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COVID-19 pandemic and local executive-opposition institutional relations: a survey analysis

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ABSTRACT

Local governments were on the front line in responding to the COVID-19 pandemic. They also had to rethink their action mode and carry out a swift digital transition. These changes affected the performance of local democracy, in particular, the nature of Local Executive–Opposition Institutional Relations (LEOIR). Using new survey data on the perceptions of local elected representatives, we run an ordered probit regression model to understand the perceived effect of exceptional measures in response to the COVID-19 pandemic on LEOIR in the Portuguese context. The results show, through the lenses of local key informants, that the Executive’s capacity to explain to its constituents the exceptional measures adopted and its formal duty to communicate these decisions to the Municipal Assembly have aggravated the conflictual nature of LEOIR. This study contributes to local governance research by elucidating how accountability and communication practices can soothe or aggravate Executive–Opposition institutional tensions in extraordinary times.

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KEYWORDS Local government; COVID-19; democracy; governance; opposition; accountability

1. Introduction

In the wake of the COVID-19 pandemic, local governments throughout Europe, because of their proximity to citizens, were at the forefront in responding to this multifaceted crisis. While national governments were responsible for the overall strategic management of the crisis, local governments were responsible for the day-to-day interventions in three fronts: at the health front, by adopting a series of measures to prevent the spread of COVID-19, some of which limiting basic constitutional rights, such as curfews and lockdowns with strong containment measures; in the socio-economic front, through the implementation a series of fiscal and welfare measures aimed at mitigating the impact of the pandemic crisis on local economies,

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such as, for example, financial support to people and tax exemptions to companies in vulnerable situations; and at the institutional front, by rethinking their action mode and carry out a swift digital transition of its *modus operandi* (Silva, Costa, and Moniz 2021), thus affecting both the administrative and political dimensions of local government.

Although local democracy was not suspended, the context of exceptionality raised a series of institutional challenges to local governments. These challenges were asymmetrical across countries and within countries: not only were some local communities hit harder than others, local governments also showed different response capacity and adaptability. In a joint survey conducted by the Organisation for Economic Co-operation and Development (OECD) and the European Committee of the Regions (CoR), the majority of respondents (63%) believed the overall impact of the COVID-19 crisis on subnational governments was strong or very strong (OECD 2020).

In Portugal, Municipal Executives saw their discretionary powers legally strengthened to cope with the surge and scale of the coronavirus and to respond to the social and economic effects of the pandemic crisis, whereas citizens' participation depended largely on their accessibility and adaptability to the new 'telematic' context. Some Municipal Assemblies postponed their regular sessions, reduced or even suspended the meetings of specialised committees, and even limited the intervention of the public. Others have resorted to video conferencing and remote voting, reinforced their oversight over the executive, paid representatives for telework similarly to their previous presential work, provided information about the exceptional emergency measures on a regular basis and consulted the local opposition on matters related to the pandemic crisis and the measures taken by the executive (de Sousa et al. 2015).

To respond to the rapid spread of the virus, Municipal Executives had to act fast and effectively in implementing the recommendations of the health authorities and providing assistance to risk-groups. This led to the adoption a series of exceptional measures to cope with the social and economic effects of the pandemic without proper consultation of and reporting to local deliberative bodies, causing a deterioration of Local Executive-Opposition Institutional Relations (LEOIR).

In view of the above, this article intends to study how the pandemic context has affected LEOIR. We will do so in two steps. First, using new survey data, focused on Portugal as a case study, we make a descriptive analysis of the perceptions of local elected representatives (directly elected and ex-officio members of Municipal Assemblies) about the effect of the COVID-19 pandemic on eight dimensions of Quality of Local Democracy (QoLD)¹ commonly discussed in the dedicated literature (Lijphart 1993, 1999; Vanhanen 1997;; Schedler 2007; Diamond 1999; Diamond and Morlino 2005; Andreev 2005; Bühlmann, Merkel, and Wessel 2007; Landman 2008, 2012; Pinto and de

Sousa 2011; de Sousa, Luís, and Fernandes 2021) and on communication practices of exceptional measures to respond to the crisis, and consequently, how these two factors have affected the nature of LEOIR in their municipality. We will then run a regression model to test four theory-driven hypotheses influencing the nature of such institutional relations. In doing so, we analyse to what extent LEOIR have been affected by the pandemic context by looking at the capacity of the Municipal Executive to explain the scope of its policies and decisions to the general-public and its duty to communicate to the Municipal Assembly all exceptional measures adopted in response to the COVID-19.

The article is organised into four parts. First, we discuss the importance of LEOIR in democratic theory and bring some contextual information on the case of Portugal to protect minority rights against majority abuses. Second, we present our research design, starting with a discussion of our case selection, followed by a description of our sample and participants and the dependent, independent and control variables used in our regression model. Third, we briefly present the descriptive statistics of our data. Fourth, we perform an ordered probit regression analysis to assess possible factors influencing the cooperative relationship between executive and deliberative bodies. Finally, we discuss the results and present some conclusions.

Our investigation provides an insight into how Municipal Executives' capacity to explain to their constituents the exceptional measures adopted to cope with the pandemic crisis and their formal duty to communicate these decisions to the Municipal Assembly have aggravated the conflictual nature of LEOIR. We also demonstrate that there are structural issues related both to institutional design and democratic culture, such as the lack of respect for minority rights in the daily routine of local authorities, equally responsible for the deterioration of LEOIR.

Our findings not only support the need to improve communication policies in local government, in order to reinforce both vertical and horizontal accountability, but also to promote a democratic culture based on mutual respect and dialogue to counteract tensions and encourage institutional cooperation between Executive and Opposition on certain matters of interest to the local community.

