Game Theory and the Transition to Democracy

The Spanish Model

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'One of the few original contributions to the literature on transitions to democracy, Colomer's book applies analytical models to reveal the complexity of transition in Spain. His analysis will be of interest to observers of democratization everywhere'.

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'This could become a Political Science classic: It is remarkably short, clear and, on the whole, persuasive.'

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The transition to Spanish democracy is often seen as a model for other societies undergoing processes of political change; an example of negotiation and consensus which avoids both violence and civil war.

Game Theory and the Transition to Democracy analyses strategic behaviour and political interactions during the key political episodes in the Spanish transition, explaining why it was such a successful process. Emphasising the agenda-setting, bargaining and strategic decision-making roles of central actors, this book uses a rational choice methodology to model the transition to democracy in Spain.

This book sheds new light on the process of transition to democracy and will be welcomed by historians and political scientists both as a key contribution to the historical understanding of the period and as a seminal application of rational choice analysis.

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In comparison with the previous Spanish edition, in the present book I have eliminated several chapters, enlarged or rewritten parts of others, and undertaken a general revision of the entire manuscript. Comments and suggestions by Mark Wickham Jones and two anonymous referees for the publisher have been particularly helpful for this purpose. Susan Rutherford, with common sense and efficiency, has converted the original into readable English.

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Introduction

> An important lesson which I for one have learned from the Spanish democratic transition, in which I have decisively taken part, is that historical determinism does not exist. In living and making this period of history, I have received the most important ratification of an essential idea: that the future, far from being decided, is always the realm of liberty, open and uncertain, although foreseeable by the analyses of the structural conditions and the operating forces of the society in which we live, the most essential of which is the free will of those men who shape history.
>
> Adolfo Suárez
> *Spanish Prime Minister, 1976–81*
> ("La Transición Política", in *Historia de la Transición*, Madrid: Diario 16, 1983)

The Spanish democratic transition which took place during the period 1976–81 has often been taken as a model for other processes of political change from authoritarian rule. The "Spanish model" has usually been identified with negotiations and pacts among political elites and a consensus among the citizenry which avoid acts of revenge, violent confrontation and civil war. Spanish politicians have often presented themselves abroad as proud leading figures in this process, and numerous politicians from other countries in transition — in Southern Europe in the mid-1970s, Latin America in the 1980s, and Eastern Europe since the end of the 1980s — have frequently made glowing references to the Spanish experience and sought inspiration from it.

Scholars on comparative transitions have also paid particular attention to the "Spanish model". One of them, Juan J. Linz, who has studied the breakdown of democracies extensively, returned to this subject after the

first wave of transitions to democracy in the 1970s (Linz, 1978, 1981). References to the Spanish model were also abundant in the first development of the "strategic approach" to the study of transitions from an authoritarian rule directed by O'Donnell, Schmitter and Whitehead (1986). Adam Przeworski then went so far as to say that "Spain seems the country to be studied" (*op. cit.*, vol. 3: 61). After the fall of the Communist regimes in Eastern Europe, he presented the "Spanish miracle" as the most optimistic scenario for the countries of that area. In his words:

> Since 1976, in only fifteen years, Spain has succeeded in irreversibly consolidating democratic institutions, allowing peaceful alternation in power; in modernizing its economy and making it internationally competitive; in imposing civilian control over the military; in solving complicated national questions; in extending citizenship rights; and in inducing cultural changes that made it part of the European community of nations. And this — Przeworski added — is what everyone in Eastern Europe expects to happen. Eastern Europeans deeply believe that if it had not been for the "system", they would have been like Spain. And now this system is gone (Przeworski, 1991: 8).

The aim of this book is to analyse in an innovative way the strategic behaviour and political interactions that made the Spanish transition such a successful process.

The first point to be noted is that the peaceful, negotiated transition of 1976–81 contrasted sharply with the unstable process and violent result of a previous historical episode, the Second Spanish Republic. This was set up in 1931 and overthrown by a military coup, prompting a long and bloody civil war in 1936–39.

There were certainly crucial differences between the social structures of the Spain of the 1930s and that of the 1970s. In the first case, Spain was a largely rural, simple society in which socio-economic, religious, cultural-linguistic and political issues placed different groups of people at the same side of the trench. On one side were the conservative, catholic, centralist and monarchical groups whilst the other side was defined by the progressive, secular, federalist and republican positions of its components. Maximalism at the extremes contributed to polarization and conflict.

Obviously, this kind of structural feature can help to explain the shaping of political preferences and priorities of individuals and groups in a society and, in this way, the collective outcomes produced by their interaction. In the same line of reasoning, the socio-economic "modernization" of Spain in the 1960s should be included in any explanation of the multidimensional

and more moderate political preferences expressed in the peaceful and negotiated process of political change in the late 1970s.

However, the main point to be stressed in the following pages is that there is nothing previously determined in the social, economic or cultural structures regarding a political outcome such as a regime change to democracy. Societies with the same structures, in which citizens continue to have the same preferences, may choose different political alternatives depending on the way these are chosen.

Indeed structures, including political structures or institutions of the former authoritarian regime, impose certain limits on the number and availability of political alternatives. Yet the opportunities offered by these structures allow different choices and may produce different outcomes depending on the initiative, the strategies and the luck of political actors. Otherwise it would be impossible to understand the political differences between, say, the stability of the Norwegian and the Dutch democracies and the instability of the German democracy in the 1930s, since all of them suffered from similar and deep processes of economic recession and social disintegration. Similarly, contrast the lasting democracy in India and the political instability in Pakistan after their separation and simultaneous independence; or the different paths followed by Venezuela and Colombia after their parallel democratizations in the late 1950s; or the regime differences between some small Central American countries such as Costa Rica and Nicaragua for most of this century, and so on.

In the case of Spain, it is clear that in contrast to the situation during the 1930s, the "social complexity" and the material well-being, so characteristic of a relatively developed society as was Spain during the 1970s, made room for new political agreements. Yet as will be seen in the following pages, political outcomes after Franco's dictatorship were arrived at by methods such as the exchange of satisfactions by different groups regarding different issues and strategic behaviours on the part of political actors which were not necessarily the only ones which could have been adopted at that time.

Partly, it was the experience of failure and the political process itself which shaped the preferences and choices of actors. It is clear, for example, for all actors and witnesses of the Spanish transition of the 1970s that the very memory, the trauma of the civil war of the late 1930s, fed the fear of a repetition of a violent conflict in broad layers of society. It was this dread which induced a predisposition toward negotiation and compromise on the part of the main political actors. Beyond any structural determinism, the learning from past failure appears as a remarkable factor of the inclination towards pacts which is usually underlined as a characteristic feature of the

"Spanish model" of political change.

More specifically, and as will be seen in some of the episodes narrated in this book, the successful, democratic outcome of the process of political change in Spain in 1976–81 was a direct result of the art of agenda-setting, bargaining and strategic decisions by key political actors. This particular kind of relationship between means and results reminds us of the saying, "the road to hell is paved with good intentions". Simply paraphrased, it could also be said that the heaven of democracy seems frequently asphalted with bad intentions, base passions and self-interested calculations. It is on account of this strategic aspect of the process, and not because of the existence of certain structural preconditions, that one may look to the Spanish model of transition to democracy as a fruitful source of inspiration for new compromises in other countries, even if — as has been the case in most Latin American and East European cases — they have very different starting points.

THE RATIONAL CHOICE APPROACH

The approach used in this book for modelling the Spanish way to democracy is based largely on rational choice assumptions.

The first of these assumptions is that the decisions of actors can be explained as being derived from rational calculations.

This does not mean that the actual intellectual, moral and emotional processes which occurred in the brains and hearts of political activists, professional politicians and members of the military such as those who parade through this book were the graphic schemes, curves and matrices presented herein. Formal tools such as these simply serve to reduce the huge amount of intervening factors in the real world to those which allow the author and the reader to have a clear and parsimonious explanation of the real outcomes.

Collective outcomes are thus explained as products of individual choices from alternatives. However, as will be seen, unintended consequences of interactions among actors are frequent. Furthermore, the institutional constraints imposed on actors reduce the scope of alternatives to be chosen and indirectly induce a bias in favour of a particular group of preferences. "Rational choices" are, hence, analysed within an institutional framework and as a frequent source of "irrational" collective outcomes.

The advantage of the formal, deductive reasoning characteristic of the rational choice approach, is that it permits the identification of those elements which can explain real outcomes in a more accurate and precise

manner than the conventional method of inductive generalization from empirical observations. Once a set of alternatives, relevant actors and preferences has been put forth and the deductive implications of the analysis have been formulated, the contrast between formal results and real outcomes can either confirm the validity of the explanation or suggest a modification or enlargement of the assumptions in order to produce a fit between the model and reality. In this way, it is possible to purify and refine the explanation, separate what is important from what is superfluous or irrelevant, and to produce real knowledge and understanding.

Two different types of formal tool in the rational choice approach, respectively based on social choice theory and game theory, are used throughout this book.

The first set of tools focuses on examples of what William H. Riker called "the art of political manipulation" or *heresthetic*, which is related to certain aspects of voting (Riker, 1983, 1986, 1993).

All three categories of "manipulation" in voting distinguished by Riker —"agenda control", "manipulation of dimensions" and "strategic voting"— are, in fact, present in the following pages.

The first, "agenda control", is used in Chapter 1 to explain the order and result of collective choices among the political alternatives of continuity, reform and rupture of the authoritarian regime after the death of General Franco in 1975. It is shown that, by a succession of choices, a "cycle" or permanent political instability was avoided and, after eliminating the other alternatives at different stages of the decision process, the democratic alternative finally appeared as the winner.

The "manipulation of dimensions" in voting allows us to explain in Chapter 3 how the nomination within the authoritarian institutions of a reformist President of Government was reached in 1976: a new dimension of "political families" ("Catholics", "Technocrats", "Falangists") was added to the continuity–rupture dimension in order to alter the vote of some of the Francoist politicians enjoying decision-power at that time.

Finally, as explained in Chapter 6, "strategic voting" and "vote trading" were the main devices used by the Spanish parliamentary constituents in 1977–78 for agreeing on and approving a new democratic Constitution.

The second type of rational choice tool used in this book is based on game theory. (In addition to basic texts which I do not feel the need to list here, parallels to my attempt to use game theory tools for analysis of political episodes in the real world can be found in books such as those of Lewin, 1988; Tsebelis, 1990; and Chong, 1991.)

These schemes are interesting because rational choice assumptions are

not only appropriate for analysing situations in which the actors' preferences and constraints are clearly defined or established, like those just mentioned regarding voting. Game theory provides tools that are particularly useful for studying situations in which the rules of the interactions are more imprecise or not defined at all, as happens with many characteristic situations in a process of political change.

A regime change is precisely a change of the rules of the game and, logically, the game for changing rules cannot entirely be shaped by the incentives structured by the rules being changed. Some interactions among actors in a process of political change are therefore less constrained than those of actors in a stable political situation, whether this be a dictatorship or a constitutional, consolidated democracy.

At the same time, actors intervening in a process like this, even if they have different and perhaps contradictory policy preferences, may share certain regime and constitutional preferences or interests (for instance, foreseeable small groups placed at the left and right in the policy space may coincide in favouring proportional representation instead of the plurality rule desired by bigger groups).

These characteristic features of a process of transition to democracy create a situation in which the interactions among actors are defined at the same time, as in the "non-zero sum" games, by aspects of conflict and opportunities of cooperation to their mutual benefit.

The theoretical framework of game theory, which focuses on strategic choices, is thus especially appropriate for analysing such a process of political change, characterized also by a great deal of uncertainty among the actors concerning the future and by problems of stability regarding the outcome.

Accordingly, different schemes of "games" are used in the following pages to model real interactions between key actors in the Spanish process of political transition. Let me advance here a few technical words which will be more explained and clarified through the exposition.

Looking at their formal results, we shall find games with different types of "equilibrium". We understand as "equilibrium" a stable collective outcome produced by certain actors' decisions from which no actor has an incentive to depart unilaterally. A different actor's decision departing from its "equilibrium" decision would produce a worse collective outcome.

However, in certain games the result is different if we assume that the actors make only short-term calculations, looking at the immediate consequences of their decisions (as in the Nash equilibrium concept), than if we assume that the actors look ahead and they can anticipate all actors' possible rational decisions and counterdecisions from the initial state (as in

the Brams' "non-myopic" equilibrium concept). I will argue that this latter assumption of sensible and future-oriented players is more appropriate for a process of regime change, whose outcomes tend to have long-term consequences and it does not usually happen many times in a person's life.

Thus we shall find games with a single, stable equlibrium; games with two possible equilibria; games with an inefficient equilibrium which can be improved by mutual cooperation between the players, that is, games with a "non-myopic" equilibrium different than their Nash equilibrium; and finally, games with a non-equilibrium result due to other parallel games in which a player is involved.

More specifically, in Chapter 2 the dynamics of anti-Francoist movements and the growth of turncoats among the supporters of the dictatorship are modelled with "tipping games", in which two possible equilibria — at the top and the bottom levels of expected mobilization — exist.

A game with two different types of equilibrium is presented in Chapter 4 to analyse the bargains between the continuists and the reformists of the authoritarian regime after General Franco's death. On the one hand, the game has an inefficient Nash equilibrium in which there is no agreement between the players. On the other hand, the game has another "non-myopic", efficient equilibrium, in which both players agree on a moderate reform of the authoritarian institutions, which can be reached by the use of threat-power by the reformists.

On the contrary, the interaction between the reformists in government and the democratic opposition is modelled in the same chapter with a game with only one, strongly stable equilibrium in which there is no agreement nor possibility of cooperation for mutual benefit between the two players.

The rather well-known game of "Prisoner's Dilemma" is a game with an inefficient equilibrium which could be improved by communication and mutual threats between the players. It is used in Chapter 5 to stylize the interaction and possibilities of cooperation between the reformist government and the Communist Party which was initially excluded from political participation in the first multiparty election.

Imperfect information and parallel (or "nested") games are introduced in Chapter 7. Two different assumptions of preference order are presented to model the interaction between the King of Spain and the captain-generals when the alternative of a military *coup d'état* emerged. The first game shows the misinformed calculations of some conspirers, which correspond to the game known in theory as the "Battle of the Sexes". In this game there are two different equilibria; which of the two is obtained depends on the threat-power of the players. Alternative and more realistic

assumptions on the preferences of the King, however, shape a different game with a single, stable equilibrium in which the captain-generals abstain from the coup.

Finally, a latent, in fact not openly played game between the military chiefs and most citizens is also built. Whilst the formal scheme shows that the game has a single equilibrium in which an authoritarian coup would not be resisted by the citizenry, the real outcome was much more favourable to democracy because the outcome of the parallel game between the King and the military, previously presented, determined the choices of the military players in this game. Apparent inconsistencies between the results obtained by deductive and formal reasoning from likely assumptions on actors' preferences are thus dismissed when the schemes used for analysing different parts of the story are combined in a more complete panorama.

THE SPANISH TRANSITION TO DEMOCRACY

This book contains a collection of political episodes of the Spanish transition to democracy. They have been selected for their relevance in order to understand certain key moments and crucial aspects of the entire process of political change, and to illustrate the importance of strategic behaviour in that kind of situation.

However, the reader should be warned not to expect a complete history of the Spanish transition here. An overview of some historical facts will probably help in order to follow the series of interpretive essays presented in the following pages. (For more detailed accounts, works such as those of Carr and Fusi, 1979; Maravall and Santamaría, 1986; Preston, 1986; and Gunther *et al.*, 1988, may be consulted.)

Following his victory in the civil war of 1936–39 in which the Spanish Second Republic was defeated, General Francisco Franco established a life-long personal dictatorship. Throughout a period of repression and misery, the Franco regime outlasted those of his fellows Adolf Hitler and Benito Mussolini and was officially recognized by most Western governments in the 1950s. During the 1960s and early 1970s, industrialization and foreign economic relations contributed to creating a degree of passive consensus among certain layers of Spanish society regarding the political stability and relative material comfort guaranteed by the dictatorship. At the same time, however, social conflict and political protest grew among a new generation of students, urban professionals and industrial workers. As a result of this, a new political opposition was created, largely dominated at that time by

Communist activists.

When Franco died in bed in November 1975, no single relevant actor was able to impose his own preferred alternative by himself: neither the "hard-liner" Francoists with the continuity of the authoritarian regime, nor the "soft-liners" with moderate reform, nor the anti-Francoist opposition with democratic rupture. None had the sufficient backing or the opportunity to impose a direct outcome by means of a simple and immediate decision.

Once confirmed as the dictator's successor, King Juan Carlos I named Franco's last Prime Minister, Carlos Arias, as President of Government. Arias was a genuine continuist, but accepted some soft-liner ministers such as the Vice-president Manuel Fraga. This government tried to negotiate a moderate reform with the continuists, but failed in its endeavour. In July 1976, however, Juan Carlos succeeded in appointing the reformist Adolfo Suárez as the new President of Government. Suárez resolutely faced down the continuists. Using a new combination of pressure and threats, he obtained the acceptance of the reform of the authoritarian regime — which included a call for parliamentarian election — by the very Francoists occupying the authoritarian institutions.

It is important to note that during the early, pre-electoral phase of this process there was no real cooperation between the reformist government and the rupturist opposition. The only relevant, direct negotiation between President Suárez and a member of the opposition took place with the General Secretary of the Communist Party, Santiago Carrillo, regarding that party's legalization. As a result of this, the Communists, like the other parties of the rupturist opposition, accepted the legal framework of reform agreed upon by reformists and continuists, including electoral rules that favoured the governmental candidacies. As a consequence, any questioning of the monarchical form of government or the unitary form of State was excluded from the platforms for the first competitive election in June 1977.

Negotiations and pacts between reformists and the rupturist opposition as a whole did not take place until after the election, when the governmental candidacies failed to obtain a majority of votes. Suárez' reformists had then to abandon the limited constitutional reform they had prepared and to accept the cooperation of the parties of the former anti-Francoist opposition, basically Socialists, Communists, and Catalan and Basque Nationalists. The government and a majority of parties signed the "Moncloa agreements" on economic policy, agreed upon a new decentralization or creation of provisional regional governments in Catalonia, the Basque Country and Galicia —which was later extended to

the rest of the country — and accepted the elaboration of a new Constitution. This was negotiated by way of parliamentary vote-trading and logrolling, and was finally approved with a wide consensus in December 1978.

This latter phase of the process in fact broke the agreements that the reformist President Suárez had contracted with the Francoists during the previous phase of the transition. The outsiders of the constitutional coalition then accused Suárez of "treason" and repeatedly conspired with some involutionist groups to organize a *coup d'état*. This uprising, which came to a head in February 1981, was quelled, thanks in large part to the intervention of the King.

It was in this latter part of the process that the objective of rupture — a democratic regime without restrictions — was obtained and consolidated, although by a different path than the one originally planned by the democratic opposition. Although the former authoritarian framework did not envisage a process for changing constitutional rules, it finally did allow that change to come about. (For a theoretical framework of institutional change which fits well with some suggestions presented here, see North, 1990.)

It is interesting to note, nevertheless, that the path to change left its trace on the outcome. Significant elements of continuity with the former regime were to survive for many years. Not only was the monarchy confirmed, but no breakdown in the armed forces or any purge of civil servants or political police took place. At the same time, in the Spanish democracy consolidated in the 1980s and 1990s there has been a low level of politicization among the citizenry. This has conceded a broad margin of autonomy to the political class, which has allowed them to prolong their "manipulative" practices well into the constitutional period.

The Spanish way to democracy thus corresponds to only one of the several models of transition by agreement which can be formally distinguished in a strategic approach: one in which the opposition does not have the opportunity to intervene directly and conspicuously in the bargains and agreements of the pre-electoral period. I have, in fact, developed some of the categories and formal schemes presented in this book in a manner which I believe valid for analysing processes of change of regime in other real cases. Accordingly, two other ways of transition, both including the opposition among the decisive actors of the pre-electoral phase of the process, have been identified. With the labels of "negotiation with the opposition" and "sudden collapse" of the authoritarian regime, they have already been applied to studying other processes of transition to democracy in Southern Europe, Latin America and Eastern Europe (see Colomer 1991, 1995; Colomer and Pascual, 1994, and forthcoming work).

In this perspective, the Spanish model of transition seems indeed significant both as a source of inspiration for other real processes of democratization and as a platform for comparative scholarship and methodological innovation in the study of modern political change.

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1. A Transitive Transition

My interpretation of the political change in Spain relies upon certain hypotheses on the differences between the structures of opinion in the 1930s, when the Spanish Second Republic ended in a civil war, and those of the 1970s, when democracy was a successful enterprise. These differences include trends which, in the second experience, permitted the avoidance of a "cycle" or unstable outcome and the achievement of a "transitive" collective choice among the political alternatives put forward.

There are significant coincidences between certain statements on the conditions of stability and breakdown of democratic regimes based on empirical observations, and certain findings of the formal analysis of social choice.

It is possible to state, for example, that the existence of a relatively high but minority group of individuals who reject an alternative, such as representative democracy, in the name of either social revolution or fascism, may prevent a collective decision which is favourable to democracy. Even if the majority prefers democracy to the other alternatives, it may be defeated if revolutionaries or fascists influence the opinions of the democrats to a sufficient degree.

Likewise, a minority in favour of the democratic alternative may succeed in imposing it by means of a collective decision if, in the majority which prefers alternatives such as revolution or fascism, there are many people willing to accept democracy as a lesser evil, seeing it as preferable to falling into the alternative opposed to their tastes.

One might say, thus, that the success or failure of the project of establishing a representative democracy, its stability or breakdown, depends — as with any choice between different political alternatives made by a collective decision — on the distribution among the population of different preference orders with respect to democracy, revolution and fascism, rather than on the existence (or not) of a majority who prefer that system of government above all. Thus there may be stable democracies with less social support than certain unstable democracies which end up in confrontations between factions and in civil war. Similarly, there can be revolutionary insurrections or military uprisings which triumph in countries

where their corresponding ideological programmes are met with less sympathy than in others where they never succeed in gaining control.

These factors help to explain the difference between the repeated defeats and breakdowns that representative democracy suffered in Spain during the 19th and the greater part of the 20th centuries, and its consolidation in the last quarter of this century.

In accordance with this analysis, this difference of historical experience does not require the assumption that by the end of the Franco period, for example, there was a smaller proportion of citizens favourable to the dictatorship than in the 1930s. On the contrary, it is perfectly conceivable that the maintenance of the Francoist regime over two generations, in a framework where there was scant information regarding the political experience of other countries, historical amnesia and, in the second half of the period, economic prosperity, increased the proportion of those people who felt satisfied with it. It is likewise very doubtful that the broad base of anti-Francoist resistance and opposition movements was any greater than that of the political and social movements which backed, in a more or less convinced manner, the Spanish Republic established in 1931. The fact is, however, that they succeeded in imposing their objectives in a peaceful and stable way, avoiding a new civil war.

GRADUALISTS AND MAXIMALISTS

A striking finding of social choice and voting theory is that a collective decision may rely on irrelevant alternatives. A choice, for example, between two political alternatives, x and y, may vary according to what the decision-makers' preference is with regard to a third alternative, z. It is possible that a collective choice in favour of an alternative might not depend, thus, on the number of people who prefer it first, since changes regarding the third preference of some of those participating may alter what appears to be the group's first preference at the end of the decision-making process.

We can apply this kind of formal analysis to the collective choices between the three main political alternatives which were available in Spain at the end of the Francoist regime.

The first was the continuation of the Francoist fundamental laws, concerning which the dictator had tried to leave everything, according to his own famous phrase, "tied and well-tied". We will symbolize this continuity alternative by *C*.

The second alternative consisted of legally reforming the Francoist

fundamental laws, in order to establish a limited representative democracy. This reform alternative will be represented by *r*.

The third alternative was a rupture with Francoism, through the setting up of a provisional government which would call an election to a constitutent Assembly, in order to establish a new legal framework of democracy and civil liberties. This rupture alternative will be represented by *R*.

We can order these three projects, according to the greater or lesser degree of discontinuity with the past which they envisaged, like this:

R, r, C.

Applying this to the 1930s, it might be possible to conceptualize the alternatives *R*, *r* and *C*, respectively as the republic preferred by the revolutionaries and republicans; the acceptance of the republic as a form of government but with the wish for another Constitution, as defended by the centrists or "third alternative"; and the opposition to the system on the part of monarchists and fascists.

Table 1.1. Orders of preference on continuity, reform and rupture

	Opposition		Ruling bloc: Soft-liners		Ruling bloc: Hard-liners	
	1	2	3	4	5	6
	Revolutionaries	Rupturists	Reformists	Openists	Continuists	Involutionists
Most preferred	R	R	r	r	C	C
	C	r	R	C	r	R
Least preferred	r	C	C	R	R	r

Note: R = rupture; r = reform; C = continuity.

There are six different possible orders of preference of the alternatives *R*, *r*, and *C*, which define six different political actors, as may be seen in Table 1.1.

To interpret these figures, it should be understood that Column 3, for example, means that the first preference for the people of this group is *r*, their second preference is *R* and their third preference is *C* (these ordinal positions are represented in the curve found below the column with a downwardly concave shape). This means that they prefer reform to rupture and rupture to continuity. The other columns and curves show the other possible orders of preference.

These different orders may be found among the citizens, as well as among political elites, and allow us to identify the actors of the process of transition more precisely than the usual, simpler, distinctions between "hard-liners" and "soft-liners".

Briefly outlined, they correspond to the following groups and their sympathizers:

1. *The revolutionary opposition*, including Anarchists, revolutionary Marxists and radical Nationalists. Among the alternatives presented, they prefer rupture, but rather than a reform which would only half-satisfy popular demands and would mortgage the possibility of achieving rupture for many years, they would prefer to maintain their revolutionary militance and continue their struggle against continuity.

2. *Rupturists or democratic opposition*, grouped together from March 1976, in Democratic Coordination and later in the Platform of Democratic Organisms, composed basically of Communists, Socialists and Basque, Catalan Nationalists, together with some small groups of Liberals and Christian-Democrats. They prefer rupture, but would rather accept reform — since it can spark internal contradictions among the Francoists and allow a more gradual and somewhat slower advance towards the achievement of some anti-Francoist objectives — than continuity. Some former members of the revolutionary opposition — the first opinion group presented in the previous paragraph — may join this group after negative maximalist experiences, as occurred with the Communists following the civil war.

3. *Reformists*, grouped together from July 1976, around the government of Adolfo Suárez and later in the governmental candidacies as the Union of Democratic Centre (UCD). They want a change of regime, but would prefer this to be done by legal means, controlling it from above, holding on to certain continuity elements and benefiting from the advantages afforded them by their position in power. Some members of the moderate opposition may also adopt this order of preference, having come to the conclusion that rupture is impossible or too costly, and wishing, above all, to rid themselves of the dictatorship. This is the case of certain Christian-Democrats and Liberals who have joined the ranks of the UCD.

4. *Openists* (*"aperturistas"*), or promoters of a political thaw, who formed part of the government presided over by Carlos Arias with Manuel Fraga as Vice-president during the first six months of 1976, later grouped together in the candidacies of the Popular Alliance (AP). They seek legal reform but, faced with the danger of rupture, they would prefer to resist by joining Francoist continuism. Some Francoists might also take up this alternative, having reached the conclusion that continuity without Franco is impossible, and because they dread rupture above all.

5. *Continuists*, including a great many of Franco's politicians and officials, whose bastions include the organic Assembly — the Cortes — and the higher echelons of the armed forces. They prefer continuity, but would rather accept reform — which would permit them to retain some of their positions from the past — than the feared rupture.

6. *Involutionists or Ultras* (also known as "The Bunker", in reference to the last days of Hitler). These are active in certain Francoist institutions, such as the National Council of the Movement (the Francoist single party), the "vertical" Syndicate (in which workers and entrepreneurs were jointly and obligatorily affiliated), and the Falangist organizations. They want continuity, but rather than a democratizing reform that would dilute the foundations of Francoist ideology, they would prefer to return to a confrontation with the "reds and separatists" as a way of establishing a new dictatorship.

The relative proportions of political strength and social support of these strategic groups partly depend on factors like the social structure and the duration and forms of domination of the authoritarian regime. They are also, however, the expression of initiative, self-confidence, daring, imitation and opportunity of political leaders, as well as the opinion formed in different sectors of society through reflection on past experience.

As I have insinuated, there are some people who can switch their allegiance from one group to another during the course of the transition process. Moreover, although for the purpose of analysis we will consider that in many cases a defined group has one single wish and one single criterion of political choice, there are some collective organizations such as parties, or even governments, that may include people with different preference orders among their members. In the case of a party, for example, it is usually possible to find militants with preferences corresponding to

groups closer to the extremes than the professional politicians with political career ambitions.

It is also convenient to observe affinities by blocs: the opposition bloc, made up of groups 1 and 2, revolutionaries and rupturists, coincide in their first preference *R* (rupture); the bloc of soft-liners, made up of groups 3 and 4, reformists and openists, coincide in their first preference *r* (reform); and the bloc of hard-liners, made up of groups 5 and 6, continuists and involutionists, coincide in their first preference *C* (continuity). The last two blocs make up what can be called a broader "ruling bloc".

