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Author(s): Argelina Cheibub Figueiredo and Fernando Limongi

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Presidential Power, Legislative Organization, and Party Behavior in Brazil

Argelina Cheibub Figueiredo and Fernando Limongi

Presidential regimes are considered to be prone to produce institutional deadlocks. In the generally shared view, influenced by the work of Juan Linz, presidentialism lacks a built-in mechanism to induce cooperation between the executive and legislative branches of the government.¹ Representatives and the president have different constituencies, and their mandates are independent and fixed. Hence the chances that the legislative and the executive powers will have the same agenda are small. Because the failure of the government does not affect the legislators' political survival, representatives have few incentives to support the government. Minoritarian presidents, in particular, will necessarily face congressional opposition.

Political parties are the only conceivable basis for executive-legislative cooperation. Ideally, the same disciplined party would control the presidency and a majority in the legislature. It follows that "institutional engineering" should focus on electoral formulas that reduce party fragmentation and increase party discipline.

Brazil is viewed as an extreme example of the threats to governability represented by multiparty presidential systems. Constrained by the separation of powers, Brazilian presidents must obtain political support in a congress in which party fragmentation has reached one of the highest levels ever found in the world. In addition, the open list system prevents party leaders from exerting control over candidacies and, consequently, over party members' voting decisions within the congress.² With this institutional framework, it is usually inferred that parties will not be disciplined and that presidents will face systematic resistance to their legislative proposals.³

This inference is not true. Relying on data on legislative proposals and roll call votes, we show that since the enactment of the 1988 constitution Brazilian presidents have had a considerable degree of success in enacting their legislative agenda. Presidents introduced most of the bills enacted in this period, and the rate of approval of the bills introduced by the executive is high. Presidents have counted on reliable support from the political parties included in the presidential coalition. The average level of discipline of the presidential coalition is 85.6 percent. This support is sufficient to make a presidential defeat in a roll call vote rare. In other words, presidents form governments, and the parties included in the governmental coalition provide political support for the president.

Institutional variables—the legislative powers of the president and the centralized organization of the legislative work—explain these unexpected findings. The exten-

sive legislative powers of the president allow the executive both to control the legislative agenda and to restrict the legislature's "transformative power."⁴ The executive controls resources upon which politicians depend for their political survival. The president can affect a legislator's capacity to pursue particularistic policies. In addition, internal rules organize legislative work entirely around political parties, giving rise to highly centralized decision making. Consequently, party discipline is enforced in the legislative arena.

Explanations of parliamentary behavior and of policy outcomes overemphasize the importance of the separation of powers and the characteristics of electoral and party legislation. They overlook the role of other institutional characteristics, especially the president's legislative powers and the internal organization of the legislative work.

Electoral laws and the lack of party control over candidacy may give politicians incentives to cultivate the personal vote and to defy the party line, but individualistic behavior does not thrive in the milieu inside the Brazilian congress. Strategies are not defined exclusively in the electoral arena. What happens within the legislature is also important. The institutional powers held by the executive, on the one hand, and the centralized decision-making system in the legislature, on the other, restrict the agenda and limit the legislators' role in policy outcomes. The executive and party leaders neutralize, through control of the agenda, the representatives' incentive to cultivate "the personal vote."

Brazil is a test case, but the implications of this argument are wide-ranging. The legislative powers of the executive and legislative organization are key variables in the definition of the actual workings of any political system. This observation suggests that the focus of studies of democratic regimes should be shifted to the characteristics of the decision-making system, as defined by the rules regulating the distribution of legislative powers between the executive and legislative branches of government and the rules allocating parliamentary rights within the congress.

Institutional Framework and Legislative Outcomes

The comparison between parliamentary and presidential systems has been the main focus of studies of government performance and regime stability. These studies stress the problems and "perils" of the presidential system, which stem from its constitutional design. Since the origin and survival of each branch of government are independent, presidential systems lack institutional mechanisms to induce cooperation between the executive and the legislature.

According to this view, legislators do not get electoral payoffs from supporting the government. Hence they do not cooperate. They either fail to support legislative proposals or produce incoherent policies. The presidential system is inherently prone

to producing conflicts between the executive and the legislature and, consequently, decisional paralysis. The source of conflict is institutional. Specific electoral and party legislation is necessary to rectify this basic flaw.

Shugart and Carey shifted the focus of the comparison between systems by emphasizing the differences among presidential regimes.⁵ The distinction among presidential systems, they suggested, should consider two variables, the legislative power of presidents and party support for the executive in the legislature. The former affects the willingness of the executive to negotiate with the legislature. Strong presidents have the means to try to impose their will over the congress, while weak ones have no other option but to negotiate.⁶ Thus, Linz's argument that conflicts between the executive and the legislature lead to deadlock applies when presidents hold strong legislative powers. Hence, according to Shugart and Carey, crises under presidential systems are more likely when presidents with strong legislative powers face legislatures in which they lack partisan support.

In a recent book, Shugart and Mainwaring seek to assess the effects of these two variables—partisan support and the president's constitutional powers—on the ability of Latin American presidents to shape legislation.⁷ For these authors, two factors are crucial in determining partisan support for the executive: party fragmentation and party discipline. The more fragmented the party system is, the less likely it is that the president's party will control a majority of seats in the legislature. Party discipline, in turn, determines the costs of governing. If parties are not disciplined, presidents may have the nominal support of parties but not the power to translate this support into votes for their policies. Thus, presidents will be forced to rely on ad hoc coalitions based on the distribution of patronage to individual legislators. This strategy will raise the costs of governing and reduce policy coherence.

The relationship between electoral laws and the number of parties is one of the most explored themes in political science. The dominant concerns have been to identify electoral formulas that reduce party fragmentation and to increase party discipline. The goal is to increase the probability that the presidential party will control a majority of seats in the legislature.⁸ It is worth noting that this concern indicates that support based upon party coalitions is not considered a politically viable alternative. Either the presidential party controls the majority of the seats, or presidents will have trouble getting their agenda approved.

