

## **Fire from Friends? Legislative Coalitions and Obstructionism in the Brazilian Congress**

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## Introduction

This paper examines one aspect of the legislative process that has rarely been investigated outside the United States Congress: legislative obstructionism. We analyze legislative obstructionism in multiparty coalitional presidentialism by examining the features of legislative coalitions and presidential coalition management. We do so by analyzing obstructionist activities in Brazil, which is a paradigmatic case of multiparty presidentialism. Prior research by Figueiredo and Limongi (1999), Amorim Neto (2006), Samuels (2000), Ames (2001), Pereira and Mueller (2002), Pereira and Rennó (2001), Pereira, Power, and Rennó (2005, 2008), Amorim Neto, Cox, and McCubbins (2003), and Hiroi (2008a) have already investigated the approval rates of legislative proposals, the profile of approved bills, presidential choices in legislative instruments, and budgetary decision making in the Brazilian Chamber of Deputies. Santos and Almeida (2011) have explored legislative committees and their informational roles. Inácio (2009) has looked into the role of the opposition in the Brazilian Congress. In short, we already know a lot about the legislative process in Brazil, except one area—legislative obstruction. In fact, we know almost nothing about the strategic use of the dilatory tactics in the legislative process in the Brazilian Congress or in other multiparty presidential democracies.

However, with Brazil's democratic political system operating now for 30 years since the transition from the military rule, we have witnessed both increases in the use of dilatory tactics in the Chamber of Deputies and a growing menu of procedural instruments available to impede the decision making process. The growing importance of legislative obstruction to understand the Brazilian legislative process should not be underestimated. By our calculation, between 1991 and 2010, approximately 50 percent of the roll call votes registered in the Chamber of Deputies pertained to procedural requests that in some ways obstruct the progression of legislative proposals. This indicates that Brazilian deputies routinely face this type of votes. There is hardly any study regarding legislative obstructionism in presidential democracies other than the U.S. Yet, we suspect similar development in other young presidential democracies in Latin America and elsewhere.

This paper explores legislative obstructionism in detail by examining its trend, scope, and causes. In contrast to the U.S. model of legislative obstructionism which emphasizes the majority-minority conflict, we argue that in coalitional presidential systems, the internal dynamics of legislative coalitions, especially presidents' coalition management and cohesiveness and size of the opposition, are more important determinants of obstructionist movements.

The remainder of the paper is organized as follows. The next two sections discuss legislative obstructionism and its practical and theoretical relevance. We then present the data on the use of dilatory tactics in the Brazilian Chamber of Deputies, and the analysis of legislative obstructionism between 1991 and 2010. In the concluding section, we discuss implications of legislative obstructionism for presidents' coalition management by focusing on the size and proportionality of presidential cabinets.

With respect to this last point, our study suggests that presidents with minimal legislative agendas do not need overly large coalitions. Governing coalitions that are smaller but content are more capable of reducing legislative obstructionism, principally because such coalitions will be able to avoid defections by their own members. Dissatisfied partners may turn into "*fogo amigo*," or "fire from friends,"<sup>1</sup> a phenomenon of legislative obstructions that spring from inside the very coalition constructed to support the president. What presidents should care about is the optimal size of the coalition that will not only help advance their legislative agenda but also minimize obstructionism by the opposition and the members of their own coalition.

### **Legislative Obstructionism: What It Is and Its Practical Relevance**

Legislative obstructionism refers to the practice of deliberately blocking or delaying legislative action. Obstructionism can take various forms. Filibustering, or the right to unlimited debate that the U.S. senators can exercise to impede legislative action, is one of the dilatory practices that have received more attention in a specialized literature (e.g., Binder and Smith 1997; Binder, Lawrence, and Smith 2002; Overby and Bell 2004). Once granted a permission to speak and short of a successful cloture vote to end the debate, a U.S. senator who opposes a bill can speak indefinitely in an effort to delay or prevent a final vote on the bill. The delay caused by obstruction may also allow a bill's opponents to gain greater concessions in the substantive contents in exchange for a final vote on the bill.

In Brazil, this practice is more restricted in both chambers of the national congress due to limitations placed on debate time by deputies and senators. Nevertheless, there are numerous other mechanisms that legislators can use to extend the deliberation time for bills. For example, Brazilian legislators can request more analysis time before casting a vote. They can also request additional votes related to particular proposals. Party leaders can even

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<sup>1</sup> "*Fogo amigo*" is often translated into "friendly fire." However, friendly fire implies accidental attacks on friendly forces. When the term *fogo amigo* is used to describe a legislative attack, such as presidential coalition members voting against government proposals, it is often intended. Thus, "fire from friends" would be a more proper translation.

declare obstruction for a particular proposal. These actions are intended to impede legislative action, and therefore constitute dilatory or obstructionist tactics.<sup>2</sup>

Examples of additional votes that deputies can request include, among others, verification of the quorum, removal of a bill from the order of the day, inversion of the sequence of bills to be examined, and separate votes on individual articles of a bill. Indeed, there are many ways in which deputies can intervene in the process by requesting roll call votes, which may bring a targeted bill to deadlock by requiring numerous votes on the same proposal. This type of obstruction occurs on the plenary floor after a bill has already cleared the high hurdle set by the chamber president and party leader caucus (called *Colégio de Líderes*) to be included in the order of the day. Obstruction at this stage also represents the final chance, within the lower house, to postpone the deliberation of the bill. As we will show below, since democratization, the use of dilatory tactics has increased in the Chamber of Deputies.

What are the implications of these dilatory tactics to impede decision making processes? One of the consequences is that such dilatory tactics can be used to bargain harder over the terms of support. Legislative delay increases the price of support necessary to approve a bill. A delay in a vote may also cause the bill's removal from the agenda, generating uncertainty about its future deliberation. Obstructionist maneuvers not only postpone floor decisions; these bills may be eventually abandoned or terminated. Legislative delay also gives more opportunities for revising the content of a proposal, at times substantially altering its scope, goals, and scheme.

The use of the procedural requests demanding roll calls as a way to examine obstructionist strategies is in a sense more interesting than analyzing other types of dilatory tactics, such as the use of speeches and analysis time. Votes on procedural requests have more dramatic effects on the processing of a bill. In addition, requests to change how a bill is to be deliberated requires, in most cases, coordinated action, which gives more prominence to parties and coalitions that use these tactics, and not individual legislators, which is the case with other types of legislative obstruction.