2. Theory, context and hypotheses

Most mainstream definitions of democracy (Schumpeter [1942] 1975; Dahl 1971; Diamond, Linz, and Lipset 1989; Przeworski 1999) tend to regard electoral contestation and competition and Executive and Opposition rivalry as a normal feature of politics. In a democracy, the confrontation of ideas, positions on the resolution of certain problems and visions for society, takes place through the coexistence of competing political projects, thus

legitimising the right to oppose politically and contest electorally the incumbent. In other words, the democratic game offers an alternative and peaceful method of solving social problems and conflicts, through pluralism and alternation. Other authors have not discarded the adversarial nature of democratic politics but have also underlined the importance of institutional cooperation between majority and minority political forces, between Executive and Opposition for the consolidation of democratic practices (Schmitter and Lynn Karl 1991).

While in a democracy, it is expected that the Opposition oversees the implementation of Executive policies from the angle of performance and accountability and, in particular, the way public money is spent, it is equally expected that the Executive and the Opposition create conditions for dialogue, cooperation and consensus-building on certain matters of interest to the community (Helms 2008). The room for institutional dialogue and cooperation between Executive and Opposition is not always possible.

Although in a democracy, power delegated through popular vote is not eternal (Linz 1998) and therefore today's rulers may be tomorrow's Opposition (Przeworski 1999), in practice, Executive-Opposition institutional relations are not always cordial and respectful of each others' roles (Dahl 1966). In contexts of longevity in office of the same party formation, limited pluralism, poor checks-and-balances over executive rule, Executive-Opposition relations tend to be marked by tension and the disrespect for minority rights such as 'procedural rights of information, representation and participation, speaking and voting rights, the right to table bills and motions, rights of supervision and scrutiny of the executive, and protection against mistreatment by the majority' (Council of Europe 2010).

Local democracy is an ensemble of interconnected institutional components that interact according to a set of rules to function as an organised, complex and dynamic whole with a common purpose. The links between the various components of this governance system are important to its effectiveness (de Sousa 2015; de Sousa, Luís, and Fernandes 2021). The relationships between the various components, and in particular between the two most central institutional elements of local democratic governance, i.e., Executive and Opposition, can be of a cooperative ('pulling together') or conflictual nature ('coming apart') (Scheberle 2004). 'pulling together' means that Executive and Opposition maintain cooperative institutional relations, despite their ideological differences and policy preferences. In other words, they respect each other's role. Similarly, conflictual institutional relationships between means that Executive and Opposition have little or no respect for each other, showing open hostility. Moreover, Executive and Opposition institutional relationships that have come apart often derive from little or no effective communication and hidden agendas (Scheberle 2004, 1). In the Portuguese context, LEOIR have been traditionally uneasy, marked by

recurrent episodes of abuse of minority rights, in particular, regarding access to information (de Sousa 2015; Almeida 2018; Almeida and de Sousa 2019; de Sousa et al. 2015). Although contexts of crisis have a tendency to soothe political grievances and reduce the adversarial tone of politics, *we still expect the nature of LEOIR in the Portuguese context to be perceived as essentially conflictual (H1)*.

As already mentioned in the introduction, the COVID-19 pandemic not only brought uncertainty to local governments, it also tested their democratic strength and resilience (Monteiro and Jalali 2022). The need to mitigate the health crisis caused governments at all levels to choose policies that questioned the principles of a democratic state, influencing the quality of democracy (Engler et al. 2021). Policies created with the intention of accentuating social distancing, such as the restriction of freedom of movement and assembly, for example, were at the same time fundamental and controversial, since they prevented the spread of the virus and thus contained the negative effects of the pandemic, but limited citizens' fundamental freedoms and guarantees (Engler et al. 2021). Furthermore, the attribution of exceptional powers to the Executive has compromised the separation of powers, inherent to democracy, resulting in a weakening of checks and balances, associated with an almost unrestricted concentration of power by the executive (Engler et al. 2021). These imbalances were unsurprisingly heavier in institutional contexts characterised by very powerful executives operating in a weak system of checks-and-balances, which is the case of Portuguese municipalities, where a powerful Executive contrasts with a weaker deliberative Municipal Assembly, which normally only meets five times a year.

During the pandemic crisis, the attribution of special powers to local executives, without a parallel match of scrutinising powers by the opposition, and the reduction or even the absence of citizen participation in public affairs, led to the weakening of democratic representation and accountability (Lewkowicz, Woźniak, and Wrzesiński 2022). Further to the direct effect of the COVID-19 on electoral turnout (Habibi 2021), as part of the sanitary measures to prevent the spread of the virus, many local governments chose to hold virtual assemblies, and other non-conventional forms of participation with a strong emphasis on the use of new information and communication technologies. In the short term, this had negative implications on participation, since citizens without proper IT infrastructure or low levels of digital literacy were either excluded or had more difficulties in voicing their concerns in local decision-making processes (Munyede and Praise Machengete 2020).

On 18 March 2020, the Portuguese government announces the first state of emergency, and the subsequent adoption of a set of exceptional and temporary measures in response to the epidemiological situation caused by the SARS-CoV-2 coronavirus and COVID-19 disease (Law 1-A/2020 of 19 March). The meetings of both Municipal Executives and Assemblies were

subject to adjustment. Some municipalities opted to postpone Municipal Assembly meetings until 30 June 2020 and suspended citizens' attendance and intervention in those meetings altogether. Others began to use teleconferencing platforms to convey those meetings and enable, with some practical limitations, citizens' participation. This exceptional period was extended until 2021 with successive renewals of the state of emergency and has become 'a new normality', in the sense that some changes to the institutional modus operandi will remain for an indefinite period.

