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**PRESIDENTIALISM IN BRAZIL:  
THE IMPACT OF STRONG CONSTITUTIONAL  
POWERS, WEAK PARTISAN POWERS, AND  
ROBUST FEDERALISM**

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## PREFACE

This working paper represents part of the research of Scott Mainwaring, professor of political science at the University of Notre Dame, while a Fellow at the Woodrow Wilson Center in 1995-1996. Each year, the Wilson Center hosts prominent scholars from around the world, providing them with support for their research and enabling them to share their results with a wider audience.

Scott Mainwaring's research was presented formally at a seminar hosted by the Latin American Program on February 14, 1996, entitled "Presidentialism, the Party System and Democratic Governance in Brazil." Commenting on his work was Riordan Roett, the Director of the Latin American Studies Program at the Johns Hopkins School of Advanced International Studies and an internationally renowned expert on Brazil.

In this paper, Mainwaring describes the nature of Brazil's presidential system and historical trends in the president's relationship with congress. In his analysis of the patterns of interaction between the legislative and executive branches and developments in the political party system, Mainwaring identifies three main characteristics of the Brazilian political system: fragmentation, wide presidential powers, and strong federalism. Mainwaring examines how these tendencies have affected the power and agenda of each presidential administration since the 1940s. The democratic period since 1985 receives special attention, with particular emphasis on the impact of the 1988 constitution, the complicated dynamics behind Collor's truncated presidency, and Cardoso's relative success with recent reforms. Mainwaring argues that Cardoso's ability to work measures through congress benefitted in 1995 and 1996 from a consensus that change was necessary to front a growing crisis. However, significant constitutional reform of the political system is necessary before such presidential effectiveness can be consolidated.

The February 14, 1997 meeting was part of an ongoing series of events at the Wilson Center that focus on Brazil. In 1996, the Latin American Program also hosted seminars with Luis Carlos Bresser Pereira, Minister of



Federal Administration and State Reform, Tarso Genro, Mayor of Porto Alegre, Rio Grande do Sul, and Leslie Bethell, Editor of the Cambridge History of Latin America, as well as Senior Research Fellow, St. Antony's College, Oxford University, and current Wilson Center Guest Scholar.

On February 25, 1997, the Wilson Center hosted an all-day meeting entitled "The Cardoso Administration at Midterm." Speakers included Bolivar Lamounier, Marcelo de Paiva Abreu, Simón Schwartzman, Monica Hirst, Albert Fishlow, Thomas Skidmore, Claudio de Moura Castro, Riordan Roett, Leslie Bethell, and Joan Dassin. The rapporteur's report from this meeting will be available free of charge as a Working Paper. All of these meetings were open to the public.

This Working Paper was prepared by Ralph Espach, Research Assistant at the Latin American Program, with the valuable assistance of Heather Quinter, Program Intern. The Paper was copyedited by Leah Florence.

**PRESIDENTIALISM IN BRAZIL:  
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WEAK PARTISAN POWERS, AND ROBUST FEDERALISM**

Scott Mainwaring\*

In this paper, I argue that Brazilian presidentialism has been affected by the combination of three institutional features. First, presidents have had sweeping constitutional powers--both reactive and proactive, especially under the 1988 constitution. Second, the highly fragmented party system and low level of party loyalty usually puts Brazilian presidents in a situation of informal coalition government or (exceptionally) minority presidentialism. Because their parties control only a minority of seats, presidents must build cross-party coalitions to implement major policies. And the comparatively undisciplined catch-all parties make it difficult for a president to rely exclusively on party channels of support: when presidents are popular, politicians of all stripes support them; when they lose favor, defections make it difficult for them to secure reforms. And third, the logic of politicians and parties in Brazil is deeply ingrained in robust federalism, which reinforces the dispersion of power created by the party fragmentation.

As a result of this institutional combination, the presidents' strong constitutional powers (especially under the 1988 constitution) are offset by weak partisan powers--that is, the low degree to which they can rely on disciplined majorities in congress (see Mainwaring and Shugart forthcoming). Presidents have attempted to build broad multiparty coalitions to secure support for their policies and programs. They also try to win the support of individual legislators by offering them access to appointments and resources. Before 1964, they tried to circumvent congress by creating bureaucratic agencies responsible for implementing some important policies, and since 1985, they have frequently governed by decree. Even with these measures and resources at their disposal, it is more difficult for presidents in Brazil to implement major reforms than it would be in many other presidential systems. This institutional context frustrated several presidents in the first democratic period--one (Vargas) committed suicide, another (Quadros) resigned only seven months after winning a landslide victory, and a third (Goulart) adopted erratic actions that contributed to the breakdown of democracy in 1964, and between

1985 and 1994, these obstacles in part prevented successive presidents from engineering any successful stabilization plan.

### **Two Democratic Periods: Background**

Brazil had an oligarchical political system, compared to Argentina, Chile, Costa Rica, or Uruguay, and had never experienced free, open elections until October of 1945, when a coup forced dictator Getúlio Vargas (1930-45) from office. Two months later Brazil's first democratic elections took place, and the newly elected congress and president took office in early 1946.

During the 1946-64 period, there were three large parties: the center-left PTB (Brazilian Labor Party), the center-right PSD (Democratic Social Party), and the conservative UDN (National Democratic Union). As many as twelve other small parties also attained representation in the national congress at any one time (see Table 1). From 1946 until March 31, 1964, when a coup toppled the government of João Goulart (1961-64), Brazil's basically democratic government was faced with three limitations: The military was not firmly under civilian control, and it interfered in politics in nondemocratic ways even before the 1964 coup (Stepan 1971; Skidmore 1967); although the electorate was much broader than in previous periods in Brazilian history, the illiterate were still formally excluded, and in the hinterland, peasants were under the sway of powerful landowners; and Communist Party was proscribed between 1947 and 1964. After the 1964 coup, the military remained in office for 21 years, relinquishing power to a civilian, José Sarney, in March 1985. In the post-1985 period, Brazilian democracy has had fewer formal limitations than it did between 1946 and 1964, and the party system has been very fragmented (see Table 2).

**Table 1**  
**Main Political Parties, 1946-1964**

<u>Left</u>	
PCB	Brazilian Communist Party. Banned after 1947.
PSB	Brazilian Socialist Party. Created in 1946 by dissidents of the UDN.
<u>Populist Parties</u>	
PTB	Brazilian Labor Party. A populist party created by Vargas, the PTB grew rapidly in the last years before the 1964 coup.
PTN	National Labor Party. Progressive populist orientation. Founded in 1945.
PSP	Progressive Social Party. Strongest in São Paulo and dominated by conservative populist Adhemar de Barros.
PST	Social Labor Party. Centrist populist orientation. Founded in 1946.
MTR	Renovative Labor Party. A dissident progressive PTB group.
<u>Center</u>	
PSD	Social Democratic Party. Despite its name, the PSD was a center-right party created by Getúlio Vargas and his associates. It was the largest party of the 1945-64 period.
PDC	Christian Democratic Party. A center-right party, typical expression of Christian Democracy.
<u>Conservative Parties</u>	
UDN	National Democratic Union. A conservative party that emerged in opposition to Vargas, the UDN was the second largest party until the 1962 congressional elections.
PL	Liberator Party. A conservative party known for its commitment to parliamentary government. Strongest in Rio Grande do Sul.
PR	Republican Party. A conservative party with predominant strength in Minas Gerais.
PRP	Popular Representation Party. Conservative party headed by ex-integralists.
PPS	Popular Syndicalist Party. Conservative.
PRT	Republican Labor Party. Founded in 1950.

**Table 2**  
**Main Political Parties, 1985-1996**

<u><b>Left</b></u>	
PC do B	Communist Party of Brazil. An Albanian oriented party until the early 1990s. The most Leninist of the leftist parties in Brazil. Created in 1962 as a schism of the Brazilian Communist Party.
PT	The Workers' Party. A heterogeneous leftist party, ranging from some revolutionary groups to social democrats. Created in 1979.
PCB/PPS	Brazilian Communist Party. Created in 1922. Renamed the Popular Socialist Party (PPS) in 1992.
PSB	Brazilian Socialist Party. An independent leftist party, created in 1985 after a 21 year hiatus.
<u><b>Center Left</b></u>	
PDT	Democratic Labor Party. A populist party with predominantly social democratic tendencies. Created in 1979.
PSDB	Party of Brazilian Social Democracy. Created in 1988 by a dissident group of the PMDB. Espoused a social democratic line until reaching power in 1994-95; has followed a centrist policy and line since then.
<u><b>Center</b></u>	
PMDB	Party of the Brazilian Democratic Movement. Its precursor, the MDB (Brazilian Democratic Movement) was created in 1966 as the official party of opposition to the military regime. Renamed the PMDB in 1979. Since its inception, the PMDB has been a heterogeneous party, but its hegemonic group is centrist. Many conservatives have flocked to the party since 1982.
<u><b>Center Right</b></u>	
PTB	Brazilian Labor Party. A predominantly center-right party. Created in 1979. A very markedly more conservative party than the center-left party of the same name that existed from 1945 until 1965.
PDC	Christian Democratic Party. Created in 1985. More conservative than Christian Democracy parties in many countries. Merged with the PDS in 1993 to form the PPR.
PP	Progressive Party. Created in 1993 through a merger of the PST and PTR.
<u><b>Right</b></u>	
PL	Liberal Party. A conservative party known for its anti-statist discourse. Created in 1985.
PRN	Party of National Reconstruction. Created in 1989 by Fernando Collor de Melo as a vehicle for running for president. Faded after Collor's impeachment in 1992.
PFL	Party of the Liberal Front. A conservative party created in 1984 by dissidents of the PDS.
PDS	Democratic Social Party. Despite its name, a conservative party. The PDS and its predecessor, Arena (1966-79), provided the partisan support for the military regime. Merged with the PDC in 1993 to form the PPR.
PPR	Reformist Progressive Party. Created in 1993 by the merger of the PDS and the PDC.