In Brazil, federal deputies possess a diverse menu of instruments to obstruct and delay decisions through requests. Nonetheless, its dynamics and causes are little known. We thus focus in this paper on the use of requests that require roll call votes as obstructionist tactics.

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<sup>2</sup> We use dilatory and obstructionist tactics synonymously.

## **Legislative Obstructionism: Theoretical Importance**

Most legislative research focuses on decisions that were made, such as passage of bills and vetoes. However, a study of “non-decision” is also central to understand the dynamics of legislative politics. Since time is an important, and scarce, resource for politicians who face multiple activities they must perform (Hall 1996), how long it takes for a task to be completed is an appropriate indicator of the costs inflicted on them.

As the literature on legislative obstructionism in the U.S. has indicated, delaying legislative deliberation resembles an attrition game. Competing parties seek to gain by means of persistence and exhaustion (Binder and Smith 1997). Moreover, delay in legislative approval can impose electoral costs, particularly for the government, which is under pressure to deliver results. Inaction and delay also impose costs on the political system and society. Such delays and non-decisions can especially be costly for countries that confront serious economic problems that require urgent actions (Ames 2001).

In the U.S., minority senators possess an arsenal of tools of obstruction, which includes extended debate, submission of amendments, procedural motions, and verification of quorum, to name a few (Binder and Smith 1997, 6). Although U.S. senators individually can invoke these dilatory tactics, they need to coordinate with other senators of their party to make them effective (Binder and Smith 1997; Binder Lawrence and Smith 2002; Overby and Bell 2004). Hence, there is also a collective action problem in the use of dilatory tactics even in the case of filibustering by U.S. senators where the margin for individual action is considerable.

In multiparty systems, coordination among parties composing coalitions is imperative for the success of legislative obstruction. The capacity of minority parties to frustrate a majority through obstruction in the legislative process is linked to the factors that determine their capacity to act jointly, such as the size and cohesiveness of the coalition. This is particularly true when a majority can easily overturn obstructionist movements. An opposition coalition that is small may be better able to coordinate internally. However, it simply does not have a sufficient weight to impede the legislative process. On the other hand, an opposition coalition that is large may numerically control sufficient votes to block or postpone legislative action. Yet, if it is internally heterogeneous, which is inherent in large groups, it may have a difficulty in coordinating internally, and thus its capacity to act together may be limited (Olson 1965). Internal cohesion of the opposition parties is all the more important, given that they do not have at their disposal all the resources, such as government

budgets and appointive prerogatives, that presidents retain and use to garner support from their congressional bases of support.

In the literature on the U.S. Congress where two major parties compete, legislative obstructionism is considered a tool for a minority. However, in multiparty systems, legislative obstruction may emerge even from within a governing coalition. In Brazil, this phenomenon is known as “*fogo amigo*,” or “fire from friends.” Coalition members that are dissatisfied with their treatments by the president and lack real influence in the formation of government policies may resort to legislative obstruction to frustrate the government. These are dissidents within the government support base that are characterized by low internal cohesion and inability to coordinate among coalition partners. A large governing coalition composed of an excessive number of parties that are ideologically dissimilar has greater difficulties in safeguarding coherence and discipline. Problems of coalition management for such cases multiply for presidents. One of the areas where the problems of coalition management may be manifested is in executive-legislative relations, with increasing instances of legislative obstructionism.

### **Hypotheses: Intra-Coalition and Inter-Coalition Conflict**

To understand what causes the use of obstructionist tactics, we need to uncover the forms by which legislative conflict takes place and how presidents manage their coalitions. In multiparty presidential systems, legislative conflicts occur along two dimensions: one within coalitions, and the other between the governing and opposition coalitions.

The dimension of intra-coalition legislative conflict places an emphasis on the relationship between parties and deputies within the same coalition. Internally cohesive coalitions have few disputes among their members. Thus, members of governing coalitions that are internally cohesive should have little reason to obstruct the legislative process.

*H1: Cohesiveness of governing coalitions is inversely associated with the frequency of dilatory tactics in the legislative process.*

However, the internal consistency of coalitions would result in the reverse effect for oppositions. A heterogeneous group of opposition parties will not be able to function as a unified front to counterbalance the forces of the governing coalition. They may have irreconcilable differences in policy preferences. Opposition parties may also seek different relationships with the government. For example, some “opposition” parties may be willing to trade their votes in exchange for the government’s financing of their pork barrel projects, while other parties are uncompromisingly determined to oppose the government’s initiatives.

Thus, the cohesiveness of the oppositions also varies greatly, which will affect their ability to engage in dilatory tactics. Internal cohesion is more important for oppositions than for governing coalitions, because, as noted above, opposition leaders do not possess the budgetary or appointive prerogatives enjoyed by presidents that can be used to mobilize support and impose internal discipline.

*H2: Cohesiveness of opposition coalitions is positively associated with the frequency of dilatory tactics in the legislative process.*

However, oppositions' ability to frustrate the governing coalition through obstruction depends on their size. This is especially true when procedural rules stipulate that majorities can easily overturn obstructionist moves. A small opposition coalition simply will not have enough legislative weight to delay or deny legislation. But even a large opposition coalition will not have a sufficient force to impede legislation if the coalition is uncohesive and thus cannot effectively coordinate their efforts against the governing coalition. To explore the possible interactive effect of opposition size and unity, we add the following hypothesis to Hypothesis 2:

*H3: The ability of the opposition to use dilatory tactics is conditional to its size.*

Finally, even though the line dividing the government and opposition may be murkier in multiparty coalitional presidential systems than in two-party presidential systems, government-opposition conflict is the traditional explanation for legislative gridlock and obstructionism in the U.S. Congress (Mayhew 1991; Binder 1999; Krehbiel 1996, 1998; Binder et al. 2004). Prior research on legislative politics in Brazil also emphasizes the government-opposition distinction and tends to neglect internal differences within coalitions in their empirical testing. Thus, Hypothesis 4 explores whether the ideological distance between the governing and opposition coalitions affects obstructionism.

