home or abroad.

Neo-corporatism ran out of steam as the careers of politicians associated with it faltered. But it remains attractive to mainstream figures such as the British academic Maurice Glasman. He is a member of the House of Lords in Britain and in 2017 he set out the argument for transforming the British parliament's upper chamber into an institution for corporate representation.⁴⁶

Arguably, effective government capable of tackling serious problems in authoritarian Portugal and post-Cold War Europe suffered on account of the franchising of key tasks to ancillary bodies claiming to be either corporatist or civic. But in Portugal retribution was postponed for a long time because of the regime's ability to stifle opposition, by strong-arm methods if necessary.

Salazar called his new order a corporativist rather than a corporatist one because he wished to respond in an original and decisive way to problems which had distorted political development in Portugal over a long period. Politics had been relentlessly partisan, never more so than during the First Republic. Salazar laid out the charge sheet against parliamentary rule in 1934 when he wrote: 'The last democratic regime in Portugal did not effectively safeguard the interests of the individual nor maintain political liberty. In the past, free speech and the liberty of the press and of political association have always been subordinated to the interests of the party in power, with the additional drawback that in theory the law was one thing and in practice another.'⁴⁷

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It is clear from remarks that Salazar would make then and in the future that he regarded the defect as a general one. It was national in character and not confined to any specific political forces. In a speech he made twenty-five years after becoming minister of finance, he observed: 'We are prone to build on fleeting enthusiasms, due to our well-known character, and to abandon tasks we have just started for others. Now in the work we strive to do, we must progressively replace improvisation with study, fickleness in feeling with fidelity to a programme.'⁴⁸

Salazar is unlikely to have disagreed much with the view of the Israeli political scientist Yoram Hazony when he wrote that 'where a people is incapable of self-discipline, a mild government will only encourage licentiousness and division, hatred and violence, eventually forcing a choice between civil war and tyranny. This means that the best an undisciplined people can hope for is a benevolent autocrat.'⁴⁹ His Constitution was the work of a paternalist who strove to replace bad old habits with a sense of national constraint. It aimed to ensure that there was little place in national life for 'men educated for the purely political struggle, the demagogic speculations, the emotional exaltations of the popular masses, and therefore inclined to reduce the life of the nation to agitation itself'.⁵⁰

To remove destructive elements driven by their own appetites from political affairs, it was necessary to disable the chief source of their influence, the political parties. The 1933 Constitution was meant to be a 'system of cure' or a form of detoxification from the era of 'partyocracy' which Portugal had previously lived through. A dictatorship of the state was replacing a dictatorship of the parties, regime apologists contended, but one where citizens were offered greater opportunities to conduct their affairs without interference.

Plenty of dedicated and energetic people were needed if this fresh edifice was to have a meaningful impact on national affairs. The large numbers who were revolted by the sway that violence, demagoguery and excitement had exercised over politics would need to be mobilised in order to draw a line under the past era of disruption and usher in a more successful one. But the occupational cartels imposed by corporatism did not provide an arena for people to develop a sense of responsibility or acquire familiarity with the arts of government at a practical level. Nor did the Constitution lay down a strong system of

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municipal government, long a staple demand of thinkers on the right. Salazar's formula of government was to be 'rule by the few'. It was what he was most temperamentally suited to. With his political skills, which included great powers of concentration and a strong retentive memory, he could provide momentum for such a system at least while his own physical and mental powers were strong.

His autocratic way assumed the existence of an elite schooled in moral principles that would provide an example to the wider society by the quality of its governance. He placed strong faith in the reliability of a benevolent and competent governing corps, perhaps one schooled in Catholic religious principles and devoid of the influence of post-1789 French radical thought. It is unclear whether he assumed in the 1930s that this elite would be far less vulnerable to the temptations of power than others had been elsewhere in Europe.⁵¹ It would not have been unreasonable to assume that he hoped for a period, free of external preoccupations, to hone and perfect his form of guardianship. But he would not be granted the space to refine his design for governance in Portugal. International events would, arguably, blow the regime off course for almost a decade. Accordingly, when in the late 1940s there was the opportunity for a fresh look at the system of government, much of its sheen had faded and it was not just enemies of the regime who scoffed at the claims made for it.

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