Some institutional structures have been relatively similar during both of Brazil's mostly democratic periods. The elements of continuity include a system with strong presidential powers, a large effective number of parties, comparatively weakly disciplined parties, and robust federalism. But relatively similar institutional structures need not produce the same effects at different moments. Brazil has undergone massive social changes since 1964. It is a vastly more urban, industrial, educated, and affluent society today. The electorate has expanded greatly and become more educated; communication and transportation facilities have improved. Even if formal political institutions had not changed, such massive social transformations would have created a markedly different political system than existed before 1964.

Although continuity in institutional structures has prevailed, some changes in formal institutions have occurred. Presidentialism has usually been the rule during both democratic periods, but during a short-lived experiment of September 1961 to January 1963, a semi-presidential regime was implemented.<sup>1</sup> Under the 1946 constitution, presidents were elected in a simple plurality format, concurrently with congress in 1945 and 1950 and nonconcurrently thereafter. The 1988 constitution changed the format of presidential elections to an absolute majority, with a runoff election between the two top finishers if nobody wins a majority in the first round. Elections were nonconcurrent from 1985 to 1990, but in 1994 they were concurrent and will remain so barring constitutional changes.

The 1988 constitution provides presidents with legislative decree powers, whereas the 1946 constitution did not. As I discuss in greater detail later, the 1946 constitution gave presidents slightly greater reactive legislative powers, and that of 1988 has given them much greater proactive legislative powers. Presidents in the 1946-64 period usually needed active support to effect changes in the status quo; in the post-1985 period, they have merely needed acquiescence on some issues. Whereas the 1946 constitution was somewhat restrictive in voting rights, the post-1985 regime has been very inclusive. The illiterate gained the franchise in 1985, and the 1988 constitution lowered the voting age from 18 to 16. Coupled with

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<sup>1</sup>On paper, the system was parliamentary, but because a directly elected Vice President had assumed the presidential office in a proper constitutional succession (the President had resigned), it was semipresidential in practice. To the best of my knowledge, this was Latin America's only parliamentary system since the end of the Brazilian monarchy in 1889.

demographic changes, these constitutional rules have resulted in a quantitative explosion of citizenship.

There have also been changes in party system fragmentation and party discipline. The electoral system of 1945-50 was more favorable to large parties than later electoral systems. Party system fragmentation was less pronounced then; since 1990, it has been among the highest in the world, and markedly higher than it was between 1946 and 1964. Brazilian parties in both democratic periods have been comparatively undisciplined, but we lack careful empirical research on party discipline in the 1946-64 period that would indicate to what extent the two periods are similar. None of the major pre-1964 parties was as disciplined as the leftist PT (Workers' Party) in the post-1985 period. On the whole politicians have been less loyal to their parties since 1985 than they were between 1946 and 1964. Federalism has been an important element in the logic of parties and politicians in both periods, but we need more careful research comparing those two periods on that dimension.

### **Constitutional Powers of the Presidency**

Constitutional norms regulate executive and legislative action. To a greater extent than analysts of Latin American politics realized until recently, constitutional powers of the president shape executive/legislative relations and are therefore a vital issue in democratic politics.<sup>2</sup> Three broad categories of such constitutional powers are: (1) reactive legislative powers, i.e., those that enable presidents to block legislation--above all, vetoes and partial vetoes; (2) proactive legislative powers, i.e., those that enable presidents to legislate; and (3) presidents' capacity to shape the congressional agenda.

#### **Presidents' Reactive Legislative Powers.**

When the president can veto legislation, and especially when it is difficult for congress to override a veto, the president has greater control over legislation. Both of Brazil's democratic constitutions gave the president a veto. Formally, the 1988 constitution makes it relatively easy for congress to override a presidential veto: An absolute majority of the jointly assembled congress suffices to override a package

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<sup>2</sup>Before Shugart and Carey's (1992) seminal work, the differences among presidents' constitutional powers were virtually ignored.



veto (Article 66). By absolute majority is meant 50% plus one of the entire assembly (whether a member is absent or present), not 50% plus one of those present. Given the high absentee rates in congress, the absolute majority standard usually requires more than a majority of those present.<sup>3</sup> Presidential veto powers in the 1946 constitution were more formidable because an override required a two-thirds majority of the jointly assembled congress (Article 70), making an override formally slightly easier than it is in the United States (the U.S. constitution requires two separate two-thirds majorities; the 1946 Brazilian constitution required only one two-thirds majority).

Although an override is constitutionally easy to achieve under the 1988 constitution, some non-constitutional factors have made overrides rare. The fragmentation of the party system makes it difficult for the opposition to assemble an absolute majority. The dependence of many congresspeople on obtaining federal funds to sustain their political careers makes some of them co-optable. The high absentee rates of legislators can impede congress from overriding vetoes; with many members absent, the requirement of support from a majority of all members of congress becomes a de facto criterion of a majority above 50% plus one of those present.

The power of the partial veto also enhances presidents' control over the legislative process by enabling them to block whatever parts of a bill they oppose. Both Brazilian constitutions are exceptional in explicitly allowing presidents to veto parts of a bill. Article 70 of the 1946 constitution required a two-thirds majority of the jointly assembled congress to override a partial veto. The combination of the partial presidential veto and the two-thirds majority needed to overcome it gave presidents great ability to block any bills or parts of bills they opposed. In this regard, the 1988 constitution (Article 66, Sections 1 and 2) slightly reduced presidential control over legislation by establishing an absolute majority override of the jointly assembled congress. Still, even in this slightly weakened version, the explicit partial

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<sup>3</sup>High absenteeism results from the prevalence of patronage-oriented legislators whose political careers do not depend on being conscientious legislators. In turn, this phenomenon stems in part from an electoral system for deputies that encourages them to focus on service to local constituents and to spend time with them, even when doing so entails being away from Brasília. In addition, most voters have little political information in general and extremely limited information about legislators' policy positions, and they are not particularly policy oriented themselves.



veto is an unusual and powerful tool that enables presidents to fine tune legislation they want.

Few democratic constitutions give presidents exclusive rights to initiate legislation. Only 6 other constitutions (four of which are from one country, Chile) of the 43 Shugart and Carey (1992) examined have any provision for exclusive presidential right to initiate legislation. The exclusive right of initiation over key issue areas magnifies the president's ability to prevent the passing of legislation he/she opposes. Congress has no means of enacting legislation that does not suit the president in these issue areas.

Article 67, Section 2 of the 1946 constitution gave the president the exclusive right to initiate certain laws, and Article 61 of the 1988 constitution gives presidents the exclusive right to initiate legislation in an array of important policy areas: laws that determine the size of the armed forces; that create jobs, functions, or increase salaries in many parts of the public sector; that relate to the administrative and judicial organization, budgetary issues, and public sector workers in the country's Federal Territories; that relate to the Public Ministries and the Public Defender (Defensoria Pública); and that create, structure, and determine the functions of ministries and public administration.

The 1988 constitution also gives presidents strong reactive power over the budget. The president prepares the annual budget, the budget guidelines, and a multiyear budget plan. The congress must approve the budget in a joint session, but it is not permitted to initiate programs or projects not included in the president's budget (Article 167). This gives presidents complete control in blocking resources for new programs they oppose. In addition, congress can approve amendments to the annual budget only if they are compatible with the multiyear budget plan elaborated by the president and are compatible with the law on budgetary guidelines (Article 166). Congress may not authorize expenditures that would exceed the budgetary revenue (Article 167). These provisions enable the president to preserve the status quo on budgetary matters.

### Presidents' Proactive Legislative Powers.

The executive's powers are enhanced if the constitution grants the president the right to issue legislative decrees. Presidents then no longer depend completely on congressional initiative to accomplish their legislative agenda; indeed, they may not need majority backing for some initiatives.

Following the norm in most democratic constitutions, the 1946 constitution did not have a provision for presidential legislative decrees. In contrast, Article 62 of the 1988 constitution allows presidents to implement Provisional Measures (medidas provisórias) without congressional approval that have the force of law for a thirty-day period. In comparative terms, Article 62 gives the Brazilian president exceptional legislative powers, and has changed the functioning of Brazilian democracy compared to the 1946-64 period (Figueiredo and Limongi 1995; Pessanha 1993; Power 1994).

Article 62 was explicitly designed for cases of "relevance and urgency" only. In practice, however, presidents have used Provisional Measures to push through all kinds of bills, with little concern for whether they truly constitute emergencies. Between October 5, 1988, when the new constitution went into effect, and late May 1995, the four presidents issued 1,004 Provisional Measures: 147 under Sarney, 160 under Collor, 505 under Franco, and 192 under Cardoso. Provisional Measures have been used to legislate some of the most important bills that have passed under the 1988 constitution, including key provisions of President Collor's 1990 economic plan and Cardoso's Real Plan in 1994.

Provisional Measures are to be rejected unless congress passes them within 30 days; however, presidents have regularly reissued these decrees after they expired. Of the first 1,004 Provisional Measures under the 1988 constitution, 640 had been issued previously. Congress had approved 274 Provisional Measures and had rejected only 18. As of May 1995, 26 such presidential decrees had been recently issued by the Cardoso government without expiring, gaining approval, or being rejected. (The source gives no information on the remaining 46 Provisional

Measures; presumably, they had been allowed to expire.)<sup>4</sup> The de facto practice, then, has been that presidential decrees can remain in effect unless congress rejects them (Power 1994; Figueiredo and Limongi 1994, 1995). Article 62 was not intended to be used in such sweeping fashion, but it has given presidents considerable power to legislate. Indeed, among the 43 constitutions that Shugart and Carey analyzed, the decree power of the 1988 Brazilian constitution was exceeded only by the 1993 Russian constitution.