*H4: The greater the ideological divide between the opposition and the government coalitions, the more obstruction there will be in the legislative process.*

### **Coalition Management Hypothesis**

Finally, we examine the effect of presidential coalition management on legislative obstructionism. Coalition management involves presidents determining the size of the coalition and distribution of resources among coalition members. In Brazil, the executive branch possesses diverse legislative, budgetary, and administrative prerogatives that are fundamental to advance its legislative agenda in the congress (Figueiredo and Limongi, 1999; Tsebelis and Aleman 2005). Brazilian presidents' "tool box" to win legislative support

include the budgetary prerogative to allocate government funds to finance legislators' projects (i.e., pork projects) and the administrative prerogative to appoint personnel in the bureaucracy (i.e., patronage) (Pereira, Power and Raile 2011). How these resources are distributed affect the functioning of the governing coalition.

In this paper, we focus on the allocation of cabinet portfolios because this is the primary tool for coalition management.<sup>3</sup> Presidents strategically allocate ministerial portfolios as a means to construct legislative coalitions (Amorim Neto 2006). The distribution of cabinet positions affects the division of power among coalition members. The better distributed these resources are, the more satisfied are the coalition members, and hence the more smoothly the coalition functions.

Political parties vie for ministerial posts not only because of their policy interest and expertise, but also because of the resources and patronage potential that ministries provide. Control of ministerial positions gives parties critical access to much needed resources that they can expend. These positions allow those who occupy them to create and fill jobs under their jurisdictions. Thus, parties in the governing coalition care greatly about how cabinet portfolios are distributed, and how well parties are represented in the cabinet is a central issue in coalition management (Amorim Neto 2006). One "fair" method of portfolio allocation is to consider the legislative size of the parties in the coalition and distribute ministerial posts proportionally to their seat shares. Violation of the proportionality principle is likely to provoke intra-coalition dispute, and dissatisfied parties may rebel. Hence:

*H5: The less proportional the distribution of cabinet positions among coalition partners relative to their legislative weights, the more obstruction there will be in the legislative process.*

Yet, the effect of cabinet proportionality on lawmaking may depend on coalition size. As discussed, a proportional distribution of cabinet portfolios is imperative to create a sense of fairness and satisfaction among coalition partners. When coalition size is relatively small, partner satisfaction is important for a smooth legislative operation because every vote counts in such settings. A disproportionate allocation of portfolios creates incentives for the coalition members receiving less proportional resources to protest and demand their fair shares, generating greater possibilities for non-cooperation. On the other hand, when coalition size is

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<sup>3</sup> As noted before, presidents also use release of public funds for pork barrel projects of individual legislators to garner their support for specific proposals. However, this strategy is typically targeted at individual legislators and is employed on a proposal-by-proposal basis. Thus, it is not a general coalition management strategy. We also estimated models using data on funding for budgetary amendments by deputies. The variable did not achieve the conventionally accepted level of statistical significance.



large, size will offset some costs of defections, and hence a proportional distribution may matter less. In other words, the size of legislative coalitions and its effect on patronage is subject to the law of diminishing marginal returns (Riker 1962).

Moreover, we suspect that excessively oversized coalitions may cause more harm than good in the legislative process. One reason is the size of the portion of a pie to be distributed. Competition for cabinet portfolios increases with the size of the coalition. In a very large coalition, the demands for these positions are high, yet given limited resources, the number of positions the president can offer to each coalitional partner will be reduced. This, in turn, is likely to generate more demands and greater competition for cabinet positions, intensifying intra-coalition conflict.

In addition, excessively oversized coalitions will have greater internal heterogeneity with divergent policy preferences and motives, which will create more difficulty in reaching consensus and more internal bickering. In such a large coalition, some coalition partners may be pure office seekers, demanding a greater share of offices than they deserve given their size. If this is the case, a proportional distribution of cabinet positions at the larger end of coalition size may actually cause more obstruction and more delay in the legislative process than is normally expected. Therefore, presidents need to find an equilibrium point where the size of a governing coalition and cabinet proportionality meet to minimize challenges to governing.

*H6: The effect of the proportional distribution of cabinet positions on obstructionism diminishes as the size of the governing coalition enlarges, eventually generating a negative effect.*

We should respond to a possible critique that the configuration of a governing coalition is endogenous to the functioning of the coalition in the congress. The argument is that if a legislative coalition does not function well, presidents would reallocate ministerial posts as well as add or remove certain parties to or from the governing coalition. If this is the case, coalition size and cabinet composition depend, at least partly, on what goes on in the congress, including obstructionism, and not vice versa. Such criticism is similar to the one that Diemeier has about the use of variables that characterize the composition of ministers as explanations for the stability and durability of cabinets in parliamentary regimes.

The main lesson, however, from an approach that models cabinets as equilibria, is that expectations about cabinet duration influence the choice of initial cabinets; they are jointly selected in equilibrium. Empirically, this implies that we cannot treat cabinet-specific features as proper independent

variables in a regression model. Rather, we are facing a selection problem.

(Diermeier 2005, 19).

However, the selection problem that Diermeier points out does not directly affect our argument, for we are not modeling government stability. Nevertheless, cabinet reshuffling may occur in order to respond to a political climate in the congress, including obstructionism. Although plausible, this possible endogenous relationship does not find much empirical support in the literature on stability and durability of cabinets, particularly in presidential regimes (Camerlo and Perez-Liñan 2013a, 2013b, Chasquetti, Buquet and Cardarello 2013). As Camerlo and Pérez-Liñan point out in their analysis of various presidential countries in the Americas, what is most relevant to explain falls and substitutions of ministers is political scandals and external shocks, conditional on the popularities of the presidents (Camerlo and Perez-Liñan 2013b, 2). Likewise, Chasquetti, Buquet and Cardarello (2013), in their analysis of presidential cabinets in Uruguay, also argue that even though presidents use cabinet posts to craft legislative support in the congress, once formed, the survival or fall of ministers does not depend on what goes on in the congress.

Martinez-Gallardo (2012) maintains that the size of the coalition affects cabinet stability. However, such effect is conditional on the legislative powers of the president and the congress, as well as presidential popularity. In systems where legislatures are powerful, the need to maintain a coalition is great. When presidents are popular, cabinets are more stable because the cost of defection by the members of the support base increases. None of these authors argue that obstructionism in the legislature causes cabinet dissolution.

Furthermore, in the case of Brazil, substitution of a minister, when it does occur, tends to be conducted in a manner that maintains the partisan configuration of the cabinet. In other words, when changes occur, a member of the same party takes the post of the minister who is let go. A brief evaluation of successive resignations by ministers in the government of President Dilma Rousseff squarely confirms this pattern. Changes in the personnel are more frequent, but changes in the partisan portfolio of the cabinet are rarer.