Drawing on this, we contend that LEOIR were aggravated by the negative effect the COVID-19 pandemic had on QoLD (H2).

In order to manage the coronavirus pandemic and its social, economic and institutional implications, governments around the world have adopted a series of exceptional measures, many of which are to be implemented at the local level (Nicola et al. 2020). Local governments were not only expected to implement a range of mitigation and containment measures, such as curfews, mobility and assembly restrictions, closure of activities and events (Askim and Bergström 2022), but also to address and reduce the severe repercussions of these measures had on businesses and individuals through a series of fiscal measures and social benefits (Henríquez et al. 2020). As a result, procedural changes to empower local executives took place (OECD 2020). Scholars and democrats expressed concern about the increase in executive powers in the context of limited or receded institutional constraints and political oversight. This concern is not unfounded. Historically, deliberative bodies tend to be more deferential to executive policy proposals during contexts of emergency, such as pandemics, wars or natural disasters (Lowande and Rogowski 2021). Good local democratic governance requires more than an executive capacity to respond to the multiple effects of the pandemic crisis, the ability to ensure the highest standards of transparency and accountability, including scrutiny from the opposition. In the Portuguese context, Municipal Executives were empowered to adopt exceptional measures in response to Covid-19, such as the granting of tax exemptions and/or financial support for citizens in vulnerable situations, and the contracting of short-term loans could be adopted by Municipal Executives without prior authorisation by the Municipal Assembly, in fulfilment of Law 6/2020 of 10 April. Although the Executive had the duty to communicate these exceptional measures to the Municipal Assembly, in practice, the fulfilment of these legal obligations fell short of expectations. The combination of exceptional measures to cope with the pandemic crisis adopted through fast-track executive decisions insufficiently reported to the Municipal Assembly has left the opposition with very little capacity to scrutinise and influence the course of events, even if it still held the ability to repudiate decisions during plenary meetings, a fairly perfunctory function in such exceptional context of local democratic governance.

Therefore, we believe that LEOIR were negatively affected by communication practices related to COVID-19 mitigation measures (H3).

For all of the above reasons, we are led to believe that the COVID-19 has altered the institutional performance of local governments and in particular Executive-Opposition relations. That said, Executive-Opposition relations may also be influenced by other structural factors. In the Portuguese local context, despite the legal protection of opposition rights,² LEOIR are frequently tense, with minority representatives claiming that their rights are systematically unobserved in the daily institutional routine of their municipality. In contexts of strong concentration of executive power, lack of alternation, weak institutional checks-and-balances and low levels of citizens' involvement in local public affairs, recognition of the special place of opposition plays in a local democracy is likely to be more formal than substantive. Denying access to intelligible, meaningful and timely information to the Opposition is a recurrent issue in local politics. Members of the Opposition often have to insistently pressure the Executive to provide information about business decisions and other policy issues and, at times, engage in a legal battle, often long and ungrateful, by submitting a complaint to the Commission on Access to Administrative Documents (article 16 of Law 26/2016, of 22 August) or using subpoena for the provision of information, consultation of processes or issuing of certificates (articles 104 to 108 Code of procedure in administrative courts).

Drawing on this contextual information, we contend that LEOIR are also likely to be influenced by the way minority rights are observed in the daily institutional routine of Portuguese municipalities (H4). We expect this association to be positive, in other words, the more minority rights are perceived to be observed in practice, the likelier that LEOIR will tend to be cooperative.

3. Research design

3.1. Case selection

Portuguese municipalities are organised into two representative bodies: an executive body (*Câmara Municipal*, henceforth Municipal Executive) and a deliberative body (*Assembleia Municipal*, henceforth Municipal Assembly). Both bodies are directly elected by popular vote, and both have a president who represents them (a Mayor and an Alderman, respectively). These institutional arrangements, which have remained largely unchanged since 1976, combine elements of both majoritarian and consensus models of democracy. On the one hand, it displays several majoritarian features, such as strong concentration of executive powers in the Mayor's office, an electoral system with a method of allocating seats that favours large party formations and produces strong executives, weak parliamentary scrutiny of executive rule

and strong majority control over the policy-making process; on the other hand, it contains several institutional elements that characterise consensus democracies, such as multiparty systems, proportional representation, inclusive cabinet coalitions, municipal executives with a dual composition of Executive and Opposition councillors and the legal protection of minority rights.

That makes the Portuguese case particularly interesting in terms of Government and Opposition relations. The fact that both local government bodies have a mixed composition, i.e., with both majority and minority members in their composition and that minority rights are legally protected, makes the Portuguese case particularly interesting in terms of Executive-Opposition relations. Endowing both executive and deliberative bodies with a mixed composition was a compromise that the founding fathers of the 1976 Constitution sought between voice/representativeness and government efficacy. With all its vices and virtues, this balance has secured high levels of governability and political stability for 45 years of democratic local government (de Sousa et al. 2015). Portugal is also one of the few cases where Opposition rights are typified and enshrined in a dedicated law (Almeida and de Sousa 2019).

Government-Opposition relations tend to be very tense in Portuguese local governments, which often leads to a downplaying of the role of the local deliberative body (Municipal Assembly) and the undermining of opposition rights by the incumbent majority in the local executive body (Municipal Executive). Episodes of this nature are common in municipalities with absolute majorities and have been reported in the press. Although local executive councils are required by law to publish an annual compliance report on the observance of opposition political rights in their municipality, there are no sanctions attached for not delivering this report and there is no review mechanism in place to validate its contents. Where such reports have been published, often they are a mere formality, often offering a limited and unrepresentative picture of the overall quality of procedural democracy.