Even in the unusual cases in which congress rejects a presidential decree, the bill still goes into effect for a short time (up to 30 days) until it is explicitly rejected or amended. The provisions of expired or rejected Provisional Measures in principle are null, but their actual effects are not automatically rescinded retroactively unless congress passes a measure. In fact, the constitution did not even explicitly prohibit the reissuing of Provisional Measures rejected by congress--though subsequent regulation of Article 62 did so prohibit (Pessanha 1993; Power 1994). A judicial ruling in 1991 prohibited the president from reissuing in the same legislative session a Provisional Measure that had been amended by congress and vetoed by the president.

Decree powers under the 1988 constitution are still considerably weaker than under the military regime's 1967 constitution, Article 58 of which enabled presidents to issue "decree laws" that became law unless congress explicitly rejected them within 60 days. Congress was not allowed to amend a decree law, which further reduced its ability to control the legislative process. These provisions, plus the military government's consistent majorities in both chambers of congress until 1983, virtually ensured that presidential decrees would become law. Power (1994) notes that congress rejected only 33 of 2,481 decree laws between 1964 and 1988 and none of 1,662 between 1968 and 1983. By making presidential decrees formally contingent on congressional approval and by allowing congress to amend them, the 1988 constitution granted congress greater power over presidential legislative decrees than the 1967 constitution. In practice, however, the possibility of reissuing a Provisional Measure that has not been rejected reduces the difference between the 1967 decree law and the 1988 provisional measure. Whereas the intent of the 1988

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<sup>4</sup>"A Explosão das MP," Veja No. 1394 (May 31, 1995), p. 29.

constitution was to require congressional approval of presidential decrees, the de facto practice became that congressional acquiescence was all that was needed.

The president also has some proactive budgetary powers that allow him to implement his preferred budget (Figueiredo and Limongi 1995). If congress fails to pass a budget on time, the president's proposed budget goes into effect on a month-by-month basis. The president can attempt to hinder congress from approving the budget in order to have his/her own proposal in effect for some time. Moreover, as congress deliberates over the budget, the president is allowed to withdraw his/her proposed budget and present a new one, thereby provoking a setback for congress. Among the 41 non-Brazilian constitutions that Shugart and Carey ranked, only four gave presidents more power over the budget, and only nine other constitutions had similar provisions.<sup>5</sup>

#### Presidents' Capacity to Shape the Congressional Agenda

As Figueiredo and Limongi (1994, 1995) have argued, some constitutional provisions enable presidents to establish priorities on the congressional agenda, potentially superseding the wishes of congressional leaders. Article 62 of the 1988 constitution (Provisional Measures) not only gives presidents the power to legislate, it also gives them influence over the congressional agenda. If congress fails to act on a presidential decree within 30 days, the Provisional Measure automatically goes to the top of the legislative agenda, displacing issues that the congress may have been discussing for some time.

Further increasing presidents' agenda powers, Article 64 of the 1988 constitution gives presidents the right to declare a bill of their own initiative "urgent," which obliges the two houses of congress to vote on the bill within 45 days. If they fail to do so, the bill immediately moves to the top of the legislative agenda, pushing aside bills of congressional initiative. Presidents therefore have the means to ensure rapid treatment of bills of their initiative. The combination of articles 62 and 64 helps explain the vast difference between the mean time to pass bills introduced by the executive (25 days for unamended Provisional Measures from 1989 to 1994; 56 days for budgetary bills; 11 days for amended Provisional

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<sup>5</sup>On the budgetary process in the 1946 constitution, see Articles 73 to 77.

Measures; 412 days for other executive bills) compared to bills introduced by the legislature (1,094 days) (Figueiredo and Limongi 1995: 184). In combination with the partial veto, articles 62 and 64 give Brazilian presidents great ability to block legislation they do not like and to impose their own legislative priorities onto the congressional agenda (though not necessarily to win approval for them).

Article 57 of the 1988 constitution allows the president to convoke a special session of congress. During such a session, congress is allowed to deliberate only on issues determined by presidential initiative. This provision further augments the president's influence over the congressional agenda.

Not surprisingly in the context of these sweeping constitutional powers, presidents have dominated the legislative process in the post-1988 period. Figueiredo and Limongi (1995) indicate that of 1,259 laws passed between 1989 and 1994, 997 were initiated by the president, compared to only 176 initiated by the legislature (and 86 by the judiciary). Moreover, bills initiated by the executive were much more likely to win final approval than bills initiated by congress.

Shugart and Carey (1992) ranked the 1988 constitution as providing the second most powerful presidential capacities in the legislative arena among the 43 constitutions they studied. The 1946 constitution ranked fourth, but this understates the difference between the two constitutions. The 1988 constitution, by virtue of articles 62 and 64, endows the president with much greater capacity to legislate and dictate the legislative agenda.

In sum, the 1988 constitution in some respects approximates the often misleading portrayal of Latin American executive power--the imperial presidency. This situation exists primarily not because of cultural factors or some inherent features of presidentialism, but rather because of specific measures introduced by the 1988 constitution, which deliberately created a presidency with sweeping powers. Even so, it would be a mistake to assume that presidents can get everything they want by steamrolling congress.

## Party System Fragmentation and Presidentialism

Table 3 shows the share of seats in congress of presidents' parties and electoral coalitions, and underscores the distinct minority situation of the presidents' parties. Leaving aside the anomalous Dutra period (1946-50), when presidents assumed office, their parties had a distinct minority of the seats in both chambers of congress. Itamar Franco (1992-94) did not have a party, nor was he closely identified with one. José Sarney's (1985-90) party was formally the centrist PMDB (Party of the Brazilian Democratic Movement), but only because in order to run for Vice-President, Sarney was obligated in 1984 by the extant electoral legislation to join Tancredo Neves's party, the PMDB. (Elected as Vice-President, Sarney became President when Neves died before assuming office.) Most of Sarney's close allies, including his own son, were in the conservative PFL (Party of the Liberal Front), which won only about 20% of the seats in the Chamber of Deputies and had only 21% of the Senate seats after the 1986 elections.

**Table 3**  
**Results of Presidential Elections**

	Votes	% Valid Votes	% of Seats in Chamber of Presidential Electoral Coalition	% of Seats in Chamber of President's Party
<b>1945</b>				
Eurico Gaspar Dutra, PSD/PTB	3,251,507	55.3%	79.7%	PSD=52.8% (1945)
Eduardo Gomes, UDN	2,039,341	34.7%		
Yeddo Fiuza, PCB	569,918	9.7%		
<b>1950</b>				
Getúlio Vargas, PTB/PSP	3,849,040	48.7%	24.7%	PTB=16.8% (1950)
Eduardo Gomes, UDN	2,342,384	29.7%		
Cristiano Machado, PSD	1,697,193	21.5%		
<b>1955</b>				
Juscelino Kubitschek, PSD/PTB	3,077,411	35.6%	52.2%	PSD=35.0% (1954)
Juarez Távora, PDC/UDN/PL	2,610,462	30.3%		
Adhemar de Barros, PSP	2,222,725	25.8%		
Plínio Salgado	714,379	8.3%		
<b>1960</b>				
Janio Quadros, UDN/PDC/PL/PTN	5,636,623	48.3%	26.6%	UDN=21.5%* (1958)
Henrique Teixeira Lott, PTB/PSD	3,846,825	32.9%		
Adhemar de Barros, PSP	2,195,709	18.8%		



<b>1989 First Round</b>				
Fernando Collor de Mello, PRN	20,611,011	30.5	6.4%	PRN=4.2% (1989)
Luis Inácio da Silva, PT		11,622,673	17.2	
Leonel Brizola, PDT		11,168,228	16.5	
Mário Covas, PSDB		7,790,392	11.5	
Paulo Maluf, PDS		5,986,575	8.9	
Guilherme Afif Domingos, PL		3,272,462	4.8	
Ulysses Guimarães, PMDB	3,204,932	4.7		
Others		3,970,376	6.0	
<b>1989, Second Round</b>				
Fernando Collor de Mello, PRN	35,089,998	53.0	39.6	PRN=4.2% (1989)
Luis Inácio da Silva, PT	31,076,364	47.0		
<b>1994</b>				
Fernando Henrique Cardoso, PSDB	34,377,198	54.3	42.4	PSDB=12.1% (1994)
Luis Inácio da Silva, PT	17,126,291	27.0		
Eneas Carneiro, PRONA	4,672,026	7.4		
Orestes Quércia, PMDB	2,773,793	4.4		
Leonel Brizola, PDT	2,016,386	3.2		
Espiridião Amin, PPR	1,740,210	2.8		
Others	626,250	1.0		

\*Quadros was not a member of any party

Source: Tribunal Superior Eleitoral

Tables 4 and 5 give the results of lower chamber and senate elections for 1982-94.<sup>6</sup> Table 6 shows the effective number of parties for both chambers. By 1990, with 8.65 effective parties in the lower chamber, Brazil had one of the world's most fragmented party systems. In the 1994 elections, fragmentation diminished slightly, but remained easily the highest in Latin America.

<sup>6</sup>For 1946-64 congressional results, see Hippólito 1985; Mainwaring 1995; or Nohlen 1993. Because these results are now readily available in several sources, I do not reproduce them here.

Table 4

**Chamber of Deputies Election Results by Party, 1982-1994**  
**(Percentage of Seats)**

	1982	1986	1990	1994
PDS/PPR**	49.1	6.6	8.3	10.1
PMDB	41.8	53.6	21.5	20.9
PDT	4.8	4.9	9.3	6.8
PTB	2.7	3.5	7.6	6.0
PT	1.7	3.3	7.0	9.6
PFL	—	23.8	16.7	17.3
PL	—	1.2	3.0	2.5
PDC**	—	1.2	4.4	—
PC do B	—	1.0	1.0	1.9
PCB*/PPS	—	0.6	0.6	0.4
PSB	—	0.2	2.2	2.9
PRN	—	—	8.0	0.2
PSDB	—	—	7.4	12.1
PSC	—	—	1.2	0.6
PRS	—	—	0.8	—
PST/PP***	—	—	0.4	7.0
PTR	—	—	0.4	—
PSD	—	—	0.2	0.6
PMN	—	—	0.2	0.8
PRP	—	—	—	0.2
PV	—	—	—	0.2
TOTAL	100.0	100.0	100.0	100.0
No. Seats	479	487	503	513

Sources: Bolivar Lamounier, ed., *De Geisel a Collor: O Balanço da Transição* (São Paulo: Sumaré/IDESP, 1990), pp. 186-89; Robert Wesson and David Fleischer, *Brazil in Transition* (New York: Praeger, 1983), p. 119; *Folha de São Paulo*, Oct. 29, 1990; *Folha de São Paulo*, November 16, 1994 and November 21, 1994.