Perhaps Diermeir's argument is pertinent to parliamentary systems where cabinet stability implies government survival. However, in presidential regimes where vote of no confidence does not exist and cabinet change does not imply the fall of a government, survival of a minister is much more linked to her or his personal performance and scandal than the patterns of executive-legislative relations. If each legislative defeat or setback triggers a fall of a minister, we would observe much less stability in the ministerial posts than what we have actually observed in Brazil.

For these reasons, we conclude that the day-to-day operation of a governing coalition in the congress does not affect changes in the cabinet composition, particularly contemporaneously. Considered in this way, we treat the configuration of cabinet portfolios as exogenous to daily operations of the legislative process and methodologically appropriate to explain obstructionist movements.

## **Variables and Data**

Votes in the Brazilian Chamber of Deputies occur not only to evaluate the content of legislative proposals but also for various reasons. Votes can be used to delay decisions; they can also be used to accelerate decision making. Our dataset allows us to analyze how legislative conflict manifest itself in the battles for impeding the legislative process through procedural maneuvers using requests for additional votes on the same proposal. In this way, we evaluate how procedural disputes, by means of presenting and voting on procedural requests, are conditioned by political environments characterized by various degrees of intra- and inter-coalition conflict and coalition management by presidents.

To undertake this analysis, we first need to identify the types of parliamentary procedures that can be used to obstruct the legislative process. In the Chamber of Deputies, there are three types of procedural requests: those that delay decision, those that hasten it, and those that pertain to the substantive content of a proposal.

Examples of procedural votes by which legislators can delay legislative business include request for removal of proposals from the order of the day, request to delay discussion and vote, request to prolong deliberation, question of order, request for parceling a vote, request for a nominal vote, and request for a separate vote on different articles of a bill. On the other hand, certain procedural votes are clearly intended to accelerate the legislative process. These ‘fast-track’ votes include request to end discussion, request to vote all at once, and urgency motion, among others. Certain other votes have substantive nature, such as votes on rapporteurs’ reports, amendments, or bills.

In the Chamber of Deputies, various actors can submit requests for additional votes. This includes party leaders, rapporteurs, authors of bills, and groups of individual deputies. For example, the postponement of discussion of and vote on a bill can be requested by a party leader, a bill’s author, or the rapporteur of the proposal. Any deputy can request inversion of the order by which bills are discussed and voted on. Most other procedures require collective rather than individual requests. For example, requesting a roll call vote requires that six one hundredths ( $6/100$ ) of the chamber membership, or leaders of parties representing this

number, supporting the request. One tenth (1/10) of the chamber membership or leaders of parties representing this number can also request verification of votes through a roll call vote and separate votes on articles of bills. On the other hand, request to end discussion requires five one hundredths (5/100) of the chamber membership, or leaders of parties representing this number, supporting this request. Urgency motions require support by one thirds (1/3) of the chamber membership, leaders of parties holding one third (1/3) of the seats, two thirds (2/3) of the members of the directorate (called *Mesa*), or two thirds (2/3) of the members of the committee with jurisdiction to evaluate the merit of the proposal.

Table 1 below lists all forms of requests that require floor votes. We coded as one the procedures that obstruct the decision making process, two those that accelerate the process (fast track), and three those pertaining to substantive contents.<sup>4</sup> The table provides roll call data by types of procedures, from most to least frequently used, in each category.

The table shows that the two most frequently requested procedures are separate votes on parts of a bill (*destaques para votação em separado*, or DVS) and removal from the order of the day (*retirada de pauta*, or RET). Both of these procedures can be used as obstructionist tactics. These two types of dilatory requests surpass the most common mechanisms of fast-track, i.e., request for extreme urgency (*urgência urgentíssima*, or UGG), and of substantive votes, i.e., votes on proposals (*votação do projeto*, or PRO) and on amendments (*votação de emendas*, or EME or EMA). In other words, obstructionist votes are more common than fast-track or substantive votes.

Indeed 53 percent of all roll call votes that took place between 1991 and 2010 dealt with procedural requests that delayed the legislative process. That is, Brazilian federal deputies spent much time and resources on procedural battles for the control of the agenda. In contrast, procedural disputes for accelerating legislative action occurred only 15 percent of the time, and substantive votes account for less than one third (30 percent) of the roll calls. Thus, the data show the predominance of procedural votes over substantive votes. Prior studies on governability that neglected this dimension of legislative conflict failed to analyze an extremely relevant part of the activities in the Brazilian Congress.

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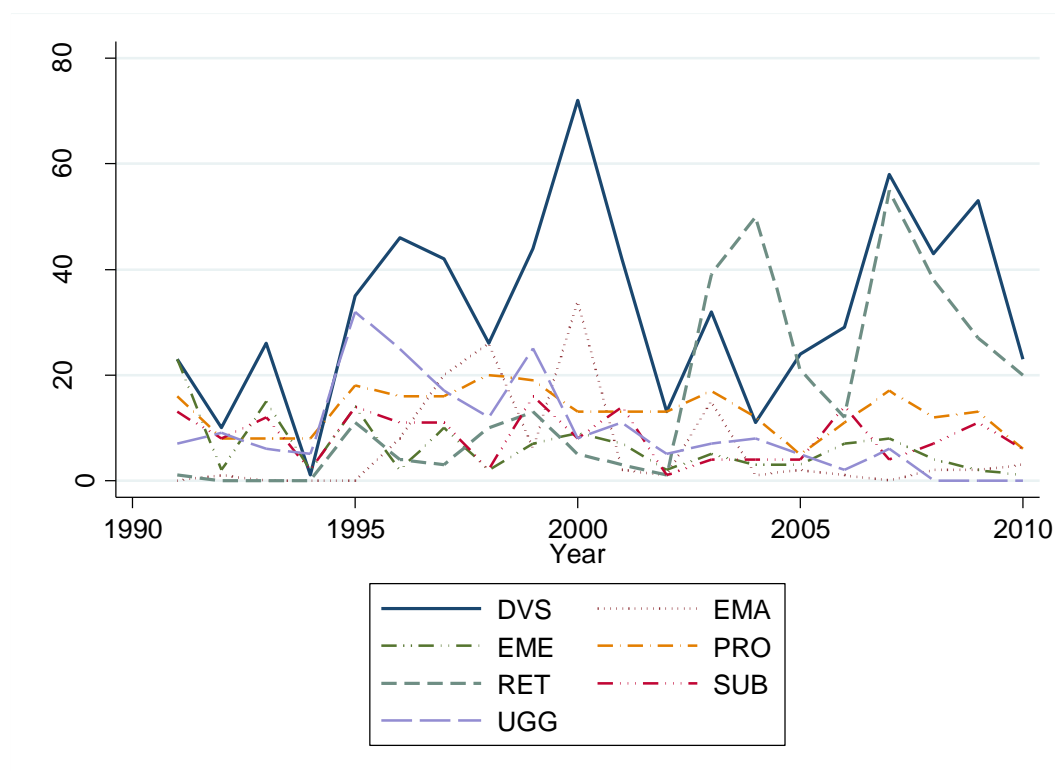
<sup>4</sup> We coded these roll call votes based on the database provided by Cebrap.