3.2. Data

Our data stem from a survey carried out to the members of Municipal Assemblies of Portuguese Local Governments (N = 308), in the current context of the COVID-19 pandemic, through an online platform, from 15 February to 29 March 2021, during the second general confinement. The survey sought to capture some of the effects that restrictive measures imposed during the first general confinement had on the functioning of democratic bodies at the municipal level.

The survey was carried out under the scientific cooperation protocol signed between the National Association of Municipal Assemblies (ANAM –

Associação Nacional de Assembleias Municipais) and the Institute of Social Sciences of the University of Lisbon (ICS-ULisboa), in partnership with the School of Public Management, Communication and Tourism of Instituto Politécnico de Bragança (EsACT-IPB). Invitations to participate in the survey were sent by the Secretary General of ANAM to the 308 Aldermen, who were asked to distribute the questionnaire, in digital (weblink) and paper format, among all directly elected local representatives ($N = 6461$) and ex-officio local representatives ($N = 3092$) of their respective Municipal Assemblies ($N = 9553$), to ensure a higher response rate. Reminders were sent throughout the data collection period.

Despite the efforts, our sample consists only in 212 answers (146 directly elected local representatives and 64 ex-officio local representatives). The data of four participants were excluded because they answered with the highest score in all questions and were deemed non-serious.

Some authors (Favero & Bullock, 2015; Jakobsen & Jensen, 2015; Meier & O'Toole, 2013) alert to the risk of common source bias when using both the independent and dependent variables from a single survey, which can lead to an overestimation of the effect of one variable on another variable. To mitigate this bias, they suggest combining survey data with administrative records. Other authors are more sceptical about the mitigation effects of the use of administrative-survey linked data (George & Pandey 2017; Kim & Daniel, 2020). However, comparable administrative data on local government performance are not readily available, hence researchers often rely on surveys applied to local key informants. Although surveys have their limitations, they still provide meaningful and actionable information about institutional performance. The fact that local elected representatives hold a power position within the institutional architecture of local government, have privileged access to information and are acquainted with the key decisions made and the day-to-day institutional practice makes their perceptions about the nature of the institutional relationship between executive and opposition particularly interesting to analyse.

3.3. Variables

Our dependent variable is an 11-point Likert scale that reports the nature of Local Executive-Opposition Institutional Relations (LEOIR), which can either be conflictual (0) or cooperative (10). The literature on Executive-Opposition relations tends to depict this relationship as essentially conflictual in majoritarian democracies (King 1976), and adversarial but cooperative in consensus democracies (Lijphart 1993, 1999). However, much of this theoretical debate focuses on democratic patterns at the national level, with very few studies extending these conceptual categories to the subnational domain (Vatter and Stadelmann-Steffen 2013). This variable looks at majority and minority

(opposition) councillors strictly within the Municipal Executive, between the Municipal Executive and Opposition members (directly elected or ex-officio) at the Municipal Assembly level, or both. More specifically, the higher (lower) the LEOIR scale, the more cooperative (conflictual) are Executive-Opposition relations. The measurement of our dependent variable responds to H1.

The explanatory variables can be divided into two large groups of variables that correspond to H2 and H3 (respectively) tested in this study. The first group of explanatory variables focus on the perceived COVID-19's effect on the QoLD in eight dimensions: *Participation*, *Representation*, *Oversight* (Horizontal Accountability), *Efficacy*, *Transparency*, *Responsibility* (Vertical Accountability), *Institutional Cooperation* and *Subsidiarity*. These eight variables are also 11-point Likert scales that range from zero (not affected) to 10 (severely affected). The second group includes three variables that measure satisfaction with the duty of communication from the Municipal Executive to the Municipal Assembly during the pandemic. The duty of communication, set under the Law 6/2020 of 10 April, contemplates information about two exceptional measures to cope with the social and economic effects of COVID-19 – the possibility of the Municipality to take short-term loans to fight COVID-19 without previous authorisation from municipal assembly (*Loans*) and the granting tax exemptions without prior approval of a specific regulation by the Municipal Assembly (*Tax Exemptions*) – and information about the activity and financial situation of the municipality (*Financial Situation*). These variables are 11-point Likert scales that range from zero (unsatisfactory) to 10 (very satisfactory).

The control variables can also be broken down into three large classes. The first class includes four variables that capture socio-demographic characteristics of our respondents: gender (1: male, 0: otherwise); age; education (1: lower education; 2: secondary education; 3: higher education); and public job (1: yes; 0: otherwise). The second class includes three variables that capture the political characteristics of respondents: left–right self-placement (0: left; 10: right); Alderman (1: yes; 0: otherwise); elected member of the Municipal Assembly (Municipal Deputies) (1: yes; 0: otherwise). The third class comprises two variables that capture the perceptions of our respondents regarding the respect for Opposition Rights in their municipalities: *Opposition Rights de jure* (*OpRdejure*), i.e., the degree in which minority rights are perceived to be protected by law (0: totally disagree; 10: totally agree) and *Opposition Rights de facto* (*OpRdefacto*), i.e., the degree in which minority rights are perceived to be protected in practice (0: totally disagree; 10: totally agree).

Table 1 provides information about the survey items used to measure the dependent, independent and control variables.

Table 1. Survey questions used to measure the dependent, independent and control variables.

