

THE TRANSFORMATION OF THE PORTUGUESE SOCIAL SECURITY SYSTEM*

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Abstract

The series of breaks which characterises the recent political history of Portugal has profoundly marked the development of social security in this country, both on the concrete level of administrative structures and benefit schemes, and on the level of the discourses describing and interpreting the existing system. The paper summarizes this development, attempting to assess the consequences it may have on contemporary policies in the field of social security.

INTRODUCTION

Recent Portuguese history is notable for three major events: the Revolution of 5 October 1910, which brought an end to the monarchy and, for the first time in the country's history, ushered in a Republican regime; the coup d'état of 28 May 1926, which established a military dictatorship and was replaced a few years later by Salazar's '*Estado Novo*'; and the Revolution of 25 April 1974, after which the present-day political structures were drawn up. Like all other institutional elements in Portugal, social security has been profoundly marked by these events, which informed some of the main changes that have taken place in what might broadly be termed 'social administration', but, on the other hand, made it more difficult to identify some of the mutations and continuities that do not adjust to important stages of political history.

It is therefore not easy for a contemporary observer to understand how the Portuguese social security system¹ is structured. Yet such an understanding is in need, mainly for two reasons. On the one hand, because it is likely to foster favourable conditions for the growing

cooperation between Portugal and other states, mainly within the EU. On the other hand, because the system experiences today a administrative and financial crisis which requires profound changes. And the lack of systematic, pluralistic and publicly available information is one of the major problem to be solved on the way to these changes. Considering the second reason, priority has to be given to the reconstruction of the internal dynamics which have conditioned the current system. This is what I shall try to do in the first section of this paper. There I shall outline the main stages of Portuguese social security's history, trying to take into account not only broad political transformations, but also less visible dynamics at work within the narrower field of social administration. Considering the first reason, it is meaningful to compare the evolution that has been reconstructed, as well as its results, with the realities observed in other countries, thus contributing to make Portuguese evaluations understandable in foreign contexts. The most interesting outcome of this comparison, however, is that it may enrich our understanding of what conditions the internal development, obliging us to discuss the possible external factors of this development. I shall sketch short comparative reflections in the second section of this paper.

I. THE SIX STAGES OF PORTUGUESE SOCIAL SECURITY'S HISTORY

1. The First Republic

When the Republic was proclaimed in 1910, the role of the Portuguese state in social affairs was a modest one. Establishments belonging to the state mainly consisted of orphanages and hospitals (Fonseca (1965b); Neto (1971)) that had been set up during the nineteenth century.² The state also had the task of supervising the activities of private charitable and mutual organisations; these were either institutions belonging to the catholic Church, which were mainly *misericórdias*, or mutual aid associations. The former came under a Directorate-General of Health and Public Charity and a Higher Council of Public Welfare (Fonseca (1965b)); the latter came under Regional Mutuality Councils (Lima (1909:261 ff.)).

Reform of these structures in the years following the Revolution was gradual. In 1911, the notion of 'public charity' (*beneficência pública*) ceased to be used in the names of public bodies, and was replaced by that of 'public assistance' (*assistência pública*); the latter concept

also figured in the new Constitution, which was promulgated in the same year and 'recognised the right to public assistance' (Article 3, Section 29). This was the only reference in the Constitution to social affairs, as there was no reference either to social insurance or to social welfare³. As for state structures, a new Directorate-General of Labour and Social Welfare was set up in 1912, and in 1916 Portugal had its first Ministry of Labour.

Attempts to introduce a major innovation were made in 1919. This consisted of a system of compulsory social insurance covering sickness, workplace accidents, and invalidity, old age and survivors' pensions (Decrees No 5.636-5.640 of 10 May 1919). The task of implementing this system was passed to a new Institute of Compulsory Social Insurance and General Social Welfare (*Instituto de Seguros Sociais Obrigatórios e de Previdência Geral—ISSOPG*); the Institute was also charged with co-ordinating public bodies and overseeing private organisations working in the field of assistance.

There was an element of electioneering about the 1919 law as Augusto Dias da Silva, the socialist Minister of Labour who introduced the legislation, stood in the legislative elections immediately after he had presented the draft to the Council of Ministers. However, there were also other relevant factors. First, international factors: on the one hand, German and British legislation made a profound impression on Portuguese specialists ; on the second hand, the move appeared to have been based on an idea circulating in Portuguese government circles that the introduction of a social insurance system was a condition of Portugal being admitted to the League of Nations (Leal (1984:67)). On the domestic level, the legislation's intellectual genealogy was probably that the 1919 laws had been largely drafted by Jose Francisco Grilo, who was the author of a work on agricultural mutuality. Grilo knew very well the literature available at this time on Portuguese and comparative law governing mutuality and social insurance, a literature which had recently been supplemented by the addition of a number of works inspired by German's 'armchair socialists' whose ideas were spread to Portugal particularly by Professor Marnoco e Sousa⁴.

Apart from government and academic agencies, it would appear that no significant role can be attributed to social actors, such as workers' and employers' organisations and mutual insurance companies, in the drafting of the 1919 laws (Leal (1984:67); Cruz (1934:34 ff.)). It is likely that this weak social foundation largely explains why early implementation of the system was

so modest; this mainly consisted of setting up the above mentioned ISSOPG, which carried out an overseeing role and produced studies over a period of many years⁵.