Party discipline, in turn, is considered to be a consequence of party leaders' capacity to affect the reelection chances of individual candidates.⁹ The greater this capacity is, the less likely it is that politicians will look solely to the particular interests of their constituencies. Party leaders' capacity to punish backbenchers in the electoral arena decreases legislators' incentives to follow a strategy based on personal ties with the electorate.

In the absence of the conditions that ensure partisan support, the legislative powers of presidents come into play. In order to get their agenda approved, presidents

who lack the support of disciplined and majoritarian parties turn to their constitutional legislative powers.¹⁰ In other words, presidents use their legislative powers to circumvent the legislature. Following these arguments, Mainwaring concludes:

Between 1985 and 1994, Brazilian presidents had difficulty achieving stabilization and state reform, partly because of the combination of highly fragmented party system, undisciplined parties, and federalism. This combination made it difficult for presidents to secure legislative support for economic stabilization and state reform. Presidents had trouble overcoming congressional opposition and implementing major reforms when their popularity dissipated. This is why president's lack of reliable support in Congress presented problems for effective governance. And it is why Sarney, Collor, and Franco had a hard time getting their agendas accomplished despite possessing sweeping constitutional powers. In the 1985–1994 period, policy coherence often suffered as a result of presidents' efforts to win support in Congress and among governors.¹¹

We will show that these conclusions do not hold. The president introduces most of the bills approved by the legislature; parties are disciplined; and presidents can count on political support for their agenda in the congress. Hence we have grounds to dispute conclusions inferred from the model that considers the legislative powers of the president basically as a means to circumvent the lack of partisan support in the legislature. Presidential legislative powers are not the means to confront or bypass the legislative power, but rather the means to entice a centralized legislature to cooperate.

Executive Agenda and Party Behavior in the Legislature

Evidence shows that recent Brazilian presidents have had a high degree of success in enacting their legislative agendas. Post-1988 Brazilian presidents have had most of their legislative initiatives approved by the congress. This conclusion is at odds with the conventional wisdom about the Brazilian political system and presidential systems in general. Even scholars willing to acknowledge this evidence would nevertheless argue that presidents obtained approval for their agenda at a high cost by assembling majorities through bargaining individually with representatives on a case by case basis. This argument is not supported by the evidence. Analysis of roll call votes in the chamber of deputies shows that parties are disciplined and that political support for the presidential agenda comes mainly from the parties participating in the government coalition.

The figures shown in Table 1 do not support the view that Brazilian presidents

have met with obstacles in congress. Presidents introduced 86 percent of the bills enacted, and the overall rate of approval of executive bills, 78 percent, is high. Rejection of executive bills is rare: only twenty-four out of the 1,881 bills introduced. In contrast, legislators' proposals have much higher rejection rates, and the number of bills approved by both houses and then vetoed by the president is significant. In addition, congress approves the bills introduced by the executive much faster than it does its own proposals.

Table 1 Results of Bills Presented according to Initiator, 1989–1997

Results		Presented	Enacted	Rejected	Other*	In Progress	Totally Vetoed
Executive	Budgetary	830	825	4	-	1	-
	P. Decree	446	320	14	53	57	2
	Other	605	317	6	146	128	8
	Sub-total	1881	1462	24	199	186	10
Legislature		9454**	236	158**	na***	9006**	114**

* Includes bills or decrees closed, appended to another bill, withdrawn and without efficacy.

** Includes data only until 1994.

*** Not Available

The first two rows of Table 1 represent the bills in which the executive retains the constitutional right of exclusive initiative, budgetary laws and provisional decrees (*medida provisória*). The budgetary laws comprise the annual budget and laws concerning modifications of the previously voted budget through additional, special, and extraordinary transfers of resources from one budget item to another. The annual budget law follows specific proceedings, but the numerous budgetary bills modifying previous appropriations enter the legislative schedule like any other proposal. Only four proposals of budgetary changes were rejected. On average, budgetary changes were approved in about fifty days.

The president can issue provisional decrees with the immediate force of law in urgent and important situations. The constitution requires a vote on the decree by the congress within thirty days. If not voted on, the provisional decree loses its efficacy. However, the reissuing of decrees is allowed. The total number of provisional decrees presented in Table 1 includes only original decrees. All subsequent acts of reissuing the same decree are not counted as new decrees.¹² Even with this method of calculation, the volume of decrees, an average of 4.2 per month, is high. It is no surprise that provisional decrees show the second highest average level of success. The issuing of a provisional decree alters the status quo and thus raises the costs of its repeal.

Only 3 percent of the provisional decrees were rejected, and these rejections occurred during Sarney's and Collor's administrations. The percentage of provisional

decrees in the remaining categories can not be taken as an indication of difficulties met by the presidents. The category "other," 12 percent of provisional decrees, includes the revoked provisional decrees and those that lost their efficacy, that is, those that expired when the executive did not reissue them. Many of these decrees concerned regulations of programs or policies with a fixed duration, the expiration of which made maintenance of the legislation unnecessary. In other cases, the executive made legal mistakes, as in the unconstitutional decrees contained in Collor's stabilization plan, and subsequently decided to revoke them or let them expire without reissuing them. There were also instances in which two or more decrees were combined into a new one.