**Table 1 Types of Procedural Votes in the Brazilian Chamber of Deputies, 1991-2010:  
Obstruction (1), Fast-Track (2), and Substantive (3)**

Code	Description	Type	Freq.	%
DVS	Separate vote on part of a bill	1	687	27.96
RET	Request for removal from the order of the day	1	331	13.47
ADI	Request for postponement of discussion or vote	1	118	4.80
ADM	Vote on admissibility of a provisional measure	1	50	2.04
REC	Vote on appeal in the plenary	1	30	1.22
SUM	Vote on sub-amendment (amendment to another amendment)	1	28	1.14
INV	Vote on request for inversion of the order of deliberation	1	26	1.06
REQ	Vote on other types of requests	1	20	0.81
DEM	Vote to dismember a bill	1	13	0.53
RPS	Request for extension of session time	1	4	0.16
RPT	Appeal against terminative power	1	3	0.12
QOD	Question of order	1	2	0.08
RPV	Request to schedule votes in installments	1	2	0.08
EXT	Vote on termination of urgency regime	1	1	0.04
NOM	Request for a roll call vote	1	1	0.04
DEX	Separate vote on expression (phrase) of a bill	1	0	0.00
DVE	Separate vote on amendment	1	0	0.00
REM	Request for a separate vote on amendment	1	0	0.00
RVP	Request for vote on parts of a bill	1	0	0.00
UGG	Motion for extreme urgency	2	191	7.77
PRE	Request for preference for vote	2	71	2.89
ENC	Request to end discussion	2	53	2.16
URG	Motion for urgency	2	38	1.55
GLE	Vote on amendments in whole	2	13	0.53
EFS	Suspending effect	2	10	0.41
GLD	Vote on separate parts in whole	2	5	0.20
RIO	Request for inclusion of proposal in the order of the day	2	3	0.12
RQI	Request to end interval	2	3	0.12
PRO	Vote on a bill	3	302	12.29
SUB	Vote on a substitutive bill	3	171	6.96
EME	Vote on one amendment, including cases of vote on substitutive sub-amendment	3	143	5.82
EMA	Vote on agglutinative amendment	3	124	5.05
PAR	Vote on report	3	7	0.28
HOM	Homage	3	1	0.04
MSG	Message regarding a bill	3	0	0.00
RCO	Request for external committee	Excluded	6	0.24
NAA	Without indication	Excluded	0	0.00

Figure 1 examines variation in the use of certain common forms of roll call votes over time: vote on DVS (separate vote on part of a bill), vote on agglutinative amendment (EMA), vote on an amendment (EME), vote on a bill (PRO), request for removal from the order of the day (RET), vote on a substitutive bill (SUB), and motion for extreme urgency (UGG). We include votes on amendments because, even though it is not a form of legislative obstruction, it indicates potential for alteration of proposals and legislative interference in lawmaking.

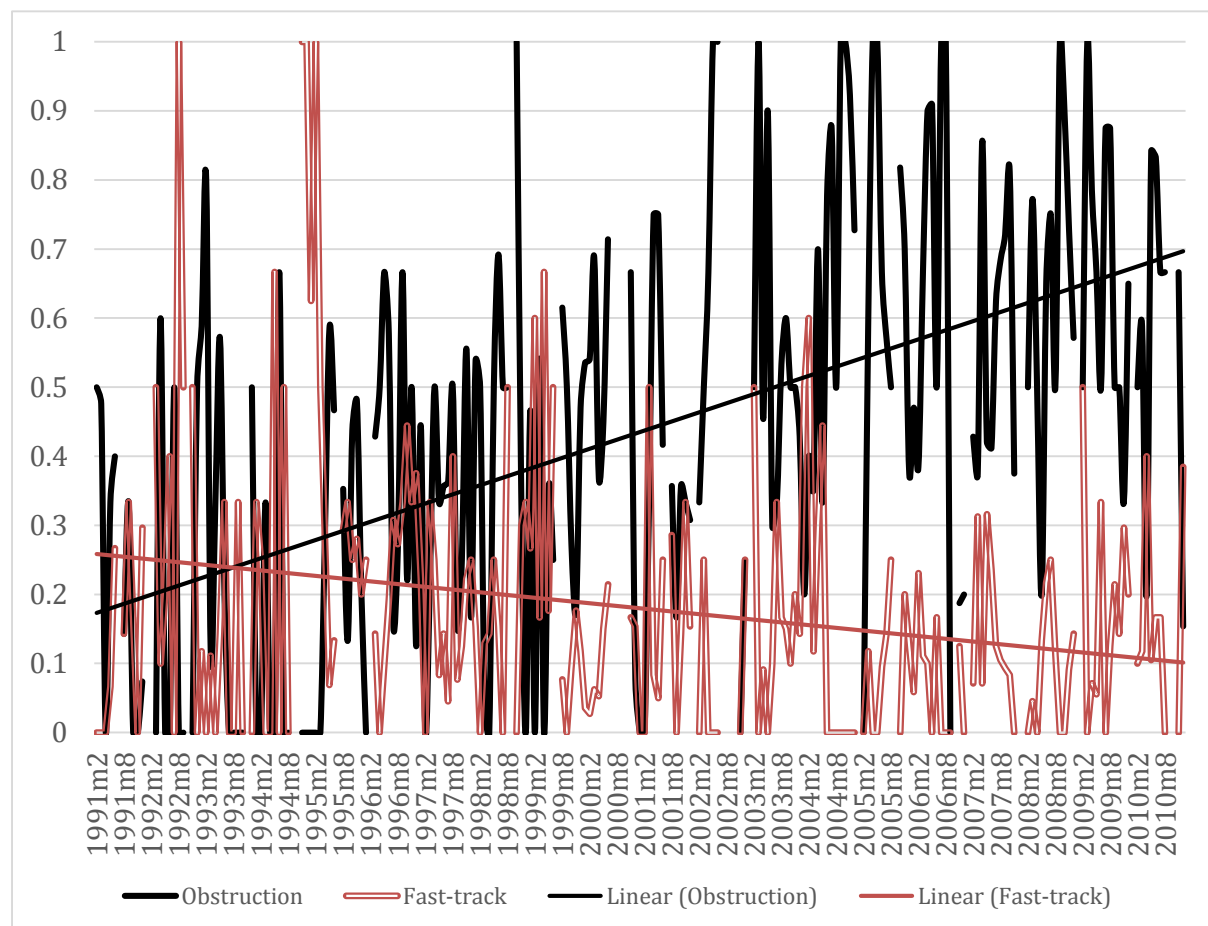
The figure shows that separate votes on part of a bill and request for removal from the order of the day have been consistently the most frequently used categories during the period under investigation. The use of these measures is not exclusively concentrated in certain periods, although there are yearly variations, with certain years showing significant increases. In other words, these procedures are the most commonly used on the plenary floor all the time, and exhibit tendencies for growth in recent periods.