2. The *Estado Novo*

The *Estado Novo* ('New State') was the product of a gradual evolution. The final years of the Republic were marked by growing political and social instability, and a military dictatorship was installed in 1926. In the 'situation' (to quote the phraseology used at the time) that was thus created, increasingly wide powers were handed over to António de Oliveira Salazar who benefited from both the prestige he enjoyed as Professor of Public Finance at the University of Coimbra and the support of conservative movements close to the Catholic Church, including *Centro Católico* and *Integralismo Lusitano* (Cruz (1980) (1982)). Salazar was able to consolidate the regime in the longer term by ordering a plebiscite on a new Constitution in March 1933.

Under the 1933 Constitution, the 'right to public assistance' disappeared, and was replaced by two provisions: first, the state regulated the activity of 'corporations, associations and [workers] organisations', particularly those with objectives concerned with assistance and charity (Article 15); secondly, the state was to 'promote and support institutions of solidarity, welfare, cooperation and mutuality' (Article 41). The *Estado Novo's* main principles in respect of social issues were articulated more clearly in September of the same year with the promulgation of a National Labour Statute that had been inspired by the Italian 'Labour Charter' (*Carta del lavoro*). According to Article 48 of the statute,

'The organisation of labour shall include, to be progressively incorporated as circumstances allow, welfare funds and institutions that seek to protect workers in the event of sickness, invalidity and involuntary unemployment, and guarantee them retirement pensions.'

The introduction of the *Estado Novo* had very little direct impact on the public assistance sector. Assistance had already been withdrawn from ISSOPG's field of competence in 1927, and handed over to a new Directorate-General of Assistance, which in turn came under the Ministry of the Interior. The *Estado Novo* retained the authoritarian characteristics given by

the military Dictatorship, which had informed the closer relationship between providing assistance and maintaining order. It was not in the field of assistance, but in the one of work and *Previdência Social* (social welfare⁶) that the *Estado Novo* clarified its distinctive position with regard to the military dictatorship, and, even more so its superiority over the Republic. Significantly, this came to pass through the setting up of an important *Sub-Secretariado de Estado das Corporações e Previdência Social*. It was important to stress the ineffectiveness of the measures that were attempted at the time of the Republic, and to contrast them with the virtues of the new social policy.

In this context, the *Estatuto do Trabalho Nacional* was supplemented by a series of decrees dealing with questions of *previdência social* (from then on the phrase ‘social insurance’—*seguros sociais*— in effect almost disappeared from official parlance, where it did little more than describe in pejorative terms what was presented as one of the Republic’s failures). As a result, ISSOPG was disbanded, and its competencies with regard to social benefits were passed to a new National Institute of Labour and Social Welfare (*Instituto Nacional do Trabalho e da Previdência Social*), which took over many of the old ISSOPG’s staff. The government also introduced the possibility of establishing *casas do povo* (‘people’s homes’); these were to be set up in rural communes to provide farmworkers with modest social benefits⁷.

By the autumn of 1933, the regime’s corporate and social character was largely informed by considerations of political strategy. In the months immediately after becoming President of the Council of Ministers, Salazar had to counter fierce pressure from the Portuguese National Syndicalist Movement, which formed part of the alliance of social forces which had brought him to power. This Movement was directly inspired by fascism, and at the time enjoyed considerable appeal, particularly for young people. Promulgation of the National Labour Statute, which had been clearly copied from the Italian fascist Labour Charter, deprived the more radical National Syndicalists of one of their more powerful arguments and stirred up tensions that weakened this Movement in the longer term (Pinto (1994:234 ff)).

Leaving strategic matters to one side, it is still important to acknowledge the importance that the ‘social question’ (Patriárca (1995) had for the newly elected regime. A comparison between its political programmes and earlier statements of individuals identified with the

Republican regime, made before the *Estado Novo* was installed, is notable for the recurrence of one theme: the importance of the role that the state played between ‘capital and labour’ (See e.g. Grilo (1931:13)). At the time, the state-capital-labour triad seems to have been less an element of corporate ideology and more a reference framework that transcended it and within which it was obliged to remain. In this respect, what more specifically characterised the Portuguese political regime, apart from its desire for social peace-making, was that it circumspectly, and effectively, opted in favour of ‘capital’. This much was already clear from a comparative analysis of the National Labour Statute and the Italian *Carta del Lavoro* (Lucena, (1976:179)), and has been confirmed by detailed observation of the social measures adopted during the early years of the *Estado Novo* (Patriarca (1995:647)).

Later, the new National Assembly passed a Law on *Previdência Social* (Law No. 1884 of 16 March 1935). Under this legislation, the key measure to be implemented was the creation of a series of *caixas sindicais de previdência* (trade union welfare funds); these were to be set up gradually as circumstances permitted, and were to be based on sectorial agreements between unions and employers' associations. Under this system, in contrast to the system of compulsory social insurance, the government demonstrated both its prudence (one should only set out to achieve what can be achieved) and its corporate preferences (the organic diversity of Portuguese society was thereby being taken into account).