The provisional decrees "in progress" are those that were continuously reissued. Most of them were part of the Real Plan, the stabilization plan launched by Cardoso as finance minister right before his election as president. Some of the initial measures have since been reissued. Some of the plan's complementary measures have been reissued for a long time. In fact, most provisional decrees have been reissued with changes that result from executive directives, mostly economic authorities, and were supported by party leaders. Not a single provisional decree has been rejected since the launching of the Real Plan. Hence the proportion of provisional decrees in progress and the time they spent in congress do not indicate that the congress opposes the plan. On the contrary, the majority supporting the president has delegated authority to the executive to legislate on matters related to the plan.¹³

Up to this point we have analyzed proposals whose outcomes derive directly from the executive's institutional position. Rights to exclusivity and the power to issue decrees with the immediate force of law give the executive the capacity to control the legislative agenda in both its timing and content.¹⁴ In the areas of legislation in which the legislature can rival the executive in initiating legislation (third row in Table 1), if compared to the provisional decrees and the budget laws, there is a decrease in the rate of approval of the executive bills.¹⁵ Yet 52 percent of the bills presented are enacted, and the number of bills rejected, only 6 in 605, is insignificant. The proportion of bills not approved may suggest that congress poses resistance or holds up the presidential agenda through inaction. However, the data indicate that this conclusion is not correct.

First, for the bills listed as "other" bureaucratic and procedural reasons, not congressional opposition or inaction, explain most cases in which bills were closed or appended to other bills, and most withdrawn bills (fifty-seven out of seventy-nine) were not introduced by the same president who withdrew them. These bills could hardly be considered controversial and thus capable of arousing congressional opposition. Hence a better explanation of their fate is lack of interest or shifts in policy priorities following a change in the head of the government. Obviously, some bills were in fact controversial and may have been withdrawn due to opposition, especially during Collor's administration, but the number is low.

For bills still in progress, 55 percent of them were initiated during the present administration, and the time they have spent in congress is lower than the average time for the approval of executive bills in general. As for those introduced by previous administrations, the same explanation as for the withdrawn bills applies: they did not receive political priority. In fact, the procedural schedule followed by the withdrawn bills and the bills in progress indicates that they have never received high priority. These bills underwent regular scheduling in the congress. The great majority of enacted bills are considered under urgent procedures decided by party leaders. In order to pass its agenda, the executive relies on party leaders' support in scheduling its bills. Hence the bills in progress have not received the political attention needed to be approved.¹⁶

It is worth stressing the number and the importance of the bills passed in the economic area. Indeed, the main area of executive activity was economic and included three stabilization plans. The content of social and administrative legislation initiated by the executive reveals that it mostly supplemented economic measures; it comprised, for instance, measures that enforced changes in the social security system and administrative reorganization of the state for balancing the budget. Only in the social area did the number of enacted bills initiated by the legislature come close to the number initiated by the executive. However, the number of proposals rejected and vetoed attests to the representatives' inability to pass their social agenda.

These data may not tell the whole story. Legislators can amend the bills submitted by the executive. Representatives present many amendments, and the data do not distinguish the extent to which the original proposal has been changed. But, as we show below, the representatives' amendment capacity is limited by the executive and party leaders' control over the agenda and by the executive's veto. Analysis of specific policy areas reveals that congress plays a minor "transformative role."¹⁷

A related objection can be raised with regard to the importance of approved bills. In the end, the approved bills may not be the really important ones. One can ask, further, whether there is an association between importance and failure to be passed, that is, whether the noncontroversial measures were passed and the controversial ones failed. Despite the obvious problem in distinguishing controversial from non-controversial measures, it is indisputable that bills of great importance were approved. The three stabilization plans presented under different administrations—the Summer Plan, the Collor Plan, and the Real Plan—were enacted by provisional decrees, and they were approved by the legislature with minor changes.¹⁸ If the more important measures were rejected, one should observe high rates of rejection of the provisional decrees. However, the opposite is true. The failure of the first two plans was not necessarily due to congressional opposition. Stabilization plans can fail for other reasons than congressional opposition.

One may still object that the proposals sent to the legislature may not have represented the executive's real agenda, since presidents, anticipating the difficulties they

would face in congress, might not have submitted it. This type of behavior is indeed possible, and presidents have certainly acted at times in this way, but such behavior is part of the normal working of any democratic system.

We are not arguing that the executive imposes its will on the congress. The congress is not an obstacle simply because it transforms a bill proposed by the president or because the president anticipates its legislative preferences. Under a democratic government one should expect the congress to influence policy. The real question concerns the basis of the bargaining between the president and the congress. The executive's success in winning approval of its legislative proposals in the chamber of deputies was not obtained through bargaining with individual deputies. Roll call data in the Brazilian lower house, the *Câmara dos Deputados*, show that party members tended to vote according to their leaders directives; parties were meaningful collective actors. Brazilian presidents also relied on party coalitions to win approval of their agendas. They obtained political support more or less the same way as prime ministers, by building government coalitions through the distribution of ministries to political parties and thereby securing the votes they needed in congress.

In the Brazilian congress roll call voting is not the norm. Usually, representatives vote by standing up or remaining seated according to the speaker's command. This voting procedure is called symbolic. A roll call vote takes place in two situations. First, it is mandatory for the most important decisions, such as constitutional amendments and legislation that is supplementary to constitutional norms (*leis complementares*). Second, it may be requested by party leaders. Leaders will force a roll call based on political calculations. They may hope to reverse decisions or to increase their adversaries' political costs by recording their votes. Therefore, it is unlikely that party leaders will require a roll call on noncontroversial matters. Their right to call a recorded vote is also limited. The standing orders dictate a period of one hour between the end of a roll call vote and a new request. Thus, the 575 roll call votes included in our data set represent the most important and controversial issues considered by the congress as selected by the political process itself.¹⁹

According to the standing orders, leaders of parties holding at least 5 percent of the seats may announce their parties' position on an issue before a roll call vote takes place. Party leaders leave members free to vote their conscience only in a few cases. In most cases it is known whether or not members voted according to their parties' publicly announced position. Table 2 reports the average proportion of disciplined votes, that is, those votes cast in accordance with party leaders' announced directives, for the seven biggest parties (PT, PDT, PSDB, PMDB, PTB, PFL, and PPB).²⁰ For all parties the mean is greater than the median: that is, the distributions are concentrated on the upper tail. The PMDB presents the lowest mean discipline, while the PT is the most disciplined. But three other parties, the PFL, the PDT, and the PSDB, also have a mean discipline above 90 percent. The average floor discipline in the lower house is 90 percent; that is, for any roll call vote nine in ten representatives

voted according to party leaders' recommendations. To vote with the party is the norm. In more than 90 percent of the registered cases the proportion of the disciplined vote was superior to 80 percent. In only twelve of 575 cases did the proportion of representatives voting according to party position fall below 70 percent of the floor.²¹

Table 2 Average Proportion of Disciplined Votes by Political Party, 1989–1998

Party	% discipline	N*
PT	98.4	533
PDT	92.1	505
PSDB	90.7	538
PMDB	85.0	538
PTB	87.9	506
PFL	93.1	531
PPB	87.4	509

* Variations are due to roll calls in which the leader does not announce the party position.