\* The PDS and PDC merged to form the PPR in 1993.

\*\*The PCB changed its name to the PPS in 1992.



Table 5

**Senate Seats by Party, 1982-1994**  
(Percentage of Seats)

Party	1982		1986		1990		1994	
	Seats won	Total held	Seats won	Total held	Seats won	Total held	Seats won	Total held
PDS/PPR*	60.0	66.7	4.1	6.9	7.4	3.7	3.7	7.4
PMDB	36.0	30.4	77.6	62.5	29.6	33.3	25.9	27.2
PDT	4.0	0.5	2.0	2.8	3.7	6.2	7.4	7.4
PTB	—	0.5	—	1.4	14.8	9.9	5.6	6.2
PFL	—	—	14.3	20.8	29.6	18.5	20.4	22.2
PL	—	—	—	1.4	—	—	1.9	1.2
PDC*	—	—	—	1.4	—	4.9	—	—
PSB	—	—	—	1.4	—	1.2	1.9	1.2
PMB	—	—	2.0	1.4	—	—	—	—
PSDB	—	—	—	—	3.7	12.3	16.7	13.6
PRN	—	—	—	—	7.4	3.7	—	—
PT	—	—	—	—	3.7	1.2	7.4	6.2
PST/PP**	—	—	—	—	—	1.2	7.4	6.2
PMN	—	—	—	—	—	1.2	—	—
No party	—	—	—	—	—	2.5	—	—
PCB/PPS	—	—	—	—	—	—	1.9	1.2
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
# seats	25	69	49	72	27	81	54	81

SOURCES: Lamounier, ed., *De Geisel a Collor*, pp. 187-89; *Folha de São Paulo*, Oct. 29, 1990; International Foundation for Electoral Systems, *Newsletter* 1, no. 4 (1990), p. 5; *Folha de São Paulo*, Nov. 16, 1994 and Nov. 21, 1994; Nicolau 1995, Table 3.

NOTE: Senate terms are eight years long. In alternate elections, two-thirds and one-third of the Senate seats are disputed. "Total held" columns refer to the composition of the Senate after the respective elections; it combines the seats of the newly elected senators with those who did not run that year. In 1982, one seat per state was contested, and the new state of Rondônia elected three senators. In 1986, two seats were disputed in 23 states, and the Federal District elected three senators. In 1990, one seat per state was disputed. In 1994, two seats per state were disputed.

\*The PDS and PDC merged to form the PPR in 1993.

\*\*The PST and PTR merged to form the PP in 1993.

**Table 6**  
**Effective Number of Parties in Brazilian Congress (in seats)**

	Chamber of Deputies	Senate
1945	2.77	2.24
1947	-----	2.72
1950	4.10	3.18
1954	4.59	4.21
1958	4.50	3.58
1962	4.55	4.03
1986	2.83	2.27
1990	8.65	5.54
1994	8.13	6.08

Source: Calculated from Hippólito 1985 ,Tables 4 and 5 above.

The 1945 congressional results were an anomaly that do not affect the overwhelming tendency toward fragmented multipartism. Those elections took place in a context of high continuity from the authoritarian Estado Novo of 1937-45 (Souza 1976), leaving the newly formed PSD, which was created by Estado Novo leaders, in a privileged position. Moreover, the 1945 electoral law amply favored the largest party in a given state, in most cases the PSD.<sup>7</sup> This method was altered after the 1945 congressional elections, significantly reducing the advantage for the largest party. Also, in 1945 coalitions were not allowed in proportional elections, which diminished the prospects of small parties; after 1947, coalitions were allowed.

The 1986 congressional elections were also anomalous in terms of the division of votes and seats. Two circumstances unduly favored the PMDB and limited party system fragmentation: These elections were the first in the new democratic period, and the PMDB benefited by having led the party opposition to military rule. In addition, political manipulation of economic policy led to a short-term boom in 1986, followed by a bust and rapidly escalating inflation after the election.

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<sup>7</sup>In each state, a party won one seat for every full multiple it reached of the electoral quotient, i.e., the number of valid votes divided by the number of seats. All remaining seats in that state went to the largest party rather than being divided proportionally, as occurred after 1945 (and as is the norm in proportional systems).

Several features of the electoral system allow for a highly fragmented party system and make it unlikely that the president's party would enjoy a majority in congress. In the Chamber of Deputies, the system of proportional representation with a low threshold and a high district magnitude encourages high fragmentation. In Brazil, the formal threshold (i.e., the minimum percentage of votes a party needs to win a seat) is the electoral quotient in any state, that is, the number of votes divided by the numbers of seats. If there were 25 seats in a state, a party or an alliance of parties would need 4% of the votes to attain one seat. There is no national threshold, so a party could obtain a seat with an extremely low percentage of the national vote. District magnitudes (the number of seats per district) are large. The states--there are now 26--and the Federal District constitute the electoral districts for both chambers. Each state was guaranteed at least seven deputies under the 1946 constitution and at least eight under the 1988 constitution. The average district magnitude for the lower chamber in 1994 was 19.0.

Between 1950 and 1964 and again since 1985, parties have been allowed to form alliances in proportional elections, and the threshold then applies to the whole coalition rather than each party within it. Thus a party need not meet the threshold on its own in order to win a seat. Consequently, a party can win a seat with an infinitesimal percentage of the vote. From 1955 until 1964 and again between 1985 and 1990, the fact that presidential and congressional elections were not concurrent also encouraged the fragmentation of congressional seats (Shugart and Carey 1992: 226-258; Jones 1995). The two-round, absolute majority format for presidential elections introduced by the 1988 constitution also favors high fragmentation.

What are the effects for presidents of significant party system fragmentation? Assuming for the moment that presidents need legislative support to accomplish their agendas, one would expect the president's ability to obtain what he/she wants to decrease as party system fragmentation increases. Under normal circumstances, one would expect the president's party to be more likely than any other to support the president. Therefore, if the president's party has a small share of seats, obtaining legislative support is likely to be more difficult, effecting major reforms is likely to be more problematic, and Linzian (1994) type impasses between the executive and legislature are more probable. If, however, parties other than the president's have policy positions close to the president, then the difficulties associated with

significant fragmentation should diminish (Amorim Neto 1995; Nicolau 1995). In fact, the difficulties of multiparty presidentialism in Brazil have been most acute under presidents (Goulart and Collor) whose policy positions differ markedly from that of the "mean" legislator.

Another consequence that logically stems from high fragmentation is that presidents need support from parties beyond their own and must either assemble a broad legislative coalition or deal with a situation of minority government. As Abranches (1988) argued, Brazilian presidents have a long history of attempting to create majorities by forming broad governing coalitions. Before 1964, the search to form coalitions began during the pre-campaign phase, when presidential aspirants sought to win the endorsements of several parties. The plurality, single-round method of electing presidents served as an inducement to coalition candidacies. The main presidential candidates always enjoyed multiparty support.

Once elected, presidents form de facto coalition governments by offering jobs and resources to different parties. This partitioning of government begins at the peak level (cabinet positions and heads of major public enterprises and executive agencies) and continues on down to minor federal appointments and resources in backwoods towns and remote regions. With comparatively weak party discipline and loyalty, these coalitions are loose and shifting rather than hard and fast. The boundary between minority presidentialism and coalition government in Brazil is permeable, more so than is the case in parliamentary systems with disciplined parties.

Between 1946 and 1964, presidents generally resorted to oversized cabinets to secure support from a wide range of parties. Table 7 provides evidence of the consistent option of presidents to form multiparty cabinets. If the parties represented in the cabinet had provided block support for presidents, they would usually have constituted an extremely broad alliance, and presidents would have secured sizable majorities in congress. The last two columns give the percentage of seats obtained by the parties that had cabinet representatives. The parties that had cabinet positions often accounted for 80% of the seats in the Chamber of Deputies, and during the Quadros government, this figure reached 92.7%. Cabinet formation obviously did not obey the logic predicted by some game theorists (e.g., Riker 1962) of minimal winning coalitions. The breadth of the parties represented in the

cabinet obeyed a logic closer to consociational than majoritarian democracy (Lijphart 1984).