Having made these distinctions, it can be seen that opinion groups 2 to 5 maintain orders of preference consistent with the above gradation of the alternatives on the *R–r–C* axis. I will call these "gradualist" groups.

Opinion groups 1 and 6, on the other hand, prefer the two extreme alternatives over the intermediate one. I will call these "maximalist" groups. The opinions of these latter groups may be expressed by such bombastic expressions as "better to die on one's feet than to live on one's knees", as some Communist leaders said during the civil war of 1936–39, or, with a certain hint of affectation, "better to die with honour than live in contempt", a common expression in extreme right-wing magazines during the 1970s. It is possible that the similarity, probably unconscious, between these two verbal formulations can be explained by an old and common cultural hispanic legacy, which can be summarized by the defeatist slogan attributed to 19th century Admiral Méndez-Núñez: "Better honour without ships than ships without honour". However, other influences can also be seen in the specific political culture of these groups, such as the interest in "unmasking the real nature" of the enemy; the opinion that their chances of success grew in situations of open confrontation; the rejection of "lukewarm attitudes"; the denunciation of the bourgeois attempts to "integrate" popular vindications (in the case of leftist maximalism) and attacks on moderates for being "masked reds" (by those on the right); the shared hatred of Liberalism as much as, or more so than, Fascism or Communism, respectively, and dialectical pirouettes such as "the worse, the better".

Obviously, in both cases, *living* on one's feet or with honour is preferred above all. However, in contrast to the magnificence attributed to that main objective, the alternative implying humiliation or mediocrity is relegated to last place. Understandably, slogans characteristic of the gradualist groups, such as "the lesser evil", or "a bird in the hand is worth two in the bush", are judged by people with maximalist preferences to be expressions of moral misery.

In the actors in Columns 2 to 5, there is risk-neutrality or risk-aversion, which may be the product of caution or fear. In the others — the columns at either end — there is a propensity for risk, audacity, a taste for "living dangerously" (the slogan of Italian Fascism), and a stand against conformity.

In accordance with certain statements of voting theory, the possibility of finding a winning alternative is to be found only among those individuals and groups with orders of preference corresponding to graphic representations which are linear or downwardly concave (single-peaked curves). Those who identify themselves with orders of preference which are graphically downwardly convex (multi-peaked or U-shaped curves) cannot reach a point of convergence with the majority opinion. The graphic explanation of this is that an alternative may win or become a stable equilibrium if the majority of individual curves of preference rise on the left side and fall on the right of that alternative. This reflects a consistent and rather high valuation from most people. Maximalist curves, on the contrary, fall on the left and rise on the right, as can be seen in Table 1.1. Thus, the exclusion of the maximalist groups from the possible consensus around an alternative must be expected.

EQUILIBRIUM AND CYCLES

The paradoxical point to be stressed here is that, in certain processes of collective decision, the maximalist groups may have a decisive effect on the final result, especially on account of the impact that their opinions have on the orders of preference of the rest.

In other words, the achievement of a stable or unstable equilibrium may depend less on the number of direct supporters of every political alternative, than on how sympathetic, understanding, susceptible or irritated they feel towards all of them.

To show this, let us assume two hypothetical percentage distributions of the population among the different opinion groups (different orders of preference). Let us imagine, for example, the distributions presented in Table 1.2.

Firstly, let us assume that a choice is offered among the three alternatives *R*, *r* and *C*, and that each individual is equally important in the collective decision.

If we present the choice in such a way that each person participating in the decision has to choose one of the three alternatives, each will understandably opt for his first choice.

Table 1.2. Distributions of preference on continuity, reform and rupture

	1	2	3	4	5	6
	Revolutionaries	Rupturists	Reformists	Openists	Continuists	Involutionists
Hypothesis A:	15	25	5	30	10	15
Hypothesis B:	10	30	30	5	10	15
Most preferred	R	R	r	r	C	C
	C	r	R	C	r	R
Least preferred	r	C	C	R	R	r

According to preference orders reproduced in Table 1.2, the result will be the following:

Members of Columns 1 and 2 will choose *R* (that is, 15 + 25 in Hypothesis A, and 10 + 30 in Hypothesis B) with a total of 40% of the people in favour of this alternative in both hypotheses. Members of Columns 3 and 4 will choose *r* (that is, 5 + 30 in Hypothesis A, and 30 + 5 in Hypothesis B), with the same total in each hypothesis: 35% of the people in favour of this alternative. Members of Columns 5 and 6 will choose *C* (that is, 10 + 15, in both Hypothesis A and Hypothesis B), with a total of 25% of the people in favour of this alternative.

R will thus be the winner, since it will obtain a greater number of preferences than either of the other two alternatives.

Let us now present a choice among the three alternatives *R*, *r* and *C*, but this time not simultaneously, but by pairs, that is, in successive choices between *R* and *r*, between *r* and *C*, and between *R* and *C*.

We begin with Hypothesis A.

First, in the choice between *R* and *r*, those people identified with Columns 1, 2 and 6 will choose *R*, given that this alternative is placed over alternative *r* in their orders of preference, while those people identified with Columns 3, 4 and 5 will choose *r* because this alternative is placed over *R* in their orderings (see Table 1.2). Therefore, the collective choice between *R* and *r*, if each person counts for one and nobody counts for more than one, is *R* (in favour of *R*: 15 + 25 + 15 = 55; in favour of *r*: 5 + 30 + 10 = 45).

Second, in the choice between *r* and *C*, those identified with Columns 2, 3 and 4 will choose *r*, given that this alternative is above alternative *C* in their orders of preference, while people identified with Columns 1, 5 and 6 will choose *C* (see again Table 1.2). In the collective choice between *r* and *C* then, the choice is *r* (in favour of *r*: 25 + 5 + 30 = 60; and in favour of *C*: 15 + 10 + 15 = 40).

Finally, in the choice between *R* and *C*, those identified with Columns 1, 2 and 3 will choose *R*, since this alternative is placed over alternative *C* in their orders of preference, while those identified with Columns 4, 5 and 6 will choose C (see once again, Table 1.2). Thus, between *R* and *C*, the collective choice is *C* (in favour of *R*: 15 + 25 + 5 = 45; in favour of *C*: 30 + 10 + 15 = 55).

We see, thus, in Hypothesis A of distribution of the opinion groups, that a cycle is produced when the collective way to make decisions is a choice by pairs. First, between *R* and *r*, *R* is collectively chosen; second, between *r* and *C*, *r* is chosen; then, one might expect that the next and final choice would be *R* over *C*, but in the choice between *R* and *C*, *C* is chosen.

This paradox may be expressed in the following way:

$$R > r > C > R \ldots$$

Rupture is preferred to reform, reform is preferred to continuity, continuity to rupture, rupture to reform, and so on. In spite of the fact that one alternative has a greater number of supporters than the others, each one of them can be defeated by another, in such a way that we obtain an intransitive collective choice.

It is exactly like the children's game in which the scissors cut the paper, the paper smothers the stone and the stone breaks the scissors.

Among other rather surprising things, this would mean that in a society where the majority of people have gradualist preferences and only a minority are maximalist (or, in other words, a large majority identifies with Columns 2 to 5 versus a minority in Columns 1 and 6), continuous alternations of the collective decision, changes of direction and general instability may occur. This makes the consolidation of any of the alternatives impossible, and may lead to a widespread civil confrontation.

Let us now compare this with another result which is obtained when there is a slightly different distribution of orders of preference in the group in question, as in Hypothesis B.

We will offer a choice among the three alternatives *R*, *r* and *C*, once again two by two.

First, the collective choice between *R* and *r* is *R* (in favour of *R*, Columns 1, 2 and 6: 10 + 30 + 15 = 55; in favour of *r*, Columns 3, 4 and 5: 30 + 5 + + 10 = 45).

Second, the collective choice between *r* and *C* is *r* (in favour of *r*, Columns 2, 3 and 4: 30 + 30 + 5 = 65; in favour of *C*, Columns 1, 5 and 6:

10 + 10+ 15 = 35).

And finally, now, the collective choice between R and C is R (in favour of R, Columns 1, 2 and 3: 10 + 30 + 30 = 70; in favour of C, Columns 4, 5 and 6: 5 + 10 + 15 = 30).

Thus we obtain a transitive collective choice:

$$R > r > C.$$

Rupture is preferred to reform, reform to continuity and, *transitively*, rupture is preferred to continuity. The triumph and stabilization of one of the alternatives is possible in this hypothesis.

Observe once again that the triumph of rupture is not due to the existence of a majority of the population in favour of this alternative as a first preference, since, as in the first hypothesis, only 40% of the people (Columns 1 and 2) wish it above all other alternatives.

The decisive difference between the solution obtained in the second hypothesis of distribution of preferences and the cycle obtained in the first hypothesis lies in the result of the choice between R and C. Nevertheless, there is no variance between the two hypotheses either in the total number of supporters of R (Columns 1 and 2) or in the total number of supporters of C (Columns 5 and 6). Not even the total number of supporters of the irrelevant alternative, r, has changed (Columns 3 and 4). The only proportions which have changed are those among the people preferring R (with a drop in the number of people with maximalist preferences) and among the relative number of people supporting r (with different preferences in second and third place). The collective choice, either producing a cycle or opting for R, depends, then, on the second and third preferences of certain people, including the supporters of an alternative which is irrelevant for the decisive choice.

We have only imagined very slight changes between the various distributions of the population in the different opinion groups, but it is obvious that similar and even greater paradoxes could be found if we assumed more notable changes, including those which would produce a triumph of reform or continuity.

FEAR OF CIVIL WAR

Quantifying the proportion of each opinion group which prefers the different political alternatives in the real world is difficult. However, it seems feasible and consistent with the available Spanish data that the assumptions of our first hypothesis, in which a cycle is produced, were closer to being fulfilled in the 1930s than in the last quarter of this century: a relatively high importance of the leftist maximalists, and great weakness on the part of reformist and "bourgeois" liberalism.[1]

This type of distribution of political opinions will allow us to show how, after 1976, a relatively wide democratic consensus was set up concerning the adoption of new basic rules of collective decision, with no need to assume expressly that, at the beginning of the process, the proportion of democrats was much greater than in previous historical periods, or even that it represented a majority of members of society. Thus we can also understand the changing winners in different phases of the transition process.

The model above presented points to the exclusion of the maximalist groups. In fact, they did not accept the validity of the new post-Franco regime and were frequently judged — by means of expressions such as "both ends meet" and accusations of mutual complicity or infiltration — as destabilizing elements of the equilibrium reached by a consensual method.

As I have said, however, exclusion does not mean that the positions taken by these groups do not influence the process. On the contrary, the members of each of the opinion groups adopted their orders of preference precisely under the influence of threats, pressures or provocations by the rest. What happened is that, as documents, testimony and personal recollections attest, the obsession of the great majority of the population and the social and political leaders during the second half of the 1970s was — in sharp contrast to earlier historical periods — the avoidance of a civil war. This obsession, expressed as the rejection of the "fratricidal war", with "national reconciliation" as the slogan, or indirectly through the evaluation that "we all lost the war", is the perhaps paradoxical result of there having been a real civil war in 1936–39 that was remembered as a highly bloody and cruel episode. It is thus the memory of a civil confrontation which determines conduct which would seek to avoid its repetition.

We can therefore say that, during the Spanish transition initiated in 1976, members of various opinion groups adapted their preference orders not by relinquishing what they most cherished, but by yielding in their second and third preferences. Mutual interaction, then, avoided the production of a cycle and gave rise to stable equilibrium.

In this way, the reformists of Franco's regime who were willing to agree on a rupture with the democratic opposition as a lesser evil, compared to the fear of a more drastic intervention by the revolutionary opposition

(bringing back the memory of terror experienced in the revolution of July and August 1936), were greeted with broad social support. Analogously, sympathizers of the democratic opposition accepted its willingness to negotiate and to make pacts for reform with reformists and openists, and make logical concessions to them, through the fear of an "ultra" involution which could reproduce the nightmare of civil war in 1939 and repression after the war.

What I am really arguing is something quite obvious if we look back at the process: the structure of preferences of Spanish society in the 1970s permitted a stable decision in favour of one of the political alternatives available: rupture, reform and continuity. However, the type of explanation presented here allows us to put emphasis on mutual adaptation of preferences, strategic interactions and informal ways of decision-making rather than on socio-economic factors. It was not previously written in the social structures, or in an imaginary national personality trait or anywhere else, that a stable result was to be obtained, or which this result would be. This explains the general surprise and admiration prompted by the final outcome of the Spanish process of political change.

In practice, the process of choice was not very different from that presented in the model through the successive comparison of the alternatives by pairs.

In the first phase — the first six months of 1976 — the choice was between reform or rupture. An openist government, presided over by Carlos Arias, attempted to push through its reform project in the face of the rupturists. It tried to bargain with continuists and some ultras on a committee made up of the government and the National Council of the Movement which was set up for the purpose. The Vice-president Manuel Fraga made the terms of the choice explicit when he said that, "governing is resisting rupture" and when presenting the reform referendum which was scheduled to be held in October 1976. He did this using the following terms: "He who votes 'no' in the referendum will vote for rupture; he who votes 'yes', for reform; and he who abstains [the irrelevant alternative], for a do-nothing policy". Yet the Arias and Fraga government was toppled by a growing wave of opposition movements and by dramatic events such as violent deaths in a general strike in the Basque town of Vitoria and a traditionalist political concentration in Montejurra. Its failure may be interpreted as reform's defeat by rupture during this phase of the choice.

In the second phase — during the next six months of 1976 — the choice was between reform and continuity. The Suárez government succeeded in holding a referendum on political reform in which an affirmative vote was understandably backed by the reform supporters but, in contrast to the previous government's referendum project, the negative vote was defended by the continuists. Meanwhile, the democratic opposition, hopeful of a rupture (which at that time was the irrelevant alternative), campaigned for abstention. The victory of 'yes' in this referendum clearly demonstrated a triumph of reform over continuity in this phase of the choice.

Finally, in the third phase, the choice offered was between rupture and continuity. This was due to the fact that the very approval and application of the political reform, as a result of the choice in the previous phase, had made the ideas based on achieving reform irrelevant. After the general election of June 1977, the parliamentary agreements between the reformists in government and the democratic opposition, at the expense of the continuists, permitted the objective of rupture to be attained: a constituent process and a majority approval of a new Constitution by referendum.

Independently of the support which each alternative had, a transitive collective choice was then made: $C < r < R$.

NOTE

1. Regarding the second half of the 1970s, there are some surveys which could be interpreted according to the categories outlined here. To quote only one, carried out by the Centre of Sociological Research (CIS) in 1980, dealing with the question of "what you most wanted to happen five years ago, after the death of Franco", the results were as follows: 17% wanted "things to change quickly and radically"; 47% preferred "things to change little by little"; and 13% opted for "everything to continue more or less the same" (reported in Rafael López Pintor (1982), *La Opinión Pública Española: del Franquismo a la Democracia*, Madrid: CIS, p. 63). See also the opinion and political culture data of the 1970s collected in Juan J. Linz *et al.* (1981), *Informe Sociológico sobre el Cambio Político en España, 1975–1981*, Madrid: Euramérica; and A. López-Pina and E. Aranguren (1976), *La Cultura Política de la España de Franco*, Madrid: Taurus, T ables 5.1, 5.3, 5.33.

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Some ideas for the scheme of preference orders of different political actors have been taken from the model I, 'Engineering Reform with the Help of the Perspective of Revolution', in the chapter "Models of Reformmongering", in Albert O. Hirschman (1963), *Journeys Toward Progress*, New York: The Twentieth Century Fund, pp. 276 ss.

My distinction between gradualist and maximalist political preferences, which are favourable to producing stable equilibria or cycles, respectively,

is an application of the formal distinction between single-peaked and multi-peaked curves and the corresponding paradoxes in collective choice presented by Duncan Black (1987), *The Theory of Committees and Elections*, Boston: Kluwer (first edition of papers, 1948–49).

The influence of maximalist groups in the behaviour of others and their destabilizing consequences in a process of political change have been stressed by Juan J. Linz (1978), *Crisis, Breakdown, and Reequilibration*, Baltimore: The Johns Hopkins University Press.

2. Sisyphus and the Snowball

The negotiations and agreements of the Spanish transition to democracy were induced by the fact that, at the end of the Franco period, no relevant group was strong enough to impose its preferred political alternative by itself, whether this was continuity, reform or rupture. This situation particularly revealed the strength and limits of the anti-Franco movements developed in the 1960s and early 1970s and, in a more general perspective, reflected some of the puzzling problems of collective political action.

The following analysis starts from the standpoint that participation in a political action — such as an opposition movement against an authoritarian regime — does not always depend on whether people feel strongly for or against the objectives which that action seeks to attain, or how legitimate they feel these objectives to be. In other words, the far-reaching effect of an action does not depend on the opinion formed at a given moment, or at least not only on this, but also on the positive and negative incentives of the act of participating itself.

Basically, the commitment of every individual to the action — which is the source of a movement's larger or smaller scope — depends, on one hand, on the expectations concerning the effectiveness which that collective action is going to have in relation to the proposed objective. On the other hand, it depends on the probability of reprisals or damage being inflicted for having taken part in it; in the case of a dictatorship, for example, this may mean job dismissals, academic sanctions, police arrests, fines, passport confiscations, prison sentences and so on. In short, the broad base of a collective action depends on faith on the one hand and fear on the other.

Paradoxically, however, these expectations and probabilities depend in turn to a great extent on what other people do. The participation of an individual is decided largely according to how many others will be participating in the action: the decision of each and every one is both the cause and the effect of the decision of the rest.

Let us imagine a group of people who, having come out of a night spot, wish to cross a busy street. Not surprisingly, they show no interest in either pedestrian crossings or traffic lights. Should this group be very small in

number, those involved will hesitate; they will look around at one another and only a cluster of the most daring will take the initiative of stepping into the roadway. As they do so, others will feel that there are now enough pedestrians to discourage the drivers and ward off danger, and they too will follow suit. In the end, the crowd will win out and traffic will come to a standstill. However, if at the outset there are only one or two people attempting to cross, it is likely that they will not succeed in stopping the cars and will be obliged to turn back.

Something similar happens at certain formal gatherings when there is no set rule regarding the appropriateness of applauding at the end of the paper or speech by the guest of honour. If, after a few moments of silence, only one or two people begin to clap, then it is likely that theirs will be a solitary and even ridiculous action. However, if a more numerous group joins in right at the beginning, it is almost certain that there will be a unanimous ovation. Here we see the function of "the claque" in theatres — those who deliberately and immediately begin to applaud in order to encourage the rest of the audience to do the same. It is a device capable of bringing off a massive and not insincere act of recognition, and without it one's chances of success can be slim indeed.

This is also the mechanism behind the propagation of rumours. Regardless of its truth or falsehood, a rumour becomes widespread if, during its first days or hours, a sufficient number of people consider it credible or sufficiently interesting to pass it on to others. If, however, it turns out that the rumour is not heeded by the first to hear it, chances are that it will flicker and die — even if it is true.

Such examples of human interaction may be analysed more formally: certain activities are self-sufficient once a certain minimum level is reached. A concept such as that of critical mass (borrowed from nuclear engineering, and equivalent to the mass which causes a chain reaction) is also applicable to certain varieties of human behaviour in which this "tipping" phenomenon is produced, although that critical mass may differ from one individual to another.

At any party where people get together in groups in a large room, it is easy to see that some guests feel the need to raise their voices as soon as they start to hear the chatter of the group beside them. By so doing, they only raise the noise level of the room, causing the other people, who had been chatting at a perfectly normal volume, to have difficulty hearing each other. This means that they too will begin to raise their voices, and in the end the party will turn into an uproar.

ANTI-FRANCOIST TIPPINGS

"Tipping" phenomena are very important in political change processes. The partisans or supporters of a dictatorship — such as the Francoists in Spain during the 1960s and 1970s — may show accelerated turncoat tendencies when the regime's chances of continuity begin to wane. Certain factors having nothing to do with the firmness of the ideological convictions of the great majority of authoritarians, such as popular protest, the diplomatic intervention of other countries or the advanced age of the dictator, may incite a sector of the politicians of the dictatorship to initiate an "opening" or simply to reduce control over the population and the repression of dissidents. This in turn encourages popular participation in acts of protest and also foreign pressure. The likelihood of the dictatorship lasting forever is thus diminished, prompting more authoritarian sectors to defend a liberalization of the regime and to establish contacts with the opposition. By means of dynamic processes of this type, a significant number of people may modify their political and ideological allegiances and change sides. In the terms of Table 1.1 (see the previous chapter), the proportion of people from each of Columns 1 to 6 may be altered in the course of the transition.

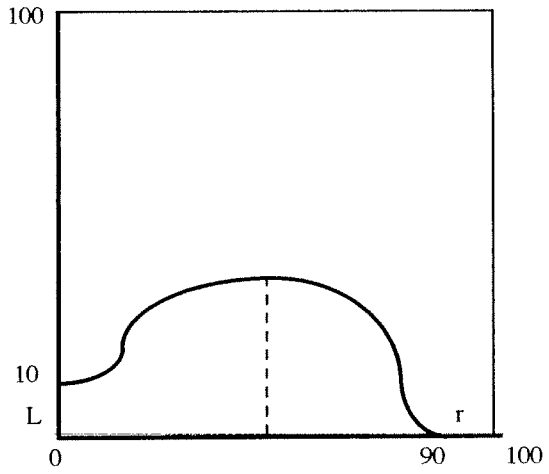
Let us say that for each person there exists a number, which we can call k, and which quantifies the minimum participation level necessary to induce him to take part in an action: for example, the "opening" of the dictatorship or, analogously for the democrats, the anti-dictatorial movements of the opposition. The value or utility of abstention for this person is measurable in, for example, free time or opportunities for professional gains. The utility of participation, on the other hand, depends directly on the subjective evaluation of the goodness of the objective for which one is struggling, of the likelihood of this goal being achieved and also, inversely, of the number of people who are against it and the risk run by participating.

Under a dictatorship, certain people in favour of democracy may consider an expected participation below the level of k to be insufficient to touch the sensitivity of those in power and to achieve a certain degree of success. Here, the personal risk of those taking part will be too high, since, on account of their low number, they can be easily identified and isolated. Thus, the utility of participation is less than that of abstention. Beyond k, on the other hand, is a subjective appraisal that participation is worthwhile, since the estimated reach of the movement might discourage or reduce repression and take one closer to the attainment of the goal. In such a situation the utility of participation is greater than that of abstention. It is

also possible that some might consider that, beyond a very high level of participation, there are already enough people for the result to become obvious, so that the utility of participation drops. Once a certain point is reached, the individual feels that it is no longer necessary to waste his time, effort or energy in action.

Where k is situated varies with the individual. Let us suppose, as in Figure 2.1 (which I have adapted from Thomas C. Schelling), that in a given group there is a more or less bell-shaped frequency of distribution of that critical number, so that most people feel participation to be worthwhile when between a third and two-thirds do so. This places the mode at 45%. The horizontal axis of the figure measures the number of people expected to participate in the action, and the vertical axis shows the number of people who consider that expected participation "sufficient" for them to do likewise. This number may be an absolute value. For example, ten people are enough to brave oncoming traffic and a thousand

Figure 2.1. Distribution of readiness to participate in collective action



Note: The horizontal axis measures the number of people who are expected to participate in a collective action, and the vertical axis measures the number of people who consider this level of participation sufficient for them also to take part. "L" indicates those who always participate ("leaders") and "r", those who never take part ("reluctants").

demonstrators are enough to make an individual decide to join them. It can also be a relative value, measurable, for instance, by the proportion of those present at a conference who applaud, the percentage of workers who take part in a factory strike or the proportion of students in a sit-in.

Let us also suppose that 10% of the group members are unconditional or intrepid anti-Francoists (whom I will call L, from "leaders") who always participate, even when a poor turnout is expected. There is also another 10% of recalcitrant Franco supporters (whom I will call r), who never participate, even when a huge attendance is expected. For this reason the bell curve is somewhat distorted at both ends.

If we now draw a curve to represent the accumulation of this distribution, we obtain a profile similar to that of Figure 2.2, which shows us the number of people who are expected to participate by the horizontal axis and the number of people who really participate in the action by the vertical axis. Thus, the curve rises to the right, or at least it does not fall. At first it rises more than proportionately, to the point where the frequency of distribution reaches its highest point (in the example, 45%), and later, less than proportionately. The curve has an S-shape. The last section is flat, since not even an expected participation of 90% can move the recalcitrant 10%.

A relationship of this type seems able to express the instability of the anti-Francoist mobilizations over many years. First, there was the feeling

Figure 2.2. Participation in collective action

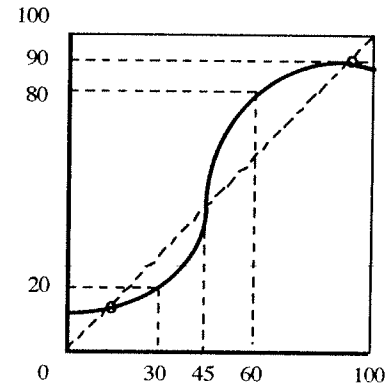
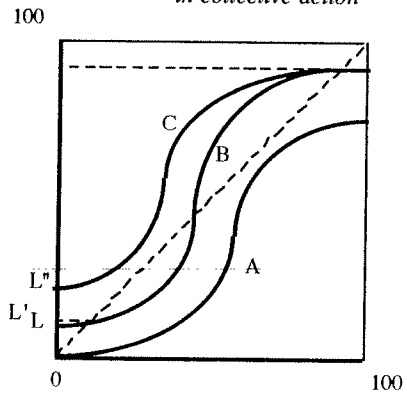


Figure 2.3. Variants of participation in collective action



Note: In both Figures the horizontal axis measures the number of people expected to participate, and the vertical axis measures the number of people who do, in fact, participate.

shared by many opposition militants of a perpetual weaving and unweaving, or of taking one step forward and two steps back (depending on whichever literary reference one prefers). Later, there was the snowball which prompted a steady increase in mobilizations with the surprising incorporation of people who had never previously taken part and who, in certain cases, even took charge, making the surge almost unstoppable. It was as if a small group of people had long been struggling to push Sisyphus' stone only to find the stone rolling backwards time and again. At a certain moment, however, the peak was indeed reached and only a slight shove was enough to send the stone plummeting down the other side of the mountain to cause an avalanche, now totally beyond the control of those first energetic activists.

There are, in fact, only two points of equilibrium in Figure 2.2. Let us imagine that the mobilization consists of an act of protest held on a regular basis in the same place. This might be a neighbours' association rally to demand improved conditions in the city; a periodic meeting of a professional association; a student meeting to be held every week; or a town's annual Labour Day march.

Observe Figure 2.2 once again. If, say, 30 people are expected to attend (this being a percentage or an absolute number), because this was the level reached on the previous occasion, only 20 will take part, causing some disappointment because a greater turnout was expected, and the real figure will be considered inadequate. On the following occasion, those disappointed the first time around will not go, causing attendance to drop yet again, and provoking further disenchantment. In the end only a dozen or so will bother to participate.

If, on the contrary, we suppose that a turnout of 60 is expected, there will be a real participation of 80, which will please all those present for having taken part. There will also be those who, when they hear how successful the action was, will be sorry not to have gone along. The next time these people will also attend, and thus successively until the maximum figure of 90 is reached.

Participation below the critical mass generates disappointment and demobilization, as in the case of the raising of Sisyphus' stone, while a participation above that level will attract greater mobilization, as in the case of the snowball. There is, therefore, one equilibrium of low participation at the intersection of the curve with the 45° line close to the lower left-hand corner of the diagram, and one of high participation at the other intersection close to the upper right-hand corner. In the first case, only the staunch supporters and a few others participate, while in the second case, almost everyone does. Any other point on the curve generates a tipping

dynamic which leads to one of the two above-mentioned equilibrium points. There it is stabilized.

The participation curve of a group can also be shaped like Curve A in Figure 2.3. In such a case there is no point in expecting mobilizations because, even if these are called, the number of people attending will always be lower than the number expected (the curve is always below the 45° line). The ensuing disappointment will discourage those who might have considered attending in the future. This passive situation, however, does not necessarily demonstrate that the population is gripped by a feeling of legitimacy regarding the established situation — in this case an adherence to dictatorship — or a manifest aversion towards the organizers of the action, who may be, for example, spokesmen for a democratic alternative for which a certain degree of solidarity is felt. For this reason, an influence from outside the group which brings about the formation of a small core of activists, or even the arrival of a handful of newcomers from another town, company or school, who are unconditionally prepared for active service even when there is no expectation of their gathering being successful, may cause the curve to rise to a type B, the lowest level of which includes the staunch supporters L. Here, in the worst of cases, an L' equilibrium will be obtained in which only a small number of sympathizers join the activists in the actions. Alternatively, a massive mobilization may take place, surpassing the expectations of even the most optimistic organizers, on the r level. Such an apparently inexplicable success may be viewed as a providential reward for obstinacy and perseverance. Yet a more realistic interpretation might be that, under certain circumstances, the intrepid minority plays a multiplying role similar to that of certain economic factors of production.