The most important section of Law No. 1884 consisted of a typology of social welfare institutions; this typology was dominated by the legal category of the *caixas sindicais de previdência social*, and also included the *casas do povo*, *casas dos pescadores* (‘fishermen's homes’), so-called ‘pension and welfare funds’ (that is to say company funds), mutual societies, and civil servants’ protection institutions. This legal typology was to have long-lasting cognitive effects. Presented without critical comments—and for obvious reasons, critical comments were rare, at Salazar’s time—it suggested the following: that the *caixas sindicais* (trade union funds) were the most important institutions; that all of the institutions set out in the typology would appear with Law No. 1884; and that they constituted a coherent whole. In practice, the *caixas sindicais* became important only many years after Law No. 1884 was passed, and the role of the unions was always limited. On the other hand, of the other institutions, mutual societies and company funds belonged to a tradition that went back to a time before Law No 1884, a tradition which is virtually unmentioned in literature

published after 1935⁸. Moreover, Law No. 1884 did not result in any coordination between the various sectors that it sought to regulate—more specifically between the *previdência social* on the one hand and mutuality and social protection of civil servants on the other.

With regard to institutions that already existed when Law No. 1884 came into force, there were some 30 retirement funds catering for approximately 75,000 individuals; there were also about 500 mutual aid associations with half a million people in membership (Instituto Nacional de Estatística (1928 ff.)). Given these statistics, one may well ask why the *Estado Novo* did not use its position to try harder to make better use of the work of mutual societies. There would appear to be two reasons for this. First, mutuality had been required to play a role within the framework of the Republic's social insurance scheme; as we have seen, it was a matter of making a decisive break with this system. Secondly, from the outset, the *Estado Novo* endeavoured to minimise any kind of autonomous organisation of action or discussion in civil society. It may not have been possible to envisage the total elimination of mutuality, but it made sense certainly not to contribute to its development and to limit its room for manoeuvre as far as possible. In fact, mutuality was going through a period of decline at this time (Guibentif, 1985a:34) and, as far as Portugal was concerned, was forever reduced to playing a secondary role in the field of social protection.

3. A Discreet Renunciation of Corporative Ideas

In the post-war period the structure of the *Previdência Social* underwent major reforms—I shall return briefly to the development of public assistance in due course—; these reforms went together with the adoption of a new framework legislation: Law No. 2115 of 18 June 1962. Just as Law No. 1884 stands somehow in the way of a satisfactory understanding of the origins of the Portuguese social state, so Law No. 2115 suggests a skewed view of later changes. Here again, this stems from the legislative method that had been adopted; it was, in fact, the same as that contained in Law No. 1884, that is to emphasise the typology of social welfare institutions.

The presentation of this typology, which was very close to what had been set out in the earlier legislation, aimed to reinforce the idea of continuity between the two laws. In a remarkable display of the priority given to the appearance of continuity the term 'pension or welfare

funds', which, when Law No. 1884 was in force, had been applied to funds that were not attached to corporate organisation (that is to say, company funds) was maintained, but was now applied to funds designed to cover self-employed workers. Here, too, *caixas sindicais de previdência* appear to provide the system's main components, and that supports the view that the scheme might continue to rely on the social partners.

However, through a number of quite discreet provisions, Law No. 2115 established a major reorientation that had in fact taken place years earlier. This change was mainly characterised by the renunciation in practice of the corporate ideas that had originally formed the basis of the link established by law-makers between funds and trade unions. The Portuguese state was now intervening directly in the field of *previdência social*.

The change in the way the state intervened began during the Second World War. In 1940, in the absence of any initiative on the part of the social partners (Samouco (1993:392)), the government granted itself powers to set up new *caixas de previdência* (welfare funds) and, in 1943, further powers to extend the arena of existing *caixas de previdência* to new categories of beneficiaries. These changes triggered the appearance of numerous funds, together with a steep rise in the number of members receiving benefits. For several decades, the *caixas* were the scheme's basic components. Owing to their multiplicity and diversity, the development of *previdência social* in Portugal during the years that followed is not easy to characterise. I will confine my remarks to a brief description.⁹

Comment [PHG1]: i

As it has been mentioned above, there were already some 30 company funds in existence in 1935. They were based either in Lisbon or in Oporto, and mainly covered employees in banks, railway companies and government departments such as the dockyard, customs and the post office. Funds covering an entire professional sector were unusual, but there were a few including those covering doctors and the tobacco industry.

After Law No. 1884 came into force, a number of sectorial *caixas sindicais* were initially set up, usually to cover no more than half of the country—the north or the south—according to whether they were based in Lisbon or in Oporto. It was in this context that two 'marketing and exporting of wine' funds were established in 1936, and two 'hotel industry staff' funds were set up, first in Lisbon (1938) and then in Oporto (1940). Two nation-wide sectorial funds were

also founded in 1938 and 1939 covering employees in insurance and the rice industry. Lastly, seven company funds were created between 1938 and 1940, three of which had their head offices outside Lisbon and Oporto.