These data are at odds with the conventional wisdom about party discipline in Brazil. For instance, they do not support Sartori's following assessment.

Probably no country in the world currently is as antiparty, both in theory and in practice, as Brazil. Politicians relate to their parties as a *partido de aluguel*, as a rental. They freely and frequently change party, vote against party line, and refuse any kind of discipline on the ground that their constituency cannot be interfered with. Thus, parties are powerless and volatile entities, and the Brazilian presidents are left to float over a vacuum, an unruly and eminently atomized parliament.²²

Roll call data do not support Sartori. His claims about the lack of party discipline in Brazil are inferred from the characteristics of Brazilian electoral laws. Mainwaring and Perez-Liñán's analysis of roll call voting during the Brazilian constitutional congress also found lower levels of discipline than the ones we report here. However, as they recognize, their results do not conflict with ours, since they analyzed roll call votes in a different period and under different institutional rules.²³ Our explanation is based on the constitutional text and on the standing orders approved in 1989; the contrast between the two periods thus reinforces our point.

Assessments of high or low levels of party discipline are inherently comparative. However, we are not comparing levels of discipline among different countries.²⁴ For this analysis it is sufficient to determine whether the observed levels of discipline are high enough to render the decision-making process predictable. If one assumes perfect discipline, that is, that the members of all parties in the chamber follow the vote

announced by their leaders, and computes the expected result, one can correctly predict the approval or rejection of 95 percent of the roll call votes. The decision-making process is thus far from random. Parties are meaningful players in the Brazilian congress, and they strongly influence voting outcomes. Parties render the decision-making process predictable.

To analyze the fate of the presidential agenda in the congress, it is necessary to know the presidential position on issues. Roll call votes are taken on the presidential agenda if the bills were introduced by the president or if the government leader stated the government's position on the issue before the voting. In these cases the president had an interest in the result of the votes and made his position on the issues known. Out of the original 575 roll call votes 434 meet at least one of these criteria, and 165 of them were votes on amendments to the constitution that required a three-fifths quorum for approval. The general pattern, high party discipline, is not altered when the sample is restricted to the presidential agenda.

Presidents won the great majority of roll calls votes. The government won 241 of the 269 roll call votes that required a simple majority, and 143 of the 165 that required a three-fifths majority. Victories were achieved through disciplined votes, and defeats due to lack of discipline were rare. For the cases requiring a simple majority, only four defeats can be accredited to a lack of party discipline. For constitutional amendments, the government coalition failed to attain the necessary three-fifths mostly due to absences. If these absences are considered nondisciplined votes, presidents have been defeated on twenty-six of 434 cases due to lack of discipline.²⁵ Hence discipline is the norm, and presidents relied on parties that were capable of voting in a disciplined way to have their agenda approved.

Presidents may obtain partisan support on a case by case basis or by building stable coalitions. Most students of presidential systems, following Linz's original formulation, rule out the second alternative. Since presidents derive their popular mandate directly from the people, they prefer to impose their will on congress rather than attempt to form party coalitions within congress. In a recent study, Mark P. Jones summarizes this reasoning.

Presidents have their own independent popular mandate and are likely to be reluctant to cede the degree of power necessary to an opposition party in order to entice it into a legislative coalition. This is due to their independence as nationally elected officials, which often causes presidents to overestimate their power.²⁶

Even if the president attempts to form a coalition, nonpresidential parties have no incentive to join it. The dominant strategy of opposition parties is to remain in opposition and wait for the opportunity to win control of the presidency. Their chances of conquering the presidency depend on the incumbent president's failure. The opposition will always behave irresponsibly. Jones also makes this argument.

The principal opposition parties (or party) recognize that the executive is, on the whole, the one responsible for the performance of the government. Thus they are often loathe to do anything to help the president succeed. Instead, they often adopt a policy of blind opposition with the end goal of causing the government to fail with the hope that one of their party leaders will be able to win the next presidential election.²⁷

Neither of these arguments is convincing. Both implicitly assume that the political game in presidential systems is zero-sum or that political actors suffer from misconceptions. Presidents “overestimate their power”; opposition parties are “loathe to do anything to help the president succeed” and adopt a “blind opposition” strategy. If, as this argument assumes, capture of the presidential office is all parties care about, they will never enter into a coalition government. This assumption is particularly strange when contrasted with studies of parliamentarism, which take for granted that some parties have incentives to join a government as minor parties.²⁸ Is this claim sustainable? Is there something about presidentialism that impedes formation of coalition governments?

As much as under parliamentarism, political parties under presidentialism face an intertemporal choice between attempting to capture exclusive control of the government in the future and sharing control in the present. No formal analysis is needed to see that the optimal course of action may be different for different parties. Certainly, a party offered some portfolios by the incumbent president will accept them if it does not see much chance of winning the presidency by remaining in the opposition. Hence there are no reasons to assume that government coalitions can not be formed under presidential systems.

Octávio Amorim Neto has shown that during the democratic periods of 1946–1964 and 1985–1997 in Brazil presidents formed cabinets on a partisan basis.²⁹ He classified about 70 percent of the cabinets in these periods as “party coalition” cabinets as opposed to “cooptation” and “nonpartisan” cabinets. In the period studied here, we identified seven cabinets, six of which can be classified as majoritarian. In only one cabinet, the first one under Collor, the parties participating formally in the government did not hold the majority of the seats in the congress.