Nevertheless, even if this second equilibrium is attained, the introduction of reprisals in the form of, for example, the dismissal of activists from the work or study centre where the action has taken place, or their arrest by the police, might just return the situation to Curve A. The group will be plunged into passivity once again.

THE UNCONDITIONAL CLAQUE

It might be interesting to discuss the characteristics of those people whom I have called unconditional or intrepid supporters, and how they came into being. We are dealing, in particular, with the origin of the anti-Francoist militants, some of whom turned the activity of political opposition into a moral commitment commanding their unconditional dedication, with a

devotion often tinged with mysticism. Yet seen from another more general point of view, they could also be generically defined as leaders or political entrepreneurs.

The existence of leadership can overcome the free-rider problem which otherwise would deter the undertaking of any collective action. Leaders are those people who are able to coordinate the members of a group, setting up an organization, collecting resources and voicing people's demands — in our previous scheme, people who have a very low level of k. The rationale of the relationship between leaders and followers lies in the assumption that leaders themselves receive some satisfaction from the action, such as power, prestige and opportunities for a future political career. It is obvious that these rewards are rather uncertain under an authoritarian regime. It can also be assumed that, for some individuals, the decision to start a collective action is a choice between two evils, since remaining passive under a dictatorship may involve an unbearable daily humiliation and a despicable life. Finally, for some people participation in collective action may be worthwhile in its own right, in the sense that they enjoy activities which are costly for others as net benefits.

In reality, some of the anti-Francoist militants were veteran politicians from the republican side, defeated in the civil war and victims of prison and exile, in whom adverse circumstances had maintained almost irreversibly resistance and political activism.

In many other cases, however, the activists were individuals somewhat insensitive to risk. Being oriented towards the future, they placed little value on the price of present opportunity costs; that is, although they envisaged a distant achievement of their political objectives, they applied a very low or even negative discount rate to them. It is understandable that this type of person should abound among the young, since they are precisely those who possess a greater volume of what could be called "future time capital", useful not only for reducing the relative value of the reprisals which they courted but also for accepting that the reward for their action be handed out in the distant future.

If we allow a possibly irreverent comparison, the explanation of why the young have greater capacity for political militance under adverse conditions is as simple as the explanation of why people with money have a greater capacity for risky investments: because they have rich monetary reserves to face the risks of a financial loss. A young person or, in other words, someone with a rich reserve in future years, is also better equipped to face the risk of a loss such as a period of unemployment, living in secrecy, or even a prison sentence, because he will still have time later to rebuild his life with greater ease than a person approaching old age or even death

It is likewise easier for a young person to feel comforted by the hope of fulfilling a political objective 15 or 20 years into the future. This is because he can hope that at that time he will still be alive and well enough to enjoy his achievement. An older person, on the other hand, may feel that hopes placed in the distant future are unlikely to offer him a great deal. For this reason, older people have a greater aversion to risk and choose short-term objectives which can be more easily attained.

Risk in itself may entail a certain pleasure. Thus in spite of the drawbacks and privations of the activist life, action in itself may be subjectively experienced as gratifying if it involves personal independence, a certain scope for inventiveness and initiative, close fellowship with other people of similar tastes, and other qualities harder to find in more conformist and routine activity.

The formation and increase of this type of person from group L may come about in two different ways. On the one hand, an equilibrium of a low level of mobilization (L' in Curve B of Figure 2.3), followed by repression, may result in the persecution of the small number of sympathizers who joined forces with the initial activists. This transforms these sympathizers into victims or fugitives and creates solidarity with those who have already embraced the militant life.

On the other hand, it may be a process, limited for example, to a work or study centre, during which an equilibrium of major mobilization is reached (r in Figure 2.3). This will prompt a group of mobilized people to join the group of leaders or staunch supporters, causing the curve to become a type C. In this way, the equilibrium of great mobilization is consolidated, and conditions are created to resist a reduction of activists with no need for the movement to regress. This undoubtedly happened in certain industrial areas, universities and even entire towns and regions in Spain during the development of the anti-Francoist movements of the 1960s and 1970s.

THE LIMITS OF ANTI-FRANCOISM

The foregoing comments do not aim to exalt the role of the activist minority, but rather to desanctify the image which they themselves tended to have of their mission and which some still cling to. In fact, for many people who endured the Franco period with resignation and who later embraced democracy, the step from passivity to collective action was not so much the result of the influence and multiplying effect of a core of militants in their work-place or home, but rather a personal change in their

critical number, or a new subjective appreciation of what they considered to be a movement "large" enough to warrant their joining it. This change of attitude was conditioned by a more favourable perception regarding the action's chances of success, and a lower risk for participants, bolstered as they were by a real process of decrepitude followed by the death of the dictator, the progressive decay of the regime and a toning down of repression. In short, there was increased faith in democracy or loss of faith in Francoism, accompanied by a diminishing fear of the dictatorship; that is, a more realistic foundation of hope for change and a genuine attenuation of the gravity of reprisals.

There were in fact two simultaneous and complementary tipping processes. On the one hand, the surge in the number of active anti-Francoists dashed the Francoists' hopes of continuity. On the other hand, the latter's turncoat tendency nourished anti-Francoism until the increasing activity of the opposition finally caused the rats to abandon the sinking ship and a general democratic celebration to take place.

Returning to Table 1.1, we may say that for the formation of orders of preference and the changes from one column to another, each one of the six groups of people influenced the others, and all of them (although perhaps to a lesser degree the maximalist Columns 1 and 6) were influenced by the rest.

With such an individualistic approach to collective action as we have offered here, it is worth explaining several characteristic aspects of the anti-Francoist movements.

It seems logical, first of all, that characteristics such as risk predisposition and orientation towards the future, which we have mentioned in defining the political entrepreneurs or the staunch supporters of an action, were expressed through ideologies offering unrealistic and utopian projects for the future. These at times were intensified by an almost religious faith in the cause, such as is found in a certain millenarist Marxism and an eternally hopeful progressive Catholicism, which became relatively widespread among the militant minorities. These tendencies connect with the maximalism of the order of preferences of Column 1 in Table 1.1. Also understandable is the predominance of young people, illustrating the statement attributed to Willy Brandt about the revolutionary heart of the 20-year-old and the conservative brain of the 50-year-old. However, according to our graphs, both options may be considered as products of logical calculations.

Second, it is possible to explain the highly subjective perceptions of organized opposition groups when evaluating the breadth and force of the movement itself, given the dependence of real participation in the action

on expectations regarding its likely impact. Systematic and exaggerated lying regarding the number of participants at a meeting or assembly, strikers and demonstrators became habitual. This tendency in fact characterizes all social movements, even those which are completely legal, given the strategic dependence of many individual decisions for acting or not. Yet rumours about real or imaginary internal conflicts within Franco's regime and repeated predictions concerning the imminent fall of the dictatorship did also increase the subjective perception of the action's chances of success, as well as participation in it.

Third, the different analytical findings mentioned earlier allow for a better understanding of the complex and varied panorama of the anti-Francoist movements, examined according to their social and territorial distribution. There were large areas in passivity regarding the dictatorship which later revealed themselves — even at the elections — as clearly leftist. These could retrospectively be interpreted as reflecting a situation like that represented by Curve A in Figure 2.3. There were also uprisings which seem almost spontaneous or provoked by very small groups. Examples would be the Barcelona tramway boycott in 1951, or other brief and intense local strikes such as those of the industrial Galician towns El Ferrol in 1970 and Vigo in 1972. These had no apparent continuity, nor were they followed by a radical reversal when the initial impulse wore off or a handful of militants as dispersed. These shifts would therefore correspond to the equilibrium r in Curve B and to Curve A, respectively, in Figure 2.3. Also worth mentioning are the many nuclei of militants dedicated to the spread of propaganda and proselytism who did not bring about mass action, in the style of the L' equilibrium. On the contrary, sympathizers were increasingly attracted to groups initially somewhat larger (although not by much) such as the Communists and the Basque Separatists and, after a certain point and accelerated by means of a tipping process, became militants or unconditional supporters. Finally, some focal points of persistent mobilization during the 1960s and 1970s may be represented by Curve C in Figure 2.3. Examples of such unrest can be found in the Asturian mines, the universities of Madrid and Barcelona, large areas of the Basque Country following the protests against the military trial of a group of violent separatists (members of the ETA) held at Burgos in 1970, and workers' movements in certain industrial areas such as the Low Llobregat in Catalonia.

In general, anti-Francoism was characterized by its lack of continuity and, as mentioned in the previous chapter, its overall inability to impose a change of regime. Thus the annual strike statistics for the whole of Spain never reached 2% of the working population until 1973 (except in 1970

on account of the large number of strikes in the Basque Country). Also, once the Republican, Socialist and Anarchist traditions were exhausted in the post-civil war period, for many years it was only the Communists who maintained a continued organized activism, while numbering altogether only a few thousand militants. It was only after the assassination of Franco's President of Government, Luis Carrero-Blanco, by Basque terrorists in December 1973, that a new impulse was felt by the traditional Socialists and moderate Basque Nationalists, while new groups were formed among the Catalan Nationalists. In general, the opposition had no unified, coordinated and massive force capable of toppling the dictatorship. General Franco expired in bed, full of tubes, after a long and cruel agony, in November 1975.

All these limitations did not prevent new levels of strikes and strikers comparable to those of the 1920s and 1930s from appearing, beginning in 1974. A high participation in actions of this type was reached in 1976, affecting 20% of the working population. At that time there was a mobilizing and unifying euphoria. There was also a rapid expansion and circulation of democratic elites which led to the marginalization and recycling of old groups and clandestine militants and the protagonism of many newcomers in the formation of a new political class for the post-Franco era.

All this was, undoubtedly, the expression of the vaguely democratic opinion of wide sectors of the population which, as we have already mentioned, must already have been latent in Spanish society. Democratic opinion was not suddenly improvised. Rather, it found its first broad expression once the risk was diminished, and the probability of attaining desired goals increased. Then it was too late for this movement to impose a democratic alternative, based on its own strength, since the regime's "plans for the succession" had worked and the monarchy had been established. There was still time, however, to bring about political change. The movement acquired sufficient importance to oblige the King and Francoist politicians to reject continuism and proceed to a reform of the regime, seeking some sort of compromise with the opposition.

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Some basic schemes and examples of "tipping" games have been taken from Thomas C. Schelling (1978), *Micromotives and Macrobehavior*, New York: W. W. Norton, especially pp. 91–110 and 139–241. In spite of a wide agreement about the originality and utility of Schelling's schemes, they

have been little used for applied analyses. Exceptions to my knowledge are those of Adam Przeworski, "Some Problems in the Study of the Transition to Democracy" (in Guillermo O'Donnell, Philippe C. Schmitter and Laurence Whitehead (eds) (1986), *Transitions from Authoritarian Rule*, Baltimore: The Johns Hopkins University Press, Book 3), and Dennis Chong (1991), *Collective Action and the Civil Rights Movement*, Chicago: The University of Chicago Press, pp. 109–19. In the present book, I have added a graph and a few new examples to those of Schelling, and innovatively applied the reasoning to the analysis of the anti-Franco movements.

The idea of participation as subjectively gratifying in itself was developed by Albert O. Hirschman (1982), *Shifting Involvements. Private Interest and Public Action*, Princeton: Princeton University Press.

I have modelled the interaction between leaders and followers in a more general way, using the basic scheme of the "Battle of the Sexes" game, in my article, Josep M. Colomer (1995), "Leadership Games in Collective Action", *Rationality and Society*, 7, 3.

Quantitative data on the participation in anti-Franco movements can be found in José M. Maravall (1978), *Dictatorship and Political Dissent: Workers and Students in Franco's Spain*, New York: St. Martin's Press. More details and sources are in my book, Colomer (1985), *La Ideologia de l'Antifranquisme*, Barcelona: Edicions 62, especially Chapters 1, 5 and 8.

3. A Sadducean Trap

Once confirmed as the King of Spain in November 1975, Juan Carlos named as President of Government the last Prime Minister of Franco, the continuist Carlos Arias-Navarro. In spite of including some reformist and openist ministers, such as the Vice-president Manuel Fraga, this government failed either to achieve an agreement with the continuists who dominated the *de facto* powers, or to overcome the confrontation with the rupturist opposition. With the continuists and the ultras entrenched in Francoist institutions on one side, openists and reformists together but dissenting within the government on another, and the opposition grouped together with a unitarian platform and setting up continuous popular mobilization on yet another, each group maintained its dominant strategy: respectively, continuity, reform and rupture. Consequently, none of the political alternatives was strong enough to prevail.

In June 1976, King Juan Carlos commented to the American magazine *Newsweek* that President of Government Arias had been "an unabashed disaster" and tried to substitute him with someone better equipped to steer the reform of the dictatorship towards a democratic regime.

According to the game rules of the time, once the President of Government had been relieved of his duties, it fell to the Council of the Realm to present the Head of the State with a list of three candidates to choose from. On the two previous occasions that this rule had been applied, in June and December of 1973, this had been a mere formality, since the Councillors of the Realm had faithfully followed the dictator's wishes which, incidentally, differed little from their own. On both occasions, the name which Franco had demanded (Admiral Carrero-Blanco and Arias-Navarro, respectively) had been included in the trio of candidates. Nevertheless, if the Councillors had known the King's wish to nominate a reformist, it is very likely that the majority would not have accepted instructions and would have vetoed the royal will.

In order to attain his objectives, King Juan Carlos accepted the proposal by the Chairman of the Council of the Realm and of the Cortes, Torcuato Fernández-Miranda, to designate Adolfo Suárez as President of Government, since this was a candidate whom the Council Chairman felt

could be presented in a trio by means of an adequate voting system. Given the adverse preferences of the majority of the voting Councillors with regard to the reformist wish of the King, Fernández-Miranda's task thus consisted of devising a sophisticated voting device able to produce a different sort of result than would have been obtained by a more standard procedure.

As social choice theory has widely shown, the importance of voting procedures lies in their capability to produce different results from a stable group of voters having the same preferences on the alternatives submitted to them. In the Spanish Francoist institutions, decision rules and voting procedures were usually secret, and in fact rather superfluous because decisions were usually made or accepted in a unanimous and silent manner from top to bottom. But it was precisely this lack of tradition in using voting rules and assessing their results that allowed certain clever handlers, such as the above-mentioned Torcuato Fernández-Miranda, to manipulate procedures for specific purposes at different steps of the transition process.

On the crucial occasion we are referring to, the device used by the Chairman of the Council of the Realm was the introduction of a new dimension for classifying and grouping the available alternatives in different subsets to be voted separately. It is important to remember that the voting of the Councillors had to produce not one but three winners, from whom the King would later select one. By grouping the candidates in three subsets, the scope of the available alternatives to be chosen at every voting round was reduced. This obviously favoured certain candidates who might not have been winners in a combined voting among all candidates.

AN ARTISTIC PROCEDURE

The Council of the Realm was officially made up of two groups of Councillors, according to the manner in which they were appointed. Some were members because of their position, which in turn was decided by a nod of the head, while others had been appointed by certain official institutions and corporations according to the principles of "organic democracy". Not one, however, had been democratically elected on a competitive basis. This meant, therefore, that the majority of the Councillors had been appointed directly or indirectly by string-pulling, and all within the limits of loyalty to Francoism.

The specific composition of the Council in July 1976, was as follows: by position, two members of the military (Carlos Fernández-Vallespín and

Angel Salas-Larrazábal), a bishop (Pedro Cantero-Cuadrado), the Chief Justice of the Supreme Court (Valentín Silva-Melero), the Chairman of the Council of State (Antonio María de Oriol y Urquijo) and the Chairman of the Institute of Spain (Manuel Lora-Tamayo); for official institutions and corporations, there were two from the National Council of the Movement (José-Antonio Girón de Velasco and Miguel Primo de Rivera), two for the Syndical Organization (Dionisio Martín-Sanz and Luis Alvarez-Molina), one for the local governments (Juan-María Araluce-Villar), two procurators or members of the Cortes representing families (Joaquín Viola-Sauret and Enrique de la Mata Gorostizaga), one for the Chambers of Industry and Commerce (Iñigo Oriol-Ybarra), and one for the universities (Angel González-Alvarez). Apart from the chairman, there were 15 members in all.

These Councillors were distinguishable not so much by the origin of their designation as by their political leanings. Following the conceptualization summarized in Table 1.1, there was a continuist majority, an ultra minority and an openist minority. The first two groups understandably wanted the new President of Government to be a man of proven loyalty to the regime, on principle one of Franco's former ministers. The openist minority was inclined to someone who, even if not having been the dictator's minister, had been the King's minister under the government of Arias-Navarro. Presumably, however, one of Arias' former ministers, the reformist José-María de Areilza, the favourite among the democratic opposition and most of the press, would be flatly rejected by the Council. Juan Carlos himself had told him: "I would like you to be the next President of Government. However, with this Council of the Realm, it would be impossible. Torcuato would be unable to do anything".

Torcuato then proposed Suárez, because, in spite of having openly shown his reformist tendency on certain occasions, he had come from a Falangist background, having been General Secretary and Minister of the Movement, the Francoist single party, and Chairman of the official association known as the Union of the Spanish People. For the majority of Councillors, he was hardly suspicious. On the other hand, Suárez was less well known than other former ministers, and so his name was not rumoured and neither did it appear in the lists of favourites put out by the press. Provoking fewer rebuffs, he could make his way more discreetly into a trio.

Torcuato Fernández-Miranda had already distinguished himself as being capable of manipulating both men and words. Possibly the most famous of his numerous semantic pearls had been used in a speech before the Cortes in 1972 in which he had resisted pinning himself down to being for or against allowing political associations. "Saying 'yes' or 'no' to political associations", he affirmed, "is a Sadducean trap, since if I deny

anything, I do so because what I have previously stated leads me to circumstantial denials which shape and define the statement which I uphold." When the King heard Fernández-Miranda mention the name of Suárez, he was surprised at first, but, reflecting perhaps on these antecedents, he trusted in his interlocutor's ability.

The meeting of the Council of the Realm to draw up a trio of candidates for President of Government to be presented to King Juan Carlos was held on 3 July 1976.

It should be recalled that, for Fernández-Miranda, the objective was not that the veiled candidate actually win the voting, but rather that he come within the first three by some voting procedure. As mentioned, the sophistry of the Chairman of the Council for achieving this consisted of forming three groups of candidates — an equal number to that of the candidates to be elected — and having them vote separately. This way, Suárez, who had not come within the first three candidates in any general vote for a trio, might indeed be the winner of one of these three groups.

That is exactly what happened. Fernández-Miranda surprised the Councillors at first by not issuing any instructions at all, asking them instead to set up an extensive list of possible candidates of their own choice. Before voting got under way, a preliminary list of 32 names was reduced to 19 by consensus of the Councillors.

The Chairman then classified those 19 names according to ideological "families" within Francoism, three to be exact — "Catholics", "Technocrats" and "Falangists" — arguing that there should be ideological pluralism within the chosen three. Such a classification was hardly a politically significant dimension, but it induced the appropriate selection of candidates expected by the handler. In fact the "families" —as the very name suggests — were not groups defined by political allegiances but by historical background and personal relationships. In the twilight of Franco's rule, one might encounter involutionists, continuists, openists and reformists in one ideological "family".

For example, among the *Catholics* (members of the National Catholic Association of Propagandists), one might find some of the candidates preferred by the openists, such as Alfonso Osorio, and others favoured by the continuists, such as Federico Silva-Muñoz.

Among the *Technocrats* (where one might find the majority of those Francoist politicians belonging to the Opus Dei, but also others more difficult to classify), there were reformists such as José M. de Areilza and Leopoldo Calvo-Sotelo, openists such as Manuel Fraga, and continuists such as Gregorio López-Bravo and Gonzalo Fernández de la Mora.

Among the *Falangists*, one had to include the majority of continuists

and involutionists such as Licinio de la Fuente, José García-Hernández, and Alejandro Rodríguez de Valcárcel. Yet there was also the occasional reformist, such as Adolfo Suárez.

Having given no explanation regarding the procedure which was about to take place, Fernández-Miranda made the Councillors vote on the 19 candidates one by one, by simple majority, eliminating those who did not obtain more than half of the votes. In this manner, some candidates were logically rejected by the continuist majority, among whom the favourites of the Council's openist and involutionist minorities were to be found. Yet in so doing, the Chairman gave no impression of pressuring for the vote which both satisfied the Councillors and allowed him to filter his candidate through in a still more discreet manner.

In the end, and according to his method, there was to be one candidate per "family". And so he proposed that the last three votes be taken by the candidates in pairs, which is to say, a separate vote for each "family".

Everything was based, as can be easily understood, on the hope that Suárez, included in the group of candidates of the Falangist "family", would be less rejected by the majority than other involutionist Falangists, and emerge unchallenged from the voting. In fact, only one Councillor, the involutionist Martín-Sanz, spoke up during the session to express his concern that "a certain Suárez" was passing effortlessly through all of the voting rounds. There was only one case of clear rejection, that of the procurator of the Cortes and mayor of Barcelona, Joaquín Viola, who announced: "Although I reside in Catalonia, I come from Cebreros [the birthplace of Suárez] and I know this young man very well". He did not vote for him for this reason. Logically, such a procedure allowed other unobjectionable yet irrelevant candidates to move up in the voting, such as the Catholic Alfonso Alvarez-Miranda.

In addition, the Chairman of the Council succeeded in confusing those present, not only by an uninterrupted three-and-a-half hour session of innumerable rounds of voting, but also by the fabrication that he himself had not foreseen all the procedural steps and that because of his neutrality had decided not to vote.

THE VOTING

It would be very hard to ascertain the complete orders of preference of the voters of the Council of the Realm with regard to all potential candidates. I will thus be guided by the partial preferences "revealed" by their real voting (supposing that these were sincere). It must be taken into account

that the complete official information regarding the voting was secret, and that what has been published — including some participants' accounts and privileged testimonies — is partial and not free from contradiction. For this reason, I have had to choose that which seems most reliable and tested. The orders of preference which I attribute to voters are hypothetical but highly credible, since they coincide with the well-known tastes and political attitudes of the Council members and are consistent with the available data regarding certain particular votes and the real results of the voting. Very slight modifications would be enough to explain the minimally different results of the voting compiled by other sources.

I will confine myself to only a few candidates. On the one hand, those reformist and openist nominees whose names appeared most frequently in the press and were rumoured as likely winners, but who were soon eliminated in the voting: José-María de Areilza and Manuel Fraga, both of whom were former ministers of the King. On the other hand, the six who reached the final rounds in the voting: Gregorio López-Bravo, Gonzalo Fernández de la Mora, Federico Silva (all three Franco's former ministers); Alejandro Rodríguez de Valcárcel, who was Chairman of the Cortes at the time of the dictator's death and had sworn the King in being faithful to the tenets of Francoism, but who was seriously ill and therefore not regarded as a serious contender (in fact he died shortly thereafter); and two lesser-known candidates, Adolfo Suárez and Alfonso Alvarez-Miranda.

Based on their previous records, careers and statements, the first five may be placed in an order ranging from reformism to openism, continuism to involutionism (or from centre-right to extreme right) in the following manner:

Areilza, Fraga, López-Bravo, Fernández de la Mora, Silva.

The reformist Areilza had been a minister of the King, the openist Fraga had been a minister both of Franco and of the King, and the three continuists López-Bravo, Fernández de la Mora and Silva, had been ministers of Franco.

Let us suppose that the voting Councillors had internally coherent preferences according to the relevant dimension previously stated, reform–openness–continuity–involution, so that the candidates were organized like this:

The openists firstly prefer the King's ministers, beginning with the most moderate one; and in second place the continuists (former ministers of Franco) in descending order towards the extreme right. Other candidates considered irrelevant, such as Suárez, the ailing Rodríguez de Valcárcel and the almost unknown Alvarez-Miranda, are relegated to the back row.

The continuists, on the other hand, firstly prefer the former Franco

ministers, in descending order towards the extreme right, giving second place to the King's ministers. They also place the other supposedly irrelevant candidates in the aforementioned order, with the exception of Viola, which, as I have mentioned, leaves Suárez in last place.

The ultras or involutionists firstly prefer the extreme right candidates and even possibly others. Among those considered as irrevelant, they prefer Rodríguez de Valcárcel due to an ideological affinity and despite his illness.

Thus, Table 3.1 comes into being.

Table 3.1
Preferences of the Councillors of the Realm for President of Government

Voters:	Openists	Continuists		Ultras
	5	7	1 (Viola)	2 (Girón, M. Sanz)
Most preferred	Fraga	López-Bravo	López-Bravo	Silva
	Areilza	Fdez.-Mora	Fdez.-Mora	Fdez.-Mora
		Silva	Silva	López-Bravo
	(...)	(...)	(...)	(...)
	López-Bravo	Fraga	Fraga	Fraga
	Fdez.-Mora	Areilza	Areilza	Areilza
	Silva			
	(...)	(...)	(...)	(...)
	Suárez	Suárez	Rdz.-Valcárcel	Rdz.-Valcárcel
	Rdz.-Valcárcel	Rdz.-Valcárcel	Alvez.-Miranda	Suárez
Least preferred	Alvz.-Miranda	Alvz.-Miranda	Suárez	Alvz.-Miranda
	(...)	(...)	(...)	(...)

Note: Suspension points indicate the possibility of other candidates. These are ordinal preferences for each voter; they don't imply that the horizontal line-up of names expresses the same Councillors' intensity of preference for them.

Observe that, whilst there were reformist, openist and continuist candidates, among the voting Councillors there were openists, continuists and involutionists. However, in spite of the absence of reformist voters, the voting procedure was appropriately designed to elect one of the reformist candidates.

Let us firstly suppose that, in accordance with the most usual democratic rule, the voting had been by simple majority among the candidates. Each Councillor would have voted for his absolute favourite and, according to my hypothesis of preferences presented in Table 3.1, the result would have been: López-Bravo, 8 votes (from the continuists); Fraga, 5 votes (from the openists); and Silva (or perhaps another candidate), 2 votes (from the involutionists).

This means that each tendency or bloc of Councillors would have placed its most preferred candidate in the trio.

As can be observed, the reformist Areilza would not have been elected (as the King suspected), but neither would Suárez.

The actual voting produced a different result. In the first rounds, where candidates were voted one by one according to simple majority, the known data show us that Areilza and Fraga, among others, were eliminated, as the same result would occur for each — 5 in favor and 10 against. According to my hypothesis (Table 3.1), this means that the votes of the five openist Councillors confronted the eight continuists and the two ultras.

After the successive eliminations, six candidates remained: the continuists López-Bravo, Fernández de la Mora, Silva and Rodríguez de Valcárcel, the reformist Suárez and the lesser-known Alvárez-Miranda. Just for the sake of contrasting the real results, let us now suppose that at that moment the usual procedure of majority voting among all the candidates had also been adopted. According to my hypothesis, the result would have been: López-Bravo, 13 votes (from the continuists and openists) and Silva, 2 votes (from the ultras). Another round of votes among the remaining candidates would have been necessary in order to cover the third position in which case Fernández de la Mora would clearly have obtained the Councillors' 15 votes. In this way, the trio of candidates would have been composed of the continuists López-Bravo, Silva and Fernández de la Mora. Obviously, Suárez would not have been elected by this method either.

In fact this was not the actual procedure used. As has been repeatedly mentioned, the six final candidates were grouped together by Torcuato Fernández-Miranda into three ideologial "families" and voted for in separate groups of two in order to obtain a winner of every "family", among whom the low prefered Suárez could be included. According to published data to which I have had access, the following results were obtained:

Catholic family: Silva, 15 votes; Alvarez-Miranda, 0.

According to my hypothesis, all of the Councillors would logically have

voted for Silva, who was situated above Alvarez-Miranda in their orders of preference.

Technocrat family: López-Bravo, 13 votes; Fernández de la Mora, 2 votes.

My hypothesis states that the five openist Councillors and the eight continuists would logically have voted for López-Bravo, who was situated above Fernández de la Mora in their orders of preference, and the two ultras would have voted for Fernández de la Mora, who was situated above López-Bravo in their order of preference.

Falangist family: Suárez, 12 votes; Rodríguez de Valcárcel, 3 votes.

According to my hypothesis, the five openist Councillors and the seven continuists would logically have voted for Suárez, who was situated above the ailing Rodríguez de Valcárcel, in spite of being ranked in a rather low position, and the two ultras and the continuist Viola (who knew Suárez from their birthplace of Cebreros) would have voted for Rodríguez de Valcárcel, who ranked higher than Suárez in their orders of preference.

The trio of candidates in fact elected, then, was the "Catholic" Silva (a continuist), the "Technocrat" López-Bravo (another continuist), and the "Falangist" Suárez (in fact a reformist).

At that moment neither the resulting order nor the number of votes won by each candidate were mentioned. The names were presented to the King in alphabetical order just as if they had been proposed unanimously. This way, an outsider with scant chances of winning by any other simple or usual procedure was included among the winners, exactly as the organizer and manipulator of the voting had intended.