Most sectorial funds—about 20 altogether—were established between 1940 and 1948, and it was during this period that the two biggest funds from the point of view of numbers of beneficiaries (in 1955 each of these two funds had approximately 100,000 members) came into being. They were the retail sector fund (1940) and the textile industry fund (1946). Most of the funds covered the whole country, although some were confined to a region, for example Lisbon for the tailors' scheme, Madeira for the embroidery industry, and Oporto for jewellers. At the same time, some 20 new company funds were started up, half of them based outside Lisbon. This development demonstrated a measure of interest on the part of employers in the company fund system (see e.g. Almeida (1993:173)). In 1947, there were established for the first time funds aiming at covering whole districts, in Funchal (Madeira), Braga and Santarém.

Throughout this period when the social benefit funds were undergoing considerable expansion, the government decided to establish a series of family benefit funds. Some of them were based on existing benefit funds and were soon incorporated into them; the rest were set up in various districts as part of an initial effort to cover the whole country systematically.

The description outlined above may itself have given an idea of the heterogeneous nature of the scheme that was developing. It consisted of sectorial funds (operating on a national or regional level), company funds, district funds and family benefit funds. An additional factor of complexity related to the range of benefits available; these varied from fund to fund, as each one had different rules. Moreover, the scheme had a number of drawbacks. Here, I shall refer only to the unsatisfactory geographical distribution of funds, and serious problems relating to fund management; funds soon accumulated considerable sums of money because the 1935 legislation provided for a system of pure capitalisation.

In the years that followed, the Portuguese administration concentrated its efforts on rationalising this scheme. Chronologically, one may distinguish five measures:

- In 1946 considerable efforts were made to centralise the performance of some of the funds' tasks. To ensure that the system's basic principles went unchallenged, this

centralisation took place not so much through the setting up of services of the central public administration, as through the establishment of ‘social benefit fund federations’. These bodies were financed by the funds, which, to their own advantage, carried out certain tasks such as the provision of medical care, performed by a Health and Social Services Federation; the construction of community housing and the printing of forms and information materials. At the same time, central state services were strengthened, a development which was marked in 1950 by the transformation of the Under-Secretary of State into a Ministry of Corporations and *Previdência Social*. This strengthening of central agencies continued for a number of years, and gave rise to the creation of a National Pensions Fund, an event that will be discussed below. Other innovations were a Central Social Security Fund for Migrant Workers (*Caixa Central de Segurança Social de Trabalhadores Migrantes*) and the National Workplace Sickness Insurance Fund (*Caixa Nacional de Seguros de Doenças Profissionais*), both of which were set up in 1965.

- In 1950, an attempt was made to harmonise fund rules. This initially took the form of drawing up model rules, whose influence was such that the schemes applied by the various funds were almost uniform throughout the 1950s (Leal (1966-7:128)). Law No. 2115 of 1962 allowed for the drafting of a regulation that was irrevocably applied to all institutions that agreed to be covered by the new legislation (Comissão de Reforma (1964); Correia (1968)). This regulation was referred to as the *Regime Geral* (General Scheme), a phrase that was to become commonplace.
- In the early 1960s, the government achieved nation-wide cover by setting up district funds in those districts where one did not yet exist. For the most part, they were housed in premises that had previously been occupied by the district family benefit funds I referred to earlier. Following a process that survived into the 1980s, these district funds took into membership most beneficiaries of *previdência social*—later *segurança social* (social security)—, while the majority of the former sectorial and company funds were gradually run down. Article 13 of Law No. 2115 of 1962 ratified the district fund system, but in a very circumspect manner, simply by turning the *caixas distritais* into a sub-category of the *caixas sindicais de previdência social*.

- The most important change took place in the context of Law No. 2115, and concerned the management of benefits. Until then, each fund had managed all the benefits that were available to members. The new *Regime Geral* was based on a division of labour between, on the one hand, district funds, which were responsible for short-term benefits (sickness, maternity and family benefits), and, on the other, a new National Pensions Fund, which had been set up in 1965 and dealt with long term benefits (old age, and invalidity and survivors' pensions). This reform, which was accompanied by a change from a pure capitalisation system to a mix of capitalisation and pay-as-you-go system, was designed to facilitate fund management.

- Lastly, the link between the sector of the *previdência social* and the health and assistance sectors was increasingly perceived as a problem. It should be remembered that, even before the *Estado Novo* was established, the assistance sector had been transferred to the Ministry of the Interior. This system was abandoned in 1958 with the creation of a Ministry of Health and Assistance; this was specifically charged with the task of overseeing hospitals and a number of institutes that had been set up in the 1940s and that were involved in assistance to groups such as families, minors and tuberculosis sufferers. Coordination was in need, especially in the field of health, because *caixas sindicais de previdência* were involved in this field, through their 'health and social services' (*serviços médico-sociais*), but also in other fields of social policy such as family policy. That was why Salazar's successor Marcello Caetano, handed the two briefs (Corporations and *Previdência social*, and Health and Assistance) to one man, Baltazar Rebello de Sousa. Only a few months before the 1974 Revolution assistance was taken away from the ministry now known as the Ministry of Health, and was passed to a new Ministry of Corporations and Social Security, the latter being a phrase hitherto almost absent from Portuguese political language.