**Table 7**

	<b>Parties with Cabinet Positions</b>	<b>% of Seats Lower Chamber</b>	<b>% of Seats Senate</b>
<b>Dutra Government</b>			
Jan. 1946 to Oct. 1946	PSD, PTB	60.5	66.7
Oct. 1946 to April 1950	PSD, UDN, PR	82.1	90.4; 87.9 <sup>a</sup>
April 1950 to Jan. 1951	PSD, UDN	79.7	86.4
<b>Vargas Government</b>			
Jan. 1951 to Aug. 1954	PSD, PTB, UDN, PSP	88.1	87.5
<b>Café Filho Government</b>			
Aug. 1954 to April 1955	UDN, PSD, PR, PTB	83.8	85.9
April 1955 to Nov. 1955	UDN, PSD, PDC, PR, PTB	81.3	85.9
<b>Nereu Ramos Government</b>			
Nov. 1955 to Jan. 1956	PSD, PTB, PR, PSP	67.8	71.9
<b>Kubitschek Government</b>			
Jan. 1956 to Jan. 1961	PSD, PTB, PR, PSP	67.8; 68.4 <sup>b</sup>	71.9; 66.7 <sup>b</sup>
<b>Quadros Government</b>			
Jan. 1961 to Aug. 1961	UDN, PTB, PSD, PSB, PSP, PR	92.7	93.7
<b>Goulart Government</b>			
Sept. 1961 to June 1962	PSD, PTB, UDN, PDC	79.1	90.5
June 1962 to July 1962	PSD, PTB, UDN, PDC, PR	84.3	92.1
July 1962 to Sept. 1962	PSD, PTB, UDN, PSB	79.8	90.5
Sept. 1962 to Jan. 1963	PTB, PSD, PSB	58.3	63.5

Jan. 1963 to June 1963	PTB, PSB, PSP, PSD, UDN	85.8	87.9
June 1963 to Dec. 1963	PTB, PSD, PDC	62.2	62.1
Dec. 1963 to April 1964	PTB, PSD	57.3	60.6
<b>Sarney Government</b>			
Mar. 1985	PMDB, PFL, PDS	91.6 <sup>c</sup>	
Mar. 1985 to Feb. 1986	PMDB, PFL, PDS, PTB	94.0 <sup>c</sup>	
Feb. 1986 to Mar. 1990	PMDB, PFL	72.1 <sup>d</sup> /77.4 <sup>e</sup> /54.0 <sup>f</sup>	83.3 <sup>e</sup>
<b>Collor Government</b>			
Mar. 1990 to April 1992	PMDB, PFL, PTR, PRN, PDS	54.9 <sup>g</sup>	59.2 <sup>g</sup>
April 1992 to Oct. 1992	PFL, PDS, PTB, PSDB, PL	43.0	44.4
<b>Franco Government</b>			
Oct. 1992 to Jan. 1993	PDT, PSDB, PFL, PMDB, PSB, PTB	64.7	81.3
Jan. 1993 to May 1993	PDT, PSDB, PFL, PMDB, PSB, PTB, PT	71.7	82.5
May 1993 to Aug. 1993	PDT, PSDB, PFL, PMDB, PSB, PTB	64.7	81.3
Aug. 1993 to Dec. 1994	PMDB, PFL, PP, PSDB	46.0	65.8
<b>Cardoso Government</b>			
January 1995 -	PSDB, PMDB, PFL, PTB	56.3	69.2

#### Notes

a. 90.4% until the 1947 senate elections; 87.9% thereafter.

b. The second figure refers to the period after the 1958 elections.

c. Combined figure for lower and upper chambers.

d. Combined figure for lower and upper chambers for July 1986.

e. February 1987

f. Combined figure for lower and upper chambers for January 1990.

g. Percentage of seats after the 1990 elections.

Sources: For cabinet positions, Hippólito 1985: 293-303, for 1946-64; unpublished information obtained from the Departamento de Documentação, Presidência da República, Brasília, for 1985-93; Amorim Neto 1995 for 1993-94; "Equipe à la carte," *Veja* No. 1372 (December 28, 1994), pp. 32-33 for 1995.

For seats: In addition to the tables above, Kinzo 1990, p. 108.

Presidential efforts to win broad coalition support have often been successful. However, other things equal, coalition formation is probably less reliable in presidential systems than in parliamentary systems. A multiparty government in a parliamentary system differs in three ways from a multiparty presidential government. First, presidents are generally freer to dismiss ministers and rearrange the cabinet than are prime ministers. This presidential autonomy is part of a generally looser institutional arrangement that can lead to a lack of stable congressional support, for just as presidents are less bound to the parties, so are the parties less bound to the presidents.

In Brazil, presidential autonomy in forming cabinets is reflected in the limited correlation between which parties supported presidents during campaigns and the number of cabinet appointments allocated to the parties. Table 8 makes this point clear, with Vargas's cabinet being especially notable in this regard. After opposing Vargas during the campaign, the PSD wound up with the lion's share (five of eight) of civilian cabinet posts. The UDN, which trenchantly opposed Vargas, gained as many ministries (one) as Vargas's own PTB. Moreover, presidents changed the composition of cabinets with frequency. For example, having been elected with the support of the PSD and PTB, Dutra later excluded the latter from his cabinet and included the UDN, which had been his foremost opponent in the 1945 election.

**Table 8**

President Composition	President's Electoral Coalition	Initial Cabinet
<b>1946-64</b>		
Dutra, 1945	PSD, PTB	PSD (5), PTB (1)
Vargas, 1950	PTB, PSP	PSD (5), UDN (1), PTB (1), PSP (1)
Kubitschek, 1955	PSD, PTB	PSD (4), PTB (2), PSP (1), PR (1)
Quadros, 1960	UDN, PDC, PL, PTN	UDN (3), PTB (3), PSD (1), PSP (1), PR (1), PSB (1)
<b>1985-95</b>		
Collor (second round), 1989	PRN, PDS, PFL, PTB, PDC, PL	PMDB, PFL, PTR
Cardoso, 1994	PSDB, PFL, PTB, PP	PSDB (6), PFL (4), PMDB (2), PTB (2)

\* The numbers in parentheses refer to the number of cabinet positions allocated to different parties.

Sources: Hippólito 1985:293-303 for 1946-64; unpublished information obtained from the Departamento de Documentação, Presidência da República, Brasília, for 1985-93; Amorim Neto 1995 for 1993-94; "Equipe à la carte," *Veja* No. 1372 (December 28, 1994), pp. 32-33 for 1995.

The second major difference is that in parliamentary systems, individual legislators are more or less bound to support the government unless their party decides to drop out of the governmental alliance. Members of Parliament risk losing their seats in new elections if they fail to support the government. In presidential systems, voting against a bill does not subject members of congress to new elections.

A few examples underscore that a party's participation in the cabinet did not ensure the bloc support of legislators for the president (see Table 7). As president in the 1950s, Getúlio Vargas included a cabinet member from the UDN, which attempted to undermine his government. Vargas's cabinet was dominated by the PSD, which maintained a dubious attitude towards the president. Quadros's cabinet included one politician from the PSD, which was ambivalent about the maverick president. Goulart's cabinet often had a UDN member, notwithstanding this party's determination to undermine the president. The PSD, which was ambivalent towards Goulart, was represented in all of his cabinets. Sarney's cabinet included



many representatives from the PMDB, which was ambivalent about his government. For several months, Franco's cabinet included a member of the PT, which opposed his government. Cabinet representation does not guarantee that the legislators of that party support the government.

The third major difference is that in parliamentary systems, the parties themselves are coresponsible for governing; when they cease supporting the government, there is a chance that new elections will be called. These differences mean that, ceteris paribus, parliamentary systems are probably better at sustaining interparty governing coalitions than presidential systems. This is not, however, to claim that coalition government with presidentialism is impossible or vastly more difficult than it is with parliamentary government.

The difficulties of coalition formation under highly fragmented multiparty presidentialism help explain cabinet instability in Brazil. Presidents allocate cabinet positions in part to help secure bases of political support. But because their party support is not fully reliable, presidents frequently change the partisan composition of the cabinet in an effort to broaden or change support. The challenge in mounting a stable coalition is compounded because the catch-all parties are comparatively undisciplined; as a result, party leaders cannot enforce agreements they make. Indeed, regardless of the system of government, party indiscipline is inimical to stable coalition building.

### **Undisciplined Catch-All Parties and Low Party Loyalty**

Mainwaring and Pérez Liñán (forthcoming) focus on levels of party discipline during the constitutional congress of 1987-88. They included votes only if 25% or more of those who voted opposed the winning side. A total of 363 roll calls in the constitutional congress met this 25% opposition threshold. On average, the following percentages of a party's legislators opposed the majority position within the party: PMDB, 35%; PTB, 30%; PFL, 24%; PDS, 21%; PDT, 14%; PT, 2%.

Limongi and Figueiredo (1995) analyzed voting patterns in the Chamber of Deputies for the 1989-94 period. Using the 221 roll call votes in which at least 10% of the Chamber opposed the winning side, on average, the following percentages defected from the majority position within their party: 15% of PTB members, 13% of

PSDB and PMDB members, 12% of PDS members, 11% of PFL members, and 9% of PDT members. Only the PT (2% mean defections) was highly disciplined. This shows higher discipline than one would expect on the basis of some portraits of Brazilian parties, but lower discipline than exists in most democracies.

For presidents, limited party discipline makes executive/legislative relations less predictable. Presidents cannot fully count on the support of their party or coalition, as they might with highly disciplined parties and loyal legislators. If a president's party had a majority in congress, from his/her perspective, disciplined parties would be a clear asset. With fragmented multipartism, weaker discipline also has advantages; it enables presidents to entice members of other parties to support them, and presidents usually do not face disciplined majorities determined to block them.

In both democratic periods, limited party discipline allowed for fluid relationships between presidents and their coalitions (Novaes 1994). During the Vargas, Quadros, Goulart, and Sarney administrations, major parties were divided in their positions vis-à-vis the government. None of the parties, including Vargas's own PTB (Brazilian Labor Party, a center-left populist party), unequivocally supported his government; on the other hand, none of the major parties except the conservative UDN (National Democratic Union) clearly opposed it. The PSD maintained a dubious attitude towards the president, neither supporting nor opposing him (Hippólito 1985: 85-103).

Under Quadros (1961), the UDN, PSD, and PTB were all divided, with some factions of the parties supporting the president and others opposing him. Part of the UDN began to oppose Quadros because of his foreign policy overtures to Cuba; the PTB, which opposed him during the campaign, began to support Quadros because of his independent foreign policy; and all three of the major parties were highly factionalized, making it more difficult to establish bases of solid institutional support (Franco 1976: 103-116; Ramos 1961: 21-95; Benevides 1989; Benevides 1981; Hippólito 1985; Oliveira 1973).