When Torcuato Fernández-Miranda was about to leave the meeting, a Councillor approached him to comment that the inclusion of Suárez had been unfortunate. "Not because I have anything against him," he explained. "It's simply that the fellow isn't expecting it and we would have done well with ... [perhaps Fernández de la Mora or Fraga]. After all, there's no way he's going to get it!". Almost everyone felt that Suárez went along as an extra. Yet a few minutes later, the Chairman of the Council of the Realm could no longer contain himself before the journalists and confessed, "I am prepared to offer the King what he has requested of me".

Indeed, in the midst of general surprise on the part of the press, the opposition, the other candidates in the voting, the other two members of the trio, and the very voters of the Council, the then rather unknown reformist Adolfo Suárez was appointed President of Government by King Juan Carlos on the day after the voting of the Francoist Council of the Realm had taken place.

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The theory and several examples of manipulation of dimensions in voting have been presented by William H. Riker (1986), *The Art of Political Manipulation*, New Haven: Yale University Press.

Diverse sources provide data about the procedure and results of voting in the Spanish Council of the Realm in July 1976, although some of them give partly contradictory information. The procedure here presented has been basically explained by the former Director of the Information Agency of the Presidency of the Government, Joaquín Bardavío, in *El Dilema. Un pequeño Caudillo o un Gran Rey*, Madrid: Strips, 1978, pp. 150–55; *Los Silencios del Rey*, Madrid: Strips, 1979, pp. 175–83; and "Por qué pensó el Rey en Suárez", in *Historia de la Transición*, Madrid: Diario 16, 1983, pp. 294–5, as well as by the Secretary of the Council of the Realm himself, Enrique de la Mata, "Aquella reunión del Consejo del Reino", in *Historia de la Transición, cit.*, pp. 291–3. The at that time Director of the Falangist newspaper *Arriba* and confident of the ultras, Antonio Izquierdo, *Yo, Testigo de Cargo*, Barcelona: Planeta, 1981, pp. 38–41, gives more specific data about results and votes of some Councillors, which I have also presented here. However, he mistakenly includes in the meeting one Councillor, García-Lomas, the Mayor of Madrid, who in fact had ceased to be mayor, and makes another, compensatory mistake in assumig that the bishop Cantero was absent due to illness (he is mentioned and personally quoted as someone who attends the meeting in the press of the time, *El País*, 3 July 1976). Very similar results are presented by the Vice-president of Suárez' Government, Alfonso Osorio (1980), *Trayectoria Política de un Ministro de la Corona*, Barcelona: Planeta, 1980, pp. 126–8. On the contrary, the journalist Gregorio Morán, who mentions many candidates in the first series of voting, fails to present the last voting by pairs. He is also mistaken in assuming 16 voters, in spite of quoting Torcuato Fernández-Miranda as saying that he did not vote, which forces him to recognize that this statement, "denies [his] arithmetics", in Gregorio Morán (1979), *Adolfo Suárez. Historia de una Ambición*, Barcelona: Planeta, pp. 30–31 and 54–56.

4. Tied and Well-Tied

In certain situations where various political actors interact, the winning alternative does not have the sincere and unanimous approval of those who openly accept it. It is instead a mixed and veiled result of the preferences of the different actors. What counts in such cases, more than one's convictions regarding the rightness of the position, more than the firmness with which the problem is laid out, more than fair play and honesty, are mutual concessions, promises and threats — to the extreme where these mechanisms may play a fundamental role in achieving certain results which are presented to the public as if they were widely and sincerely shared.

These types of convergent and divergent relationships around a political alternative may be analysed by means of game-theory schemes. They may be used to define the basic choices facing each political actor or "player" and to observe his strategic behaviour. They help, then, to explain certain surprises caused by empirical observation, which in the end might be incomprehensible if one considered only the defining and stable characteristics of each actor. There are games with efficient or inefficient outcomes, which account not only for agreements between individuals and political groups whose interests are contradictory and poles apart in their objectives, but also for disagreements between actors who apparently have similar objectives and are interested in mutual cooperation.

Such are the cases which we will now examine. First, the pact between the reformists and continuists to approve the Suárez government's Bill for Political Reform at the end of 1976. Second, the lack of real dialogue between Suárez and the democratic opposition, despite the interest of both in progressing towards a representative democracy and the interest of each of them in the other's participation in this common project.

GAME BETWEEN SUAREZ AND THE CONTINUISTS

To begin, let us pinpoint the exact positions of each of the three players in mid-1976.

The objective of the continuists is the maintenance, with perhaps a little cosmetic work, of "organic democracy". This means representation through such corporative states as the family, the municipality and the "vertical" syndicate, without the participation of political parties or the concession of freedom beyond the ideological principles of the National Movement.

The reform advocated by Suárez aims to establish a limited representative democracy, based on political parties and election by universal suffrage, while making the most of the potential advantages which his position as Head of the Government offers him. According to this plan, the first general election would be held under a monochrome government presided over by Suárez, from which he could organize his own candidacy. The electoral system would be imposed unilaterally by the government, distorting the proportions of representation in its own interest. Two chambers would be elected, with the influence of the elements of continuity with the past being reinforced in the second. Communists and the revolutionary opposition would not take part in the elections. There would be no purge or settling of accounts with regard to the corrupt Francoist officials or the police and military officers implicated in repression. Moreover, the new Constitution drafted by the elected chambers would not include a formal declaration of civil rights and liberties, but only an institutional arrangement. Any discussion concerning the monarchy and the unitary form of the State would be out of the question.

The opposition's rupture project, on the contrary, seeks joint participation by the main political forces in the government which would call elections, with the aim of avoiding the privileged use of State machinery and communication media by certain individuals or groups. Parallel provisional governments would be set up in those historic regions which had been autonomous during the 1930s — Catalonia, the Basque Country and Galicia. Full amnesty and freedom of action would be granted to all of the parties, as would freedom for the constituent Cortes to determine the forms of State and government.

The key to the situation is that none of the three "players" is strong enough to impose its project independently. According to Table 1.1, none of the groups with particular orders of preference numbering 2, rupturists (with the possible support of 1, revolutionaries), 3, reformists (with the conditional support of 4, openists) and 5, continuists (perhaps leaning on 6, ultras or involutionists) enjoys what could be considered majority

popular support. Francoist continuism is unfeasible without the figure of the frightening and all-powerful dictator. The democratic anti-Francoist alternative is viewed sympathetically by many, but also has limited active support, as explained in Chapter 2. And Suárez' reformist objectives can only be attained if agreements are reached with the Francoists for the legal reform of the fundamental laws, and with the main opposition parties regarding their participation in the election.

Each of the players, then, has to try to adopt interactive positions with the others in order to produce relatively favourable results. The Francoists can threaten to boycott the Suárez government, using State machinery, eventually frightening both Suárez and the opposition with involution or a military takeover led by the ultras. The anti-Francoist opposition can apply pressure through strikes, demonstrations and other forms of mass mobilization. It can also insinuate the danger of a maximalist upsurge by the revolutionary leftists. Suárez, however, has the advantage of being in a position to bring the Francoists closer to him by threatening to do without them and to agree bilaterally on rupture with the opposition. At the same time and independently, he can draw the opposition closer to him by threatening them with the imposition of conditions adverse to their electoral participation through a bilateral reform pact with the Francoists. Expressions such as "reforma pactada" (agreed reform) and "ruptura pactada" (agreed rupture) respectively illustrate Suárez' double option. The continuists and the opposition cannot interact directly because their respective first preferences, continuity and rupture, are dominant strategies for them in a game of pure conflict. It is clear, then, that a game consisting of three players interacting at the same time, the continuists, the Suárez government and the rupturists, simply would not work.

Suárez can turn his situation to advantage by approaching the two bilateral negotiations separately, without jeopardizing in either case his chances of carrying out the other. As he himself wrote, looking back, "The strategy of reform based on legality entailed two different rhythms and two different sets of requirements: one for social groups not hostile to the previous regime and another for the political forces of the opposition."

The "player" whom, for the sake of simplicity, I will call "Suárez" is, in fact, a basically disciplined government (although there are, in addition to reformists, certain openist ministers, like Vice-president Osorio and others who would later join the conservative Popular Alliance). On the other hand, the player whom I will call "continuists" is a more numerous and vulnerable group. Every time a Francoist changes ideologically, is bribed or accepts reform, the continuists' chances of success are reduced, worsening the position of the other Francoists in such a way as to

provoke dispersion dynamics. Likewise, there is a certain fragmentation and internal division in the heart of the democratic opposition, since some, like the Christian Democrats and the Liberals, seem willing to participate in the election called by Suárez, thinking that they will not be ensnared by his conditions. Thus, the opposition is weakened and the chances of imposing rupture are reduced, causing the other groups, even the Communists, to feel that, in view of the danger of being defeated and isolated, they too will have to participate.

The internal dynamics of the two group players, the continuists and the opposition, tend towards the abandonment by each of their respective first preferences *C* and *R*. This facilitates the movement towards second preferences, that is, towards reform, the alternative preferred by Suárez. It is easy to see that these internal dynamics of the two parties could be formalized by the tipping diagram shown in Chapter 2. Suárez has the means and the opportunity to take the initiative and play out this double game.

His preferences are, as I have said, in the order *r, R* and *C*. He can force legal reform through those institutions dominated by the Francoists, yet runs the risk of being defeated by them; he can break with the Francoists, taking some of the opposition members into his government and agreeing to a fair electoral law with them (with the resulting added difficulty of winning the election), or he can yield to the demands of continuism. What he really does is to offer the continuists his first preference, *r*, in the form of a Bill for Political Reform, asking them, according to Francoist law, for their approval.

In view of this, the continuists can choose between maintaining their defining preference and rejecting the Suárez bill, thus remaining in the *C* position, or voting 'yes' and accepting reform, *r*. In other words, they can stay "out of discouragement's reach" (as the Falangists used to say) in their fidelity to the principles of the National Movement, even though this may mean going into "the bunker" and being cut off from the political process. Alternatively, they can negotiate the reform conditions with Suárez to obtain the chance of maintaining or recovering their positions and sinecures and avoiding reprisals against them, albeit without any guarantee of success.

Thus, we can assume the following orders of combined preferences based on actions, gestures and statements, consistent with the orders of preference presented in Table 1.1.1

Suárez wants change but considers the acceptance of his reform by the continuists to be the better method. For this reason, his first preference is to present the reform to the military commands and the Cortes for approval

without further ado. His second preference is that the Francoists oppose him in such a way that, in order to bring about change, he will have to back the rupture advocated by the opposition. His third preference is that the Francoists be willing to approve the reform, but that he wastes this relatively favourable opportunity and is dragged by the opposition towards rupture. His last preference is that no change take place, due to the failure of reform, but with no chance for him to join rupture. I do not consider the situation created if he chose his last preferred alternative, continuity, *C*, which would not be interaction but rather a complete defeat or surrender to the predominance of the other actor. It is important to observe that, with regard to the chances of the previous openist government of Arias and Fraga, Suárez has a greater capacity to threaten the continuists, derived from the possibility of joining rupture.

The continuists, for their part, want the least possible change. For this reason, their descending order of preference is, first, to reject Suárez' reform and make it fail; second, to accept the reform and ensure through a pact with Suárez that he stay within its established limits and not negotiate with the opposition; third, to bring about the failure of the reform and push Suárez into the arms of a risky rupture; and finally to accept the reform, with Suárez not keeping his word to them and accepting the opposition's rupture. Here again, I do not contemplate the situations in which this actor would choose his last preferred alternative, rupture, *R*. As opposed to what had occurred in their game with the openist Arias and Fraga government, here the continuists are threatened by the possibility that Suárez might agree to rupture with the opposition, not only if they reject the reform but also if they accept it (preferences three and four).

By giving each preference a decreasing ordinal value (from 4 to 1), we obtain the orderings presented in Table 4.1.

Table 4.1. Preference orders between Suárez and the continuists

Suárez' preferences			Continuists' preferences		
Suárez	Continuists	Ordinal Value	Suárez	Continuists	Ordinal Value
r	r	4	r	C	4
R	C	3	r	r	3
R	r	2	R	C	2
r	C	1	R	r	1

Note: Alternatives: r = reform; R = rupture; C = continuity.

As in any non-zero sum game, the interests of the players are partly contradictory (to the point where the first preference of one is the last of the other) and in part interdependent. The interaction between the two players is shown in the matrix in Figure 4.1.

Figure 4.1. Game between Suárez and the continuists

		Continuists: C	Continuists: r
Suárez	r	1, 4	4, 3
	R	3, 2	2, 1

Reading the matrix: The player who is thought to have the initiative in the game sits on the left. In this case it is the Suárez government, whose options are *r* or *R* (that is, bringing about reform or contributing to rupture). The player who responds sits on top. In this case, it is the continuists, whose options are maintaining *C* or accepting *r*. Each cell symbolizes a situation where a choice by Suárez interacts with a choice by the continuists. For example, the upper right-hand cell symbolizes the situation in which Suárez chooses *r* (he pushes through reform), and the continuists also choose *r* (they accept the government's reform). In each cell, the number placed in the left-hand part shows an ordinal value of that situation for the player seated at the left (in the example mentioned, 4 for Suárez), and the number placed in the right-hand part shows the ordinal value of that position for the player seated on top (in this same example, 3 for the continuists).

In this game the continuists have a dominant strategy, that is, a choice which gives them greater rewards in all the hypotheses of the other player's choice and which they will therefore adopt in any case, independently of what the other does. The dominant strategy of the continuists is *C*, to remain loyal to the principles of the National Movement and not to accept the reform.

Note that he does not have to agree to the rupture with the opposition, but merely to simulate that he is dealing with them so as to force the Francoists to accept the reform. In other words, the best plan for Suárez is to agree to the reform with the Francoists genuinely and discreetly, by means of promises and threats, whilst making public but rather empty motions of dialogue with the opposition. His capacity for threat is what distinguishes him from the previous Arias and Fraga government and which, unlike the former case, enables him to convince the continuists to accept the reform.

THE HARAKIRI OF THE FRANCOIST CORTES

Briefly, this appears to have been the driving force behind the first phase of the Suárez government, lasting from July to December 1976.

Indeed, only a few days following his appointment as President of Government, Adolfo Suárez and his ministers Alfonso Osorio, Rodolfo Martín-Villa and Enrique de la Mata publicly began to receive leaders from the opposition parties, especially Christian-Democrats, Liberals and Socialists. All those concerned say that almost nothing important was discussed during these interviews. This was in part due to the fact that the government had declared all documents and proposals having to do with its Reform Bill as restricted material, and hence it was not to be discussed with interlocutors. A partial amnesty was soon granted, but the Communists and the revolutionary opposition groups remained illegal and were denied access to public life by means of the reform of the Penal Code which declared unlawful those associations "submitted to international discipline which aim to establish a totalitarian regime". In this way, Suárez succeeded in giving the more moderate parties of the democratic opposition (some of whom did not number more than a few dozen people at the time of Franco's death) a chance to get organized and a semblance of representation, and transmitted a false image of negotiation which provoked troubled reactions among the Francoists. Once the purpose of the interviews with members of the opposition had been achieved, they were stopped when the government approved its Political Reform Bill on 10 September 1976.

Two days before, Suárez had held a very different sort of meeting with the higher commands of the armed forces. In the presence of 29 high-ranking military officers, including all the lieutenant-generals and admirals-in-chief of the military regions, the chiefs of staff, the Head of the Civil Guard and the Chairman of the Military Supreme Court, Suárez

presented his Reform Bill. He obtained unanimous approval after promising to uphold "the unity of Spain" and the exclusion of the Communists, affirming with aplomb that there was no danger of losing the elections.

At almost the same time, the Central Chief of Staff of the army at that time, Lieutenant-general Manuel Gutiérrez-Mellado, sent an intimidating report to all the generals, chiefs, officials and subofficials in which he demanded their abstention from all political activity or ideological statements, warning them in his own words that: "whoever does not feel able to do so and has such imperious ideals which are, in his own opinion, higher than what the army demands of him, must relinquish his duties, certainly with no loss of honour", and that "the army is prepared to expel from its ranks" all those who do not maintain its discipline.

Two weeks later, these criteria were most exemplarily put into practice with the dismissal of the first Vice-president of the Government, Lieutenant-general Fernando de Santiago y Díaz de Mendívil, whom Suárez relieved for disagreeing with the government bill regarding syndical liberty. In the conversation following his dismissal, General Santiago reminded Suárez that there had been many military takeovers throughout Spanish history. Suárez responded: "And I would like to remind you, Santiago, that the death penalty still exists in Spain". The military Vice-president was replaced by the aforementioned Gutiérrez-Mellado. Moreover, even though the measure later turned out to be illegal, De Santiago and another Lieutenant-general and ex-Head of the Civil Guard, Carlos Iniesta, who sided with him, were immediately transferred to the reserve.

Having obtained a limited military blessing, the Bill for Political Reform was debated in the Cortes from 16 to 18 November 1976. The procurators or members of the Cortes were requested to a virtual *harikiri* or self-dissolution. For the debate and voting, its Chairman, Torcuato Fernández-Miranda, applied a new "emergency procedure", which had not been previously explained. As was to be expected from him, it was also quite confusing.

During that legislature, the Francoist Cortes was composed of 531 procurators or members, among which the following groups should be mentioned: around 60 members connected to different reformist and pro-government groups (such as the Union of the Spanish People, founded by Suárez, the Spanish Democratic Union, led by Vice-president Osorio and the Independent Group, inspired by the minister Martín-Villa); a perhaps similar number of ultras; at least 183 from the openist group the AP, under the chairmanship of Manuel Fraga (who at that time was not a

Observe how, in any hypothesis concerning Suárez' choice, the continuists are indeed better off if they choose *C*. If the continuists assume that Suárez will choose *r* (upper row), they can obtain the value 4 if they choose *C* (producing an outcome in the upper left-hand cell) or the value 3 if they choose *r* (producing an outcome in the upper right-hand cell), so that it is better for them to choose *C*. If they suppose, on the contrary, that Suárez will choose *R* (lower row), the continuists will obtain the value 2 if they choose *C* (lower-left) or the value 1 if they choose *r* (lower-right), so that it is also better for them to choose *C*. In any hypothesis concerning Suárez' behaviour, it is better for the continuists to choose *C*.

Suárez, however, does not have a dominant strategy, as the reader can see for himself by making analogous comparisons to those which I have just offered.

With regard to the Francoists' dominant strategy, *C* (left-hand column of the matrix), Suárez can obtain the value 1 if he chooses *r* or the value 3 if he chooses *R*, so that it would be better for him to choose *R*—to accept the rupture which the opposition is proposing to him.

These well-informed choices of the two players, *C* by the Francoists and *R* by Suárez, would consequently produce an outcome to be found in the lower-left cell, the ordinal values of which are 3, 2.

This outcome is a stable equilibrium, according to the Nash concept of equilibrium given that, once it is reached and the choice of the other player is discovered, neither of the two players will be interested in unilaterally changing his choice. Observe that whoever did so would lose out. If the continuists changed unilaterally to *r* (that is, if, in view of Suárez' rupturist option, they accepted the reform), the outcome would be transferred to the lower right-hand cell, where they would obtain the value 1, which is lower than the previous value obtained, 2. If Suárez unilaterally changed to *r* (that is, if, in spite of the continuist attitude of the Francoists, he insisted on his reform proposal), the outcome would then be moved to the upper left-hand cell, where he would obtain the value 1, lower than the previously obtained value 3.

However, even though it is formally stable, the equilibrium obtained is an inefficient outcome, since the two players would be better off in another situation. This would be the one symbolized by the upper right-hand cell with values of 4, 3 — higher for both than the values 3, 2 of the equilibrium already reached.

This means that a paradox occurs in which behaviour based on the unilateral adoption of the best strategy according to each player's own interest in fact produces a worse result for the two players than the one which would have been obtained if both had settled for another strategy.

In this case, the equilibrium obtained if the continuists persist in their rejection of the reform and if Suárez risks coming to a rupture agreement with the opposition is, then, apparently stable but inefficient, since both players would be better off if they opted for reform, that is, if Suárez stayed within the limits of reform and the continuists came to an agreement over their own incorporation into it.

When each player has complete information on the other's preferences but there is no communication between the players in order to reach an agreement on an alternative which can benefit them mutually, each can decide according to all of his opponent's possible choices. In certain cases, such as this one, the outcome is rather bad for both. It can be improved for both, however, if there is communication and it is assumed that players think ahead not just to the immediate consequences of their decisions but also to the further consequences of each others' decisions.

This improvement, nonetheless, is only possible if there is also a reasonable expectation that "the other" player will maintain the choice he has agreed upon, given that a betrayal would produce the worst possible result for the player who unilaterally held to the agreement. Cooperation in mutual benefit requires, therefore, a combination of promises and threats between the two players.

Let us imagine, for example, that Suárez tells the Francoists that he will hold to the reformist postulates, and that they in turn promise to vote for these in the Cortes, so that a new cooperative equilibrium of 4, 3 is reached. Suárez will then see his first preference fulfilled and, logically, he will abide by this, having no interest in changing his position to make pacts with the opposition. However, for the continuists, the result obtained, 4, 3, while it is better for them than that obtained by the previous rejection of the reform, satisfies only their second preference. They may be tempted to alter their choice and switch to *C*, which is to say, vote 'no' on Suárez' bill in the Cortes, thus moving the outcome to the upper left-hand cell, with values of 1, 4. The continuists would improve their lot and Suárez would lose out. Cooperation would only have been rational for Suárez if he could then threaten by means of a corresponding change of strategy to *R*, that is, to negotiating the rupture with the opposition (with whom no bridges of dialogue should previously have been burned), so that once again the outcome 3, 2 is obtained. This threat plays a dissuasive role, serving to discourage the breaking of promises. It is a necessary condition for cooperation and for reaching a "non-myopic", efficient equilibrium.

Observe again that to avoid the danger of a defeat, Suárez has to maintain a certain ambiguity and to lavish gestures of dialogue on the opposition, who are to appear as a dissuasive alternative to the Francoists.

member); and more than 200 with no formal affiliation, identified in large part as continuists.

Because the legal reform of the fundamental laws required a two-thirds majority (354 members if all were present), the approval of Suárez' bill, even with the support of the reformist groups, would have been impossible without the support of the continuists and the openists.

During the debate, certain, likely ultra members proposed that the representative democracy by universal suffrage in the foreseen lower chamber, the Congress of the Deputies, be combined with organic democracy in the upper chamber, the Senate. This proposal was basically rejected, but it was established that a certain number of senators would be appointed by royal designation rather than elected.

The debate with the conservative AP centred on the electoral system. The bill stated that the government itself should dictate a law-decree regarding the matter, inspired by the criteria of majority representation for the Senate and proportional representation for the Congress of the Deputies. The AP asked that a majority system be established for both chambers and that the electoral law be passed in the Cortes. It is obvious that in this manner the AP hoped to obtain representational advantages for what was known as "sociological Francoism" (which was more deeply rooted in the rural areas of the country) as well as to promote a two-party system. However, Suárez could not forego certain general criteria of proportionality, since, as Vice-president Osorio was able to confirm by a telephone call with an opposition spokesman from the Cortes building itself during the debate, if he did so, he would not obtain the participation of the anti-Francoist parties in the elections. For this reason, after certain negotiations in the corridor, Suárez and the AP reached an agreement by which the majority system would not be imposed, but that the electoral districts would be the provinces, with a minimum number of deputies from each, and "corrective measures" would also be introduced regarding the proportionality of the Congress.

With concessions such as these, Suárez allowed the procurators to maintain the hope of once again occupying their seats, either by royal designation or by ballot. Some of them, thinking along these lines, asked that the planned number of deputies and senators be increased. During the plenary meeting, the ultra Dionisio Martín-Sanz scornfully commented with regard to "the discussion over whether the election should be proportional or majoritarian" that "deep-down, what everyone is thinking is how, by one way or another, they are going to come back here". (The observation met with much applause.) As Suárez himself declared one year later to Emilio Attard: "But come now! If I hadn't been able to pull out of the hat some seats in the Senate to offer to the *harikiri* procurators, how would I have brought off the political reform?".

These were the promises (somewhat vague, as can be seen). At the same time, Suárez subjected the whole group of Francoist procurators, especially the non-affiliated, to different kinds of personal threat. Because of their very nature little is known about them but there was no doubt that these threats included, among other forms of blackmail, the possible ousting of certain procurators from the numerous and lucrative, not to mention very arbitrarily made, appointments which many of them enjoyed. According to some observers, Suárez even went so far as to deliver "dossiers" to those in question with recordings of telephone conversations tapped from their homes and offices. In this way, the individual migration dynamic began in the group of continuist procurators, which in turn precipitated the collective flight which I earlier referred to as "tipping".

Finally, certain procurators asked for a secret vote, to which Suárez responded with the threat that the session would be broadcast live by the first television channel, so that those who voted 'no' to the reform would have to face a consequent drop in popularity and the likelihood of not being returned in the future election.

In the end, with a nominal but untelevised vote, the result was 420 votes in favour (the pro-government reformists, almost all of the openists procurators of the AP and a large majority of continuists); 13 abstentions (certain continuists not persuaded by the concession); 59 against (the most easily recognizable ultras, including six generals and a bishop); and 34 absentees (including a group of the most reluctant procurators who had been sent by the government on an official trip to the Caribbean).

Thus, the continuist group was practically dissolved. The majority of them joined the openist AP in an attempt to participate in the forthcoming election and in the future political framework, thus adapting their structure of preferences to the reform already under way. Another faction, composed equally of civilian and military members, joined the ultras, becoming involved, as we will see in another chapter, in anti-government conspiracies. In terms of the scheme presented in Table 1.1, we can say that an important number of individuals from Column 5 shifted to Columns 4 and 6. This was a second moment of visible political migration, the first having occurred at the time of the death of the dictator a year before.

SPEAK, PEOPLE, SPEAK

The following episode of this game was no more than a manipulation of the rules for setting up a choice between two alternatives when in fact there were three.

In accordance with the legal rules, Suárez submitted his Law for Political Reform to a referendum, in which the only possible decisions were to accept or to reject reform. This means that he offered a limited choice between reform and continuity, since in all probability the latter would soon have been restored if Suárez had been defeated in his consultation with the people. Rupture was not taken into account here.

Observe what takes place in this situation by returning to Table 1.1. Given the limited choice of either *r* or *C*, it is only to be expected that reform will receive the vote, not only from those people identified with Columns 3 and 4, whose first preference is *r*, but also those from Column 2, the sympathizers with democratic opposition, since this option precedes *C* in their order of preferences.

As I suggested earlier, it is even possible that some of these individuals believe that it is not a question of choosing the lesser of two evils, but rather that reform will permit a gradual attainment of the basic objectives of rupture.

To these people, we must add the previously mentioned adaptation of preferences of people formerly identified with continuists, stimulated perhaps by the opposing view that a reform victory would ward off the danger of rupture, at least as far as a possible taking of reprisals against the collaborators with the dictatorship is concerned.

Therefore, Suárez was, once again, able to profit from political double-talk, directed now not only at the organized groups of the opposition and Franco's politicians, but also at their corresponding sectors of the electorate. On the one hand, it was useful for him to increase the subjective perception that Francoists and involutionists still had considerable influence. On the other, he could only benefit from the impression that a real danger of rupture or even revolutionary disturbance did indeed exist. The message to the public, which was orchestrated with the slogan "Speak, people, speak", had to be quite ambiguous regarding the aims of the reform, showing instead its democratic content and legality, "freedom" and being achieved "without anger". Thus emphasis was placed, on the one hand, on "change without risk", and "putting an end to demagogy", while at the same time suggesting that "your 'yes' is the beginning of change" and "political reform begins with a 'yes'".

While the involutionists spread counter-propaganda using the transparent slogan, "Franco would have voted 'no'", the democratic opposition was split: Socialists, Communists, and other opposition groups called for active abstention, while the Christian-Democrats, Liberals, Catalan Nationalists and other groups offered their sympathizers "freedom of choice", saying, for example, that, "The referendum is a formality", "In fact the referendum is over" and "Get ready for the election", which was obviously a way of encouraging votes in favour.

In the referendum held on 15 December 1976, 22.3% of the voting population abstained, 73.2% voted "yes" and only 2% voted "no".

The Law for Political Reform went into real effect. Francoist legality and legitimacy were saved to be blended with a new and future legitimacy produced at the polls. Politicians and officials from the Francoist regime would then share a certain political limelight with a new or recycled wave of democratic politicians in the decision-making process. In this way, certain knots of continuity were being untied, although, as one can see, not very well untied.

GAME BETWEEN SUAREZ AND THE OPPOSITION

Other games of interaction of Suárez' reformist government produce quite obvious outcomes. For openists and reformists (Columns 3 and 4 of Table 1.1), for example, reaching an agreement on reform is easy, since it is the first preference for both. In contrast, in a game with Suárez, the revolutionary opposition (Column 1) always maintains its dominant strategy of rupture and does not join reform.