The reforms that I have just summarised—the establishment of a district structures, the strengthening of central agencies, the generalisation of uniform regulations and a link between the *previdência social*, assistance and health sectors—have continued to the present day. However, the long-term dynamic was seriously disrupted during the 1970s, first by the

measures adopted under Marcello Caetano, and subsequently by the changes associated with the Revolution of April 1974.

4. Caetano's *Estado Social*

Both *previdência social* and health underwent major reforms between 1969 and 1973 throughout the period of Marcello Caetano's government. Caetano had hoped to save the political regime, now dangerously threatened by colonial wars and international isolation, by reassessing its social orientation.

With regard to *previdência social*, Caetano's reforms (Lucena (1976a)(1976b)) were less concerned with structures than with benefits. Various benefits in the *Regime Geral* were improved and made more accessible and new branches were introduced or brought on stream (survivors pensions; protection against professional diseases); protection for rural workers, which was administered by the *casas do povo*, was also slightly improved. Moreover, several new special schemes were set up, designed to protect people in certain jobs, such as servants (Carreira (1996:74)), newsvendors and lottery ticket sellers; they were administered by institutions already involved with the *Regime Geral* (Guibentif (1995:171 ff.)).

As for health and assistance reforms in this period were mainly structural. The Ministry of Health and Assistance was reorganised (Leal (1985b:929)), the various assistance institutes were merged into a single Family and Social Action Institute comprising district-level delegations, and new health centres were set up in middle-sized towns (Castanheira (1984)).

5. The Revolution of 1974 and the consequences

The main cause of the 1974 Revolution was the colonial war. The army officers who overturned the regime inherited from Salazar had one primary objective: to put an end to a military venture to which there was no solution. Their action initially received enthusiastic support from a large section of the population, partly because it opened the way to democratising the country, and partly because the social situation had deteriorated during the years immediately preceding the Revolution and many hoped that political change would mean an improvement in their material conditions. Therefore, in the expectation that a new

Constitution would be adopted, the provisional governments which ruled the country after the Revolution had to introduce numerous measures in the field of social affairs, in order to guarantee their legitimacy (Mozzicafreddo (1992:71)). These measures included an assistance system for the unemployed, and a means-tested Social Pension, which was paid out by Family and Social Action Institute offices.¹⁰ The organisational measures that are also relevant to our subject. The two most important of these are as follows :

- The first consisted of dismantling those administrative structures most closely identified with the fallen regime; in particular, this meant everything linked to corporate organisation (Leal (1979)). As a result, the Ministry of Corporations and Social Security disappeared and was replaced by a new Ministry of Labour. However, the new ministry did not include the Social Security brief. This was incorporated into a new Ministry of Social Affairs which also covered Health. Another body to be disbanded was the *Instituto Nacional do Trabalho e da Previdência social*, a key element in the corporate social benefit structure.
- The provision of medical care was a particularly sensitive issue at the time and, as I have already pointed out, shortly before the Revolution it had led to the setting up of new health centres. The Revolution was an opportunity to broaden an idea that had already been under discussion for some time in Portugal: this was a National Health Service (*Serviço Nacional de Saúde*) that would bring together all the offices already in the field, and would guarantee free care to the entire population. It was within this perspective that two measures in particular were adopted: first, the ‘social and health services’ (*serviços médico-sociais*) of the *caixas de previdência* were separated from the funds themselves and were handed over to regional health administrations; and, secondly, hospitals belonging to the *misericórdias* were nationalised.

In addition to measures taken by provisional governments, the Revolution naturally led to a major change in constitutional law in the field of social questions. The new Constitution, which came into force in 1976, contained an important Chapter devoted to ‘Economic, social and cultural rights and duties’. The first two Articles of this Chapter are devoted to social security and health; they state that ‘all are entitled to social security’ (Article 63) and that ‘all are entitled to health protection and have a duty to defend and promote it’ (Article 64). In each

case, the Constitution indicates the organisational means for implementation—both charging the state with ‘organising, coordinating and subsidising a unified and decentralised social security system’, and providing for the setting up of a ‘universal, free national health service’.

In 1977 with regard to social security the realisation of a concept of ‘unified and decentralised social security’ led to a number of changes at the level of both districts and central agencies. The district structures were put to good use through the setting up of new regional social security centres, thereby bringing the old district funds and Family and Social Action Institute delegations together into one body. Central structures were also strengthened, mainly through the establishment of a new Directorate-General of Social Security, which supervised both the sector that had previously handled assistance and the sector responsible for *previdência social*, and by setting up an Institute for the Financial Management of Social Security. Various other bodies also underwent changes. For example, a new National Pensions Centre absorbed the National Pensions Fund, and the former *Caixa Central de Segurança Social dos Trabalhadores Migrantes* was replaced by a Department of International Relations and Social Security Agreements.¹¹

These organisational reforms were supposed to mark a break between the old ideas of assistance and *previdência social*, on the one hand, and a new integrated concept of social security, on the other hand. However, the official desire to highlight this change had two consequences. The first was that the continuity that existed between many of the 1960s measures and those adopted in 1978 (strengthening district and central structures, linking *previdência social* and assistance) was in effect ignored. The second was that this voluntarist reform led commentators to overlook elements that had not been integrated into the new system. These consisted of a series of sectorial and company funds, for which provision had already been made prior to the Revolution for their integration into the *Regime Geral*; as I made clear earlier on, many of them were to survive into the 1980s.