Variables	Original question	English translation
<i>Dependent Variable</i> <i>LEOIR</i>	De um modo geral, como classificaria a relação entre o Executivo e a Oposição no seu município? Escolha a sua resposta usando para o efeito uma escala de 0 a 10, em que o 0 significa 'cooperativa' e o 10 significa 'conflitual'.	Overall, how would you classify Local Executive-Opposition Institutional Relations in your municipality? Please answer using a 0–10 scale, where 0 means 'cooperative' and 10 means 'conflictual'.
<i>Independent Variables</i> <i>COVID-19 effect on QoLD:</i>	Diga-nos, por favor, em que medida o atual contexto da pandemia Covid-19 afetou diferentes aspetos da qualidade da democracia no seu município, usando para o efeito uma escala de 0 a 10, em que 0 significa 'nada afetado' e 10 significa 'severamente afetado':	Please tell us to what extent the current Covid-19 pandemic context has affected different aspects of QoLD in your municipality, using a scale of 0 to 10, where 0 means 'not at all affected' and 10 means 'severely affected':
Participation	A participação dos munícipes nas Assembleias Municipais	Citizens' participation in Municipal Assemblies
Representation	A representação das forças políticas nas Assembleias Municipais	Representation of political groups in Municipal Assemblies
Oversight	As competências de apreciação e fiscalização atribuídas às Assembleias Municipais	Oversight power by Municipal Assemblies
Efficacy	O cumprimento dos compromissos eleitorais assumidos pelo Executivo	Fulfillment of electoral pledges by the Executive
Transparency	A informação sobre o funcionamento e gestão das Autarquias Locais	Information about the functioning and management of Local Authorities
Responsibility	A capacidade do Executivo explicar o alcance das suas políticas e decisões aos munícipes	Executive's capacity to explain the scope of its policies and decisions to citizens
Institutional Cooperation	A colaboração estreita entre o Executivo e a Assembleia Municipal na resolução de problemas da comunidade	Close collaboration between the Executive and the Municipal Assembly in solving community problems
Subsidiarity	A tomada de decisões tão próxima quanto possível do cidadão	Decision-making closer to citizens
<i>Communication of special measures</i>	Como classificaria o grau de cumprimento da obrigatoriedade de comunicação do Executivo municipal à Assembleia Municipal sobre as medidas excecionais tomadas em resposta à Covid-19, no âmbito da Lei n.º 6/2020, de 10 de Abril? Responda, por favor, utilizando uma escala em que 0 significa 'pouco satisfatório' e 10 significa 'muito satisfatório':	How would you rate the degree of compliance with the Municipal Executive's obligation to report to the Municipal Assembly on the exceptional measures taken in response to Covid-19, under Law No. 6/2020 of April 10? Please answer, using a scale where 0 means 'unsatisfactory' and 10 means 'very satisfactory':
Loans	Comunicação sobre a possibilidade de contrair empréstimos de curto prazo para o combate à COVID-19 sem autorização prévia da Assembleia Municipal	Communication about the possibility of contracting short-term loans to fight COVID-19 without prior authorisation of the Municipal Assembly

(Continued)

Table 1. (Continued).

Variables	Original question	English translation
Tax Exemptions	Comunicação sobre a concessão de isenções de certos tributos sem que haja a aprovação de um regulamento próprio aprovado pela Assembleia Municipal	Communication on tax exemptions granted to economic agents without prior approval of a proper regulation by the Municipal Assembly
Financial Situation Control Variables	Informação sobre a atividade e situação financeira do município	Information about the financial situation of the municipality
<i>Socio-Demographic</i>		
Gender	Sexo: masculino ou feminino	gender (1: male, 0: otherwise)
Age	Idade	age
Education	1. Ensino Básico; 2. Ensino Secundário; 3. Ensino Superior.	1: lower education; 2: secondary education; 3: higher education).
Public Sector Job	Trabalhador por conta de outrem (sector público) ou Trabalhador por conta de outrem (sector privado)	public job (1: yes; 0: otherwise)
<i>Political</i>		
Left-Right Self-Placement	Em termos políticos, as pessoas por vezes falam de esquerda e de direita. Onde é que se posicionaria numa escala de 0 a 10, onde 0 significa esquerda e 10 significa direita?	In politics, people sometimes talk about 'left' and 'right'. Where would you place yourself on a scale of 0 to 10, where 0 means left and 10 means right?
Alderman	Presidente da Mesa da Assembleia Municipal? (1: sim; 0: Não)	Alderman (1: yes; 0: otherwise)
Municipal Deputies	Membro eleito da AM (Deputado da Assembleia Municipal) (1: sim; 0: Não)	Elected member of the Municipal Assembly (Municipal Deputies) (1: yes; 0: otherwise)
<i>Opposition Rights</i>		
<i>OpRdejure</i>	Em que medida concorda ou discorda que, de um modo geral, os direitos das minorias políticas encontram-se devidamente protegidos pela Lei [Estatuto do Direito de Oposição]? Escolha a sua resposta neste cartão, em que o 0 significa 'discordo totalmente' e o 10 significa 'concordo totalmente'.	To what extent do you agree or disagree that, in general, the rights of political minorities are adequately protected by law [Statute on Opposition Rights]? Please answer using a 0–10 scale, where 0 means 'strongly disagree' and 10 means 'totally agree'.
<i>OpRdefacto</i>	Em que medida concorda ou discorda que, na prática, os direitos das minorias políticas são respeitados pelo Executivo? Escolha a sua resposta neste cartão, em que o 0 significa 'discordo totalmente' e o 10 significa 'concordo totalmente'.	To what extent do you agree or disagree that, in practice, the rights of political minorities are respected by the Executive? Choose your answer on this card, where 0 means 'strongly disagree' and 10 means 'totally agree'.