It seems more interesting to analyse the game between Suárez and the democratic opposition after the referendum. Since, according to Table 1.1, continuity occupies the last place in the order of preferences of both players (Columns 2 and 3), their interaction is limited to the options *r* and *R*.

Bearing in mind everything which has been said up to now, that is, empirical evidence and formally logical criteria, we can assume that the players have the following orders of combined preferences.

Suárez' first preference is to maintain reform which is accepted by the opposition; his second is to stand by reform with the opposition rejecting it; his third is to yield to rupture in certain aspects in order to ensure the opposition's approval of reform; and his last preference is to pass over to his opponent's first preferred alternative by embracing rupture.

As far as the democratic opposition is concerned, it seems clear that, in view of the advance of Suárez' reform, some of its members, Christian-

Democrats and Liberals, adapted their preference structure and shifted from Column 2 to Column 3 in Table 1.1. Other opposition groups also showed a tendency to adapt to the reform successfully agreed upon between Suárez and the continuists, as we will see. As a bloc, however, the rupturist opposition (grouped together on the platform of Democratic Coordination) maintained an order of preference with respect to the outcomes, which was coherent with its gradualist preferences in favour of those alternatives with a greater degree of change: $R > r > C$. For this reason, I consider that in its interaction with the reformist government of Suárez, the opposition preferred those outcomes in which it maintained the rupturist strategy R — and if Suárez were to join them, so much the better — to those which obliged them to yield to reform r, among which they also preferred Suárez to give in by adopting positions of rupture.

This can be summarized as shown in Table 4.2.

Table 4.2. Preference orders between Suárez and the rupturist opposition

Suárez' preferences			Rupturists' preferences		
Suárez	Rupturists	Ordinal Value	Suárez	Rupturists	Ordinal Value
r	r	4	R	R	4
r	R	3	r	R	3
R	r	2	R	r	2
R	R	1	r	r	1

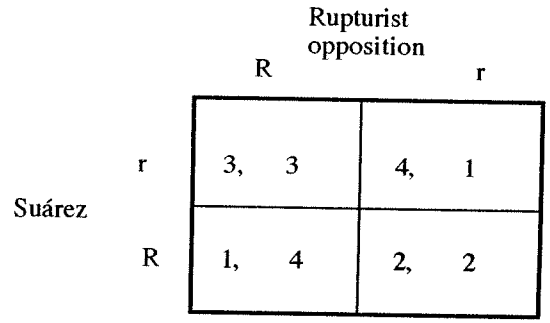
Note: Alternatives; r = reform; R = rupture; C = continuity.

The interaction between the two players is shown in Figure 4.2.

In this game, both players have a dominant strategy: r for Suárez and R for the opposition. It can be seen that, for whatever hypothesis the opposition chooses, Suárez is better off if he chooses r. If the opposition chooses R (left-hand column of the matrix), Suárez can obtain the value 3 if he chooses r or the value 1 if he chooses R, so it is better for him to choose r. If the opposition instead chooses r (right-hand column), Suárez can obtain the value 4 if he chooses r or the value 2 if he chooses R, so that it is also better for him to choose r.

The opposition also has a dominant strategy, R, as the reader can see at a glance.

Figure 4.2. Game between Suárez and the rupturist opposition



The outcome of this game is reached, then, when both players adopt their dominant strategies, r and R, in the upper left-hand cell, where the values are 3, 3. Unlike the interaction previously set up between reformists and continuists, the outcome of this game between reformists and rupturists offers no possibility of improvement through communication, since they would not be better off in any other cell. For this reason, the only outcome of the game is the confrontation between the two players' most preferred alternatives. There is no real pact between Suárez and the opposition.

In a nutshell, this is what occurred. After the opposition launched its new expression "agreed rupture" a few weeks after the formation of the Suárez government, it reiterated time and again its "willingness to negotiate with the powers of the State" for the setting up of a government of broad consensus, the restoration of the historic statutes of the autonomous regions, complete amnesty and the legalization of all parties. The opposition combined personal contacts and a willingness to negotiate with calls for demonstrations and mass strikes. Following the referendum, it set up a new committee, the Commission of 9, in order to facilitate dialogue with its reticent interlocutor, and even reduced its programme to the pact of an electoral law with the existing government without altering its composition.

However, in the conversations with the spokesmen of the common platforms of the opposition which began to take place at the end of December, 1976, Suárez only made concessions of minor importance. In April 1977, in fact, he called an election, presiding, as he himself wished, over a monochrome government. From there, he organized a list of

candidates, Union of the Democratic Centre (UCD), which he himself headed; he imposed an electoral system by law-decree which would work to his own advantage; and he declared the monarchy and the unitary form of the state to be above question in the programmes of those parties seeking legalization and in the debates on the future Constitution.

In view of this, those Christian-Democrats and Liberals who had adapted their preference structures by shifting to Column 3 of Table 1, negotiated their incorporation as candidates in the lists of UCD. All of the other opposition parties presented the necessary documents for their legalization and participation in the election to the Registry of Political Associations of the Ministry of the Interior under the conditions which had been imposed.

Unlike the game which Suárez had played with the continuists, here there was no cooperation of any type.

NOTE

1. These and other orders of preference presented below are consistent both with empirical observation and logical deduction from the following assumptions: each actor prefers outcomes in an order of degree of change which corresponds to his preferences on the alternatives presented in Table 1.1. In the same way, between outcomes with the same degree of change, he prefers coinciding with the other player to confrontation between incompatible alternatives. According to this, we obtain Table 4.3. The reader can compare the orderings presented in further games with those of Table 4.3. in order to check the theoretical consistency of specific empirical assumptions. For further details, see J. M. Colomer (1991), "Transitions by agreement", *American Political Science Review*, 85, (4), December, pp. 1287–9.

Table 4.3. Preference orders on alternatives and outcomes

	1 Revolutionaries		2 Rupturists		3 Reformists		4 Openists		5 Continuists		6 Involutionists	
	Alts	Outs	Alts	Outs	Alts	Outs	Alts	Outs	Alts	Outs	Alts	Outs
Most	R	RR	R	RR	r	rr	r	rr	C	CC	C	CC
preferred		Rr		Rr		RC		CR		Cr		Cr
	C	CC		RR		RC	C	rC	r	CR	R	RR
		Cr	r	rr	R	Rr		Cr		rr		Rr
Least	r	RC		RC		RR		CC		CR	r	CR
preferred		CR	C	rC	C	rC	R	rR	R	rR		RC

Note: Alts = alternatives; Outs = outcomes.
Each ordering of outcomes is consistent with the degree of change of its parallel ordering of alternatives. Outcomes in which the player would choose his last preference are not considered.

BIBLIOGRAPHY

The analysis of the equilibria in the game between Suárez and the continuists, as well as in other games of transition by agreement, involves a theoretical discussion of equilibrium concepts which has been sketched in the text. This game corresponds to game no. 27 of the complete taxonomy of non-equivalent 78 games of two players with two alternatives presented by Steven J. Brams (1994), *Theory of Moves*, Cambridge: Cambridge University Press, pp. 217–19. According to Brams, this is one of the two games with one "non-myopic", efficient equilibrium different to its Nash equilibrium, which can be reached by the moving-power of the two players and by the threat-power of the player whose preferences correspond to those of Suárez in my analysis. This formal finding coincides, clarifies and reinforces my previous analysis of the games in which the two players can improve the outcome in situations of transitions by agreement. In fact, the other game with one "non-myopic" equilibrium different to its Nash equilibrium in Brams' analysis (game no. 28 in Brams, *op. cit.*) corresponds to my alternative model of transition called "negotiation with the opposition" (presented in Colomer, *Transitions by Agreement..., op. cit,* and also developed for the analysis of the Polish transition in Colomer and Pascual, *The Polish Games of Transition, op. cit.*). It is also interesting to note that in a previous taxonomy of 2x2 games, the interaction between Suárez and the continuists would correspond to a "force-vulnerable equilibrium" game, which, although more vaguely, also indicated the vulnerability of the inefficient equilibrium to some initiative on the part of players, Anatol Rapoport and Melvin Guyer (1966), "A Taxonomy of 2x2 Games", *General Systems*, 11, (game no. 47).

A retrospective analysis of political reform in Spain by its main protagonist can be found in Adolfo Suárez (1983), "La Transición Política", in *Historia de la Transición*, Madrid: Diario 16, Chapters 29 and 30. This was also the source for Suárez' quotation on his two parallel interactions with the continuists and the opposition. An official version of the reform (presented when the bill was discussed in the Cortes) is Josep Melià (1976), *Qué Es la Reforma Política*, Barcelona: La Gaya Ciencia. Martín Sanz' words about the procurators who aspired to come back to the Parliament by the electoral route is found in the Report of Proceedings in Cortes, *Diario de sesiones de las Cortes españolas, X Legislatura, nº 29, Sesión celebrada los días 16, 17 y 18 de Noviembre de 1976*, p. 186.

5. Holy Saturday in Red

Through his "agreed reform" with the Francoists, Suárez had succeeded in making the opposition parties request their legalization and take part in the election, without any need for pacts. However, as a side-payment to the Francoists for their cooperation, he had excluded the Communists from the project. In this chapter we will analyse the interaction which modified this situation as a game with cooperation, in this case between the President of Government, Adolfo Suárez, and the Secretary-General of the Communist Party of Spain (PCE) at that time, Santiago Carrillo.

Carrillo had, in fact, shown the same adaptive preferences as the leaders of the other opposition parties. Since the beginning of 1976, he had used a combination of threats and promises with regard to the reformists, pushing on the one hand for mass mobilizations, and stressing, on the other, his unconditional ideological acceptance of the democratic rules by means of the "Eurocommunist" doctrine. Thus, he had orchestrated the "coming out of the closet" of the militants in his organization, so that they would act as if their situation were legal even when it was not. He himself secretly spent long periods in Spain, and on one such visit just before the referendum on the Law for Political Reform, in December 1976, and anticipating a new future following its approval, he gave a press conference in Madrid which had a great impact. There he no longer defended a constituent process in which the Communists would have opted for a republic, but expressed his wish to participate in the election about to be called by the Suárez government. Instead of describing Juan Carlos disparagingly, as he had in the past, as "a representative of Francoism", he said, among other things: "The King is a reality and I would be willing to meet with him".

Some weeks later, Carrillo was arrested by the police but released by court order after a few days. The Communists showed a relatively high degree of organization and capability for mobilization. One striking example of this was the massive funeral for a group of lawyers from the labour union, Workers' Commissions, who had been shot down by a group of ultras in their office in the Madrid neighbourhood of Atocha.

Because of all this, Adolfo Suárez probably wondered which would be

greater: the destabilizing damage to his reform project which the Communists could cause if their party remained illegal and openly boycotted him; or the advantages of greater credibility to be gained by their electoral participation. If he accepted the legalization of the Communists, the Francoists might react towards Suárez in an adverse manner. However, the President of Government possibly intended to placate them by means of the strings that he could pull from his position of power and, above all, with the hope of an electoral victory for the governmental list of candidates which would quash any whim the opposition (or, more specifically, the Communists) might have of settling accounts with the agents of the dictatorship. In fact, Suárez was not moved by any other motive than to extend to the Communists the same desire he had already projected to the other opposition parties: that it accept his conditions and join in the reform.

Santiago Carrillo's own wishes were also mixed with optimism and pessimism. On the one hand, he felt personal weariness and an increasingly pressing need to return from exile. On the other, there was the idealization of his electoral expectations, since, in projecting towards the future the decisive role that the Communists had played in the anti-Francoist resistance, he sometimes claimed to aspire to an electoral backing comparable to that of the Italian Communist Party (which at that time was around one-third of votes). The Secretary-General of the PCE might also have been fearing an adverse reaction by some highly ideologized militants in his party if he renounced those principles considered to be basic hallmarks of Communist identity. Yet he also hoped to impose his position through the value of party discipline, the support from Communist politicians and militants more electorally oriented, his centralized and authoritarian methods of organizing, and, more vaguely, by relying on the prestige of his enduring leadership in exile and his personal powers of persuasion.

Thus, we can define the strategies which faced the two players of this game in the following way:

Suárez could choose between abiding by the conditions of the pact with the Francoists and not legalizing the PCE (a position which I will call "no"), and legalizing the PCE in spite of the fact that this would mean failure to fulfil one point of those agreements (a position which I will call "yes").

Carrillo, for his part, could maintain the PCE in its rupturist and republican position (which I will call *R*), or else accept Suárez' reform with the limitations regarding the forms of state and government which the latter wanted to impose, and with the risk of having to force part of the

militant sector into accepting this position (which I will call *r*).

According to the behaviour and public statements of the leading actors, the only logical interpretation is to admit that in this specific interaction, where an isolated issue was to be decided within a broader process of political change, the two players showed slightly different preferences from those which had guided their conduct in the overall confrontation between government and opposition (presented in the preceding chapter).

Let us suppose the following orderings:

Suárez, above all, wanted the Communists to accept the reform, and preferably without his having to legalize the party. Accordingly, his first preference was an illegal PCE which would accept the monarchy and respect the unity of Spain. However, a PCE which could participate in elections with allegiance to the monarchy and the unity of Spain was preferable, trusting in its small electoral representation, to a rupturist and republican PCE, boycotting his reform from its illegal position with the destablizing effects which this would create. Obviously, what would have pleased him least was the legalization of the PCE while it maintained its rupturist and republican programme.

Carrillo's top priority was the legalization of the PCE, if possible without having to renounce its traditional political positions. Accordingly, his first preference was a PCE defending its rupturist and republican positions from a legal position (Suárez' last preference). However, he preferred a legalized PCE, formally renouncing those positions but hoping to increase its influence little by little by means of the electoral game, to remaining illegal with its traditional signs of identity (which would mean staying in exile or underground). His last preference was obviously renouncing those principles without obtaining legalization (Suárez' first preference).

Comparing this game to the one between reformists and rupturists presented in Chapter 4, we see a slight mutual adaptation of the players' preferences. This can only be explained by the fact that, at the time this interaction was taking place, the reform had already been approved as an overall alternative of change and, therefore, the evaluation of the rupturist strategies had diminished in terms of danger for some and increased in terms of cost for others. For the very reason that Suárez had succeeded in upholding the monarchy and was going to call an election under his own conditions, he could try to widen the spectrum of participation without so much risk. For the same reason, Carrillo could no longer wait for rupture to win out and was running the risk of being permanently shut out. In fact, Socialists, Nationalists, Christian-Democrats and Liberals stated with greater or lesser clarity, according to the case, that, if necessary, they would

not make the exclusion of the Communists a prerequisite for their taking part in the election, arguing at times that only good electoral results from the opposition groups would finally make the legalization of the Communists possible.

Thus, we obtain the orderings shown in Table 5.1.

Table 5.1. Preference orders between Suárez and Carrillo

Suárez' preferences			Carrillo's preferences		
Suárez	Carrillo	Ordinal Value	Suárez	Carrillo	Ordinal Value
No	r	4	Yes	R	4
Yes	r	3	Yes	r	3
No	R	2	No	R	2
Yes	R	1	No	r	1

Note: Suárez' alternatives: No = not to legalize the Communist Party;
Yes = to legalize the Communist Party.
Carrillo's alternatives: R = keeping Communist identity signs;
r = acceptance of reform.

The interaction between the two players can be seen Figure 5.1.

Figure 5.1. Game for legalizing the Communist Party

		Carrillo: R	Carrillo: r
Suárez	No	2, 2	4, 1
	Yes	1, 4	3, 3

This game is the very famous Prisoner's Dilemma. In the traditional interpretation of this game, each player has a dominant strategy, that is, a strategy which he will choose after short-term calculations because, whatever the strategy taken by the other player, it will bring him the best results. Suárez' dominant strategy is "no", not to legalize the Communists, and Carrillo's dominant strategy is *R*, to maintain the PCE's ideological principles and identity signs. The outcome is found in the upper left-hand cell of the matrix with values 2, 2. This is a Nash equilibrium because, once it is attained and the choice of the other player is discovered, neither of the two players is interested in unilaterally changing his choice.

This equilibrium, however, is inefficient, since both players would be better off in another outcome, the lower right-hand cell with values 3, 3. The emergence of cooperation between the players in order to reach the efficient outcome is usually associated with the repetition of the game and the players' learning by experience of failure. However, if the opportunity to repeat the interaction is uncertain and remote — as is usually the case in a process of regime change — players can advance the results of their decisions and promote conditional cooperation from the beginning. In the case we are examining, it seems reasonable to interpret the memory of past historical experiences of failure and civil confrontation as a learning factor which induced cooperation among actors ("the lessons of history", as is usually said, and as was effectively believed by most political actors in the Spain of the 1970s).

To reach the efficient outcome by cooperation in their mutual interest, the players need communication and the possibility of threatening the opponent in order to make him honour his cooperative commitment. In the example which gives the game its name, two prisoners may avoid long prison terms if they are able to avoid the dominant strategies which would lead them to a mutual betrayal, cooperating so as not to give any evidence to the accuser. In the present case, cooperation would lead to a new outcome in which Carrillo would formally respect the reform conditions, and Suárez would legalize the Communists. Observe in Figure 5.1 that Suárez can threaten to choose "no" unless Carrillo chooses *r*, so it is rational for Carrillo to accede to this threat — renouncing the temptation to choose *R* — in order to prevent the selection of 2, 2. Likewise, Carrillo can threaten to choose *R* inducing Suárez to accede to this threat and to choose "yes". In this interpretation it is the exercise of threat-power, rather than trust, that induces cooperation between the players (see in particular Brams, 1994: 139–40 and passim). This result echoes other resolutions of Prisoner's Dilemma that assume repeated, learning play, but substituting future-oriented calculations for the repetition of play — which

seems a reasonable assumption when the players have very low probabilities of enjoying new oportunities to play.

This scheme can enlighten what really happened. Even before the death of General Franco, Prince Juan Carlos had exchanged a series of messages with Santiago Carrillo through the mediation of a high-ranking Spanish military and the Rumanian dictator Nicolai Ceaucescu. However, it was Suárez and Carrillo who, beginning in September 1976, initiated a longer process of dialogue thanks to the journalist José-Mario Armero and Suárez' cabinet chief, Carmen Díaz de Rivera. Initially this was limited to unilateral messages and empty gestures in which neither of the two modified his position. Their first direct interview, secret and decisive, took place on 27 February 1977, more than two months after the reform referendum, at the home of José-Mario Armero in Madrid. There, Suárez clearly stated the conditions of the pact: express acceptance of the monarchy and acknowledgement of the corresponding two-coloured Spanish flag. Carrillo reiterated his sincere democratic sentiments and showed himself to be rather sceptical about his electoral forecast, threatening at the same time to present lists of candidates (even if just to produce spoiled votes), to place alternative ballot boxes in front of the electoral colleges and to organize a scandal of international dimensions if the Communists were not freely allowed to stand in the elections.

In point of fact, the Communists had already tried to register legally two weeks before at the so-called "small-window" (the Registry of Political Associations of the Ministry of the Interior). The documents offered consisted of statutes which had been improvised along the way, and which were never published or shown to the militants. Far from reproducing the traditional principles of Marxism-Leninism, proletarian internationalism, and the programme for "toppling the regime of capitalists and land-owners", they claimed that the "essential aim" of the PCE was "to contribute democratically to the determination of Spanish politics". Nevertheless, despite the fact that any possible legal imputation of foreign dependence or totalitarianism was thus avoided, the registration was delayed and the decision was sent to the Supreme Court. This, in turn, sent it back to the government after declaring its incompetence in the matter.

The legalization of the PCE was announced a month and a half after the meeting between Suárez and Carrillo, on 9 April 1977 (Easter Saturday). With the barracks almost deserted and the government dispersed because of the holiday, the news took both Francoist and anti-Francoist politicians by surprise. The majority of the ministers, including those of the military and Vice-president of Government, Alfonso Osorio, heard the news through the media.

Communist militants were euphoric. In many towns, they took to the streets to celebrate and immediately began to get ready for the electoral campaign.

The conservative leader of the AP, Manuel Fraga, on the other hand, declared that "the legalization of the Communist Party is a genuine *coup d'état*". The former Vice-president of Government, Lieutenant-general De Santiago commented: "With me as vice-president, this would not have happened. I'd have brought out the tanks". The General Secretary of the Royal Household, Alfonso Armada, held that "It's treason." The Minister of the Navy, Admiral Gabriel Pita de Veiga, under pressure from naval chiefs, resigned and could only be substituted by a reserve admiral. The High Council of the Army, in an emergency meeting with all the captain-generals, the army chiefs of staff, the head of the Civil Guard and the Chairman of the Military Supreme Court, publicly announced "general condemnation by all army units", although, under pressure from Vice-president of Government Lieutenant-general Gutiérrez-Mellado and other officers, they added: "In consideration of national interests of a higher degree, it admits the accomplished fact with discipline", not without recalling its loyalty to the monarchy, the flag and the unity of the Fatherland.

Five days after its legalization on 14 April (the anniversary of the proclamation of the Second Spanish Republic, under the "tricolour"), the Central Committee of the Communist Party met under the two-coloured flag, pledging public and formal allegiance to the monarchical system. On account of the urgent call to the polls, the electoral programme and the list of candidates had to be approved at that same meeting, forcing many militants to save their stupor for later.

Once he had obtained the legalization of his party, Santiago Carrillo could, of course, have opted not to honour his part of the pact with Suárez, and the Communists could have reaffirmed their political positions and identity signs. As can be seen in Figure 5.1, this would have moved the outcome of the game to the lower left-hand cell of the matrix with values 1, 4, obtaining the worst result for Suárez and the best for Carrillo.

To avoid this, Suárez had reserved certain weapons as deterrents against Carrillo and the Communist Central Committee. Thus, he did not legalize the labour union Workers' Commissions, led by Communist militants, until ten days after the aforementioned summit meeting of the Communists. Nor did he legalize the Catalan Communist Party (PSUC), which had asked for separate registration and from which an important part of the Communist electoral support in Spain was expected to come (in fact it was one-third), until 3 May.

It is easy to see from Figure 5.1 that the outcome of the game between Adolfo Suárez and Santiago Carrillo would have been completely different if one of these three things had occurred.

First, if Suárez had had a different order of preference from that which we have supposed, with an inversion of the second and third preferences, this would have meant a preference for a rupturist and republican Communist Party outside the law to a legal Communist Party loyal to the monarchy and the two-coloured flag. Such an order of preference would have been inconsistent with a more general attitude on Suárez' part, since he needed the participation of the anti-Francoist parties in the election to ensure the success of the political reform, and therefore initially preferred the opposition groups to be in favour of the reform rather than against it. However, he might have adopted it if the Communist Party had been weaker and Suárez had not considered its threats of a boycott to be dangerous (this was indeed his attitude to other revolutionary and extreme left groups which were not legalized until after the first general election); or if Suárez had been more sensitive to the threats of the authoritarian involutionists and the *coup d'état*; or both at once.

Second, if Carrillo had also had a different order of preference from that which we have assumed, with an inversion of his second and third preferences, this would have signified a preference for the Communist Party to continue its underground struggle with its rupturist and republican focus to a legal Communist Party making ideological concessions to reform. This could have happened had Carrillo been able to trust more in the Communist and other opposition's capability of boycotting the reform successfully, and in the likelihood of the latter's being able to impose rupture unaided in a relatively short period of time; or if the Communist Party's line of action had been decided under greater influence by strongly ideologized militants ready to bear the costs of illegality in return for continuing to enjoy the intellectual loyalty and heroic pleasures of the clandestine struggle; or both things at once. The fact was that the Communists, together with the other opposition forces, were not strong enough to impose rupture, as the reform referendum clearly showed. However, they were strong enough to intimidate Suárez and overcome some of the limitations of the democratic model which he had initially wanted to impose with the reform. This same intermediate degree of influence, which enabled the Communists to appear at the end of the dictatorship as the anti-Francoist party with most militants, would later allow for the serious inner tensions which divided the Party: on the one hand, there were not enough militants to represent wide public opinion sectors and to produce a great electoral success but, on the other hand,

there were enough highly ideologized militants to efficaciously put pressures on the party leadership.

Third, if, even with the same orders of preference which I have presented in Figure 5.1, cooperation had not played an active part, this would have meant each player retaining his dominant strategy and maintaining the equilibrium represented by the upper left-hand cell, with values 2, 2. Such an outcome would have taken place had there been no intermediaries, no hopeful tokens of more or less insubstantial dialogue and no secret meetings or communication of any type or if these mechanisms, for accidental reasons, mistrust or the personal temperament of the interlocutors, had failed to bring about a coordinated decision.

In other contexts, the existence of some of these variants can produce different results from those presented here. In these cases, the outcome reached in a game without cooperation may be less surprising than it was for the great majority of those who witnessed Suárez' legalization of the Spanish Communists.

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6. Late-Night Consensus

Negotiations and pacts between the reformist government led by Adolfo Suárez and most parties of the rupturist opposition did not start until after the election of June 1977, when the governmental candidacies of the Union of Democratic Centre (UCD) obtained a plurality of votes and seats but failed to obtain a majority. Then, the government and a majority of parties signed the "Moncloa agreements" on economic policy and agreed on elaborating a new Constitution.

The new constitutional text was negotiated through the second half of 1977 and all 1978 by way of parliamentary vote-trading among parties. These parliamentary exchanges between the reformists and the rupturists came to replace the interaction between these two players which did not lead to an agreement before the 1977 election, when the Suárez government gave priority to agreeing on a moderate reform with the continuists, as we have seen in Chapter 4. In the following, we will focus on trading and compromising on some monarchical, military, religious, socio-economic and decentralization issues, that is, a sample of those which had shaped dramatic battlegrounds in previous, failed attempts to build a democratic regime in Spain.

Vote-trading means that several voters cease to vote according to their true preferences and do so in a strategic and coordinated manner, in such a way that, although they forego satisfaction on one issue, they are compensated on another.

In real voting, not only do all voters obviously not have the same preferences regarding a given question — in the case of the form of government, for example, one will prefer a monarchy while another, a republic — but each voter may also have a different intensity of preference on different issues. Thus, one voter may be more reluctant to vote insincerely on those issues which he feels to be of paramount importance in defining his identity, while he will more readily give a strategic vote on other issues which are less relevant to him.

Vote-trading is thus more feasible when voters have intense preferences

concerning different questions; or, in other words, when they define their identity signs through different political issues. If, for example, all parties in a given parliament are defined mainly according to their positions concerning religious or monarchical issues, and are less belligerent concerning socio-economic issues, it will be difficult to carry out such a trade. If, on the contrary, one party defines its identity in terms of the religious issue, another with regard to socio-economic policy, and yet another around the cultural–linguistic issue or the territorial distribution of power, then it is more probable that each will adopt sophisticated or insincere positions regarding those issues which do not have high priority for it, in return for a corresponding attitude among the other parties regarding issues which it considers to be of great importance. This, in brief, was one of the basic differences between the constituent processes which took place in the Spain of the 19th and early 20th centuries, and that which took place during 1977–78.

This does not necessarily mean that parties have to adopt more moderate positions in the second situation than in the first. In a situation with several priority issues, in which one party places greater value, say, on the religious question, another on the socio-economic question and another on the linguistic–territorial question, the position of one party with regard to the socio-economic question may be as extreme as in a situation where all parties show strong feelings towards that question. What occurs is that, if all parties define their main positions on a market-planning dimension, then vote-trading is more difficult than if one party defines its main positions on this same dimension, even if it adopts, for example, an extreme planning position, while the other parties are less concerned by this question, preferring to fix intense, perhaps extreme positions on a lay-confessional dimension or on one of centralization–decentralization. Thus, a trading of votes is possible among one party which is extremely confessional, another which is extremely pro-planning and another which is extremely anti-centralist if, for each of them, the issues which mainly define the others matter relatively little.

In certain cases the total utility of a trading of strategic votes is greater than that obtained by all voters casting sincere votes. But in other cases the total utility obtained through a trade is less — as probably occurred in the drawing up of the present Spanish Constitution, as we will see.

The constitutional consensus of 1978 — the culmination of the process of transition from authoritarian rule started three years before — was, then, an exchange of strategic votes among parties, by which the degree of satisfaction attained was probably less than was possible but the distribution was better. This was the main idea expressed by the leaders of

all those parties which accepted the Constitution and the basic argument behind its acceptance: no one was totally satisfied or totally dissatisfied by it. Everyone had resisted from making the others "swallow it". No one felt identified with the entire constitutional text but no one felt it to be absolutely unacceptable either. No one had succeeded in adapting it to his own taste but everyone could govern with it.

POKER GAMES

The Law for Political Reform approved in 1976 did not clearly foresee the opening of a constituent process following the first general election. For example, a partial reform of the Francoist fundamental laws would also have been possible. However, the results of the election of 15 June 1977 were not as promising as Suárez had hoped. Thanks to the electoral law imposed by the government, the opposition had to resign themselves to a parliamentaary minority, in spite of having attracted more than 50% of the popular vote. Yet the UCD did not win an absolute parliamentary majority either and so had difficulty putting a project into effect on its own.

Thus, we see that, in the elected Cortes of June 1977, different minority positions were to be found regarding the constitutional question.