We assumed that Brazilian presidents formed party coalition governments through the distribution of portfolios and assessed the support given by the parties in the cabinet on the floor to the presidential agenda. There are four possible situations. First, leaders of all parties holding ministerial portfolios vote in accordance with the government leader. Second, no coalition party opposes the government, but at least one leaves the vote on the issue open. Third, at least one party opposes the government. Finally, all parties within the coalition may oppose the president.

Overall, the parties composing the cabinet voted in accordance with the government leader. All party leaders indicated votes supporting the president in 77 percent

of the cases. In addition, at least one party left the vote on the issue open in 11 percent of the cases. Thus, the president could count on the support of cabinet parties in 88 percent of the cases. In 11 percent of the cases the president met with the opposition of at least one party of its congressional political basis. In only four cases did all parties forming the coalition oppose the government. Therefore, cabinet parties in general supported the government. Defections occurred but were rare.

Moreover, party members followed their leaders' positions rather than lend unconditional support to the government. This conclusion can be clearly seen in the figures in Table 3. The proportion of votes given by the party members is strongly related to the type of support given by the leaders of the parties that formed the presidential coalition. The average coalition support for the executive agenda on the floor was very high when all parties that formed the coalition agreed with the indication of the government leader. In these cases, on average, more than 90 percent of the representatives that belonged to these parties voted with the presidents. On the rare occasions when parties left the presidential coalition, support decreased accordingly. The data show that in the event of conflict within the coalition representatives followed their leaders rather than the government. Thus, presidents bargained with parties and not separately with members of the congress.

Parties belonging to the presidential coalition did support the executive. This support was not unconditional or absolute. However, the president rarely faced opposi-

Table 3 Average Proportion of Coalition Votes for Presidential Agenda by Types of Coalition Support, 1989–98

Cabinet	All parties support	At least one party leaves open	At least one party opposes	All parties oppose
Sarney	90.8	65.5	-	19.2
Collor I	92.6	70.4	53.2	10.6
Collor II	93.2	96.8	-	--
Franco I	93.0	74.7	65.8	--
Franco II	96.5	---	73.9	--
Cardoso I	91.4	82.5	51.0	--
CardosoII	90.8	83.7	67.0	5.0
All	91.4	78.7	60.3	10.1

N= 434

tion from a party that was a member of his coalition. It is worth noting that there was no unconditional opposition either. Even the PT and the PDT supported the government on specific matters. Opposition parties were not confined to an all-or-nothing strategy.

Presidents need party support in order to win approval of their agenda, and they get it. The president and party leaders bargain and strike political deals. The voting pattern revealed by our analysis shows that these deals last over time and that being a

member of the cabinet implies political support in the form of votes for the presidential agenda.

Institutional Power, Governability, and Party Support

The data presented here dispute predictions of theories that emphasize the effects of electoral and party legislation on representatives' behavior and legislative outcomes. We have found neither rampant individualistic behavior in the Brazilian congress nor evidence that the legislature acts as an institutional veto player. Why does the Brazilian executive exercise such great dominance on legislative outcomes in a multiparty system with separation of powers? Given electoral incentives and the lack of party control over candidacies, why is the voting pattern in the lower house structured by parties? How does the executive obtain political support in a system with separation of powers?

The 1988 constitution did not change either the form of government or the electoral and party legislation.³⁰ However, it greatly extended the legislative powers of the president. In fact, it maintained all the constitutional changes introduced by the military regarding the role of the executive in the legislative process. These institutional choices have had profound effects on the Brazilian political system and on the executive-legislative relationship.

Comparison of the role both powers played in enacting laws shows the effects of these institutional choices. Under authoritarian rule the executive introduced 90 percent of laws. The resumption of congress' prerogatives following the adoption of the 1988 constitution did not radically change this situation. The executive remained the main legislator, both *de jure* and *de facto*. Its share in initiating laws enacted from 1989 to 1997, 86 percent, is only slightly lower than under authoritarian rule.³¹ In contrast, from 1946 to 1964, when the executive lacked most of these powers, it introduced only 43 percent of laws that were enacted.

The current level of executive dominance over legislation resembles that found in parliamentary regimes.³² Therefore, we are observing, not an executive that simply circumvents the legislature, but rather one that controls the legislative process. Executive dominance is due primarily to the range and extension of legislative powers held by the president, which alter the nature of executive-legislative relations. The legislative powers granted to the executive by the 1988 constitution include the expansion of exclusive initiative, the right to demand urgency procedures in bringing bills up for a vote, and, most important, the power to issue provisional decrees.³³

The executive has a monopoly on the introduction of proposals in three areas: public administration, taxation, and the budget. The executive is solely responsible for the budget proposal—the annual budget law—which undergoes a special process of appreciation with specific procedures. Legislators may amend the proposed bud-

get, but they can not increase expenditures. Once approved, the budget law authorizes but does not mandate expenditures; it leaves considerable discretion over implementation of the approved budget to the executive. Legislators have no guarantee that their amendments will be executed. However, executive control over the budgetary process is enhanced by the lack of constitutional provisions regulating the consequences of failure to approve the annual budget.³⁴

According to Article 64 of the constitution, the executive may demand urgency for the consideration of a bill at any moment. The urgency requested by the president sets time limits for the bill's debate. Each house has at most forty-five days to vote on the bill. Thus, no minority can block the presidential agenda. This prerogative is not extensively used since the provisional decree is a much more efficient way of speeding up and approving legislation.