4. Analysis

4.1. Descriptive analysis

Table 2 presents the descriptive statistics of our variables. Starting with our dependent variable, on average, the participants report that LEOIR tend to be

Table 2. Descriptive statistics.

Variables	Obs.	Mean	Std. Dev.	Min	Max
Dependent Variable					
LEOIR	210	03.97	03.04	00	10
Independent Variables					
COVID-19 effect on QoLD					
Participation	193	06.16	03.49	00	10
Representation	193	02.71	03.39	00	10
Oversight	192	03.32	03.53	00	10
Efficacy	189	04.21	03.33	00	10
Transparency	190	04.08	03.64	00	10
Responsibility	190	04.27	03.49	00	10
Institutional Cooperation	192	03.94	03.76	00	10
Subsidiarity	189	04.76	03.54	00	10
Communication of measures					
Loans	177	06.17	05.94	00	10
Tax Exemptions	178	05.94	03.52	00	10
Financial Situation	189	06.93	03.20	00	10
Control Variables					
Socio-Demographic					
Gender (Male)	191	00.73	00.44	00	01
Age	188	55.24	11.33	29	84
Education	191	02.61	00.59	01	03
Public Job	191	00.38	00.49	00	01
Political					
Lef-Right Self-Placement	183	04.62	02.70	00	10
Alderman	192	00.16	00.37	00	01
Municipal Deputies	191	00.76	00.42	00	01
Opposition Rights					
<i>OpRdejure</i>	203	06.84	02.69	00	10
<i>OpRdefacto</i>	206	05.83	03.28	00	10

conflictual (average = 3.97). In fact, using a t-statistic, we test if LEOIR are, on average, more conflictual than neutral (i.e., if the average is statistically inferior to 5). According to this test, our dependent variable's average is statistically inferior to five (t-stat equals to -4.9099), confirming that LEOIR in Portuguese municipalities are perceived as conflictual, which corresponds to our expectations of H1.

We now turn to our two groups of explanatory variables. First, regarding the COVID's effect on QoLD, while *Participation* stands out as the most affected dimension (average = 6.16), *Representation* and *Oversight* stand out as the least affected dimensions (averages = 2.71 and 3.32, respectively). Third, participants reported that communication of tax exemptions without prior approval of a specific regulation by the Municipal Assembly (average = 5.94) was less satisfactory than other items of information (averages = 6.17 and 6.93).

Turning to the socio-demographic characteristics of the survey's participants, 78% of our sample are male and the average age is 55 years. Most participants have finished higher education (average = 2.76), and 38% are public workers. Regarding their political positioning, there is a slight bias to the left (average = 4.62). When it comes to the nature of the local elected office, 76% are directly elected members of the Municipal Assembly

(Municipal Deputies), whereas the remaining 24% are ex-officio members; 16% of the total of respondents are Aldermen.

Finally, with regard to the perceived respect for Opposition Rights in their municipalities, participants tend to report a positive perception that minority rights are protected by law (average = 6.84), but only a marginal positive perception that such rights are protected in practice (average = 5.83).

4.2. Ordered probit regression

We use regression analysis to assess the factors affecting the relationship between executive and deliberative bodies (*LEOIR*). Since this relationship scale is defined as an ordinal variable, a linear regression model cannot be used because its assumptions are violated in the case of ordinal dependent variables. Thus, we use an ordered probit model, which accounts for the ceiling and floor effects and avoids the use of subjectively chosen scores assigned to the categories (Hanushek and Jackson 1977).

In this model, the ordinal dependent variable, denoted here by *LEOIR*, is viewed as the discrete realisation of an underlying latent continuous variable, *LEOIR**. The categories are envisaged as contiguous intervals on the continuous scale. The unobservable *LEOIR** would satisfy the following linear regression model:

$$LEOIR_i^* = X_i * \beta^X + C_i * \beta^C + \varepsilon_i \quad (1)$$

where X_i is an array of explanatory variables of individual i , C_i is an array of socio-demographic and political control variables of individual i , β^X and β^C are the vectors of parameters to be estimated, and ε_i the error term. The observable categorical variable *Cooperation* is assumed to arise from *Cooperation*_i* as follows:

$$LEOIR = j \text{ if } a_{j-1} \leq LEOIR^* \leq a_j, j = 1, 2, \dots, J \quad (2)$$

where a are unknown cut-off points in the distribution of *LEOIR**, with $a_0 = -Inf$ and $a_J = Inf$. As stated above, the relationship scale is an ordinal variable which comprises 11 categories, that is, $J = 11$.

To select the most parsimonious model, we first included all possible explanatory variables and subsequently removed all variables that were not statistically significant. In the final model, we re-tested all variables that were removed during the process.

5. Results and discussion

Table 3 characterises the nature of Executive-Opposition institutional relations (*LEOIR*) in the Portuguese local context during the pandemic context.

Table 3. Ordered Probit regression estimations of LEOIR during the pandemic context^{a,b,c.}

Variables	LEOIR in Exceptional Contexts (1)	
Responsibility	-0.0588 **	(0.0259)
Tax Exemptions	-0.0651**	(0.0297)
Gender	-0.2492	(0.1985)
Age	-0.0066	(0.0079)
Education	-0.2748*	(0.1608)
Public Job	-0.2005	(0.1786)
Political Orientation	-0.0341	(0.0342)
Aldermen	-0.2765	(0.2459)
Municipal Deputies	-0.1637	(0.2278)
<i>OpRdejure</i>	-0.0747	(0.0468)
<i>OpRdefacto</i>	-0.1427***	(0.0439)
Cut-off 1	-2.0933	(0.7426)
Cut-off 2	-1.6260	(0.7391)
Cut-off 3	-1.2497	(0.7371)
Cut-off 4	-0.8792	(0.7335)
Cut-off 5	-0.6750	(0.7305)
Cut-off 6	-0.2484	(0.7266)
Cut-off 7	-0.0548	(0.7260)
Cut-off 8	-0.2934	(0.7277)
Cut-off 9	-0.6713	(0.7319)
Cut-off 10	-0.9379	(0.7388)
Statistics		
Log Likelihood	-344.42	
Pseudo R ²	0.0670	
Sample Size	159	

^aHeteroskedasticity-robust standard errors in brackets. Variance Inflation Factor allows rejecting the null hypothesis of multicollinearity.