The Conservative Popular Alliance (AP), led by Manuel Fraga, would have preferred the drawing up of several basic laws concerning the organization of institutions, so as to prolong the survival of certain fundamental laws left over from the Franco era. However, upon realizing the unfeasibility of this wish owing to the party's very small representation in the Cortes, the AP backed an agreement with the UCD for the drafting of a brief constitutional text, limiting it to institutional organization and with no specific mention of civil rights and liberties. Fraga called this a "flexible, Anglo-Saxon-styled constitution".

The Centrist UCD had also thought of a brief constitution, limited to the organization of institutions and without reference to civil rights and liberties. It wanted, in particular, to propose a preliminary draft by the government which had in fact been prepared by a commission headed by the Minister of Justice, Landelino Lavilla.

Finally, all those groups proceeding from the democratic opposition —Socialists from the PSOE (Spanish Workers' Socialist Party) and the PSP (Popular Socialist Party); Communists from the PCE (Communist Party of Spain); Catalan Nationalists from the CDC (Democratic Convergence of Catalonia); Republicans from the ERC (Republican Left of Catalonia); Basque Nationalists from the PNV (Basque Nationalist Party) and radicals from the EE (Basque Left)— wanted to carry out the old anti-Francoist programme of opening up a constituent process. For this reason, they wanted the drafting of a new and relatively extensive constitutional text which would include the establishment of a list of civil rights and liberties, originating from the proposals of the different groups.

The first and foremost question raised by the Suárez government was the acceptance of the monarchy by the opposition. The UCD had very strong views regarding this matter and was unwilling to vote strategically against this top priority in any way.

The Catalan and Basque Nationalists, on the other hand, maintained a traditional "accidentalist" position regarding the form of government, subordinating the acceptance of a monarchy or a republic to the matter of the territorial distribution of power. This is to say that they had very intense preferences on the decentralization issue and could vote strategically in all other questions, including the form of government.

The Communists were traditionally republican, but had already publicly accepted the monarchy as the price of having their party legalized, as has been explained in Chapter 5. They were therefore obliged to go against their first preference when voting, provided that Juan Carlos continued to declare, as he had done, his intention to be a constitutional monarch.

The Republicans of the ERC, understandably, could not renounce their principal ideological *"raison d'etre"* and were unwilling to do other than vote sincerely against the monarchy.

The only group, then, which could turn the strategic vote for the monarchy into a vote-trading factor in the main questions of the drafting of the Constitution were the Socialists.

The first and most important trading of votes in the Cortes in 1977 took place as follows:

On 1 August, the Congressional Constitutional Commission was set up. It consisted of 17 members from the Centrist UCD, 17 from the opposition (Socialists, Communists, and Catalan and Basque Nationalists) and two from the Conservative AP. In parallel with the relation of forces in the Congressional plenum, there were thus two possible majorities: one formed by the UCD and the AP, and another formed by the UCD and all or some of the opposition groups (given that, understandably, an agreement without the UCD between the AP and all of the opposition was virtually unthinkable).

The two alternative coalitions, UCD–AP and UCD–opposition, offered a choice between, respectively, what I have defined as continuity and rupture (*C* and *R*). This choice defined the "third phase" of the transition as presented in Chapter 1. If continuity had then been the winner, a cycle

among the alternatives of rupture, reform and continuity would have been produced. On the contrary, once reform had led to competitive election, the victory of rupture brought about the consolidation of a winning alternative and the reaching of a transitive collective choice.

Table 6.1. Voters in the constituent process of the Cortes

	Congress			Senate		Mixed Commission
	Committee	Commission	Plenum	Commission	Plenum	Congress–Senate
Centrists (UCD)	3	17	165	12	106	5
Socialists (PSOE)	1	13	118	5	47	3
Communists (PCE)	1	2	20			1
Conservatives (AP)	1	2	16		2	
Catalan Nat. (CDC)	1	1	11		2	1
Basque Nat. (PNV)		1	8	1	7	
Other Socialists (PSP)			6		2	
Republicans (ERC)			1		1	
Radical Basques (EE)			1		1	
Other Centrists			4			
Catalans' Agreement				2	15	
Progressives				2	11	
Others				3	13	1
Royalists					41	
TOTALS	7	36	350	25	248	11

The possibility of two majorities was replicated as a result of power distributions of similar proportions between the party blocs, in the small Drafting Committee of the Congressional Constitutional Commission, the Senate Constitutional Commission, and the Mixed Congress–Senate Commission (for their composition, see Table 6.1).

Specifically, the Drafting Committee was formed by three members from UCD (José-Pedro Pérez-Llorca, Miguel Herrero and Gabriel Cisneros), one from AP (Manuel Fraga), and three from the opposition (Gregorio Peces-Barba for the PSOE, Jordi Solé-Tura for the PCE and Miquel Roca for the CDC). As may be seen, several parties with parliamentary representation were excluded: the Socialist PSP, which the PSOE had already intended to absorb, although its leader Enrique Tierno-Galván was entrusted with drafting the introduction to the Constitution, which was approved with no debate; the Basque Nationalist PNV, initially represented by the Catalan Nationalist Miquel Roca who was soon declared unauthorized; the radical parties ERC and EE; in addition to certain Centrists who in fact were close to the UCD.

With the aim of maintaining most clearly the possibility of voting with the two alternative majorities, the opposition insisted that the Chairman of the Commission, Emilio Attard from the UCD, refrain from attending the committee meetings after the first gathering.

It was thus possible for the aforementioned trading of votes to take place during the first meeting of the Drafting Committee of the Congressional Constitutional Commission, held on 22 August 1977.

As I stated earlier, two issues of top priority for the different members were raised at this meeting.

On the one hand were the overall conceptions regarding what type of Constitution to draft: brief, with an accent on organization for the UCD and the AP; or extensive, including civil rights and liberties, for the opposition.

Attard, on the other hand, had required each party to advance a preliminary position on the monarchy, at the suggestion — as he himself confessed — "of he who could do and did have sufficient authority for me" (referring euphemistically but undoubtedly to the King himself). According to the orders of preference which I have just offered, the UCD declared the strongest support for the monarchy, followed closely by the AP (which possibly had just as firm or firmer convictions regarding the matter, but which simulated a certain indolence, playing hard in order to obtain concessions on other issues) and, bound by the compensations already mentioned, the CDC and the PCE. The Socialist Peces-Barba, however, stated: "PSOE is republican and the emphatic mention of the

King is neither fitting nor should it figure at the beginning of the Constitution", although he did accept the possibility that, should the monarchy prevail, the Socialists would be able to govern with it.

In Table 6.2, I have formalized the preferences of the members of the constitutional Drafting Committee regarding these two issues, aiming to compare the results of sincere voting to those of sophisticated voting with a trading of strategic votes.

We may presume, then, that a sincere vote on the constitutional committee would have meant the drafting of a brief Constitution, restricted to the organization of institutions with the inclusion of the monarchy and with no reference to civil rights and liberties (thanks to the majority votes of the AP and the UCD). These two parties would have obtained the satisfaction of their first preferences on both issues and the others would have obtained no satisfaction on either. If we give the value 1 to a voter's satisfaction concerning an issue and the value 0 to the lack thereof, the total utility obtained would have been 8.

Table 6.2. Sincere preferences on Constitution and monarchy

Type of Constitution	Form of government	No. of votes (v)	No. of satisfactions (s)	Utility (v x s)
AP Brief, organizing	Monarchy	1	2	2
UCD Brief, organizing	Monarchy	3	2	6
CDC Extensive, with rights	Accidental	1	0	0
PSOE Extensive, with rights	Republic	1	0	0
PCE Extensive, with rights	Republic	1	0	0
Result: Brief, organizing	Monarchy			8

Observe, however, in Table 6.3, what did in fact occur through strategic vote-trading.

In this sophisticated voting, each and every one of the voters maintains his first preference regarding one issue which he considers to be top priority, but relinquishes his first preference concerning another question considered to be less important. In real terms the UCD and the AP consider the monarchy to be of utmost importance, for which reason they decide to forego their preference for a short Constitution without civil rights. The opposition considers the inclusion of civil rights and liberties in the Constitution to be essential, but is willing to adapt to the others' first preference on the monarchy in the question of the form of government.

The result is the drafting of an extensive Constitution with the inclusion of civil rights and liberties, with a monarchy, and approved by unanimous vote. In this result, each of the seven voters obtains the satisfaction of one of his first preferences, so that the total utility value reached is 7.

Table 6.3. Sophisticated voting on Constitution and monarchy

Type of Constitution	Form of government	No. of votes (v)	No. of satisfactions (s)	Utility (v x s)
AP * *Extensive, with rights*	Monarchy	1	1	1
UCD **Extensive, with rights*	Monarchy	3	1	3
CDC Extensive, with rights	**Monarchy*	1	1	1
PSOE Extensive, with rights	**Monarchy*	1	1	1
PCE Extensive, with rights	**Monarchy*	1	1	1
Result: Extensive, with rights	Monarchy			7

Note: * means strategic vote, contrary to sincere voter's preference.

We can see that the total utility of the sophisticated voting, the value of which is 7, is lower than the total utility obtained by sincere voting, the value of which is 8. Nevertheless, the latter produces four absolutely satisfied voters and three totally dissatisfied voters, while the trading of strategic votes produces seven half-satisfied voters. In this sophisticated voting, then, the loss of total utility is accompanied by greater equality in the distribution of utility.

THE YALTA OF THE FRANCOISTS

This type of vote-trading occurred time and time again throughout the lengthy process of debate and approval of the constitutional text, a process protracted over 16 months, with hundreds of meetings and parliamentary sessions and a minimum of six votings on each question.

Following the publication in the media of the first draft of the Constitution (drawn up secretly by the Drafting Committee), and particularly following the publication of the first preliminary project in the Official State Bulletin on 5 January 1978, more than 3,000 motions and amendments were presented by political groups and individual parliamentarians. At the same time, pressure grew from different extra-parliamentary groups or *de facto* powers, especially the Army and the Catholic Church, with proposals defending their interests which, in general, were also defended on the parliamentary scene by the AP.

While the UCD had centrist preferences in many questions, after the success of the first stages of reform it began to suffer a certain crisis of focus. Because of this, and given that its position in the centre allowed it to make transactions with parties to the left and to the right, the party tended towards vote-trading with both sides, according to the latter's intensity of preference regarding each issue. These shifting agreements increased the differences of opinion among some relevant UCD members regarding their preferred political partners, mainly between its rightist wing and its purely centrist or even centre-left wing. As a consequence, it is possible to say that the bargains of the constituent process, even to giving the reformist government a prominent role, strongly contributed to its lack of consolidation and, in the end, to the split of the centrist party.

In general terms, we can say that constitutional vote-trading took place between the UCD and the AP over various matters related to military and religious issues, under presssure from the *de facto* powers; between the UCD and the PSOE and PCE on economic and social issues; and between the UCD and the CDC on the cultural-linguistic and decentralization issue.

The greater part of the Constitution was drawn up as a result of these trade-offs, although there was also a certain amount of vote-trading among all parties mentioned, some among all except the AP, and some between the UCD and the PSOE without the intervention of the PCE.

On many occasions, the presentation of new amendments by one or other of the remaining groups compelled the centrist members of the committee to carry out extra-parliamentary consultations before taking positions. During certain periods it was therefore not unusual for UCD representatives to abandon parliamentary meetings to make telephone calls to different ministers or to the President of Government himself, or to postpone their voting decision until the next day.

The choices of the UCD between one party and another were accompanied by threats by the latter not to relinquish their first preference on issues which were really not considered to be of utmost importance. Thus, in spite of the agreement reached by the committee concerning the monarchy, the Socialists symbolically maintained their particular vote in favour of the republic until it was voted and publicly defeated in the Constitutional Commission. As the Socialist Gregorio Peces-Barba himself has commented, it was "a dribbling or a poker bluff to improve his position in the debate", to which the UCD responded with another pressure tactic, a motion to increase the powers of the King, which was also defeated. Peces-Barba himself temporarily withdrew from the committee, "slamming the door good and hard" — according to the press — owing to the UCD's tendency to make pacts with the AP over so many issues. As it turned out, however, the Socialist was only absent from four meetings, held over a period of ten days, and returned to sign the definitive preliminary draft (even those sections in which he had not taken part). In the absence of the PSOE representative, each of the other four parties also formally threatened to withdraw from the committee because of what they saw as unfavourable positions regarding decentralization, although only the AP and the CDC carried out these threats in the latter phases of the debate.

Once in the Congressional Constitutional Commission, the PSOE threatened to withdraw yet again following the presentation by the UCD deputy Jesús Sancho-Rof, Undersecretary of the Ministry of the Interior, of an amendment to restrict the guarantees of those under arrest. This was the expression of a demand from the police, which the opposition considered to be intolerably Francoist in tone.

As a result of this incident, on that same night of 22 May 1978, a dinner was held at the restaurant "José Luis", situated opposite the Santiago Bernabeu Stadium, home of the Real Madrid football team. During this

dinner a UCD delegation headed by the Vice-president of Government, Fernando Abril, and a PSOE delegation headed by the general Vice-secretary of the party, Alfonso Guerra, accorded a series of vote-trades which marked the subsequent development of the process of drafting and approving the Constitution.

Examined from a wider perspective of the political transition, this episode may be taken as the decisive moment in which the victory of continuity and the corresponding production of a cycle in the process of successive choices among rupture, reform and continuity, to which I referred in Chapter 1, was avoided. According to what can be gathered from the especially irritated tone of the statements of certain spokesmen for the opposition on the previous afternoon, the continuation of the agreements between the UCD and the AP could have provoked a genuine withdrawal on the part of certain parties from parliamentary duties, which, in turn, would have produced a return to continuity. Instead, the choice of the UCD in favour of accords with the PSOE led to an overall result which was closer to the opposition objectives of rupture.

A series of late-night negotiations between the UCD and the PSOE began at the end of May. These involved dinners in restaurants and meetings in private offices which lasted way into the small hours, in order to make pacts regarding vote-trading and key texts in a large number of constitutional articles. Following protests from the other groups, certain of these were also admitted into the negotiations. Often, parliamentary sessions had to be interrupted or recessed in order to wait for extra-parliamentary deals to be closed in such a way as to produce sufficient majorities when it came to voting time.

When the AP found itself excluded from the so-called late-night consensus, this group, led for a time by the Francoists Federico Silva and Gonzalo Fernández de la Mora, formally withdrew from the Constitutional Commission. Silva protested at what he called, with surprising self-identification, "Yalta or Potsdam accords, in which the [electoral] winners on June 15 will be those who impose their will on the minorities". Six days later, Manuel Fraga, who had been away on a trip, returned once again to his Congressional Commission duties after King Juan Carlos personally asked him to do so. The fact is, however, that, after "slamming the door", the AP no longer formed part of either the Senate Constitutional Commission or the Mixed Congress–Senate Commission. The members and senators of this group were divided in the final voting among votes in favour, votes against and abstentions. The right-wing groups of Silva and Fernández de la Mora, who I presented as continuists in Chapter 3, campaigned against the Constitution in the referendum

which followed its parliamentary approval, and finally left the party. The rest of the AP, headed by Manuel Fraga, included the constitutional reform in its programme over a period of several years.

This, however, was not the only exclusion. The Basque Nationalists of the PNV who, as I have mentioned earlier in this chapter, soon ceased to feel properly represented by the spokesman for the Catalan Nationalists, Miquel Roca, and who intervened directly in the commissions and plenary meetings of the Congress and the Senate, also found themselves excluded from the trade-offs with the UCD on the question which most interested them: the restoration of the "old laws" of the Basque people. For this reason, they withdrew from the Congressional plenum and also withheld their vote in favour of the Constitution.

It is worthwhile observing that all these gestures and decisions are strategic or insincere in the sense that the player carrying them out subordinates his acceptance of certain positions on certain issues (with which he is often in agreement or in slight disagreement) to the acceptance by others of positions more intensely preferred by him on other issues. Alternatively, he may reject the whole Constitution because it does not satisfy him on one certain point which he considers very important, although he is largely in agreement with the rest. As the Socialist Gregorio Peces-Barba has written, it is necessary "to leave some triumphs to the interlocutor, ensuring that they be the least important as far as we are concerned", since, "how would it be possible to accept the undoubtable sacrifices and renunciations of aspects of one's own ideology for the sake of consensus if satisfactory compensations were not produced on other issues?". Similarly, in the words of the Communist Jordi Solé-Tura: "Each of the leading forces behind the constitutional consensus had to make an extraordinary effort to be able to distinguish clearly between the most important and the secondary issues, to know where one had to hold one's ground and where one had to cede in order to achieve the desired result". The peculiarity that I pointed out in the Introduction and would like to stress is that, then, as distinct from other historical periods, what was most important to some was secondary to others, and vice versa.

The committee's deliberations were secret and thus allowed a clear exposition of priorities and interests by its members. However, the other sessions, which were held in the presence of the media, did not allow such plain speaking and for this reason the negotiations were moved to extra-parliamentary meeting places. The agreements were introduced into the sessions by means of new amendments "*in voce*", made by the party most benefited by the agreement. It was, however, usual for all the parties to reserve their particular votes as a form of latent and dissuasive threat in

the event that the other side failed to deliver its strategic votes and reprisals had to be taken.

In the public eye, the agreements did not always require that all those taking part in a pact vote in exactly the same way. If, for example, the UCD won the PSOE over to its viewpoint concerning a question which divided the whole opposition, the PSOE might abstain during the voting on the UCD amendment, since that would probably be enough to facilitate the UCD victory while still saving face with the Socialist electorate. If the UCD coincided in its position with the AP on that question, the Socialists could even vote against it, knowing that the UCD–AP majority was not in danger, in order to pretend not to be distancing itself from the rest of the opposition. If, for example, the PCE presented an amendment "*in voce*" contrary to what had been agreed between the UCD and the PSOE, the latter could also abstain so as not to annoy its leftist allies in other votings, yet in so doing indirectly guarantee that the amendment would not be passed. Similarly, after the UCD's acceptance of the Socialist position on a particular question, it could then abstain so as not to make it seem as if it was distancing itself excessively from the conservative positions of the AP, and so on.

There are, then, at least three different positions that a party or a parliamentary individual can take regarding a question to be put to the vote. First, that which would correspond to his sincere preference. Second, a position adopted strategically following an agreement on vote-trading, which would benefit all those taking part in such a pact and yet be different from the first position. Third, that of a vote effectively cast, which may be doubly strategic (to achieve a specific result in the voting and to create a certain image in the eyes of the other parties and the electorate) and be different from the other two.

In many cases, exchanges arose not between party positions on a whole complex issue, but on small parts of it. The result, while a balanced text, was at the same time an ambiguous formula or one that was internally contradictory, destined in the future to be the object of great interpretive activity on the part of lawyers and the Constitutional Court. In other cases, the agreement led to a neutralization of the different positions and a postponement of the regulation of the issue, remitting it to an ordinary future law, the elaboration and approval of which neither group would intervene in, nor would the same trading of votes involved in the constitutional consensus be reproduced.

Some of the results obtained from such exchanges on military, religious, socio-economic and decentralization isssues, at different moments in the process of the drafting of the Constitution, follow as significant examples.

Issues Involving Pressure by the De Facto Powers

Many issues were the object of intervention by the Army and the Catholic Church. As examples, we have chosen the death penalty (Article 15 of the Constitution) and the government's financial aid to the Catholic Church (Article 16).

In the course of some of the first votes taken on these issues in the Congressional Constitutional Commission during the phase of trading between the AP and the UCD, the majority of the members voted according to their sincere preferences.

Thus, the conservatives of the AP and the centrists of the UCD obtained the provisional maintenance of the death penalty against the sincerely abolitionist stance of the opposition. This issue was sensitive for the opposition because the abolition of the death penalty had been a vindication in anti-Francoist campaigns in favour of some political prisoners. (In fact, the last executions for political reasons took place at the end of September 1975, that is, less than two months before the dictator's death.) It is possible that on this issue some members of the UCD voted against their own convictions in a strategic vote-trade with the Army through their AP deputies, although there is no doubt that other UCD deputies voted sincerely in favour of maintaining the death penalty.

Likewise, the AP, the UCD, and the Catalan and the Basque Nationalists, CDC and PNV, obtained the provisional satisfaction of a sincere preference through the express mention of the Catholic Church as the beneficiary of government aid in an article which regulated religious freedom, as opposed to the sincere rejection of this mention by the Socialists of the PSOE. In this vote, the Communists of the PCE voted with the first group, exercising what could be seen as a strategic vote in favour of the Catholic Church.

Thus, with regard to these two issues, in this first phase of largely sincere voting, Conservatives and Centrists (or at least part of the latter) obtained the provisional satisfaction of their preferences on both issues, Catalan and Basque Nationalists on one, and Socialists and Communists on neither.

However, in other subsequent votings regarding the same issues, carried out during the phase of trading between the UCD and the PSOE, the UCD voted strategically regarding the death penalty and the PSOE joined the PCE in the strategic vote on the Catholic Church.

Thus, on the one hand, the PSOE, PCE, CDC and PNV, in addition to the sincere abolitionist members of the UCD, obtained the abolition of the death penalty except in the military code, with the strategic favourable

vote of the UCD members who were sincere advocates of the same and the sincere opposition of the AP.

On the other hand, the AP, UCD, CDC and PNV consolidated their gain in naming the Catholic Church as beneficiary of government assistance with the strategic vote in favour of the PSOE and PCE.

Thus, in the second phase of sophisticated voting, the AP, UCD, CDC and PNV obtained total satisfaction of their preferences on one issue (the Church) and partial satisfaction on another (the death penalty, although this partial satisfaction was less for the AP and the partisan sector of the UCD than for the abolitionists), while the PSOE and PCE obtained partial satisfaction on one issue (the death penalty).

With respect to the first phase, we may consider in the voting of this second phase that each member of the AP and the UCD lost just under one point of utility (achieving partial dissatisfaction on one issue), and each member of the CDC, PNV, PSOE and PCE achieved just under one point (gaining partial satisfaction on one issue). If we weigh the gains with the number of deputies from each party, the utility seems to be less in the second, more sophisticated, phase, but there is a greater number of parties which increase their satisfaction and the inequalities among them are reduced (see Table 6.4).

Table 6.4. Vote-trading with pressure from the "de facto powers"

	First voting (largely sincere)		Second voting (sophisticated)	
	Abolition death penalty	Mention of Church	Abolition with exceptions	Mention of Church
AP -1	No	Yes	No	Yes
UCD-3	No	Yes	* *Yes*	Yes
CDC-1	Yes	Yes	Yes	Yes
PSOE-1	Yes	No	Yes	* *Yes*
PCE-1	Yes	* *Yes*	Yes	* *Yes*
Result:	No	Yes	Yes	Yes

Note: * means strategic vote.

These two cases have been chosen as examples, since in reality the vote-trading was broader and the pressure of the de facto powers influenced the final result of other issues. Among these and with regard to the Army, it is perhaps worth mentioning the maintenance of the military courts of honour which were not subject to unity of jurisdiction (Article 17), and the lack of express recognition of the rights of the conscientious objector (Article 30). Turning to the Catholic Church, we find the statement that "all" instead of "the persons" have a right to live as an attempt to prevent the regulation of abortion (Article 15).

Issues with Intense Preferences in the Socio-economic Dimension

Another group of issues, the final formula of which had virtually already been set down by the constitutional Drafting Committee, referred to socio-economic issues. Here, and regarding the possibility of exclusive pacts between the AP and UCD, the Socialists and Communists applied strong pressure because they considered them to be priority issues for their leftist identification. In certain cases they therefore brought about vote-trading with the UCD and the resulting partial satisfactions.

Thus, with respect to the general economic model, on the one hand "free enterprise" and a "market economy" (Article 38) were approved with sincere votes in favour from the AP, UCD and CDC, the possibly strategic abstention of the PCE and the sincere vote against cast by the PSOE. On the other hand, in Title VII on Economy and Finance, public initiative in economic activity, and the participation of the citizen in public agencies of social welfare and governmental economic planning were accepted (Articles 128, 129 and 131), with sincere votes in favour from the PSOE and PCE and the favourable strategic votes of the AP, UCD and CDC. The Socialists and Communists affirmed that these final texts had been very influential in their decision to accept the overall Constitution, and the PSOE even took advantage of these to withdraw its own republican vote.

Two parallel debates of similar significance were held, one regarding the constitutionalization of the owner's right to close his own company (Article 37), and the other regarding the restrictions placed on the freedom of the labour unions and the right to strike, in which certain professional categories such as judges and magistrates were omitted (Articles 28 and 127). The UCD traded votes with the PSOE and PCE in the first matter, and with the AP in the second. In this way, the lockout, introduced in the preliminary draft with the backing of the AP and UCD, disappeared in the second as a result of strategic votes against it by the UCD. The AP did not

succeed in reintroducing it, in spite of holding a special vote on the matter, while the PSOE, PCE and CDC did not succeed in eliminating the aforementioned restrictions on syndical liberty (see Table 6.5).

Table 6.5. Vote-trading on social issues

	Sincere preferences		Sophisticated voting	
	Lockout	Sindical liberty	Lockout	Sindical liberty
AP-1	Yes	No	Yes	No
UCD-3	Yes	No	* *No*	No
CDC-1	No	Yes	No	Yes
PSOE-1	No	Yes	No	Yes
PCE-1	No	Yes	No	Yes
Result:	Yes	No	No	No

Note: * means strategic vote.

One of the most prolonged topics debated in the whole process, the final formula of which was only reached in the last stretch, was the education issue (Article 27). On the one hand, the AP, UCD, CDC and PNV defended privately owned schools, their possible confessional quality and the management of their activities by their owners, with the slogan "freedom of teaching", in agreement with the boards of trustees of the religious schools who applied active pressure. The PSOE and PCE, on the other hand, had traditionally maintained a programme which included only public and lay schools. The formula finally approved required strategic votes from both sides: the PSOE and PCE accepted the constitutionalization of public subsidies to private schools on the condition that the other parties agreed to forego the inclusion of school management among the prerogatives of the owners and to accept the participation of parents, teachers and, in some cases, students (Table 6.6). This trade gave rise to the so-called "school pact".

Table 6.6. Vote-trading on the school question

	Sincere preferences		Sophisticated voting	
	Grants to private schools	Parent and teacher participation	Grants to private schools	Parent and teacher participation
AP-1	Yes	No	Yes	No
UCD-3	Yes	No	Yes	* *Yes*
CDC-1	Yes	No	Yes	* *Yes*
PSOE-1	No	Yes	* *Yes*	Yes
PCE-1	No	Yes	* *Yes*	Yes
Result:	Yes	No	Yes	Yes

Note: * means strategic vote.

Issues with Intense Preferences in Decentralization

Another group of issues referred to the territorial distribution of power. Here, the most intense preferences were, on the one hand, those of the AP, the tenacious defender of a unitary State, and, on the other, the CDC and PNV, which were very interested in particular formulae for the institutional organization of Catalonia and the Basque Country.

The debate was already very heated on account of Article 2, which referred not only to "the unity of Spain" but also to "the right of the nationalities and regions to autonomy". The term "nationalities", used in reference to Catalonia and the Basque Country, sounded particularly unpleasant to both the AP and the Army. In fact, the final draft was not the work of the constitutional Drafting Committee, but rather found its way in in the form of a hand-written sheet delivered from the Moncloa palace, the President of Government's residence, in which the terms "common and indivisible Fatherland" and "indissoluble unity of the Spanish nation" were added to the previously cited terms. The UCD messenger bearing it made the other committee members see that the text contained the "necessary licences", and that not a comma could be altered because it

responded to a literal commitment between the President of Government and the *de facto* interlocutors, who were intensely interested in the question. This prompted the centrist Pérez-Llorca to stand at attention, raising his open hand to his temple in a military salute.

The most substantive debate, however, was on Title VIII, dealing with the territorial organization of the State. The following preferences were initially given:

The AP put the emphasis on maintaining the provinces as administrative entities, and only seemed willing to accept the possibility of certain regional commonwealths of provincial councils as a formula for administrative decentralization, but not for all regions.

The position of the UCD was conditioned by the ambiguities of a post-electoral manoeuvre which had led to the return of the exiled republican, Josep Tarradellas, as President of the *Generalitat*, the traditional Catalan Government. On the one hand, the centrist party was tempted to accept special formulae for Catalonia, the Basque Country and perhaps Galicia with the hope that, as had occurred in Catalonia, it would not imply more than a symbolic recognition of the traditional institutions of these nationalities. On the other hand, the Minister for the Regions, the Andalusian Manuel Clavero, had contributed to the encouragement of the creation of pre-autonomous governments in all of the regions so as to prevent these nationalities from receiving preferential treatment. Some centrist politicians feared that this generalization might exceed the limits initially set and generate new demands for political autonomy, thereby substantially reducing the authority of the central government. Nonetheless, in spite of these internal differences, the governmental party's representatives on the Drafting Committee chose to promote a general formula of regional administrative decentralization.