**Figure 1 Frequency of Various Procedural Requests in the Brazilian Chamber of Deputies, 1991-2010**

The dependent variable in the subsequent analysis is the proportion of obstructionist votes to all the roll call votes taken in each month. Proportions are more intuitively understood and easy to compare over time compared to absolute frequencies of such votes.

Figure 2 presents the evolution of indices of obstruction and fast-track votes. It indicates that obstructionist votes have increased in the Chamber of Deputies over the last two decades. In contrast, requests for votes to accelerate decisions have decreased in relative terms. Hence, an analysis of legislative obstructionism has become necessary to understand how the dynamics of legislative conflict affects the legislative decision making process in the lower house of the Brazilian congress.



**Figure 2 The Ratios of Obstructionist and Fast-Track Votes to Total Roll Call Votes in the Brazilian Chamber of Deputies, 1991-2010**

Our dependent variable is the ratio of obstructionist votes to all roll call votes in a given month, instead of simple counts. The data, therefore, have a monthly time-series structure. We add a cross-sectional dimension by including variables for the different legislative periods based on the idea that legislative conflict is defined within the boundaries of a single legislature. We excluded the 48<sup>th</sup> Congress which ended in February 1991, because it also served as a constituent assembly and had a distinctive dynamic. Therefore, our

analysis includes data from February 1991 through December 2010. In addition, we use robust standard errors to address heteroskedasticity, and include a lagged term of the dependent variable for serial correlation.

There are debates in the literature about appropriate procedures for analysis of data with the characteristics discussed above. Given lack of consensus, we decided to estimate our model with various modeling strategies. In the OLS model, we include dummy variables for different legislative periods. In the fixed effects GLS model, each legislative period is treated as a distinct panel. We also estimate a random effects model with robust standard errors clustered by legislative periods.

Our hypotheses require independent variables measuring the cohesiveness of governing and opposition coalitions, the size of the coalitions, the proportionality in the distribution of cabinet positions among the parties in the governing coalition, and the ideological distance between coalitions. We measure the degree of cohesion of governing and opposition coalitions using the Rice index of cohesion, calculated by the absolute difference in the percentages of those voting yes and those voting no in a coalition. We calculated a monthly index for each of these coalitions on every roll call vote recorded in Cebrap's legislative database (2011) for the Chamber of Deputies. We use three-month moving averages ( $t$ ,  $t-1$ , and  $t-2$ ) because any particular month's index may reflect the nature of the specific vote taken rather than the degree of cohesion in general.

Opposition cohesion is interacted with the legislative size of the governing coalition to explore whether the size of the opposition conditions the effect of opposition cohesion on obstructionism. Government coalition size is the percentage share of the seats in the Chamber of Deputies held by parties in the governing coalition. The size of the opposition coalition is the reverse of the governing coalition size.

We calculated cabinet proportionality using Amorim Neto's (2006) cabinet coalescence rate to measure presidential coalition management. The cabinet coalescence rate is the proportionality in percentages between the shares of seats in the Chamber of Deputies held by parties in government and their ministerial shares in the cabinet. When there is no correspondence between cabinet shares and legislative seats, the index takes a value of 0, and perfect correspondence between cabinet shares and legislative weights takes a value of 100. The cabinet coalescence rate changes every time there was a change in the cabinet's partisan composition. We interact it with government coalition size to assess the potential effect of diminishing returns of cabinet allocation and large coalitions.



We use synchronic measures of cabinet proportionality, coalition size, and their interaction term because the choice to obstruct is determined by the state of cabinet management in the current month, which is already known to deputies, given its relative stability over time. Government and opposition cohesiveness are moving averages of the two prior months and the current month because it is difficult for federal deputies to clearly predict voting patterns based exclusively on the present day context. Hence, information from the previous months assists in understanding the mood within the coalition.

The government-opposition ideological divide is our measure of inter-coalition conflict. We constructed this variable based on survey responses by Brazilian federal deputies in all legislatures since 1990. It uses composite indices of ideological positions based on survey items generated by Zucco and Lauderdale (2011) and Zucco and Power (2011). In the original dataset, these indices are first calculated at the level of deputies and then aggregated to the party level. The ideological divide variable is the difference in the mean ideological positions of the parties that compose the governing or opposition coalition.

Table 2 presents descriptive statistics of the independent variables. The table reveals that all these variables exhibit considerable variances, which is important for the tests of the proposed hypotheses.

**Table 2 Descriptive Statistics: Independent Variables**

	Mean	St. Dev.	Minimum	Maximum
Gov. Coalition Size	61.06	12.33	26.20	76.60
Cabinet Proportionality	54.23	10.79	22.00	70.00
Gov. Coalition Cohesion	80.64	11.24	11.11	99.19
Opposition Cohesion	60.03	14.10	21.58	97.31
Ideological Distance	1.35	0.61	0.13	2.46

In addition, we also control for the effects of electoral cycles by adding dummy variables indicating one for the months of August, September, and October for the general elections of 1994 and 1998 when there was only one round of voting. We added November for the elections of 2002, 2006, and 2010 when there were run-off elections. The analysis also controls for the first three months of the Congress to capture honeymoon effects.<sup>5</sup> Finally, we control for the distinct administrations with dummy variables.