As for health, the organisation of the National Health Service was set out in Law No 56/79 of 21 July 1979. However, the implementation of this law fell far short of what had initially been intended. It is true that access to care was now better than when access to certain services (the social and health services run by funds) and reimbursement for care provided by other services (hospitals) were restricted to members of social benefit funds. However, the link

between the various components of the 'system', in particular between hospitals and Regional Health Administrations, remained problematical. Over a period of time, as successive constitutional reforms took place, the principle of free health care was diluted into one of 'almost free health care'. Even so, the constitutional right to health care provided by the state remains a far cry from reality. In fact, to a considerable extent, the quantity and quality of service resources encourage users to turn to private medicine, which continues to develop in parallel with the public service, although treatment received in the private sector are reimbursed to only a very limited extent (Leal (1985b:940); Campos (1991)).

6. Recent developments

With the setting up of the institutions of the Second Republic, what came to be known as social security corresponded at the time to certain rights that were duly recognised by the Constitution, and to administrative structures that had been modernised in a number of ways. However, apart from some innovations—protection against unemployment, a non-contributory scheme, and generalised access for the whole population to medical care¹²—, the reforms had limited impact on the basic provisions. The *Regime Geral* remained the same. Numerous other schemes still existed, some of them administered by funds that had survived from the period before the *Regime Geral* was introduced, others administered by regional social security centres and the National Pensions Centre. Part of these 'special schemes' were dismantled during the 1980s and early 1990s and their beneficiaries integrated in the *Regime Geral*. A lot of them survived, conferring to the Portuguese social security system the trait of fragmentation which has been considered as a typical feature of South European welfare states.¹³ The social protection of civil servants continued to function according to quite different rules.¹⁴

The drafting of a new framework law was at stake since the new Constitution came into force in 1976. However, this new law was adopted by Parliament only eight years later (Law No. 28/84 of 14 August 1984), and its significance remained limited by the fact that no implementing regulation could be drawn up in the immediate aftermath of the vote. It was not until the late 1980s that the various branches of the *Regime Geral* were reviewed, and most of

the regulations for applying Law No. 2115 of 1962 remained in force up to that period (Ferreira (1989); Neves (1993:12, 43)).

As a result, the 1980s appear to have been a period of stabilisation after the successive upheavals of the Caetano government and the Revolution. We might even talk of a period of torpor compared with the dynamic process of reform that had characterised the 1960s. Three explanations may be advanced for this. The first is unquestionably financial. Portuguese social security had to deal with commitments inherited from the earlier period of great expansion; this coincided with a time when the country was endeavouring to put its public finances in order and when what came to be known throughout Europe as the crisis of the welfare state was deepening. The second explanation relates to Portugal's membership of the European Community, which commenced on 1 January 1986. Many post-Revolutionary measures aimed to bring the Portuguese system closer to those of other European countries, at least from the point of view of technical development, even if the level of benefits was felt to be unsatisfactory (Costa & Maia (1985); Cardigos & Pizarro (1994)). Once this objective was attained, membership of the Community contributed to keeping the system as it was to a certain extent. In fact, one immediate consequence of membership consisted of important measures in a related field—that of vocational training—which now attracted both considerable attention from government and public opinion, and the means for putting innovatory ideas into practice. The third explanation was political stability. From late 1985 to late 1995, the country was governed by the same centre-right party, the Social Democratic Party, and by the same Prime Minister. It is reasonable to suggest that the social security system, as it was when the Social Democrats won an absolute majority in Parliament, in many ways matched the line adopted by the government. Therefore, the government will only move carefully in making reforms and, it has to be said, will not encourage the dissemination of information that might stimulate the kind of discussion necessary for these reforms.¹⁵

Even during this recent period of stabilisation, a number of reforms took place in both central and peripheral agencies.

In Lisbon, the governmental structure underwent significant changes in recent years. In 1983, the Ministry of Social Affairs disappeared; Health came under an independent ministry, while Social Security joined up with Labour in a ministry that was initially called the Ministry of

Labour and Social Security and later the Ministry of Employment and Social Security. This system was almost identical to the one adopted towards the end of the Caetano government (see above, section 3 *in fine*). In the context of this ministry, it is worth highlighting another less visible reform which might also be seen as a return to the systems in existence before the Revolution. The big Directorate-General of Social Security, which had been set up in the late 1970s, was now again split up into two Directorates-General. 'Social Security Schemes' and 'Social Action'.

Another relevant innovation as regards the central agencies was the creation in 1984 of a Standing Council for Social Consultation (*Conselho Permanente de Concertação Social*). This was replaced by an Economic and Social Council after the second revision of the 1976 Constitution, which took place in 1989. This innovation had a considerable impact on the conditions in which social dialogue was conducted (Marques & Ferreira (1991)). However, questions specifically relating to social security figured secondary issues in the Council's deliberations.

As for the peripheral agencies, it is important to note from the outset that it is only in the course of the last few years that beneficiaries of the old sectorial and company funds have been moved into the *Regime Geral* to any great extent. Similarly, in the late 1980s, administration of the agricultural workers' protection scheme was transferred from the *casas do povo*—in the main, these homes now organised cultural activities (Guibentif (1992:41))—to regional social security centres.