The Catalan and Basque Nationalists, as I have said, wanted maximum autonomous powers of decision for their nationalities. They could accept either the rest of the country being organized according to formulae of political autonomy, provided that they were not the same as those of Catalonia and the Basque Country, or mere administrative decentralization.

The Communists also vindicated political autonomy for the nationalities, but within a framework of general redistribution of power in the territory, continuing, in a way, the federalist tradition of the 19th century. The Socialists would probably have preferred to stress the egalitarian aspect of the federal scheme, but, owing to the influence of the Catalan Socialists, they also accepted the legitimacy of the specific autonomous vindication of Catalonia, the Basque Country and Galicia, and adopted a position

which broadly coincided with that of the Communists.

According to the sincere preferences put forward here, all the parliamentary votings could have resulted in a generalized administrative decentralization, which is to say, the imposition of the model defended by the UCD (see Table 6.7).

Table 6.7. Vote-trading on the decentralization question

	Sincere preferences			Sophisticated voting		
	Provinces and admin.decentral.	Particular autonomy	General formula	Provinces and admin.decentral.	Particular autonomy	General formula
AP-1	Yes	No	No	Yes	No	No
UCD-3	Yes	No	Yes	Yes	*Yes*	Yes
CDC-1	No	Yes	No	*Yes*	Yes	*Yes*
PSOE-1	No	Yes	Yes	*Yes*	Yes	Yes
PCE-1	No	Yes	Yes	*Yes*	Yes	Yes
Result:	Yes	No	Yes	Yes	Yes	Yes

Note: * means strategic vote.

Nonetheless, repeated negotiations and compromises in the end led to a trading of votes among all parties except the AP, for which a mixed model was set up involving in fact the implausible overlapping of several distinct administrative structures. First, the provinces were maintained, giving great satisfaction to the centrists. Second, different forms of access to autonomy were established for the "historic nationalities" and for the other regions (which entailed different initial levels of competence and different deadlines for the full attainment of their maximum levels), to give satisfaction to the Catalan nationalists. Third, the extension of autonomous communities to all regions was chosen, and it was established that at the end of the process each of the regions could attain the same levels of competence and produce a homogeneous and egalitarian system, with a federalizing perspective which satisfied Socialists and Communists.

The general approval of this combination of proposals required, on the one hand, that the UCD strategically accept certain initial levels of autonomy for those nationalities classified as historical, which it had not previously accepted, in exchange for obtaining its top priority, the maintaining of the provinces. It also required that the PSOE and PCE strategically accept the provinces, and that the CDC accept both the provinces and a general egalitarian application of the autonomies, resulting in a diminished special status for Catalonia, in exchange for the political autonomy of the nationalities, which was the most important aspect of the question for all of them.

Only the AP persisted in all its sincere preferences and found itself excluded from the autonomy agreement, with the result that its leaders considered Title VIII to be the worst of the Constitution. For a time the group expressly asked that it be reformed.

The Catalan Nationalists of the CDC appear to have gained most from the trade, since they obtained their priority objective, political autonomy, in the principal issue regarding the definition of their identity (to which they later added the victories in the Catalan autonomous elections, allowing the party to govern continuously in Catalonia). However, in the light of the strategic concessions made by each party in comparison with its sincere preferences, it is also understandable that the CDC should voice rather limited satisfaction with the constitutional model of territorial distribution of power, and it has not totally discarded the possibility of its modification (see, again, Table 6.7).

The Basque Nationalists of the PNV, on the contrary, did not satisfy their priority objective on their most characteristic issue. Badly affected by their lack of participation in the constitutional Drafting Committee, they presented their amendments time and again for the constitutionalization of "the historical rights of the old lands". Yet they did not succeed in making the UCD participate in a trading of votes on this question, and were defeated in the Congressional Constitutional Commission and in the plenary meetings of the Congress and Senate. The Basque Nationalists only achieved a favourable voting in the Senate Constitutional Commission (by one vote, and only then after repeating the voting because of an error on the part of a senator), upon adding the PSOE senators, the independent Progressives and Socialists and, surprisingly, also the senators appointed by the King, thanks to the persuasion of some senators of the Catalans' Agreement group. Nevertheless, the PSOE, whose positive vote on that occasion was perhaps doubly strategic, trusting in a negative vote or an abstention by certain royal senators (whereas this in fact did not occur), later claimed that by supporting the amendment, it had only tried to "force the negotiation". In the Senate plenum, the Socialists once again abstained in all the voting on amendments put forward by the other parties in order to facilitate, without risks, the approval of the UCD amendment. It should be explained that, as opposed to what happened during the trading of votes with the Catalan Nationalists of the CDC, the Basque Nationalists of the PNV refused to accept any formula implying a perspective of equal competences among all the autonomies, even on a medium- or long-term basis. The UCD and the PSOE, while not rejecting out of hand some of the peculiar fiscal formulae for the Basque Country, were unwilling to admit a new legal exception on this matter in addition to those already accepted for the three historic nationalities.

As a whole, most agreements involving strategic votes and vote-trading to form winning majorities in the constituent process recquired concessions from the reformist government's party, the UCD. Referring only to examples previously presented, it is possible to observe that issues implying elements of continuity with the past or conservative biases, such as the monarchy, aid to the Catholic Church, free enterprise and market economy, grants to public schools, and maintaining the provinces, were approved thanks to the majority support obtained with the sincere votes of the UCD and AP (and in some cases, the CDC), whilst the strategic votes in their favour from the opposition parties were, strictly speaking, superfluous. On the contrary, many of the most innovative issues, such as an extensive Constitution with a formal declaration of rights, abolition of the death penalty, acceptance of public initiative in the economy and governmental planning, parent and teacher participation in education, and particular autonomy for the historical nationalities, were only approved thanks to the strategic or insincere votes cast by the UCD in order to reach a large consensus with a balanced constitutional text. As previously stated, this feature allows us to interpret the constituent process as the victory of the alternative of rupture promoted by the opposition, as well as to cast light on the further process of desintegration of the centrist party.

Votes for Voting

The most delayed trading of votes in the elaboration of the Spanish Constitution of 1978 was on the electoral system (Articles 68 and 69).

As with the debate preceding the Law for Political Reform in the Francoist Cortes, explained in Chapter 4, the AP continued to support a majority system, largely conducive to over-representing the parties with most followers in rural areas. However, given its minority position, the

party preferred that no electoral criterion be constitutionalized. For their part, all parties of the anti-Francoist opposition wanted the constitutionalization of a system of proportional representation. The UCD, having especially benefited from the mixed rules put into effect by a law-decree in May of 1977, did not wish to include any clear criterion regarding the question in the Constitution. The party intended to extend the rules' period of validity, and to have the power to modify it according to the paty's own convenience with no prior conditions.

Given this diversity of positions, the majority formed by the AP and UCD would have been able to prevent mention of the question in the Constitution, but this would only have relegated the problem to a subsequent law, the content of which would have caused the two parties to disagree. The disagreements within the Congressional Constitutional Commission were maintained until much later, and the order for debating the corresponding articles was altered with the purpose of leaving this until the end.

As in so many other questions, the UCD and the PSOE led the trade of votes which eventually won out, although this time with greater opposition than usual from the other groups. On the one hand, the UCD accepted that certain general criteria be set down in the Constitution and that these be proportional to the Congress. On the other hand, the PSOE accepted the provinces as electoral districts and the majority system for the Senate. The UCD and the PSOE, then, partly satisfied their preferences. The AP, on the one hand, and the Communists and the Nationalists on the other, were opposed. The Socialist member of the Drafting Committee asserted that he shared the latter's position, yet once again he voted along with the UCD.

In truth, the constitutional text allowed the maintenance of the electoral system introduced in 1977 by the Suárez government, and its subsequent confirmation in an electoral law of 1985 by the government of the Socialist Felipe González.

Together with the above-mentioned criteria of proportionality for the Congress and majority for the Senate, the main elements are the following: electoral districts in the provinces, which are territories of similar area but varying greatly in population; a relatively low number of members in the chambers; the allocation of a minimum of two deputies and a total of four senators to each province, including the most sparsely populated; a minimum threshold of 3% of votes for a party to be computed in the distribution of deputies, which does most harm to small parties in large, urban districts; and the D'Hondt formula to allocate seats, favouring large parties over small ones, especially in small districts. For the election of

members to Congress, closed, blocked lists were set up, and for the Senate, a limited approval voting by which each voter could vote for a maximum of three candidates. This system, while it had largely benefited the UCD, had also helped the PSOE and hurt, to a greater or lesser degree, everyone else.

CLOSE ENCOUNTERS IN THE THIRD PHASE

The final taking of positions with regard to the Constitution was the result of vote-trading, agreements and exclusions which I have illustrated up to this point with certain significant issues.

First, it is worthwhile drawing attention to something which could be deduced in Chapter 1 regarding the possibility of consensus among the different orders of preference with regard to rupture, reform and continuity. As the consensus advanced among the different parties, opposition became more and more virulent among the maximalists, both revolutionaries and involutionists, which is to say those groups with multi-peaked orders of preference (Columns 1 and 6 of Table 1.1), as they were aware of being excluded.

On the one hand, what the press called "the terrorist escalation" was taking place throughout 1978, headed, above all, by the Basque separatist group the ETA (Basque Fatherland and Liberty) and by the Marxist revolutionary GRAPO (Revolutionary Anti-Fascist Groups October First). On 21 July of that year, the very day on which the plenum of the Congress of the Deputies approved the Constitution, the ETA attacked high-ranking military officers in Madrid for the first time in its history. From October to December especially, when the parliamentary formalities had come to an end and the constitutional referendum was held, bombs, kidnappings and attacks proliferated with a greater number of deaths than in all its past and future evolution.

On the other hand, attacks were also being stepped up by the involutionists or ultras, including those against the offices of several newspapers known to support the Constitution. In November, following the approval of the text of the Constitution by the Cortes and prior to the referendum, news leaked out of a conspiracy to overthrow the government. Known as "Operation Galaxia" (after the café where its instigators would meet), it included commanders and officers of the army, the police and the Civil Guard, with the aim of seizing the government, assassinating its leaders and restoring a military dictatorship.

Consensus spread notably among the gradualist parties, which is to say

those with single-peaked orders of preference consistent with the grading of an axis from greater to lesser change (see again Table 1.1). Thus, during the final parliamentary votings the main beneficiaries of the vote-trading, previously mentioned — the Centrists of the UCD, the Socialists of the PSOE and the PSP, the Communists of the PCE, the Catalan Nationalists of the CDC and some members of the Conservative AP — voted in favour of the Constitution. The parties excluded from the Constitutional Drafting Committee and the subsequent trade-offs, the Basque Nationalists of the PNV and the Catalan Republicans of the ERC, abstained, as did other members of the AP. All these were situated in Columns 2, 3 and 4 of Table 1.1. All those related to extra-parliamentarians from Columns 1 and 6 voted against the Constitution. These included, on the one hand, those close to revolutionary opposition, the Basque radicals of the EE, who at that time supported the "politico-military" faction of the ETA and, on the other, sympathizers of the involutionists, which is to say, those split off from the AP and the royal senators belonging to the army.

Also consistently, those who during the referendum campaign were in favour of the Constitution also included the extra-parliamentary groups of the former anti-Francoist opposition, which is to say the Christian-Democrats and Liberals not integrated into the UCD and some dissident Communist groups (all of them situated in Column 3).

Against it were, on the one hand, the groups of the revolutionary opposition, basically Trotskyists and the violent Basque Separatists (Column 1) and, on the other, the involutionists "New Force" and the Falange (the original single party of the dictatorship), in addition to certain bishops (Column 6).

The groups in favour of a "yes" to the Constitution had obtained an electoral backing of 65.9% of the census in the election of 1977 and, three months after the referendum, won the support of 55.2% in the 1979 elections (in which abstention rose). Votes in favour of the Constitution in the referendum of 1978 were between those two figures, at 59%. Only 5.2% voted no.

Only in the Basque Country, especially affected by the exclusion of the PNV from the constitutional consensus, did the "yes" fail to prosper: the Constitution obtained the support of approximately 30% of the census (almost the same as that obtained in that community by the constitutionalist parties in the elections), while there was majority abstention.

In the general framework of the Spanish transition, the mutual partial acceptance of political positions by the rupturist opposition and the reformist government in the constituent process came to replace the

cooperative game between these two players which, as we have previously seen, was not played before the 1977 election. The failed negotiation for the agreed rupture was thus substituted by the late-night consensus in the drafting of the Constitution. This way, in a third phase of the collective choice among R, r and C, through the encounters between the reformist government and the rupturist opposition, and to the detriment of the continuists, the basic objectives of the rupture programme were finally imposed.

In the words of the Catalan Nationalist Miquel Roca, which could be adopted by all of the parties of the former democratic opposition as their own: "We have not gone from rupture to the Constitution, but rather, by way of the Constitution, we will at the same time bring about a reform process with a rupturist goal".

In a wider historical context, on the basis of the results of the parliamentary votings and the referendum, it is fair to say that the Constitution of 1978 is the one which has enjoyed the greatest support in the whole of contemporary Spanish history. At the same time, and precisely because that support is based on partial satisfactions more widely distributed but of less overall value, it is probably one of the Spanish Constitutions which has aroused the least passion and enthusiasm among those who gave it legitimacy.

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Among the abundant bibliography about the Spanish Constitution of 1978, mainly devoted to legal analyses of the text, I have mainly used the following: an extensive chronicle, qualified by the author as a "brief, anecdotical and non-transcendental essay, about the constitutional plot", by the President of the Congress Constitutional Commission and member of the centrist party, Emilio Attard (1983), *La Constitución por Dentro,* Barcelona: Argos-Vergara; a complete report of the Socialist point of view,

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7. In the Name of the King!

The pacts betwen the reformist government and the rupturist opposition broke the previous reform agreements that President Suárez had made with the continuists in the pre-electoral period. The sore points were the legalization of the Communists, the setting up of regional autonomous governments in the "historical" nationalities, and the approval of a new Constitution in 1978. As a result of this, the Francoists felt tricked, considered Suárez a traitor and began to conspire to restore an authoritarian regime. As we will see, the conspirers tried to rely upon the trust of King Juan Carlos to organize a military coup with his approval, but they miscalculated the real preferences of the King regarding democracy and his prospects on the consolidation of the monarchy.

Several game structures will help to model the interactions which led to a failed *coup d'état* on 23 February 1981, the last episode of the successful Spanish transition to democracy. First, I shall present two games between the military conspirers and the King, one with imperfect information of the former regarding the preferences of the latter, and the other with the real royal preferences. Second, a parallel, latent game between the military chiefs and most citizens, in which the almost omnipresent spectrum of the civil war appeared again, will also be presented.

Among the civil and military groups which instigated an uprising during the years 1977–80, we find both the ultras (or involutionists) and the Francoist continuists that had turned into outsiders of the constitutional coalition. There were, thus, on the one hand, the maximalists who, according to our analysis in Chapter 1, were incompatible with the consensus (Column 6 of Table 1.1) and, on the other hand, a dynamic of Francoists (Column 5) who had initially participated in the negotiations with the reformists (Column 3) and, in certain cases, had even temporarily joined the openist action (Column 4), only to be excluded later because of the rupturist consensus between reformists and opposition (Columns 3 and 2).

In more descriptive terms and in order of appearance, we may trace the following lines of conspiracy:

First, we find a group of generals who include De Santiago, Pita de

Veiga, Alvarez-Arenas, Iniesta and Coloma, whom I have already mentioned in Chapter 5 because of their disagreements with the Suárez government's reform, and Jaime Milans del Bosch, a Lieutenant-general who enjoyed great prestige among his fellow officers. Following a meeting in the Valencian town of Játiva (in the military region led by Milans) in September 1977, they had criticized "the inadmissible politics of separatism orchestrated by certain politicians who aim to make *tabula rasa* of the previous Franco regime". They had also agreed to propose to King Juan Carlos a Government of National Salvation with the support of the armed forces to be presided over by a lieutenant-general. In October of that same year, a group of civil politicians, including the previously mentioned continuists Carlos Arias, Fernández de la Mora and Silva, and ultras such as Girón, devised a plan grandiosely called "The Hundred Thousand of Saint Louis", designed to support a likely military uprising. There was also the intention on the part of the Commander of the "Brunete" Armoured Tank Division at that time, General Luis Torres-Rojas, to storm the Moncloa palace, seize the government and appoint a new one, presided over by General Vega, a plan which was thwarted in January 1978. The majority of these groups were coordinated under the visible leadership of Lieutenant-general Milans del Bosch, and expressed their views beginning in November of 1980 under the collective pseudonym "Almendros" in the pages of the newspaper *El Alcázar*. Their initial plan was to stage a "hard" coup, filling the streets with tanks and setting up a military government, similar to the one which had been effected in Turkey at about the same time. Action was initially planned for 2 May 1981.

Second, there was the activity of a group of colonels and lieutenant-colonels who began conspiring in October 1980 to stage an uprising of their own (thus preceding that of the generals), similar to the coup which put an end to the Greek monarchy in 1967. The unceasing conspiratorial efforts of certain heads of the National Police and the Civil Guard, whose maximalism was spurred by the continuous attacks by the ETA and other terrorist groups, also persisted. Prominent among them was Lieutenant-colonel Antonio Tejero, who had already organized "Operation Galaxia", the plan geared towards occupying the Moncloa and arresting the government, which was dismantled on the eve of the approval of the Constitution. After serving a very brief prison sentence, Tejero contacted Milans del Bosch in June 1980. The latter ordered him to prepare yet another armed assault, this time on Congress. Tejero then found inspiration in General Pavía's rebellion against the First Spanish Republic in 1873, and also in the Sandinist guerrilla coup led by Edén

Pastora in Nicaragua in 1979. He wanted the dissolution of the Cortes and the establishment of a military junta presided over by Milans. Milans, however, wanted the attack on Congress to be only the detonator for a more complicated operation.

The third component was the plan for the establishment of a caretaker government, presided over by a military officer, but with the approval of the main parliamentary parties so as to resolve the internal crisis which was splintering the party in power, the UCD. Throughout 1980, there were various initiatives of this sort with different candidates to head the operation: Alfonso Osorio, Suárez' former Vice-president and then a member of the conservative coalition formed around the AP, in addition to being a judicial military commander; Jesús González del Yerro, Captain-general of the Canary Islands; and, above all, General Alfonso Armada, former tutor to Prince Juan Carlos and former Chief of the Secretariat of the Royal Household, who, in fact, took the leadership. Armada contacted and insinuated his ambitions to relevant members of the Conservatives, such as Osorio; the Centrists, through their parliamentary spokesman, Miguel Herrero; the Socialists, through their deputy in charge of military affairs, Enrique Múgica; and the provisionally restored President of Catalonia, the veteran Republican Josep Tarradellas. These went on to inform other members of the Catalan and Basque Nationalist and Communist parties. Despite President Suárez and Vice-president Lieutenant-general Gutiérrez-Mellado's opposition, Armada attained the position of Army Second Chief of Staff, after being proposed by its Chief, José Gabeiras, on whom the captain-generals depended. On 6 February 1981, at the ski resort Baqueira and on other later occasions, Armada met privately with King Juan Carlos and made veiled references to his plan. He wanted a Government of National Union to be headed by himself and not formally opposed to the Constitution, modelling it on General de Gaulle's "soft" coup against the IV French Republic in 1958.

On 10 January 1981, Milans and Armada agreed to channel the "hard" coup, overtaking it, and drew up together a plan for a "soft" coup which was to culminate on 21 March. Eight days later, Milans met with Tejero, Torres-Rojas and other high-ranking officers and, in the following weeks, contacted captain-generals and various civil and military conspirators. Nonetheless, Adolfo Suárez, warned of the military unrest by Juan Carlos himself, tried to avoid the coup by resigning as President of Government on 29 January to prevent "the democratic system of coexistence from being, once more, a parenthesis in the history of Spain", as he said on television. He designated a successor within the UCD, Leopoldo Calvo-Sotelo, who immediately began to prepare for an investiture session

in the Cortes.

At this point, plans for the coup began to accelerate. On 1 February, the "Almendros" group wrote in the newspaper serving as its mouthpiece: "We have come in at a moment for the other institutions, the King and the Armed Forces, to take the chief role. The countdown has begun". Milans regarded the foreseeable appointment of Calvo-Sotelo with mistrust, as it could delay his planning of the "soft" coup. Tejero became impatient and, it appears, was pressured (or perhaps provoked) by Commander Cortina of the Military Information Services. In view of this opportunity of having the Cortes and the government together for the vote on the new UCD candidate's investiture as President, it was agreed within scarcely 48 hours — and thus in a somewhat improvised manner — to carry out the coup on 23 February 1981.

The plan was as follows:

Detonator: Tejero and his civil guards storm the Congress.

"Pronunciamiento": Milans del Bosch in the III military region, Valencia, declares a state of emergency, brings out the tanks and invites the other captain-generals to join the movement which he envisages as an "Operation Domino". In Madrid, where Captain-general Guillermo Quintana-Lacaci appears to be a faithful constitutionalist, the Brunete Division, under the direction of his former chief Torres-Rojas, brought in specially for the occasion, is to occupy the city and, in particular, the communication and reinforcement centres, relieving Tejero's armed forces within the Congress.

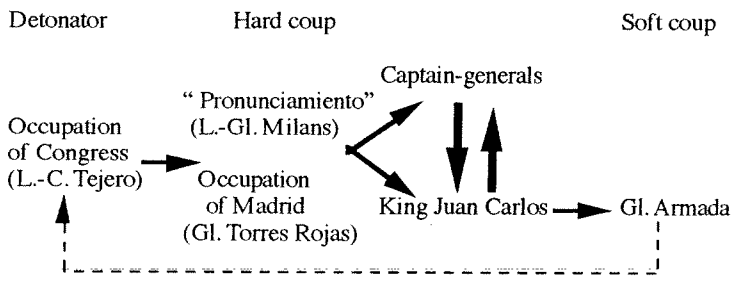
Climax: Armada puts himself at the King's disposal to find a solution to the military uprising and, in the name of the King, goes before Congress, where the former Prime Minister has resigned but his successor has not yet been formally appointed. Within this "power vacuum", Armada proposes that the deputies appoint him Head of Government. In the days leading up to the coup, Tejero receives the following instructions: "Don't be surprised if, when the military authority approaches the floor, the spokesman of some parliamentary group gets up, silences the others, and tells them that what is happening there is necessary and that the proposal which will be made to them has to be accepted".

The plan, then, was a combination of fragments taken from various models. First, Pavía's or the Nicaraguan coup, utilized as a detonator. Second, a variation of the 19th century Spanish style of "pronunciamiento" (including that of General Primo de Rivera in 1923 which was accepted by King Alfonso XIII), and the hard, Turkish-style coup, designed to put pressure on Juan Carlos. Third, the soft, De Gaulle-styled coup, offered as an institutional outcome. As a result, Armada

would be Head of Government, and Milans Chairman of the Board of Chiefs of Staff, the highest military rank. From here, they would proceed to a centralizing constitutional reform, reinforce the moderation of the party system, and allow the army to look after anti-terrorist repression (see Figure 7.1).

The key to success is to be found, on the one hand, in the conduct of the captain-generals, a small group of people who, given the territorial organization of the command, can control all of the Armed Forces, and, on the other, the conduct of the King. Milans and Armada have sounded them out, without explaining their real plan, and so do not have the unconditional support of any of them. They feel, however, that they are interpreting the captain-generals' uneasiness and preferences correctly, and foresee that they will join in the action. In order to carry it off, they have to make the detonator explode and stage the coup "in the name of the King", with the hope of thus provoking the "Operation Domino" of the captain-generals' "pronunciamiento", and then present the King with a *fait accompli* for him to accept. Interaction between the captain-generals and the King is, therefore, unavoidable. Such an interaction is represented in Figure 7.1 by the two thick vertical arrows, the shades of which will be decisive in the final outcome.

Figure 7.1. Plan for the coup d'état *of 23 February 1981*



THE IMAGINARY *COUP D'ETAT*

The captain-generals are given the choice of carrying out the coup (that is, of supporting the declaration of the state of emergency initially dictated by Milans) or not.

Following his consultations, Milans can see, quite rightly, that, while many share his uneasiness about the political process, practically no one wants a coup at any cost, and that all are loyal, above all else, to the supreme head of the Armed Forces, King Juan Carlos. Like so many other high-ranking military officers, a great number of captain-generals see Juan Carlos as "successor to the Caudillo", regard his training at the military academies positively, and consider obedience to him above and beyond observance of the Constitution.

We may assume, then, that their first preference is to participate in a coup at the orders of the King and to maintain the latter in his position as maximum military and civil authority. However, in the event that the King opposed the coup, they would prefer not to carry it out than to do so against his wishes. This is probably due to the danger of civil confrontation which this would entail, and the wish not to repeat a tragedy such as that of 1936–39, although the majority of them had lived through it heroically and look back on it as a source of personal pride.The final preference is obviously the somewhat ridiculous situation of not participating in a coup propitiated or encouraged by the King.

Table 7.1. Captain-generals of the military regions in February 1981

I. Madrid.	Guillermo Quintana-Lacaci
II. Seville.	Pedro Merry-Gordon
III. Valencia.	Jaime Milans del Bosch
IV. Barcelona.	Antonio Pascual-Galmés
V. Saragossa.	Antonio Elócegui-Prieto
VI. Burgos.	Luis Polanco-Mejorada
VII. Valladolid.	Angel Campano-López
VIII. Corunna.	Manuel Fernández-Posse
IX. Granada.	Rafael Delgado-Gómez
X. Balearic Islands.	A. De la Torre Pascal
XI. Canary Islands.	Jesús González del Yerro

Looking back on the facts, this order of preference appears to be valid for the majority of the captain-generals, although probably each gave precedence to a hypothesis with respect to the following with a different degree of intensity. Different orders of preference may be clearly inferred by the real behaviour of only four of the 11 captain-generals, those of the I, and IX to XI military regions, although with certain reservations in the case of one of them, as I will later comment. The preferences revealed by the acts of the other seven — those of regions II to VIII — do not contradict our formulations (see Table 7.1).

Where empirical observation to some extent contradicts Armada's apparent appraisal of the situation is regarding the order of preference of King Juan Carlos. The King's former tutor sees in him a sincere wish for constitutionalism, from which one might deduce that his first preference is that neither he nor his captain-generals stage a coup at all. However, Armada imagines that Juan Carlos would prefer to agree with his generals than risk confrontation with them, even to the extent of unwillingly supporting a coup which was not of his own making. Such an order of preference on the part of the King is conceivable if one considers the fear he might understandably be experiencing of having the throne wrested from him by the military, his feelings of mutual loyalty shared with the high-ranking military officers, and certain family precedents, such as that of his grandfather Alfonso XIII when faced with the military coup of 1923.

The King's last preference is, obviously, the same as the captain-generals': ill-advisedly propitiating the coup while the captain-generals remain firm in a constitutional position.

Thus, in accordance with what appear to have been the more or less reasonable calculations by Milans and Armada regarding the preferences of the captain-generals and the King, we may draw up Table 7.2.

Table 7.2. Imagined preferences of captain-generals and the King

Preferences of the captain-generals			Imagined preferences of King Juan Carlos		
Captain-generals	King	Ordinal value	Captain-generals	King	Ordinal value
Coup	Coup	4	No	No	4
No	No	3	Coup	Coup	3
Coup	No	2	Coup	No	2
No	Coup	1	No	Coup	1

The resulting game is known in the theory by the somewhat colourful name of "The Battle of the Sexes". Here, there can be two equilibria: those corresponding to the upper left-hand cell (with values of 4, 3) and the lower right-hand cell (with values of 3, 4). These equilibria are neither indifferent for the two players nor interchangeable, since the player on the left prefers the equilibrium with values 4, 3 while the upper player prefers the equilibrium with values 3, 4. This signifies that the captain-generals prefer a monarchical coup with the King's support, while the latter prefers them to desist from such an activity.

The interaction is represented in Figure 7.2.

Figure 7.2. Misinformed game between the captain-generals and the King

		King: Coup	King: No
Captain-generals	Coup	4, 3	2, 2
	No	1, 1	3, 4

The tipping towards one equilibrium outcome or another depends on the coordination of movements, based on the possibility of implementing credible threats between players. When the game is repeated more than once, alternation is possible (and hence the example which gives the game its name, in which two people of the opposite sex who want to go out together —although he prefers to go to the movies and she to the theatre— settle on going to each place once). However, in the case of a *coup d'état*, it seems reasonable to suppose that the period of time between the initial outcome and a repeat game would be rather prolonged, and for this reason each player will try to obtain his favourite outcome on each occasion.

Armada's objective of attaining an outcome in the upper left-hand cell can only be brought about, then, by means of a subtle game of control and supply of information to each of the players regarding the preferences and

strategies of the other players. First, Armada had to tell the captain-generals (including Milans) that King Juan Carlos had privately assured him during the Baqueira meeting of his sympathy with the military's unrest, so that the captain-generals would participate in the coup, believing that they were doing so "in the name of the King". Second, once the detonator had exploded, bringing about, through this misunderstanding, the hard coup, Armada could present the King with the captain-generals' strategy of rebellion, supposing that he will then accept it as his second-best solution.