<sup>5</sup> The Brazilian Congress begins in February following an election.

## Results

Table 3 presents the results of the analysis. The first model is an OLS regression and includes a trend variable to address the dependent variable's potential stationarity problem, which shows a pattern of increase over time. It also includes fixed effects variables for distinct legislative periods. Model 2 excludes these fixed effects variables and the trend variable, which is not statistically significant. Model 3 is a fixed effects GLS model, and Model 4, a random effects GLS model. As Table 3 shows, all these models present almost identical results. We will therefore focus on the interpretation of the results of the OLS regression because of the ease of interpretation.

**Table 3 Multivariate Analysis of Obstructionism in the Brazilian Chamber of Deputies, 1991-2010.**

Variables	(1) OLS	(2) OLS	(3) GLS FE	(4) GLS FE
Lagged Dependent Variable	0.17** (0.070)	0.19*** (0.07)	0.17** (0.55)	0.19*** (0.06)
Gov. Coalition Size	-0.02 (0.017)	-0.02* (0.01)	-0.02 (0.01)	-0.02 (0.02)
Cabinet Proportionality	-0.04*** (0.015)	-0.04*** (0.01)	-0.04*** (0.01)	-0.04*** (0.01)
Coalition Size x Cabinet Proportionality	0.001*** (0.0003)	0.001*** (0.0002)	0.001*** (0.0001)	0.001*** (0.0002)
Gov. Coalition Cohesion	0.0003 (0.002)	0.001 (0.002)	0.0003 (0.002)	0.0005 (0.002)
Opposition Cohesion	0.02*** (0.007)	0.02** (0.01)	0.02*** (0.003)	0.02*** (0.003)
Coalition Size x Opposition Cohesion	-0.0003*** (0.0001)	-0.0003*** (0.0001)	-0.0003*** (0.0000)	-0.0003*** (0.0000)
Gov.-Opposition Ideological Distance	0.06 (0.11)	0.03 (0.10)	0.06 (0.11)	0.07 (0.11)
Electoral Cycles	-0.06 (0.16)	-0.08 (0.15)	-0.06 (0.09)	-0.08 (0.09)
Honeymoon Effect	-0.08 (0.10)	-0.10 (0.09)	-0.08 (0.11)	-0.09 (0.10)
Collor	--	-0.64*** (0.17)	-0.22 (0.12)	-0.55*** (0.11)
Itamar	0.22 (0.15)	-0.38*** (0.12)	--	-0.31*** (0.10)
Cardoso	0.33 (0.24)	-0.25** (0.13)	--	-0.23* (0.13)
50 <sup>th</sup> Congress	-0.09 (0.10)	--	--	--
52 <sup>nd</sup> Congress	0.56* (0.32)	--	--	--

53 <sup>rd</sup> Congress	0.48 (0.39)	--	--	--
Trend	0.001 (0.002)	--	0.001 (0.002)	0.0006 (0.001)
Constant	1.06 (0.90)	1.78** (0.84)	1.43 (0.85)	1.35* (0.81)
N	183	183	183	183
R-squared (within)	--	--	0.126	0.120
R-squared (between)	--	--	0.448	0.977
R-squared (overall)	0.399	0.387	0.190	0.388
Number of panels (Congress)	--	--	5	5

*Note:* Robust standard errors are in parentheses. \*  $p \leq .10$ , \*\*  $p \leq .05$ , \*\*\*  $p \leq .01$ . In Model 1, the Collor administration and the 51<sup>st</sup> Congress were dropped due to multicollinearity.

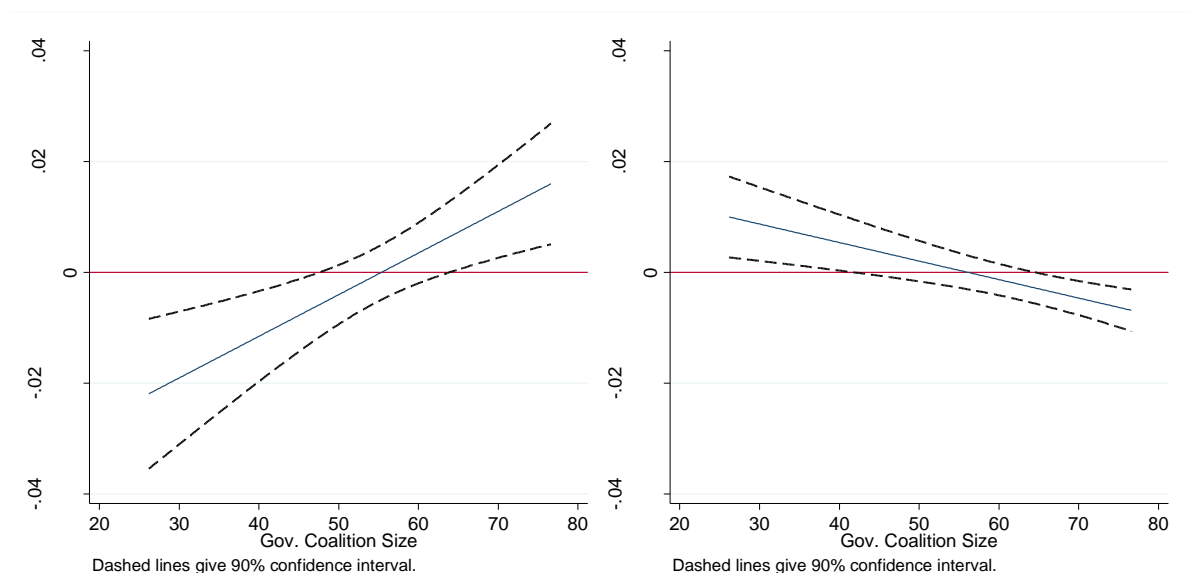
The results of the regression analysis conform to theoretical predictions. Cabinet proportionality reduces obstructionist movements, with decreasing effects as the size of the governing coalition increases. The interaction term between cabinet proportionality and governing coalition size indicates that the effect of the former is conditioned by the latter. When this conditional effect is not taken into consideration, a one-point increase in the cabinet coalescence rate leads to a 0.04 reduction in the obstruction ratio. Thus, if the cabinet coalescence rate increases 11 points (equivalent to one standard deviation), the obstruction ratio decreases by 0.44, which is a substantial reduction. The effect of governing coalition size is more ambiguous, since it is not statistically significant except in Model 2. Since the variable's coefficient is negative in all models, when the values of the variables that are interacted with this variable are zero (no real case exists with this value), larger size of a governing coalition *per se* appears to reduce obstructionist movements.