Finally, the regional centres network was entirely reorganised in 1993, although curiously this did not give rise any public debate. Those eighteen regional social security centres that had been set up following the 1978 reorganisation became sub-regional services, and came under five new regional social security centres, which corresponded to the five administrative areas into which Portugal is currently divided (Lisbon and the Tagus Valley, Centre, North, Alentejo, Algarve)). In particular, this change involved the transfer of a number of tasks from district to regional level; the savings that this transfer promised to bring were said to be the main reason behind the change. Here, too, there was a wish to ensure 'terminological continuity', with the same name being applied successively to two different things: it was a policy that was unlikely to promote discussion and careful consideration on the subject. It is

also worth noting that, in a way, this reform implied a devaluation of the institutions that had provided a concrete link between Portuguese social security and recipients for about 30 years. The fact that it could happen without any significant reaction on the part of users perhaps confirms what is suggested by a number of other indicators, including the continuing use in everyday language of 'fund' and '*previdência social*' instead of the little-used 'social security': social security has a poor image among the Portuguese (see in this sense Cabral (1995:25f.)). It was a given fact, rather than something that had been achieved.

The Socialist Party's victory in the October 1995 elections has brought about significant changes in the field of social security. On the level of the government, the former ministry of employment and social security has been divided in two briefs: Employment, on the one hand, and Solidarity and Social Security, on the other hand. The latter ministry includes a Secretariat of State for Social Security and another for Social Integration.¹⁶ Among the reforms which have been launched by the new government, there is the creation of a new minimal income benefit (*Rendimento mínimo garantido*) which has been, for the time being, implemented on an experimental basis, in some localities of the country. In order to prepare several structural reforms—among which the development of a system of private pension funds—the government has set up a 'Committee for the White Paper on Social Security' which should present a global assessment of the existing system in the course of 1997, as a basis for a broad public debate.¹⁷ The emergence of an effective discussion of social security matters, which we are witnessing during the last months means certainly the beginning of a new stage in the history of the institution. This stage is, however, already hard to be characterised.

II. COMPARATIVE CONSIDERATIONS

Several observations mentioned in the previous section reveal strong affinities between the Portugal social security system and what has been named the "Southern European Model of Welfare" (Ferrera (1996)): fragmentation, poor effectiveness, existence of a universalistic National Health System in practice mainly used by less privileged social groups, while the better off turn to the private health sector. A more detailed analysis of the outcome of the existing social security schemes, and particularly of the pensions schemes, would probably

confirm that the 'dualism' referred to by Ferrera (broad gap between a majority of poorly protected and a minority of highly protected persons) is also a trait of the Portuguese system.

It is on the level of explanations that the observation of the Portuguese system suggests some complements to the 'Southern European Model'. Comparable features between Portugal and other Southern European states are the role played by the church, an authoritative state, and a low level of industrialisation. A specific point is that social security—as well as the former *previdência social*—never have been, up to the last months, a top issue in the political agenda, which is quite a different situation, compared with other Southern European Countries where in particular the Left had played a relevant role in the field. Since the 1930s, the governments have succeeded in running the system almost without any interference from the part of the civil society. The system could thus easily be instrumentalized in the framework of clientelistic strategies.

Among the reasons for this situation, one explanation put forward by Santos (1991) and Hespanha (1993) is the existence of what they consider as a strong 'welfare society' which would have compensated the shortages of public social provisions, thus reducing the social pressure on the government.

One element mentioned by Ferrera certainly also had a strong impact: it is the weakness of bureaucratic and technical expertise in this field. As a social group, professionals of social policy are not only needed for the carrying out of the policies, but also for the supplying of external social actors with relevant technical information, likely to back the formulation of political strategies. Be it directly, as participants in social movements, be it indirectly, as far as the outcome of their analytical work is accessible not only to insiders, but also to a broader audience (an example: the role of a journal like *Droit social* in France). In Portugal, partly due to the dimensions of the country, partly to the development of its educational system, it has been over the whole evolution that has been described very difficult to have even a few specialists in social security matters. As long as some of them had some room for manoeuvre, the system indeed experienced a significant reform (late 1950s, 1960s). A paradox of the Revolution of 1974 was that it has deprived this group of specialists of their action means, at a time when the reform of the social protection was a major issue.¹⁸

But it is probably useful to add to the explanation of the Portuguese case the following consideration. Much of the conditions under which it was possible to instrumentalize the *previdência social* and later the social security are related to the fact that these institutions were, since their origins, what legal anthropology or sociology call legal transplants. The main stages of its history are related with the reception of legal models developed outside of Portugal : English and German models at the beginning of the century; Italian model in the 1930s, French model in the 1960s, European model in the 1980s. In Portugal, part of the main actors of its original development—Unions, on the one hand, and middle-sized and large enterprises on the other—did not have the power to participate effectively in its management, or in the definition of its future. This unbalanced social situation could explain why this institution has evolved to what has been named a dualistic system.