The events carried out by the instigators of the initial plan for the coup tally with these calculations.

At 6.20 p.m. on 23 February 1981, Lieutenant-colonel Tejero, wearing uniform and covered with three-cornered hat, walked into Congress followed closely by 300 members of the Civil Guard, shouting, "In the name of the King!". When he reached the floor where the deputies were voting the investiture of Calvo-Sotelo as President of Government, he stepped up to the platform and he said: "I come in the name of the King and of Lieutenant-general Milans del Bosch!". After firing shots at the ceiling and shouting, "Everybody down on the floor!" in order to frighten the deputies, a captain announced over the microphone that within a half-hour at the most, "the competent authority, military of course" would be arriving. This announcement, however, was merely intended to give the illusion of a coup which had been very well organized in advance, since Milans, Armada and Tejero had given themselves a period of two hours to bring about the "domino effect", which is to say, the incorporation of the captain-generals in the operation. The occupiers set out their objectives in a manifesto designed to be published in the press — which, in fact, never appeared — as a rejection of the "separatist autonomies" and the "impunity of the terrorist killers", while at the same time asserting that they "accept and respect the King whom they wish to see leading the destiny of the Fatherland, with the backing of the armed forces".

Milans del Bosch declared a state of emergency in Valencia by an edict in which he justified the measure because of the "power vaccuum" created by the occupation of Congress and "until the corresponding instructions dictated by His Majesty the King are received", bringing it to an end "with a hearty Long live the King! Long live for ever Spain!". The text was read over the radio at half-hourly intervals. He put into operation the Alert-3 of "Operation Reveille" in his region and "Operation Turia" in the city of Valencia, mobilizing 3,000 armed men, vehicles and tanks. He immediately dispatched a telex to all the captain-generals and made a first round of telephone calls, informing them of his decision and appealing for

like-minded support, while underlining at all times the consent of the King. Later, in a second round of calls, he offered them the "Armada solution" to "avoid a massacre in the Congress" and "the division of the army", adding, "I swear on my honour that it is on behalf of the King".

Meanwhile, in Madrid, General Torres-Rojas and other high-ranking officers set in motion Alert-2 of Operation Reveille of the Brunete Armoured Tank Division, also indicating that General Armada was in command on the King's orders. At first, the division head, General José Juste, remained passive with regard to the mobilization and only reacted against it, partially cancelling the orders given, after telephoning the royal Zarzuela palace. Upon asking for Alfonso Armada, he found Sabino Fernández-Campo, Armada's replacement as Chief of the Secretariat of the Royal Household, who responded: "He is neither here nor is he expected". Juste, however, could not prevent the temporary occupation of the National Radio and Spanish Television centres by the forces of a cavalry regiment, where the nightly news broadcasts were interrupted and substituted by military music and a Bob Hope movie, respectively. Also, Commander Pardo-Zancada joined Tejero in Congress to command the members of the National Police, shouting: "I come here by order of the King!", to a chorus of several members of the Civil Guard who burst out cheering Spain, the army and the King.

The Army Chief of Staff, José Gabeiras, upon whom, as I have said, all the army regions depended for organization, met with his second-in-command Armada and a group of 35 high-ranking military officers in the central army headquarters. From there, he made another round of calls to the captain-generals. In view of the information given by Milans about the royal consent, he proposed to call directly to the King. Armada also called the captain-generals and Lieutenant-general Ignacio Alfaro, Chairman of the Board of Chiefs of Staff, meeting elsewhere, to inform them of his offer to be appointed Head of Government. Following this, Gabeiras consented to Armada's going to Congress to propose a "constitutional formula" which would obtain the approval of the deputies; a "cunning formula", in the words of Armada to those present, which would be a government presided over by himself.

When Armada called the Zarzuela to inform the King of this initiative, the King expressed his total disagreement, saying, among other things, "Alfonso, have you gone crazy?". Gabeiras, nevertheless, called Milans to obtain the password which Armada needed to enter Congress, telling those present: "You can go home now! This is about to be resolved". Armada expounded his plan to the Head of the Civil Guard, General José Aramburu, and of the National Police, General José Sáenz de Santamaría,

stationed at the Hotel Palace opposite the Congress building, both of whom accompanied him to the very door. Armada gave the password and walked in.

Meanwhile, Milans awaited the initial support of five captain-generals "if the King backs it up" and the neutrality of another three. Tejero announced to the deputies that, in addition to the III military region under Milans, numbers II, IV and V had also joined in the uprising. Armada mentioned the II, the V and the VII and one of his aides said that he could now count on seven military regions. Indeed, less than one hour after the occupation of Congress by Tejero's Civil Guards and the first round of calls by Milans, the captain-generals of four military regions started to put Alert-2 of Operation Reveille into motion. These were Pedro Merry-Gordon from the II, Antonio Pascual-Galmés of the IV, Antonio Elócegui of the V and Angel Campano of the VII. The captain-generals of the VI and VII regions, Luis Polanco and Manuel Fernández-Posse, concentrated their troops in barracks. Merry-Gordon spoke five times to Milans and several times to Armada, and attempted to take control of the police forces in Seville, over the head of the provincial civil governor. In the Valladolid region, there were harangues in the barracks, supplying of troops to vehicles and moving of armoured tanks. Other movements took place in different points at the request of several military governors and chiefs of the National Police and the Civil Guard. Captain-general Pascual-Galmés in Catalonia told Armada in one of his telephone conversations, "Give them hell, Alfonso! The Congress problem has to be resolved one way or another. Go ahead!". Having done this, he telephoned Jordi Pujol, then the elected President of Government of Catalonia, and reassured him that "Everything's going to be alright. General Armada is going to Congress right this minute to offer himself as head of a broad coalition government".

Inside the Congress building, the President of Government Adolfo Suárez, his Vice-president Gutiérrez-Mellado and certain party-leaders —the Centrist Agustín Rodríguez-Sahagún, the Socialists Felipe González and Alfonso Guerra, and the Communist Santiago Carrillo— were removed and taken to a separate room. The then Communist deputy Ramón Tamames later wrote: "My first impression — shared by many others, I believe — was that this could be a meeting with the representatives of the 'military government', perhaps with the idea of getting them to agree to the *coup d'état* or of informing them about its immediate consequences". The former Vice-president of Government, Alfonso Osorio, told the conservative leader Manuel Fraga (who had been allowed to stay on the parliamentary floor): "Manolo, go down and talk to Tejero. Tell him to call Armada!". Fraga, however, waited several hours before doing this.

THE REAL AND ROYAL *COUP D'ETAT*

The calculation that I attribute to Armada misfired as far as the King's preferences were concerned. From the experiences of his grandfather, Alfonso XIII, and his brother-in-law, Constantine of Greece, Juan Carlos might have drawn the conclusion, coinciding with the assumption behind Armada's imaginary coup, that by supporting the coup he would hold on to power. Yet Juan Carlos had probably also reflected that this was a way of holding onto it for only a short time, since both the dictatorship of General Primo de Rivera and that of the Greek colonels were succeeded by republics after eight years. The Francoist legitimacy and the inherited or traditional legitimacy which the King could maintain by backing a military uprising were, at least by the final quarter of the 20th century, relatively weak when compared to the constitutional legitimacy which he would lose by offering such support. For this reason, Juan Carlos might have thought that, if he opposed the coup and was defeated by the military, he would have little to lose — perhaps eight years or so of rule. On the other hand, if he opposed the coup and won, he would lose the Francoist legitimacy but would have much more to gain: he would uphold the traditional legitimacy, confirm the constitutional legitimacy and perhaps add to these a charismatic legitimacy which would help to establish him for life.

By means of a calculation of this type, or as a result of other considerations, the King had adopted an order of preference in which his foremost priority was for a coup not to take place, but, in case of coup, he would rather take the risk of confronting the captain-generals than surrendering to them. I formalize this ordering in the following way, by altering the order of the second and third preferences with regard to what was assumed in Armada's imaginary coup (Table 7.3).

Table 7.3. Preferences of King Juan Carlos

Captain-generals	King	Ordinal value
No	No	4
Coup	No	3
Coup	Coup	2
No	Coup	1

As a result of the interaction between this real order of preference of the King and that presented earlier with regard to the captain-generals (in which it is unnecessary to make changes with regard to what had been assumed in the imaginary coup of Milans and Armada), we obtain the matrix shown in Figure 7.3.

Figure 7.3. Real game between the captain-generals and the King

		King: Coup	King: No
Captain-generals	Coup	4, 2	2, 3
	No	1, 1	3, 4

In this game, the captain-generals do not have a dominant strategy, but the King does: opposing the coup. One sees at a glance that, in any hypothesis of the behaviour of the captain-generals, the King obtains better results if he opposes the coup. In the face of the King's dominant strategy, which places the expected results in the right-hand column, the strategy that produces better rewards for the captain-generals is not to join in the coup, so that an equilibrium is obtained in the lower right-hand cell, with values 3, 4. Here, the King satisfies his first preference, but the captain-generals —who only satisfy their second preference, since they would have been better off with a coup approved by the King— have no interest in unilaterally altering their choice, and thus the outcome is stable.

The captain-generals may indeed threaten to stage the coup in order to drag the King to the upper left-hand cell with values 4, 2, but the King can respond by remaining decidedly against it, thus obtaining the outcome symbolized by the upper right-hand cell with values 2, 3. Faced with this, the captain-generals understandably opt again for abstention and return the equilibrium to the lower right-hand cell where the values are higher for both.

This game of mutual threats, veiled or explicit, had to take up more than

the scant half-hour which the captain who had spoken over the microphone of Congress had announced. Perhaps it could have taken place in the two hours that, according to a different scheme of the interaction of preferences, Milans and Armada had calculated for their "domino effect" to take place. It seems, however, that it needed more time.

First there was the round of telephone calls by the King to the captain-generals, which he finished before 8 p.m. One by one, he asked them, "Are you with me? Can I count on your loyalty?". Only one of the 11 captain-generals, Lieutenant-general González del Yerro took the initiative of calling the King to condemn the coup and offer his support. Juan Carlos explained to everyone, including the Board of Military Chiefs of Staff and the Board of Subsecretaries, improvised as a provisional government under the Chairmanship of Francisco Laína, that: "My name is being used falsely. I have not authorized anyone to do anything". Hours later, this message was confirmed to the captain-generals by telex. At approximately 9.45 p.m., the King gave the aforementioned negative response to Armada, shouting over the phone: "No talks, no negotiations, no messages from me! I give orders! And now the only order is to restore the constitutional process. There is no other way". At 11.35 p.m., while Armada, in spite of everything, was addressing Congress, the King recorded a message to be broadcast on television in which he publicly announced the order given to the captain-generals so as to avoid any measure contrary to the maintenance of "constitutional order within the existing law". This message appeared on the screens almost two hours later. After the broadcast, Juan Carlos reiterated to Milans that "no *coup d'état* can hide behind the King. It is against the King". Then he added: "I swear, Jaime, that I am not abdicating, nor am I leaving. I can't. It is neither my wish nor my intention to support a *coup d'état*, no matter how much you tell me that your love for Spain dictates this. I am against the coup, the coup does not include me, and it is against me. And if you want anything else, you can't count on me. You'll have to shoot me!". He confirmed this message and the order to withdraw the mobilized forces by telex at 2.30 a.m. on Tuesday, 24 February.

Yet in spite of everything, Milans and Armada persisted in their rebellious attitude. Armada, however, found himself faced with hostility on the part of Tejero, who had not been relieved by the Brunete Division as planned and probably did not expect Armada to be the announced "competent authority". Armada told him that he was going to propose a government led by himself in agreement with the parliamentarians, but that he was acting "on his own initiative", without the King's support. He also said that Tejero would have to seek exile by taking a plane which was

waiting for him at the military airport of Getafe. Tejero responded by refusing to leave and expressing his wish that a military government be formed which would outlaw the Marxist parties and dissolve the autonomous governments. Milans' telephone mediation failed to make Tejero consent to being utilized for a soft coup. Armada even proposed a change in plan: that a military government be set up, as Tejero wanted, but still led by the General himself. To this, Tejero scornfully replied: "What this fellow wants is an easy chair!". Having expected the King to side with the military leaders behind the coup, this discovery that Armada did not in fact have any royal support prompted the following comment by Tejero in a telephone call to Milans: "All of this is beginning to smell like treason to me, treason against us from above [by the King], or against the King and us both".

After an hour of vain effort, Armada left Congress and, when told about the King's televised message, he commented: "The King is mistaken. This is a military question which we the military must resolve". With these words, Armada implicitly confessed that he himself had misfired in his initial calculation with regard to the King, and he perhaps wanted to compensate for it through an improvised rectification toward a hard coup against the King. Milans in fact tried to convince Tejero to accept Armada until 4.30 a.m., long after the King had reiterated to him his absolute opposition to the coup. At around 5 a.m. he gave up.

It seems clear, then, that, if the coup had had the King's support, it would have triumphed. The interaction between the King and the captain-generals did not turn out the way the conspirators had expected, so that the offer of a soft coup which Armada tried to bring about against all odds was not the result of a royal suggestion — thereby departing from the original plan, shown in Figure 7.1. Without the arrow situated at the right, symbolizing the King's rebuff of Armada, the presentation of the latter in Congress, symbolized by a line of points following him, lacked force. To this, we have to add Tejero's maximalism which Milans had hoped to use as a weapon to be later disposed of. Yet the fact that Tejero was not relieved by the Brunete Division, as was originally planned, was also the result of the demobilizing action carried out by the Captain-general of Madrid, Guillermo Quintana, and the Division Chief, General Juste who were won over early on by the King. Thus, without the King's support and with his initiative to deny his consent, the coup failed.

With the exception of Milans, not one general or high-ranking military officer took the initiative of inviting the King to head the coup, but in view of his refusal, all of them remained in ambiguous suspense for a long while. It is worth noting that even Juste remained passive and indecisive until he

learned of the King's disapproval of the coup, since, as he said: "This explains things". Therefore, we can only assume that, had the King consented, the coup would not have met with Juste's clear rejection either. Even Captain-general Quintana, whom Milans had never even considered likely to be in favour of a coup, later commented,: "If that day the King had ordered me to go out on the streets, I would have stood at attention and done so". Let us also think about the words of the National Police Colonel who was sent to disarm Tejero. When Tejero told him, "I obey no other orders than those of His Majesty the King and Lieutenant-colonel Milans del Bosch", Félix Alcalá-Galiano responded: "Show me those orders, because if that were true, this would be altogether a different matter". Or observe the fact that during the subsequent trial of only 33 people implicated in the uprising, the attorney Claver-Torrente admitted: "If we began to follow things through to their logical conclusions, it would take us as far as the Urals"; and that another general, attorney for the defence, believed that: "If we were to be strictly fair, we would have to put more than half of the army on trial".

Consider what the atmosphere was like in the barracks for the military court initially to condemn the accused to sentences of less than half of what was being demanded by the attorneys, with 11 absolutions (a sentence which was increased after the appeal to the Supreme Court); or the significance of the very measures taken in the subsequent military reform, in which the whole membership of the Board of Chiefs of Staff was substituted, in which transfers to the reserve and replacements of captain-generals were accelerated, and the command structure was modified in such a way that an entire army could no longer be moved by only a few individuals on a territorial base.

In view of all this, it is very understandable that the King had to admit to the party leaders whom he invited to the palace the next day, "There were moments when it was touch-and-go...".

My assumption regarding the order of preference of the majority of the captain-generals, in which a pro-coup decision occupies first place, is, then, not contradictory to what the facts seem to suggest. It contradicts the appearance of a coup abstention on the part of the majority of the captain-generals, but it is compatible with the failure of the coup because, in this ordering, the King's consent takes precedence over an anti-monarchical uprising. Even Milans, who had declared himself "a monarchist to the core" and had previously admitted that without the King, "not even my assistant would follow me", must be included in that ordering.

Frustrating the coup consisted, then, not of sending faithful troops

—who were, incidentally, difficult to identify— but rather of playing the real, royal game in public and clearing up the misunderstanding of the conspirators' imaginary game; of proving to the captain-generals that the information or initial assumption concerning the preferences of the other player was wrong. For this reason, the royal counter-coup was carried out, not with tanks and guns, but rather by means of normal and red phones, ordinary line, green and zero networks, secraphones, telex and television. As one of the military rebels, supposedly a monarchist, was to say a week later, "The next time, cut the King's phone line!".

AND THE PEOPLE?

In view of a solution brought about by the interaction of so few people, one wonders if another player could have modified the game by his intervention. And, more specifically, what about the attitude of the Spanish people towards the coup? After all, the news of it reached them immediately and, rather unusually for military uprisings, it was broadcast live over the radio.

For many Spanish citizens that afternoon and night, there were basically two available options: either to carry out an action of resistance, such as calling a strike or taking to the streets to help stop the coup — an option which I will call "action"; or to wait passively like spectators for the ending produced by a handful of actors, the high-ranking military officers and the King — an option which I will call "passivity". For other citizens, the options were: either to take to the streets to support the coup or to stay home, but I will not consider them here.

Let us imagine that no denial had reached the captain-generals concerning the King's game, and assume a hypothesis regarding their preferences in their interaction with the citizens. Analogically to what I have supposed in their interaction with the King, we can imagine that the captain-generals' first preference was to bring about the coup without any popular resistance, but that they preferred not to carry out the coup at all than to do so in the face of popular active resistance, possibly to avoid a repetition of the bloody conflict which followed the uprising of 1936. Last on the list would be to pass up the opportunity for the coup in the face of general passivity.

Even on this supposition of a relatively cautious order of preference on the part of the captain-generals, the facts force us to assume that, for the citizens who did not sympathize with the coup, the priority was to maintain passivity at all costs, preferably without a coup (the bottom

priority being to take action unnecessarily without a coup taking place).

This is shown in formal terms in Table 7.4.

Table 7.4. Preference orders of captain-generals and the citizens

Preferences of the captain-generals			Preferences of anti-coup citizens		
Captain-generals	Citizens	Ordinal value	Captain-generals	Citizens	Ordinal value
Coup	Passivity	4	No	Passivity	4
No	Action	3	Coup	Passivity	3
Coup	Action	2	Coup	Action	2
No	Passivity	1	No	Action	1

The game would be represented by the matrix shown in Figure 7.4.

Figure 7.4. Game between the captain-generals and the citizens

		Citizens: Action	Citizens: Passivity
Captain-generals	Coup	2, 2	4, 3
	No	3, 1	1, 4

The captain-generals have no dominant strategy but the anti-coup citizens do: to remain passive. With this strategy, which places the expected outcome in the right-hand column of Figure 7.4, the captain-generals obtain a better result by carrying out the coup, thus obtaining an equilibrium situated in the upper right-hand cell with values 4, 3. In the face of such passivity, the high-ranking military officers stage the coup.

Looking back, the facts bear out this retrospective prediction. For example, at nightfall on the day of the coup some activists from the labour union Workers' Commissions attempted to call a general strike, but the proposal was rejected by those party leaders who were not being held in the Congress building. Following conversations with the other labour union, the UGT, both groups agreed to the modest proposal of a one hour strike in the work-places for the next day. Probably the best proof of the citizens' propensity for passivity was to be found in Valencia, a region with a relatively high level of political and union organization, and with a largely leftist electorate at that time, but where the coup effectively carried out by Milans' filling the streets with tanks did not provoke any popular reaction. In fact, after Juan Carlos' appearance on television at 1.23 a.m., an audience of millions of Spaniards, who had witnessed the show with interest and with fear, went off to bed.

Fear of civil war looms once again as a determining factor in the behaviour of the citizens, giving the politicians (and military officers alike, in this case) ample room for manoeuvring. It was the King's intervention in his parallel game with the captain-generals which imposed their last preference upon them in their interaction with the citizens, while the anti-coup Spaniards passively reached their first preference (lower right-hand cell, with values 1, 4). It is not surprising, then, that after this radio broadcasted and televised political episode, Juan Carlos received such great demonstrations of fervour and popular allegiance — the charismatic legitimacy which I referred to earlier — whilst the high-ranking military officers who could have led the coup experienced a certain humiliation or sense of the ridiculous, together with rather dismal prospects for any further attempts at attacking constitutional democracy.

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Conclusion

During the 1980s and 1990s democracy was consolidated in Spain. Civilian power prevailed over the military, people enjoyed civil rights to an acceptable degree, decentralization followed its course, and the economy was increasingly open to foreign relations, especially after the entry of Spain into the European Community in 1986. Consolidation does not mean, however, that democratic institutions are socially efficient, but simply defines a situation in which, given the bargaining strength of the political actors, none of them find it advantageous to risk new political changes of the rules of the game.

Rational choice assumptions would also be appropriate to analyse political interactions and decisions in the constitutional period — as the outstanding development of political science in this approach during the latest generation only too well attests. A framework defined by the analysis of decision-making as derived from rational calculations, the relevance of institutional constraints, and attention to the frequently unintended consequences of actors' choices has proved very useful for explaining real behaviour of voters, parties, governments and other policy-makers in a democratic regime.

My attempt has been to use this approach to study political change, that is, a kind of process in which the existing institutional framework is overcome and replaced. In such a process, many interactions among political actors are less constrained than in a consolidated regime. As a consequence, manipulation arts and strategic behaviour tend to develop and prevail even more than in customary democratic politics.

In the study of transitions to democracy, this is not a completely new point of departure. Other analysts have stressed the "strategic" aspects of such processes of change, in contrast with the more traditional focus on their structural pre-conditions. My specific contribution has relied upon the assumption that many of the choices facing participants in a process of political change could be represented in formal terms, drawing in particular from social choice and game-theory tools. Consequently, I have used a varied selection of examples throughout this book to illustrate the explanatory power of the rational choice approach and indirectly suggest the possibility of other applications.

Some of the episodes have been analysed by means of simulations or hypotheses regarding actors' motives and preferences, and all of them have been simplified to a certain extent. A more complex exposition could be developed, for example, by introducing different individual orders of preference in groups which have been considered as unitary players. Yet, lack of parsimony in a model usually entails a loss in its explanatory and predictive power, and its theoretical utility becomes doubtful.

The impression of fragmentation of political reality which may be conveyed by a series of episodes such as those presented in the previous pages is probably less misleading than may appear at first glance. At least it is more reliable than most attempts to construct an "overall vision" of social processes, since these often tend to abandon the real objects of study to seek refuge in vague and mystical notions rather than in generalizations in the true sense of the word. On the contrary, in the present approach it is possible to realize that each decision, which has been analysed in a relatively autonomous way, has its starting point in the actors' orders of preference shaped by the outcome of a previous step. It is precisely the outcome of each "game" which allows another interaction to take place with a different set of alternatives to choose from, which may in turn modify the previously reached equilibrium.

It is in this light, without attributing more hypocrisy or deliberate obscurantism than is necessary to the protagonists, that we may understand some of the turns and surprises of the Spanish transition to democracy. No one could have had a totally clear idea in advance of what the stages and the final outcome of the end of the dictatorship would be. The reformists surprised even themselves by advocating a total change in the game rules which define a regime, and the rupturists could not have felt anything other than astonishment as they pursued avenues opened up to them by their one-time adversaries. Thus, it may be said that what was achieved by this hybrid was a significant reduction in the limits of the reform project, or, in words as paradoxical as the process itself, an enlarged limited democracy.

A characteristic that distinguishes the Spanish model from other processes of transition by agreement is thus that the opposition did not have the opportunity to intervene directly and conspicuously in the pacts until the first election had been held.

However, there are certain characteristics shared by all of the similar processes which can be considered necessary conditions for a transition by agreement.

A first condition is the weakness or the absence of maximalist actors, because their participation causes disequilibrium and political instability.

This also refers to what is usually called "moderation", that is, risk-aversion on the part of actors, either as a cautious calculation or because of fear, and the predisposition to accept the lesser evil. In game-theory language, it is a tendency to give up the most preferred options (which, as we have seen, leads sometimes to situations of stable conflict), and to take advantage of the cooperative opportunities of the interactions, which may produce more efficient and beneficial outcomes.

In the Spanish case, this characteristic seems to have been a consequential reaction to the civil war fought at the end of the 1930s, which in turn had been the culmination of a tormented, hundred-year-long history, and which haunted the entire transition of the 1970s like an omnipresent spectre.

However, given the greater capacity of threat and deterrence between actors relatively distant, a second condition is for the main actors of an agreement not to be contiguous in a gradation of orders of preference. We have found this characteristic, in the first phase of transition, in the failure of interactions between the openists and the continuists (contiguous Columns 4 and 5 in Table 1.1), followed, in the second phase, by successful negotiations between reformists and continuists (non-contiguous Columns 3 and 5) and, at the same time, lack of agreement between rupturists and reformists (contiguous Columns 2 and 3).

These conditions emphasize the strategic aspects of the process of transition where the opportunities offered by the existing institutions, and the initiative of some actors towards others, creates interactions that entail various possibilities of negotiations and pacts. In particular, discussion of equilibria in games has helped to clarify the opportunities of cooperation among actors to their mutual advantage and the skills they proved to have in order to take advantage of these opportunities. While some interactions have appeared to have a single, strongly stable equilibrium, and therefore their outcomes could hardly have been different than they actually were, in other cases an equilibrium was reached thanks to communication among players, by the use of threat-power by some of them, or as an indirect result of other parallel games.

All the emphasis placed on strategic behaviours and interactive decisions does not deny the role of certain historical and social bases for political action. Indeed, these are present in each actor's orders of preference, which are formed according to the degree of information and the tastes and value options that each individual wishes to exercise, but also within the limits of the choice imposed by the context and on the basis of the social experience of each person.

However, the observation of macro-structures from micro-motives has

the advantage that the search may be oriented more directly toward the relevant aspects of the former and can avoid all interpretation by deterministic fatalism. From this point of view, it is worth pointing out what sociologists generically label "social complexity" in the Spanish society of the 1970s. According to our categories, this should be understood as multi-dimensionality of the policy-ideological space in which the alternatives to be chosen are placed, and different intensities of preference of the members of the various groups regarding the choices in each dimension. Either by means of informal exchanges or by more institutionalized vote-trading, it is then possible to reach balanced distributions of political satisfaction among different groups involved in the process and to build consensus around political outcomes.

Negotiations, exchanges and consensus have been identified as successful characteristics of the Spanish model of transition to democracy, which very different observers have taken as an example for reference with regard to the transitions in Latin America and in Eastern Europe. What until now has received less attention is the fact that certain characteristics of the Spanish transition have left a paradoxical mark on the subsequently consolidated democracy.

The fact that the transition was initiated by way of an agreement between reformists and continuists, without the participation of the rupturist opposition, had consequences regarding the survival of elements of continuity with the previous authoritarian regime. Public administration and the civil service remained almost untouched and, under democracy, have not been the object of anything but a great quantitative expansion, although their degree of inefficiency and rigidity remains much the same. There was no breakdown in the armed forces, nor any purge with regard to the political police. The monarchy itself was also consolidated, albeit thanks to the unexpectedly democratic role played by the King.

The new democratic institutions show, in fact, a high degree of "path dependence", which is to say dependence on negotiations and compromises reached in the transition process. In their democratic working, they have given cause for an exceptionally great deal of strategic behaviour: frequent logrolling among parties, shifting coalitions without elections, migrations of representatives to groups different to those by which they were elected, and non-representative power distributions within institutions. In fact, the very fear of a deadly conflict, the tendency toward compromise and the possibility of multiple partial satisfactions provided by social complexity or multi-dimensionality, while they facilitated the achievement of what I have called a transitive transition, also provoked passivity among the citizenry and granted ample room for manoeuvring to politicians in democracy.

In spite of the fact that these results leave much to be desired, it is difficult to foresee new institutional reforms in a consolidated democracy because this would require high costly negotiations between the parties involved, with the danger of not reaching as wide a consensus as in the constituent period of 1977–78. In later years also, the mere existence of certain institutions, such as the electoral system originally imposed by a decree-law of a non-elected government, has generated adaptive behaviours on the part of the parties which act as self-reinforcing mechanisms.

These marks of the transition process cast light on the other side of Spanish politics in the last quarter of the 20th century. On the one hand, there was a transition which, by the prevalence of negotiations and agreements and the lack of violence involved, is seen as exemplary. On the other hand, the working of the institutions and parties in the Spanish consolidated democracy, partly because it is still largely inspired by a kind of private negotiation among politicians similar to those who led the transition, frequently tends to separate the citizens from the post-electoral process. What during one period was productive and served as a pattern for continuous and non-conflictive change, has, in another period, often produced exclusions and the falsification of political desires. Virtues in transition have became vices in democracy, to put it another way.

All of that which has been shown in these pages allows the reader to understand why politics has generated neither great enthusiasm nor great rejection in democratic Spain. This is the real message of the Spanish transition, the chief accomplishment of which, the democratic Constitution of 1978, has been more widely accepted than any of its predecessors simply because it has neither fully belonged to anyone in particular, nor has anyone felt totally alienated by it. Yet, seen in the perspective of modern Spanish history, and in comparison with other similar processes of change, this has been no mean achievement.

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