^b*, ** and *** correspond to the 10%, 5% and 1% significance levels, respectively.

^cThe corresponding marginal effects are presented in [Appendix](#).

The model, which is represented in column (1), includes the explanatory variables that relate to the effect of COVID-19. Three key findings emerge from this model.

First, from all QoLD dimensions that might be affected by COVID-19, only *Responsibility* (i.e., vertical accountability) is suggested to have an effect on the cooperative nature of the relationship between Executive and Opposition, thus partially confirming H2. More specifically, the more this dimension was perceived to be affected by COVID-19, the less likely the relationship between Executive and Opposition to be regarded as cooperative. Although participation was strongly affected by the COVID-19 pandemic, this dimension of QoLD did not have an effect on LEOIR during this period.

Second, regarding how the Executive communicated the exceptional measures to the Municipal Assembly, only the granting of tax exemptions without prior approval of a specific regulation was found to be statistically significant. According to Column (2), the less satisfactory was the

communication of these tax exemptions to the Municipal Assembly, the less cooperative the relationship between Executive and Opposition was perceived to be, thus confirming H3.

These show that in extraordinary local democratic governance contexts, the Executive's capacity to explain to its constituents the exceptional measures adopted (vertical accountability), and its formal duty to communicate these decisions, in particular, those with financial implications, such as the granting of tax exemptions, to the Municipal Assembly (horizontal accountability), may hinder Executive-Opposition cooperative relations. Although local elected representatives believe the oversight powers of their Municipal Assemblies have not been negatively affected during the pandemic, in practice, their capacity to check potential abuses in the exercise of executive discretionary powers has been diminished due to poor reporting practices by the Executive in certain municipalities.

These results should be interpreted with some degree of caution. Conducting a survey to local elected representatives to assess the perceptions of the effects of the pandemic crisis on various QoLD dimensions and on LEOIR is only a first step towards understanding the adaptability of local democracies to adverse contexts. Other complementary studies are needed to obtain a more accurate picture of the transformations taking place in the performance of local democracy and its settings due to the pandemic. The Municipal Assemblies' oversight might not only be penalised by poor reporting practices from the Executive but also by the fact that health security and civil protection issues have become prevalent on the agenda of local politics, impoverishing parliamentary scrutiny and deliberative processes in other policy domains of Executive competence. There has been a sort of 'lockdown' of local politics by centring the debate around measures to respond to the COVID-19 pandemic or its social and economic effects and by appealing to a sense of forced unity, where ideological differences are set aside to respond to a common threat. This downplaying of different opinions and political dispute over these exceptional measures may have helped to sharpen relations between the Executive and the Opposition during this period.

Finally, we have also controlled for the possible effect the protection of minority rights in practice may have on the nature of LEOIR. The results show that the protection of minority rights in the daily institutional routine has a positive effect in LEOIR. The more local elected representatives perceive that minority rights are protected in practice, the more they feel that LEOIR are cooperative in nature, thus confirming H4. This result is in line with the literature on democratic theories that puts emphasis on the need to secure a climate of mutual respect between Executive and Opposition and to ensure the observance of minority rights by the ruling majority as 'conditions for the success of the democratic method' (Schumpeter [1942] 1975), as discussed in [section 2](#).

6. Concluding remarks

As conclusion of the above, with regard to the nature of LEOIR, the study concludes that in the Portuguese context, these are predominantly conflictual. This tension is largely derived from contextual and structural factors. During the pandemic context, cooperative Executive-Opposition relations in Portuguese municipalities deteriorated, partly due a perceived decline in vertical accountability coupled with the local Executives' lax approach to communication of exceptional fiscal measures.

As unsurprising as this conclusion may be, our data underscore, through the lenses of insiders (i.e., Municipal Deputies, ex-officio members of the Municipal Assembly – Parish Mayors – and Aldermen) that the procedural dimension of local democracy can be negatively affected when special powers are allocated to Municipal Executives during emergency contexts, without an adequate reinforcement of scrutiny powers by local deliberative bodies and the creation of the necessary conditions to enable citizens to take an active role in local public affairs.

When experiencing a crisis of emergency and uncertainty such as the COVID-19 pandemic, local governments tend to privilege efficiency and effectiveness in policy outcomes, to other procedural values, such as responsibility and the duty of informing the deliberative body, and opposition forces about the special measures adopted. Unfortunately, making executives stronger, through the allocation of special powers under the veil of expedient decision-making to counter the multiple effects of the pandemic, without reinforcing accountability mechanisms and communication procedures, may further weaken the Opposition's role, in particular in governance settings characterised by a weak system of checks-and-balances.

Notwithstanding the importance of contextual factors, there are other factors related to institutional performance equally relevant to understand the conflictual nature of LEOIR. The poor management of minority rights in the daily institutional routine of municipalities, in particular, the right of access to intelligible, meaningful and timely information by members of the Opposition, is also a determinant of the degree of tension between local Executives and Oppositions. In short, where local Executives rule with arrogance and contempt for opposition rights, there is a risk that such institutional practices will endure and intensify in a pandemic context.