The UDN generally opposed President João Goulart (1961-64), but a minority faction supported some of his nationalistic program. The PSD was deeply divided, as some factions supported while others opposed Goulart (Hippólito 1985: 235-236).

On March 10, 1964, three weeks before the coup, the PSD opted for an official break with the government. Goulart's own party, the PTB, was split as some radicalized factions, led by Leonel Brizola, considered the president too timid.

While Sarney was immensely popular in 1986 because of the success (albeit short lived) of the Cruzado Plan—an economic stabilization plan that froze prices and wages--the PMDB and PFL were sycophantic. With the failure of the Cruzado Plan, however, the PMDB became deeply divided over its relationship to the government. The progressive sectors of the PMDB tried to push the party into opposing the government, but they met invincible resistance. Conservative and clientelistic sectors continued to support the government, but in June 1988, forty congressional representatives split off and formed a new center-left party, the PSDB (Party of Brazilian Social Democracy). Even among those who remained in the PMDB the schisms were deep. In the PFL, Marco Maciel led a splinter group critical of the government, while most of the party supported it. During the constitutional congress of 1987-88, supra-party blocs eclipsed parties as means of organizing congressional debates.

Sarney and his successor, Fernando Collor de Mello (1990-92), enjoyed widespread backing in congress at moments of peak popularity, but such backing eroded when public approval plummeted. Parties that initially were part of the governing coalition defected in hard times or as positioning began for the next presidential campaign. Toward the end of their terms, Sarney and Collor were weakened by their status as lame ducks. Governors and legislators distanced themselves from these unpopular presidents without paying a high price for defecting.

Political elites in Brazil have shown comparatively low loyalty to their parties, especially in the post-1985 period. This is reflected in the commonplace practice of switching parties. In the 1987-90 legislature, there were at least 197 cases of party switching, and during the 1991-95 legislature, there were 262 (Samuels forthcoming). This lack of party loyalty reinforces the unreliability of support for the president, although it also offers the president opportunities to induce members of congress to join his/her party or coalition. Limited party loyalty also has an ambiguous effect on the presidency. The Cardoso administration benefited by party

switching to the PSDB and PFL. Sarney, however, presided over a mass migration away from his own PMDB and from the PFL toward opposition parties.

In sum, the comparative lack of party discipline and loyalty in Brazil has mixed effects. When presidents are popular, they generally dominate their parties, and parties and politicians identify themselves with the government to ride the coattails of government prestige and to enhance their own access to patronage. When a president is unpopular, maintaining a coalition is problematic. Distancing oneself from the government is a means of avoiding the negative repercussions of identification with an unpopular lame duck president.

### **Robust Federalism**

Brazil has long been a case of the most robust federalism in Latin America (the other federal nations in the region are Argentina, Mexico, and Venezuela). During democratic periods, mayors and governors have been powerful actors with significant autonomy vis-à-vis the federal government and with significant resources. Many of their actions are determined more by what goes on in their own states than by what goes on in national politics. In fact, national parties are still to a considerable extent a federation of state parties.

Federalism has advantages in a heterogeneous country of continental size, but it has also further disperses power in a fragmented political system. State loyalties lead politicians to coalesce in support of projects that will benefit their own state, regardless of the politicians' party and ideology (and regardless of the cost effectiveness of the project). Federalism has contributed to factionalism in the catch-all parties, and by extension to their lack of party discipline. Politicians of the catch-all parties focus most on state and local issues, so they are less willing to toe the line of the national party leadership. These state loyalties make it more difficult for presidents to pull together reliable coalitions; to retain the political support of a state's congressional delegation, presidents need to offer high level positions and resources.

Powerful political figures with independent bases, the governors and mayors of major cities compete with the president for power and resources. They command impressive political and economic resources, especially in the larger and wealthier

states. The 1988 constitution granted broad powers and resources to state and local governments, but without reassigning responsibilities from the central government to subnational governments. According to one expert, in few countries do local and state governments take such a large share of total tax revenue (Dain 1995: 16).

Because of their influence over deputies and senators of their party or coalition, governors (and mayors, to a lesser extent) can thwart or facilitate presidential designs (Abrúcio 1994). Presidents need the support of legislators, so governors acquire considerable power in national politics.

Party decisions and processes are influenced more by state than national issues. Following the logic of state politics, state party organizations sometimes adopt a line contrary to the dominant position of the national leaders. When a president offers a ministerial position to a party member, the national leadership may support the president, but it does not follow that the state party leaders do. Deputies and senators have strong local loyalties that often outweigh their commitments to the president and that hinder a president from capturing the block support of parties.

Several studies of the 1945-64 regime have underscored the autonomy of state level organizations vis-à-vis the national party, as well as the autonomy of individual politicians vis-à-vis both the state and national party organizations (Petersen 1962: 188-207; Lima 1983; Hippólito 1985: 119-133; Oliveira 1973; Benevides 1981: 160-171). Although many features of Brazilian politics have changed since 1964, the importance of state and local politics in determining how politicians and parties act has remained constant (Hagopian 1996; Sarles 1982). In the catch-all parties that still dominate electoral competition, politicians respond first and foremost to local and state interests, somewhat as they do in the United States (Mayhew 1974).

Robust federalism has several consequences for presidents. They must construct coalitions that not only involve several parties, but that also satisfy regional demands. For example, presidents carefully distribute cabinet and other high-ranking positions across states and regions. They need to consider the demands of governors, who are powerful veto players even in national politics (Abrúcio 1994). At times governors and mayors can undercut national policy-

making efforts, as occurred with state-level public banks in the 1980s and the first half of the 1990s. In this sense, robust federalism limits the degree to which presidents can implement their preferred policies; it disperses and decentralizes power, making possible the power-sharing arrangements that Lijphart (1984) favors, and it limits the winner-takes-all nature of the system. On the positive side, effective mayors and governors can sometimes achieve meaningful accomplishments despite serious problems at the national level.

### **Presidential Strategies: Patronage Politics**

Brazilian presidents are faced with a complex institutional arrangement in which their party has a minority, and usually a small minority. In response to this situation, presidents can build coalition governments, govern by decree, and attempt to win the support of individual legislators, primarily through using selective incentives (appointments and resources). Because of the comparatively low degree of party loyalty and discipline, this strategy usually goes hand in hand with the effort to build party coalitions.

Presidents everywhere forge political support primarily through a combination of patronage and policy. In Brazil, for politicians of the catch-all parties, patronage is particularly important (Ames 1995a, 1995b; Hagopian 1996; Mainwaring 1991). Presidents' control over appointments and resources is a key tool in their efforts to secure congressional support for their policies.

Presidents and ministers use patronage to build legislative support, to strengthen the positions of friendly federal deputies, and to undermine opponents. Many federal deputies perceive their primary jobs as obtaining resources for their electoral regions, and they rely on presidents and ministers to get these resources. These deputies depend on their ability to deliver goods to the regions they represent, and they win votes fundamentally on this basis. As Federal Deputy Lúcio Alcântara (PFL- Ceará) states: "A political career in Brazil is closely connected to success in bringing home material benefits.... Especially in the poorest regions, communities judge their deputies on what they bring home."<sup>8</sup> Federal Deputy Amaral Netto (PDS - Rio de Janeiro) incisively stated that "A deputy is a despachante de luxo. His

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<sup>8</sup>"Prática divide opiniões de congressistas," *Folha de São Paulo*, February 21, 1988.



reason for being in Brasília is to bring home resources. Otherwise, he's not doing his job."<sup>9</sup> Senators, too, spend much of their time attempting to obtain resources for their states. Senator Saldanha Derzi (PMDB - MS) said that "Both Deputies and Senators have an obligation to seek funds to solve the problems of their regions. Those who fail to do so are remiss."<sup>10</sup>

Many deputies see themselves as political brokers who mediate the linkage between the federal government and their local constituencies. Mayors, councilors, community leaders, leaders of social movements, and business leaders depend on deputies to get federal resources. In turn, deputies, especially those who win most of their votes in small and medium-sized towns, depend on the electoral support of mayors, community activists, and local political notables. The deputies of the catch-all parties win this support largely on the basis of their ability to deliver resources to the município. In order to get federal resources, they need connections to ministers and heads of federal agencies. If a deputy doesn't support the president, the heads of agencies and ministers do not provide access to resources.

Presidents, ministers, and heads of governmental agencies and firms use the dependence of deputies on obtaining resources to pressure them into supporting the president. Presidents can attempt to build support by offering patronage positions and resources to legislators and governors who support them. They withhold resources and positions from congressional representatives and governors who oppose them. Since many legislators depend on such resources to win reelection, this leverage can be powerful. Unfortunately, in extreme cases such as the Sarney years, even if the president can obtain a temporary majority through distributing jobs and resources, the effects on institution building, public morality, and legitimacy can be pernicious.

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<sup>9</sup>"Dropes," *Folha de São Paulo*, February 13, 1988. *Despachantes* (literally "dispatchers") in Brazil are people who make a livelihood out of processing demands and paperwork through the sinuous bureaucracy. Countless bureaucratic processes are either difficult and time consuming or virtually impossible without a despachante. *Luxo* means luxury; thus, a *despachante de luxo* is a high class *despachante*.

<sup>10</sup>"Inclusão da família no apadrinhamento irrita Sarney," *Folha de São Paulo*, February 11, 1988.

## Presidential Strategies: Bypassing Congress

In dealing with the problems created by weak partisan powers, one strategy used by presidents between 1946 and 1964 was to bypass congress and implement policy through executive agencies and regulatory decrees.<sup>11</sup> These mechanisms of bypassing congress require legislative assent. When presidents have such assent, they can use bureaucratic agencies to implement policies, thereby rescinding the normal law-making process. But if congress actively opposes executive initiatives, it is difficult for presidents to bypass the legislature by using bureaucratic channels. For example, because of congressional opposition, Goulart could not have implemented an agrarian reform through extralegislative channels. Both Quadros and Goulart attempted to bypass congress to implement their policies, but they largely failed at doing so.