It is also interesting to point out that the dimension of intra-coalition conflict is particularly relevant for opposition. The results show that the more cohesive the opposition, the greater its capacity to obstruct the legislative process. However, as is the case with the effect of cabinet proportionality with respect to the governing coalition, the effect of opposition cohesion is also conditioned by the size of the opposition coalition.

Figure 3 presents the visual display of how coalition size affects the effects of cabinet proportionality and opposition cohesion, respectively, on obstructionist movements. The figure indicates that at the 90 percent confidence level, a proportional distribution of ministerial posts is particularly effective in reducing obstructionist movements when the size of the coalition is relatively small (48 percent of the seats or less). This finding is quite intuitive because presidents working with small coalitions need to keep all members happy

because every vote counts. The coefficient of cabinet proportionality is negative up to a coalition size of 56 percent; however, the coefficient does not reach a conventionally accepted level of statistical significance beyond a coalition size of 48 percent. In our dataset, a coalition size of 45 percent or less is recorded for 30 months (or 13 percent of the total); a coalition size of 49 percent or less is registered for 42 months (or 18 percent of the total).

Moreover, the figure also reveals that excessively large governing coalitions may inadvertently transform otherwise obstruction-reducing effects of cabinet proportionality into one that increases it. The coefficients of cabinet proportionality becomes statistically significant once again at governing coalition size that is greater than 65 percent of the total seats, but its effect is increasing, rather than decreasing, legislative obstructionism. Such an inflated governing coalition turns out to be a liability for the smooth operation of the legislative process. Under these conditions, the demand for posts exceeds their supply as more patronage-oriented parties join the coalition, heating competition for jobs and increasing intra-coalition disputes. These are the difficulties generated by distributive pressures within the governing coalition, which is now visually shown in the figure. In a nutshell, it indicates that it is difficult to manage very large coalitions.



**Figure 3 Effective of Cabinet Proportionality and Opposition Cohesion on Obstructionism Given Coalition Size**

If having an inflated coalition is more complex and costly for the government due to the difficulty in managing such a large entity, for oppositions, being cohesive is not sufficient; it also needs to be sizable to have a legislative weight. As Figure 3 indicates, the

effects of opposition cohesion on increased obstructionism are statistically significant only when opposition is facing a minority government. To put it differently, opposition cohesion has a statistically positive effect on obstructionism when the size of the opposition is greater than 55 percent of the total membership. When the opposition is smaller than this threshold, its capacity to engage in dilatory tactics becomes statistically indistinguishable from zero. Moreover, when the opposition coalition is extremely small, internal consistency of the opposition may even reduce obstructionist movements, as shown in the figure, perhaps because the oppositions know that they have little legislative weights, and thus give up even attempting to obstruct, knowing that the majority can easily overturn the opposition minority's effort to obstruct.

### **Implications and Discussions**

This paper explored the frequency and the causes of the use of obstructionist tactics in the Brazilian Chamber of Deputies. We examined one, and increasingly important, type of legislative obstructionism: use of procedural requests that require additional roll call votes for the same proposal. The use of dilatory tactics in the form of additional procedural votes has been on the rise in Brazil, whereas ones that accelerate the legislative process have become much less frequent. Indeed, the process of bargaining in the Chamber of Deputies has witnessed increasing procedural battles over the process of voting, generating additional costs to the proposers and supporters of legislative proposals and increasing the possibility for the alteration of their substantive contents.

Although some previous studies (e.g., Figueiredo and Limongi 1999) have indicated that Brazilian presidents are quite successful in getting their proposals approved in the congress, this does not mean that the actual deliberation moves without obstacles or difficulties. The legislative process in Brazil often takes a long time, involving negotiations and renegotiations that delay the process, as indicated by previous work (Ames 2001; Hiroi 2008a, 2008b; Hiroi and Renno 2014). Obtaining support in the Chamber of Deputies for votes can be costly because successful and strategic use of obstructionism in the legislative process elevates the price of support for legislative proposals.

This study identified factors that account for the variations in the use of obstructionism. This information can be used to diminish the current growing impetus for obstructionism. The convergence between the size of a governing coalition and proportionality in the allocation of ministerial posts in accordance with relative legislative strengths of the parties in the coalition seems fundamental to nurture a relationship that is less

turbulent, with less obstructionism in the legislative process. Cabinet proportionality brings more problems for presidents when the coalition is extremely large, inducing obstructionism that springs from within the governing coalition. On the other hand, the opposition needs to be not only cohesive but also sizable in order to successfully obstruct the legislative process.

Thus, presidents need to find an equilibrium point where the governing coalition is sufficiently large to fetter the opposition's ability to impede the legislative process, while at the same time not exceedingly large to start causing problems in managing their own coalitions. Presidents in Brazil need to walk through fine lines, making sure that their coalition members are happy and large enough, but not excessively large, in order to be more successful in advancing their legislative agendas.

What is, then, an "ideal" size of a coalition for presidents? By ideal size, we mean in the sense of reducing obstructionism in the last phase of legislative approval. For the opposition, being large would be ideal from the standpoint of increasing obstructionism to delay and impede legislative passage. At 55 percent or larger, being a cohesive opposition starts paying off in terms of successful obstructionism. In turn, for the government, a coalition that is too large, beyond 65 percent, becomes damaging from the perspective of coalition management and its effect on the legislative process. We estimate that a tight and happy majority about the size of a minimum winning coalition to approve most legislative proposals, which is about 50 to 60 percent of legislative seats, would be most desirable from the standpoint of bill approval and avoiding obstructionism.

Most of the government initiatives that have been examined, and approved, in the Brazilian Congress are bills of ordinary law and provisional measures (akin to presidential decree) that do not require supermajority votes. This is especially the case with the governments of Presidents Luiz Inácio Lula da Silva and Dilma Rousseff. Therefore, for a legislative agenda that needs only simple majority votes, unless it is filled with constitutional amendment and other proposals that require qualified majorities, a minimum winning coalition is likely to give more governability than an inflated coalition that most likely includes parties that do not share ideological and programmatic affinity and thus more difficult to manage. Coalition management requires from a president a successful articulation with her congressional support base with a fair distribution of resources. A coalition that is fit and agile to guarantee success in the construction of a harmonious relationship with the congress is necessary for the president to navigate through it without delay.

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