Notes

1. *Participation, Representation, Oversight* (Horizontal Accountability), *Efficacy, Transparency, Responsibility* (Vertical Accountability), *Institutional Cooperation, and Subsidiarity*.
2. In Portugal, the Law 24/98, of May 26, Statute of the Right of Opposition sets a series of rights for Opposition members: (1) the right of information about the

performance of the Executive, the implementation of previous resolutions and matters of public interest; (2) the right of prior consultation during the preparation of budget proposals and activity plans; (3) the right of participation, that is, to intervene on any matters of relevant public interest, as well as the right to attend all official acts and activities of the municipality; and (4) the right to testify before inquiry committees or other forms of fact-finding on matters of relevant national, regional or local interest.

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Appendix

Marginal Effects computed from the Ordered Probit regression estimations of LEQIR during the pandemic context^a

Variables	Prob (LEQIR = 0)	Prob (LEQIR = 1)	Prob (LEQIR = 2)	Prob (LEQIR = 3)	Prob (LEQIR = 4)	Prob (LEQIR = 5)	Prob (LEQIR = 6)	Prob (LEQIR = 7)	Prob (LEQIR = 8)	Prob (LEQIR = 9)	Prob (LEQIR = 10)
Responsibility	-0.0108** (0.0050)	-0.0065** (0.0033)	-0.0044** (0.0023)	-0.0017** (0.0012)	-0.0003** (0.0005)	-0.0035** (0.0019)	-0.0025** (0.0014)	-0.0049** (0.0025)	-0.0048** (0.0025)	-0.0026** (0.0016)	-0.0048** (0.0025)
Tax Exemptions	-0.0119** (0.0057)	-0.0072** (0.0037)	-0.0049** (0.0026)	-0.0019** (0.0013)	-0.0004** (0.0006)	-0.0039** (0.0022)	-0.0027** (0.0016)	-0.0054** (0.0028)	-0.0054** (0.0028)	-0.0029** (0.0018)	-0.0053** (0.0029)
Gender	-0.0490 (0.0015)	-0.0275 (0.0226)	-0.0173 (0.0135)	-0.0054 (0.0045)	-0.0025 (0.0036)	-0.0165 (0.0150)	-0.0108 (0.0095)	-0.0207 (0.0171)	-0.0198 (0.0161)	-0.0105 (0.0091)	-0.0184 (0.0143)
Age	-0.0012 (0.0015)	-0.0007 (0.0009)	-0.0005 (0.0006)	-0.0002 (0.0003)	-0.0000 (0.0001)	-0.0004 (0.0005)	-0.0003 (0.0004)	-0.0005 (0.0007)	-0.0005 (0.0007)	-0.0003 (0.0004)	-0.0005 (0.0007)
Education	-0.0503* (0.0302)	-0.0305* (0.0190)	-0.0206* (0.0134)	-0.0082* (0.0065)	-0.0015* (0.0024)	-0.0163* (0.0109)	-0.0115* (0.0079)	-0.0229* (0.0147)	-0.022* (0.0147)	-0.0124* (0.0088)	-0.0224* (0.0143)
Public Job	-0.0062 (0.0348)	-0.0222 (0.0204)	-0.0146 (0.0132)	-0.0054 (0.0051)	-0.0014 (0.0023)	-0.0124 (0.0120)	-0.0085 (0.0082)	-0.0167 (0.0154)	-0.0163 (0.0149)	-0.0088 (0.0085)	-0.0158 (0.0144)
Political Orientation	-0.0062 (0.0063)	-0.0038 (0.0039)	-0.0026 (0.0027)	-0.0010 (0.0011)	-0.0002 (0.0034)	-0.0020 (0.0022)	-0.0014 (0.0015)	-0.0028 (0.0029)	-0.0028 (0.0029)	-0.0015 (0.0017)	-0.0028 (0.0029)
Aldermen	-0.0569 (0.0566)	-0.0302 (0.0270)	-0.0181 (0.0145)	-0.0045 (0.0040)	-0.0036 (0.0055)	-0.0195 (0.0206)	-0.0122 (0.0120)	-0.0229 (0.0207)	-0.0213 (0.0185)	-0.0112 (0.0100)	-0.0190 (0.0152)
Municipal Deputies	-0.0282 (0.0370)	-0.0181 (0.0252)	-0.0129 (0.0190)	-0.0059 (0.0099)	-0.0003 (0.0015)	-0.0086 (0.0107)	-0.0066 (0.0090)	-0.0135 (0.0188)	-0.0138 (0.0200)	-0.0077 (0.0118)	-0.0146 (0.0224)
OpRdejure	-0.0137 (0.0087)	-0.0083 (0.0056)	-0.0056 (0.0038)	-0.0022 (0.0018)	-0.0004 (0.0007)	-0.0044 (0.0031)	-0.0031 (0.0022)	-0.0062 (0.0042)	-0.0062 (0.0042)	-0.0034 (0.0025)	-0.0061 (0.0042)
OpRdefacto	-0.0261*** (0.0088)	-0.0158*** (0.0062)	-0.0107*** (0.0044)	-0.0042*** (0.0025)	-0.0008*** (0.0012)	-0.0085*** (0.0038)	-0.0060*** (0.0028)	-0.0119*** (0.0048)	-0.0117*** (0.0048)	-0.0064*** (0.0034)	-0.0116*** (0.0049)

Note: **, * and *** correspond to the 10%, 5% and 1% significance levels, respectively.