The provisional decree established under Article 62 of the 1988 constitution grants the president the unilateral power to alter the status quo. The provisional decree goes into effect immediately. A vote occurs under the new status quo. Hence, if the congress prefers the prior status quo to the provisional decree but prefers the provisional decree's new status quo to the situation that would obtain with its rejection, the provisional decree is approved. It would have been rejected if it had been introduced as an ordinary bill. According to the constitution, congress has thirty days to deliberate on the decree. After this period, if it is not approved, it loses its legal effects. But the executive can reissue the original decree. This power gives the executive the advantage of keeping its act in force without facing a vote on it. The costs of forming a majority are transferred to the opposition. By avoiding a vote on a provisional decree and allowing its continuous reissuing, the majority may delegate legislative powers to the executive.

Parallel to the executive's extensive legislative power, the legislative organization is highly centralized. The speaker and party leaders exercise tight control over the legislative agenda. They are responsible for the setting of the legislative calendar. Moreover, party leaders have procedural rights that allow them to represent backbenchers (*bancadas*) and thus to control the floor. For instance, the standing orders of the lower house state that a roll call can be held whenever one is requested by a petition signed by 6 percent of the house members. To request a separate vote on an amendment, the petition has to be signed by 10 percent. A request for the consideration of a bill under urgency procedures requires the signatures of one-third of the house members or an absolute majority if the bill is to be voted on in twenty-four hours. In all these cases—requesting a roll call, considering an amendment, and requesting urgency—the party leader's signature automatically represents the will of all members of his party. Hence leaders decide procedures concerning roll calls, amendments, and urgency.

Consideration under urgency limits backbenchers' capacity to participate in the lawmaking process. As noted above, most bills are approved by this route. Under

urgency procedures the bill is discharged from the committee, whether the latter has reported on the proposal or not, and then referred directly to the floor. According to house rules and practices, both the request for and the approval of urgency procedures depend on party leaders. Moreover, the right to amend a bill considered under urgency is restricted. To be considered, an amendment needs to fulfill one of the following prerequisites: to be presented by the standing committee; to be subscribed to by 20 percent of house members (about one hundred representatives); or to be subscribed to by party leaders representing this same percentage of the representatives. In practice, only amendments supported by party leaders are considered. Thus, the rules favor party leaders, especially leaders of the larger parties. They restrict the action of the leaders of very small parties.

The extensive legislative powers held by the president and the distribution of legislative rights within the legislature in favor of party leaders explain the patterns observed in the previous section. Constitutional rules and the house's standing orders provide the executive and party leaders with the means to neutralize legislators' individualistic behavior. Members of congress may have electoral incentives to pursue their own particularistic interests, but they do not have the capacity to influence legislation to achieve them. Institutional arrangements conspire against their capacity to realize them.

Why should the leaders of the parties that belong to the presidential coalition cooperate with the executive? Why should they use their agenda powers to help the executive? Participation in the government provides parties with access to resources that individual legislators need for their political survival: policy influence and patronage. Leaders bargain with the executive; they exchange political support (votes) for access to policy influence and patronage. The executive provides party leaders with the means to punish backbenchers. The backbenchers who do not follow the party line may have their share of patronage denied.

Thus, a rather different image of the relationship among the president, party leaders, and individual legislators emerges. The image of a fragile and weak executive, blackmailed by opportunistic legislators who obtain new appointments and positions for each vote, does not hold. The executive, with the resources it controls, is in a very advantageous position. Most cabinets are formed by the formal agreement of parties, and party leaders become the main brokers in the bargaining between the executive and the legislators. Presidents do not need to bargain case by case. They are in a position to demand support for their entire legislative agenda. Once the government is formed and benefits are distributed among the members of the coalition, the president, with the help of party leaders, may threaten representatives and punish those who do not follow the party line.³⁵

If representatives' reelection depends, among other things, upon patronage, and if the government controls patronage resources, representatives will try to extract them from the government however and whenever they can. The government will want to

reduce these concessions to a minimum. Hence representatives will say that they need to be given something else in order to vote with the government, and the government will say that they have already been given enough and that it can not make new concessions. Each side may threaten the other, and it is reasonable to expect that they will do so. Which side is in a better position to carry out its threat?

Representatives, at least if they act individually, are not in a strong position. They have little say in setting the legislative agenda, that is, in determining which options they will actually vote on. There will be few alternatives. In general, there are only two alternatives, one favored by the government and the other advocated by the opposition. Thus, representatives from the presidential coalition who threaten to vote against the government may end up being forced to vote for an alternative at odds with their true preferences.

Under the restrictions on the submission and consideration of amendments, amendments submitted by representatives have a poor chance of success. In general, amendments are discussed and voted in blocks. Few are reserved for a separate vote. Under the restrictions on requesting a roll call vote, either the main project or one of its amendments is subject to a roll call. Usually, leaders of the presidential coalition favor the symbolic vote and avoid votes on amendments. Given these procedures, the approval of an amendment without party leaders' support is very difficult.

Representatives willing to threaten the government face a coordination problem. Each representative's best strategy depends on the strategy chosen by the others. Representatives need to know what the others will do. If a representative carries out his or her threat but the majority does not, the government will learn that it does not need that specific representative's vote and thus may deny the representative access to the government's benefits in the future.

The structure of the relationship parallels the one depicted by Ferejohn.

Suppose there is an office whose task is to divide a dollar among a three person constituency governed by a majority rule, and whose occupant is permitted to keep whatever is not given to constituents. Assume that the incumbent seeks to retain office by promising to deliver payments to voters and that a citizen *will* vote for the incumbent if he or she offers a sufficiently high payment. What payment will *a* citizen require of the incumbent in order to vote for his or her reelection? It is easy to see that the required *amount* cannot be greater than zero: if some individuals demand a positive amount, the incumbent will simply deliver payment to the least costly majority, which of course must be of minimum size (containing two voters in this case). The voter with the highest required payment will anticipate receiving nothing in this situation and will therefore be motivated to lower his or her required payment enough to enter the least costly majority.³⁶

Hence, acting in isolation, representatives will not be able to extract much from the executive. It is clear that representatives have a lot to gain if they coordinate their actions, that is, if they solve their collective action problem. Organizing a party is one of the possible answers to this problem.³⁷

Even if all representatives care only about patronage, it may be rational for them to support and strengthen their party. Representatives need to communicate their threats as members of a group that can carry out its promises and threats. They must act collectively. If the executive listens to their claims, they should be able to deliver the promised votes. If they are ignored, they must be able to carry out their threat by denying the government party members' votes. Thus, the executive-legislative bargaining process is structured along party lines. It is rational for each representative to act as a party member and to support the party leaders.