CONCLUDING REMARK

As the present paper tried to demonstrate, among other lessons, the analysis of Portugal's social security development teaches us that information and discussion in this field have been seriously handicapped. If it is true that debate is urgently needed today, in order to define new priorities toward the crisis of the system, one of the first points where this debate has to start is the assessment of the current conditions of discussion, and the reflection on the ways of improve these conditions. Among other questions, one will have in particular to ask: do Portuguese social security specialists have the capacity to contribute effectively to the debate; and what means do the affected social categories have of knowing, and making known, their needs and, through their claims, of having an effective impact on the definition of the policies?

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¹ The paper is focused specifically on the social security system. Apart from some comments on the health system, it is not my ambition to cover the Portuguese welfare state as a whole (for such a broader approach, see Mozzicafreddo (1992) or Santos (1991)). This is due to the scope of the research which provides the background of the paper (Guibentif (1995)), but also to the methodological assumption that the social security system, as a core element of the welfare state, has comparatively sharp borderlines, which gives to the reconstruction of fields and actors, as well as of constraints and strategies, a solid ground. Conclusions based on the observation of this domain may lead to useful hypotheses for the approach to other elements of the welfare state.

² According to some authors, public assistance in Portugal begins with the creation of the *Casa Pia* in Lisbon in 1788. This establishment was designed for orphans and abandoned children. See Fonseca (1965b).

³ Previous constitutions had guaranteed 'public aid' (*socorros públicos*).

⁴ For further information, see Guibentif (1986, notes 13, 17, 27).

⁵ For details on the work of ISSOPG, see in particular the journal *Boletim de Previdência Social* (23 issues published between 1917 and 1933).

⁶ *Social welfare*, as well as the Portuguese one, is likely to designate both a political aim and an administrative structure, more than concrete measures. This translation has, however, two flaws. First, it does not directly render the idea of 'foresight', which is explicit in *previdência* (like in french *prévoyance* or german *Vorsorge*). Secondly, it could suggest a close relationship to the notion of *welfare state*. In fact, this association should be avoided, since the Salazarist Portuguese State did not correspond to what is used to be designated as *welfare state*, and aimed at differentiating itself from the democratic *welfare states* existing elsewhere in Europe. Even the question whether the contemporary Portuguese state may be qualified as a welfare state remains open, in the view of certain authors (Santos (1991:33)). Considering these translation problems, I will use here the portuguese phrase.

⁷ Later on, as Fátima Patriarca (1995:641) points out, the *casas do povo* were often inaccurately presented as an innovation of the *Estado Novo*. In fact, under a procedure also applied in other fields, the *Estado Novo* took advantage of a system that already existed, systematically erasing the antecedents. Concerning the *casas do povo* existing prior to the *Estado Novo*, see also Barbosa (1930), Guibentif (1985a:32).

⁸ For example, the report drawn up for the 1962 reform (*Reforma da Previdência* (1957); see below), contains a chart of funds that existed in 1955, mentioning their year 'of constitution'. In many cases, as other sources make clear, this year does not correspond to the year in which they were set up, but to the year in which statutes were ratified according to law No. 1884 of 1935.

⁹ The following description is mainly based on a comparison between data supplied for the period under consideration by the Portugal Statistical Yearbook, and those set out in *Reforma da Previdência* (1957). They were supplemented by an inventory of fund statutes deposited in the National Library of Portugal.

¹⁰ The *pensão social* was the first step towards a non-contributory scheme, which has introduced in 1979 (Guibentif (1995:154)).

¹¹ These changes were carried out by Government under Decree-Law No. 549/77 of 31 December 1977, later amended by Parliament under a ratification procedure (Law No. 55/78 of 27 July 1978). See in particular Leal (1980), for critical comments on this reform, and Maia (1985), who played a relevant role in the drafting and implementation of Decree-Law No. 549/77.

¹² Beyond protection against unemployment, a non-contributory scheme, and generalised access for the whole population to medical care, which have been referred to above, it is worth mentioning here the attempts to implement a protection scheme designed for independent workers (Carreira (1996:73)).

¹³ Ferrera (1996), who bases his qualification of the Portuguese system on probably incomplete information; for an overview of the existing schemes, see Guibentif (1995:163 f.). According to figures recently discussed in Portugal, there would exist about 60 special schemes (statement presented at the last meeting of the *Forum Social*, a think-tank recently set up for promoting research and debate on matters of social protection, see *Público* (daily newspaper, Lisbon), 10 December 1996).

¹⁴ One attempt to harmonize general scheme and public servant scheme had been the introduction of a common system of family benefits, under Caetano (Leal (1983)).

¹⁵ For example, there exists no academical journal on social security issues in Portugal, although the launching of such a publication was one of the objectives of the founding members of the Portuguese association of social security, created in 1985, a body which worked in close dependence of the government since the late 1980s.

¹⁶ *Público* (daily newspaper, Lisbon), 25 October 1995, p. 6.

¹⁷ There have been several public presentations of the new social security policy. See for instance : interviews of the minister in *Já* (weekly newspaper), 16 May 1996, *Diário de Notícias* (daily newspaper), 25 November 1996, or his speech at the meeting "Reformar a segurança social. Porquê e como", organised by the Committee for the White Paper on Social Security, 12 September 1996.

¹⁸ Analysing this paradox from the inside, see Leal (1979).