Vargas and Kubitschek were particularly skillful at using administrative orders to govern. Some major successes of their administrations can be credited to their ability to circumvent congress and parties without alienating them (D'Araujo 1982; Benevides 1976; Lafer 1970; Nunes 1984; Geddes 1994). Both presidents had ambitious goals for modernizing their nation, and neither was willing to submit their agendas to the vicissitudes of a congress notorious for slow deliberations. Both believed that an effective bureaucracy was an indispensable tool in realizing their goals, and as a result attempted to promote broad civil service reform. Doing so, however, proved difficult, as clientelistic congressional representatives blocked reform, preventing presidents from implementing broader changes in the bureaucracy.

Given this situation, both presidents created dynamic new nuclei within the public administration, thereby circumventing the clientelistic vested interests that blocked administrative reform. Rather than relying on party and congressional channels, Vargas generally attempted to accomplish his program of government through state agencies. Kubitschek's most important projects were largely implemented through executive agencies. Although he sent the general outlines of his development plan through congress, he carefully insulated some new bureaucracies from clientelistic pressures so as to concentrate expertise in and

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<sup>11</sup>Regulatory decrees differ from legislative decrees. The former are intended to regulate laws, while the latter are new laws (Shugart and Mainwaring forthcoming).



insulate those agencies which were crucial for plan implementation (Lafer 1970; Benevides 1976: 199-244; Nunes 1984: 131-177; Geddes 1986: 75-139; Mello e Souza 1968). Some privileged organs became the administrative means for implementing new programs, while the traditional bureaucracy remained a redoubt of clientelism and patronage politics. The skillful combination of allowing some clientelistic mechanisms so as to build institutional support and finding means of creating bureaucratic efficiency made Kubitschek's government the most successful of the 1946-64 regime.

### **Coalition Presidentialism and Executive/Legislative Deadlock, 1961-64**

Executive immobilism and executive/legislative deadlock were not a major issue during the Dutra (1946-50) administration, in part because Dutra's political agenda was relatively modest, in part because the PSD enjoyed an absolute majority. But problems emerged during the Vargas (1950-54) administration. In 1950, Vargas, whose PTB had only 16.8% of the seats in congress, ran against the largest two parties--and yet he came out an easy winner. Vargas never entirely renounced his past as an anti-party politician. In the 1950 campaign, he frequently reiterated that he considered himself a supra-party candidate (Vargas 1951). He relied on direct appeals to the masses rather than party channels, and only infrequently did he campaign for PTB candidates.

Once elected, Vargas continued to prefer to deal above parties. The ex-dictator never thought in party terms; rather, he relied on his broad popular appeal and on improvising to offset his lack of institutional support. His supra-party style was apparent in the fact that his cabinet included members of the PTB and PSP, which had supported him in the campaign, as well as the PSD, which opposed him, and the UDN, which tried to undermine him and even objected to letting him take office after his landslide victory (D'Araujo 1982: 71). With the PTB breaking ranks on some issues, the PSD doing little to support Vargas in congress, and the UDN trying to block many of Vargas's initiatives, the president had a difficult time with his programs in congress (Hippólito 1985: 90-103). Serious friction between the president and the parties erupted in 1954. The PSD watched on the sidelines, doing nothing to save Vargas, and even the PTB failed to come to his defense (D'Araujo 1982: 125-128). D'Araujo (1982) argues that the crisis of Vargas's government was largely a product of his supra-party tendencies and the parallel lack of institutional

support. Even though he included representatives of all of the major parties in his cabinet, Vargas could not rely on them for support in congress. Lacking support in congress and under siege by the UDN, Vargas committed suicide as a coup attempt was under way.

The interregnum between Vargas's suicide and the inauguration of President Juscelino Kubitschek (1956-61) also made manifest the fragility of Brazil's democracy. Vice President Café Filho assumed the presidency when Vargas killed himself in August 1954. He remained in that post until November 1955, when illness forced him to take a leave. Kubitschek won the October 1955 presidential election, but some conservatives wanted to keep him from taking office. These pressures were ultimately overcome by a coup against acting President Carlos Luz, whom democratically minded military leaders feared was conspiring to block the presidential succession (Skidmore 1967: 149-158; Stepan 1971: 85-121).

Brazil's political institutions functioned adequately from many perspectives between 1946 and 1961. Two of three elected presidents served out their terms; legitimacy was relatively solid; policy implementation was relatively efficient; and governments effectively governed. On the other hand, even during this period, the peculiar institutional complex gave rise to pervasive populism and to the serious crisis in 1954-55 that would most likely have resulted in the breakdown of democracy had Vargas not killed himself. This is not to argue that institutional arrangements were primarily responsible for these problems, but they contributed to them.

Between 1961 and 1964, political institutions contributed to the breakdown of democracy. Quadros's victory in the 1960 presidential election again demonstrated that a popular individual could take on the major parties and win. Opposed by the PSD, the PTB, and a panoply of smaller parties, Quadros nevertheless scored a smashing victory, winning 48% of the vote. A populist, Quadros had visceral anti-party instincts. By 1960, he did not belong to any of the parties, and during the 1960 campaign he tacitly supported João Goulart for Vice-President, thereby undermining his own running mate. (The Vice-President was elected independently from the President at that time.) During his entire political career, Quadros presented himself as a moral crusader, above party politics.

Like Vargas, Quadros employed a supra-party style once elected. One observer wrote that Quadros hoped to "demoralize all the parties, divide them, and blame the congress for the difficulties of his administration" (Dubnic 1968: 47). In March 1961, his Minister of Justice said that Quadros was not even interested in working with congress because doing so might suggest executive subordination to the legislature (Hippólito 1985: 109). In contrast to Vargas, who respected the rules of the political game despite his personalistic style, Quadros made no effort to cultivate the support of the parties.

Quadros continued the tradition of supra-party cabinets, including politicians from the UDN, PSD, PSB, PSP, PR, and PTB, but he had no intention of relying on or working through party channels; this anti-party style led to institutional problems. Quadros alienated the main political parties, in part because of his invectives against them and congress (Benevides 1981: 113-118; Skidmore 1967: 197-204). Even though Quadros's plans were not blocked by congress, he felt frustrated by the institutional checks and balances that the legislature created. Unable to secure the imperial mandate he longed for, Quadros resigned on August 25, 1961. His resignation was intended to produce a fervor of popular support that would result in strengthening the executive's power at the expense of congress. A more flexible president might have built coalitions in congress and accepted defeat when it came. In this sense, his frustration and resignation were not preordained, but rather represented the action of an intemperate maverick.

Vice President João Goulart assumed the presidency--albeit with restricted powers--when Quadros resigned in 1961. Concerned about Goulart's leftist proclivities, the military nearly blocked him from assuming the presidency and insisted that presidential powers be curbed. Congress consented and passed a constitutional amendment that instituted a semi-presidential system in September 1961. Frustrated by the limits that this system imposed, Goulart pressed for and got a plebiscite that restored full presidential powers in January 1963.

The PTB/PSD alliance had been a major pillar of the 1945-64 regime, but many PSD politicians became alarmed when Goulart shifted to the left. They refused to support his initiatives, leading to impasses in key policy areas. As congress blocked many of his reform measures, the executive became increasingly immobilized (Flynn 1978: 250-276). His erratic style, indecisive action, and failure to

build institutional support by working with congress and the parties exacerbated the situation.

Goulart responded with ad hoc measures and improvisation. Frustrated by the difficulties of working within the institutional system, he increasingly turned to popular mobilization as a means of winning support for his policies. In 1964, he planned a series of mass demonstrations that would show support for his policies. This strategy was catastrophic, as it further alienated major actors, including the armed forces; Stepan (1978) and Skidmore (1967) consider it a decisive step in the breakdown of democracy. The military and many conservatives saw Goulart's moves as an indication of his willingness to break the constitution to achieve his goals.

Executive immobility was not only a reflection of Goulart's poor leadership, but also resulted from the difficult situation of a president who lacked a stable majority in congress. As Santos (1986: 37-58) has shown, congressional support became unstable during the Goulart period; the resulting decision-making paralysis was the central factor in the breakdown of democracy in 1964 (see also Lamounier 1994).

It would be facile to attribute the events of 1964 solely or even primarily to Brazil's institutional arrangement. Brazil was a poor country, with some intransigent conservative elites and some radical leftists, and with a populist president who seriously miscalculated--not a propitious combination regardless of institutions. Presidentialism contributed to the democratic breakdown by making it impossible to remove Goulart even though legislative support for him had eroded, and despite the fact that by March 1964 he was perceived as a serious threat by some conservative elites. On the other hand, the semi-presidential regime of 1961-63 was plagued by chronic government instability, and it quickly gave rise to broad dissatisfaction.

After the 1964 coup, the military expanded executive powers and emasculated--though it did not abolish--congress. Having witnessed the difficulties of democratic presidents in realizing their agendas, the military regime changed the constitution so that the president could govern without checks and balances. Institutional Act No. 1, published only a week after the coup, greatly expanded

executive power and limited congressional jurisdiction. Subsequent constitutional reforms further strengthened the executive and weakened congress (Alves 1985: 31-100; Diniz 1984: 324-373; Pessanha 1993).

### **Presidentialism, Economic Stabilization, and State Reform, 1985-94**

The institutional features of extreme party system fragmentation, weak party discipline and loyalty, and robust federalism limit the extent to which presidents can implement major reforms. While this may not generally be a liability, in a context of pressing need for achieving stabilization and state reform, it proved to be one. Because presidents lacked reliable support in congress and with governors, it was difficult to implement major policy changes in these two areas. Sweeping presidential powers could only partially offset the fragmentation created by other institutional arrangements. The difficulties of this institutional combination were reflected not so much in what measures congress vetoed, as in the presidents' inability to win support for implementing their own agendas in a coherent fashion. Presidents rarely suffered crushing defeats in congress, but congress did not pass the measures they sought, or did so only at a high cost to presidents.