Party discipline may therefore be obtained without the existence of ideological parties with deep roots in the society. A party does not have to fit the Duvergerian model to be capable of acting as a disciplined player in the legislature. Nor do party leaders who do not control key electoral resources such as finances and access to the ballot lack the means to threaten and punish the rank and file. If patronage is a valuable resource for a representative seeking reelection, and if the executive controls access to this resource, then the executive and party leaders retain control over the representatives' political survival.

In sum, despite all the weaknesses Brazilian parties may display in society and in the electoral arena, the standing order of both houses recognizes parties as the main players around which the legislative process revolves. Parties are the actors in the legislative process. Legislative rights are highly concentrated in the hands of the party leaders and are distributed according to their respective membership.

Conclusions

Representatives' behavior can not be inferred exclusively from electoral laws. Incentives to cultivate the personal vote stemming from the electoral arena may be neutralized in the legislature through the internal distribution of legislative rights. The ability of members of the congress to influence policymaking may be small. Besides access to the ballot, there are other means by which leaders can punish recalcitrant rank-and-file members.

Legislative failure is not the inevitable fate of minoritarian presidents. There are no good reasons to rule out the possibility of coalition government under presidentialism. The combination of presidentialism and a multiparty system is not necessarily a threat to governmental performance. The emphasis on electoral formulas that reduce the number of parties is not warranted. Presidents may form governments the way prime ministers do by obtaining support from a coalition of parties.

It is widely recognized that executive control over the legislative agenda is a central feature of the parliamentary system. It has been shown that the executive's predominance over legislative output, party discipline, and the working of coalitions depend upon the legislative powers concentrated in the prime minister's hands.³⁸ However, the legislative powers of the president have been interpreted to have different effects. They have been thought of as a means to circumvent an institution assumed to be antagonistic. In contrast, we have argued that legislative powers may provide presidents with the means to entice a part of the legislature's members into a cooperative strategy. In the end, the legislative powers of the executive may have the same effects on both systems.

This observation allows us to dispute Tsebelis' conclusion about the basic difference between parliamentary and presidential systems. According to him, control over the agenda distinguishes these two systems. "In parliamentary systems the executive (government) controls the agenda, and the legislature (parliament) accepts or rejects proposals, while in presidential systems the legislature makes the proposals and the executive (the president) signs or vetoes them."³⁹ In Brazil the president controls the legislative agenda. The president proposes, and the legislature accepts or rejects what he has proposed. In fact, the first alternative—acceptance—prevails, because centralized control over the agenda has profound effects on party discipline. The capacity of backbenchers to participate in the policymaking process is curtailed. Centralization denies backbenchers access to the resources they need to influence legislation. The bills and the amendments they introduce do not reach the floor. They can only vote yes or no on an agenda defined by the government. In sum, the characteristics of the decision-making process—the legislative powers of the president and the legislative organization—may be more important determinants of governability than the form of government, the characteristics of party system, or the electoral laws.

NOTES

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1. Juan Linz, "Presidential or Parliamentary Democracy: Does It Make a Difference?," in Juan Linz and Arturo Valenzuela, eds., *The Failure of Presidential Democracy: Comparative Perspectives* (Baltimore: The Johns Hopkins University Press, 1994), pp. 3–87; Scott Mainwaring, "Presidentialism, Multipartism, and Democracy: The Difficult Combination," *Comparative Political Studies*, 26 (1993), 198–222.

2. Barry Ames, "Electoral Rules, Constituency Pressures, and Pork Barrel: Bases of Voting in the Brazilian Congress," *Journal of Politics*, 57 (May 1995), 324–43; Barry Ames, "Electoral Strategy under

- Open-List Proportional Representation," *American Journal of Political Science*, 39 (May 1995), 406–33.
3. Bolivar Lamounier, "Brazil at Impasse," *Journal of Democracy*, 5 (July 1994), 72–87.
 4. See Nelson Polsby, "Legislatures," in Fred Greenstein and Nelson Polsby, eds., *Handbook of Political Science*, vol. 7 (Reading: Addison-Wesley, 1975), pp. 257–319.
 5. Matthew Shugart and John Carey, *Presidents and Assemblies: Constitutional Design and Electoral Dynamics* (Cambridge: Cambridge University Press, 1992).
 6. *Ibid.*, ch. 7.
 7. Scott Mainwaring and Matthew Shugart, *Presidentialism and Democracy in Latin America* (Cambridge: Cambridge University Press, 1997).
 8. Shugart and Carey, ch. 10.
 9. *Ibid.*, pp. 434–35. See also John Carey and Matthew Shugart, "Incentives to Cultivate a Personal Vote," *Electoral Studies*, 15 (December 1995), 417–39.
 10. Mainwaring and Shugart, p. 40.
 11. Scott Mainwaring, "Multipartyism, Robust Federalism, and Presidentialism," in Mainwaring and Shugart, p. 109.
 12. Including reissued decrees, the executive issued 2,617 from 1988 to 1997.
 13. See Argelina Figueiredo and Fernando Limongi, "O Congresso e as Medidas Provisórias: Abdicação ou Delegação?," *Novos Estudos Cebrap*, 47 (February 1997), 127–54. For a comparison with Italy, where reissuing presents a similar pattern, see Argelina Figueiredo and Fernando Limongi, "Institutional Legacies and Accountability: Executive Decrees in Brazil and Italy," paper presented at the Conference on Institutional Legacies, Institute for Latin American and Iberian Studies, Columbia University and Universidade Torcuato di Tella, Buenos Aires, August 27–29, 1998.
 14. The laws represented in the first two rows were considered by the national congress as a unicameral deliberative body and referred to special joint committees. However, the votes of deputies and senators were taken and recorded separately. The third and the last rows comprise laws that underwent a bicameral legislative process, that is, separate deliberation in each house of congress.
 15. This category also includes some laws regulating public offices and careers that only the executive can initiate. See Argelina Figueiredo and Fernando Limongi, "Mudança Constitucional, Desempenho Legislativo e Consolidação Institucional," *Revista Brasileira de Ciências Sociais*, 29 (October 1995), 24–37.
 16. *Ibid.*, p. 31.
 17. See Argelina Figueiredo and Fernando Limongi, "Instituições Políticas e Interação Executivo-Legislativo: A Agenda de Estabilização e Reformas" (Working Paper, Cebrap/Ipea, February 1998).
 18. *Ibid.*, p. 17.
 19. Hence the possibility of a roll call on a noncontroversial issue is small. Yet to avoid biasing the results toward high discipline we excluded cases in which the minority assembled less than 10 percent of the votes. See Fernando Limongi and Argelina Figueiredo, "Partidos Políticos na Câmara dos Deputados: 1989–1994," *Dados*, 38 (December 1995), 497–525. Any sample of roll call votes suffers from self-selection bias. See Peter M. Vanndoren, "Can We Learn the Causes of Congressional Decisions from Roll-Call Data?," *Legislative Studies Quarterly*, 15 (August 1990), 311–40.
 20. During this period the PDS changed its name twice, to PPR and to PPB. The behavior of the members of the micro parties is not less predictable. See Limongi and Figueiredo, "Partidos Políticos," p. 520.
 21. The distribution is strongly skewed. Hence controlling for presence or the expected margin of victory does not alter the overall picture. *Ibid.*, p. 523.
 22. Giovanni Sartori, "Neither Presidentialism nor Parliamentarism," in Linz and Valenzuela, eds., p. 113.
 23. See Scott Mainwaring and Perez-Liñán, "Party Discipline in Multiparty Systems: A Methodological Note and an Analysis of the Brazilian Constitutional Congress," *Legislative Studies Quarterly*, 22 (November 1997), 471–93. Discipline for the period 1946–1964 was also lower than what

we found. See Otávio Amorim Neto and Fabiano Guilherme dos Santos, "The Executive Connection: Explaining the Puzzles of Party Cohesion in Brazil," paper presented to the Twentieth LASA Congress, Guadalajara, Mexico, April 17–19, 1997; Fabiano Santos, "Patronagem e poder de agenda na política brasileira," *Dados*, 40 (December 1997), 465–92.

24. Few works deal with party discipline in a comparative perspective. Data for selected European countries may be found in Frank L. Wilson and Richard Wiste, "Party Cohesion in the French National Assembly: 1958–1973," *Legislative Studies Quarterly*, 1 (November 1976), 467–90.

25. Defeat of the government meant failure to change the constitution. There is no case in which the constitution was changed against the government's will. Following Arnold's classification, most of these votes were on politically unfeasible policies, for instance, reform of the social security system. See Douglas Arnold, *The Logic of Congressional Action* (New Haven: Yale University Press), p. 73. For a comparative analysis of social security reforms in different political regimes, see Paul Pierson and Kent Weaver, "Imposing Losses in Pension Policy," in Kent Weaver and Bert Rockman, eds., *Do Institutions Matter?* (Washington, D.C.: The Brookings Institution, 1993), pp 110–47. For an analysis of the current social security reform in Brazil, see Argelina Figueiredo and Fernando Limongi, "Reforma da Previdência e Instituições Políticas," *Novos Estudos Cebrap*, 51 (July 1998), 63–90.

26. Mark P. Jones, *Electoral Laws and the Survival of Presidential Democracies* (Notre Dame: University of Notre Dame Press, 1995), p. 6.

27. *Ibid.*, pp. 6–7.

28. See Michael Laver and Kenneth Shepsle, *Making and Breaking Governments: Cabinets and Legislatures in Parliamentary Democracies* (New York: Cambridge University Press, 1996); Kaare Strom, *Minority Government and Majority Rule* (New York: Cambridge University Press, 1990).

29. Otávio Amorim Neto, "Cabinet Formation and Party Politics in Brazil," paper presented at the Nineteenth LASA Congress, Atlanta, 1995.

30. The plebiscite held in 1993 maintained this form of government. No attempt to change electoral legislation has succeeded.

31. These figures include laws originating from decrees (during the military regime) and provisional measures (after 1988). See Figueiredo and Limongi, "Mudança Constitucional, Desempenho do Legislativo."

32. See George Tsebelis, "Decision Making in Political System: Veto Players in Presidentialism, Parliamentarism, Multicameralism, Multipartisms," *British Journal of Political Science*, 25 (July 1995), 304.

33. The 1988 constitution also granted the president the initiative in introducing constitutional amendments, which was absent from the 1946 constitution. It also kept changes to speed up the consideration of legislation subject to the joint deliberation of both houses through the national congress, which has specific internal rules but no permanent organizational structure.

34. See Antonio Sérgio Rocha, *O Congresso Nacional no Processo Orçamentário Pós-Constituinte (1988–1993): Retomando o "Poder sobre as Finanças?"* (diss., Universidade de São Paulo, 1996).

35. Legislators have no guarantee that their approved amendments to the budget will be implemented.

36. See John Ferejohn, "Introduction," in John Ferejohn and James H. Kuklinski, eds., *Information and Democratic Process* (Urbana: University of Illinois Press, 1990), p. 7.

37. See John Aldrich, *Why Parties? The Origin and Transformation of Political Parties in America* (Chicago: University of Chicago Press, 1995).

38. Gary Cox, *The Efficient Secret* (New York: Cambridge University Press, 1987); John Huber, *Rationalizing Parliament* (New York: Cambridge University Press, 1996).

39. Tsebelis, p. 325.