José Sarney (1985-90) became president through a mishap; president-elect Tancredo Neves died before he could be inaugurated. Sarney had faithfully served the military regime as one of its leading civilian politicians before defecting to the newly formed PMDB/PFL coalition in 1984. A clientelistic conservative from the poor northern state of Maranhão, he governed with the 1967 constitution during his first three and one-half years in office. During his first year and one-half (March 1985 to late 1986), Sarney encountered little congressional opposition. This comfortable situation resulted partly from congress's still emasculated legislative powers. Sarney also benefited from the usually reliable support of the PMDB/PFL coalition and from the relatively auspicious economic situation. Until the implementation of the 1988 constitution, Sarney was able to issue decree laws, presidential decrees that went into effect unless vetoed by congress. In his first three years in office, Sarney issued 144 decree laws, 82 of which congress did not even debate. During the same time, 353 ordinary laws were passed, so nearly 30% of the

legislation passed between March 1985 and March 1988 came through presidential decrees.<sup>12</sup>

At the time of the transition to democracy in March 1985, the Brazilian economy was growing rapidly, but inflation loomed as a problem. The inflation rate hit 179% in 1983 and 209% in 1984, and it was showing signs of accelerating. In February 1986, Sarney addressed this problem with the Cruzado Plan, a heterodox stabilization plan, that met little congressional or gubernatorial resistance.

Sarney's ability to implement policy in unfettered fashion began to wane in 1987 because of the larger political/economic context and a changing institutional venue. As his popularity waned, Sarney lost a source of influence with congress and governors. Declining popularity, increasing inflation, and an economic slowdown made legislators and governors more willing to distance themselves from the president, and they made Sarney more politically dependent on traditional elite networks. After the failure of the Cruzado Plan, he no longer enjoyed consistent support in congress.

The negotiated nature of the transition to democracy forced Sarney to balance PMDB and PFL demands for cabinet posts, lower positions, and resources (Hagopian 1996). But governing with such a broad coalition that included those who had viscerally opposed and those who had supported authoritarian rule was difficult; conflict among ministers was ubiquitous. To overcome this problem, Sarney attempted to forge his own supra-party political base and to use his considerable discretionary powers over federal resources to sway state governors and federal legislators to back him.

Because of political exigencies related to the constitutional congress, which dominated Brazilian politics from February 1987 until the promulgation of the new constitution in October 1988, Sarney had to be attentive to political demands from friendly governors and from his congressional supporters. If he did not maintain a strong legislative base, Sarney would not have been able to shape the new constitution and would even have risked having his own mandate cut short since the constitutional congress was going to determine its length.

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<sup>12</sup>"A sobrevida do decreto-lei," *Senhor* No. 364, March 14, 1988, p. 27.



By the first months of 1987, the length of Sarney's mandate had become the most polemical political issue in Brazilian politics and in the constitutional congress. Anxious to secure a five-year mandate, Sarney sacrificed economic policy coherence in order to buy the political support needed to attain that objective. In a context in which Sarney had limited support and needed to dispense patronage to secure a five-year term, austerity measures were politically unpalatable. As a result of his weak political base, Sarney frequently undermined his finance ministers' adjustment and stabilization measures.

For example, because the political costs of eliminating expensive subsidies proved too high, the president failed to eliminate them. Rather than collecting massive state debts owed the federal government, Sarney decided to roll them over to curry favor with the state governors, again, despite the huge cost of doing so. Sarney regularly caved in to political pressures for resources, undermining efforts to reduce the budget deficit and the inflation rate. These decisions to sacrifice stabilization measures for short-term political support generated free riding on the part of economic agents, further fueling the crisis.

Congress often approved measures that from Sarney's perspective undercut stabilization and state reform. As the government was pushing for greater openness to foreign markets, the constitutional congress adopted several nationalistic measures. As the government was starting to promote state shrinking, the constitutional congress approved statist provisions. On a wide array of issues, the congress approved measures that Sarney opposed: a substantial increase in the tax resources transferred from the federal government to state and local governments; a sharp increase in social benefits and expenditures; expanded labor rights; several statist and nationalistic economic measures; cancellation of debts that private business owed to the federal government.

The implementation of the 1988 constitution brought about changes in presidential relations with congress and the states, above all because it introduced a democratic character to the formal institutional relations and arrangements. It transferred substantial resources from the federal to state and local governments, curbed presidential powers, and expanded legislative powers. These changes created a different institutional context than the one Sarney had inherited in March 1985.

A stronger legislature and stronger state and local governments created more demands on the system and limited Sarney's powers, making it more difficult for him to implement his policies.

The federal government faced a declining resource base because of the new transfers to state and local governments, so Sarney decided to more aggressively seek to collect loans the subnational governments owed the federal government. But the state governors and congress greatly diluted this initiative. Congress also rejected a bill that would have transferred some responsibilities from the federal to state and local governments.

Inflation spun out of control, hitting 395% in 1987, 993% in 1988, and 1862% in 1989. In January 1989, with the inflation rate escalating, Finance Minister Mailson da Nóbrega announced a new economic plan that combined orthodox and heterodox measures. Sarney never fully supported the plan. Congress rejected the government's proposed wage bill, the proposed privatization plan, and the reduction in public sector employment. This latest economic plan quickly proved unviable, in good measure because the government lacked the political strength to win approval for many of its component measures.

Nearing the end of his term, Sarney became increasingly isolated and incapable of pursuing a serious stabilization plan. The fiscal deficit soared, as did inflation. Sarney experienced a dramatic erosion of congressional support. After a series of government defeats on a wage bill in congress in 1989, one member of Sarney's loyal retinue admitted, "This is the end. Whenever there is a secret vote, the government can only manage 31 votes" (out of 570).<sup>13</sup> With the government crippled by immobilism, the economy deteriorated throughout 1989. The internal debt doubled between January 1988 and mid-1989. The government lost control of the economy, leading to a hyperinflationary episode in early 1990.

Elected in a runoff against PT leader Luis Inácio da Silva, Fernando Collor de Mello (1990-92) was a populist committed to state reform and economic stabilization. Collor began his term believing that the legitimacy earned by winning 35 million votes would enable him to govern without parties and congress. As he

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<sup>13</sup> Luis Eduardo Magalhães, Federal Deputy (PFL - Bahia), quoted in "Salve-se Quem Puder," *Istoé Senhor* No. 1033 (July 5, 1989), p. 25.



had been during his campaign, he was initially hostile toward traditional politicians (even though he came from a traditional political oligarchy). His initial cabinet reflected this; it included only three politicians who had successfully run for political office out of nine civilian ministers. In contrast to what had been the normal practice with democratic presidents, Collor did not consult the parties about the formation of his cabinet.

In his first days in office, the youthful president initiated audacious measures aimed at stabilizing and liberalizing the economy. Most controversial among them was a temporary freeze on bank accounts; people were not allowed to withdraw more than 50,000 cruzeiros. Collor also announced a fiscal reform that would reduce the deficit by 11 billion dollars a year, a comprehensive privatization program, the end to many subsidies, massive layoffs in the public sectors, and reform of public administration.

In pursuing these measures, Collor initially evinced disdain toward the legislature. He extensively used decree powers to govern during these early months rather than face the possibility of having to negotiate with congress and risk delays and defeat. In his first sixty days in office, Collor issued 37 Provisional Measures (Sarney had issued 148 in his 525 days as president after the 1988 constitution went into effect).<sup>14</sup> His economic plan was implemented through presidential decrees. Yet even early on, when congress voted on his economic package in April 1990, the government resorted to traditional patronage politics, offering high-level public sector jobs to political allies. Collor won approval for most of his measures, but he was forced to compromise a bit, and his brazen attitude toward congress cost him support among the political elite.

After his approval ratings declined in his first few months in office, Collor found it difficult to implement stabilization measures and state reforms without reliable congressional support.<sup>15</sup> Having announced bold unilateral measures in multiple arenas, Collor was forced to back off and negotiate with congress. In late May 1990, the government suffered its first major defeat in congress, related to efforts to contain wages. Despite occasional defeats and notwithstanding the need to

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<sup>14</sup>"Pés de barro," *IstoÉ Senhor* No. 1078, May 16, 1990, p. 19.

<sup>15</sup>His approval ratings fell from 71% in March 1990 to 36% three months later, 23% by March 1991, and 15% by February 1992. Data from "Sem choro nem vela," *Veja* No. 1229, April 8, 1992, pp. 20-21.

negotiate on many issues, Collor was mostly able to implement his policies during his first year in office.

In mid-1990, inflation rekindled after an initial decline, and a deep recession set in. In response to the economic difficulties, Collor's economic team issued a second heterodox shock plan on January 31, 1991, once again relying on presidential decrees. Even government supporters trenchantly criticized the government for not consulting with congress. Cognizant of its political fragility, the government proceeded to negotiate several key aspects of the plan with congress, coming to compromises that softened the government's policies. Congress approved most of this second shock plan, but amended it in important ways.

By early 1991, before Collor had completed even a year of his mandate, his support had eroded palpably. Many political leaders attributed Collor's inability to govern to his weak congressional base.<sup>16</sup> Increasingly isolated, the government relied more on distributing jobs and resources to garner legislative support. Collor provided financing for huge public works projects that benefited the governor of Rio, Leonel Brizola, and ex-President Sarney, both of whom commanded sizable retinues in congress.

In March 1991, the Chamber of Deputies failed by a scant five votes to approve a bill that would have prohibited the president from reissuing a presidential decree more than twice if congress had not approved it. Although the opposition failed to muster the 252 votes needed to pass the bill, it garnered 247 votes to only 177 for the government (Power 1994).

Having begun with great audacity, by mid-1991 the Collor government was foundering. Its efforts to trim the state were undermined by its reliance on deputies and senators whose political careers depended on public resources. After mid-1991, beset by scandals, rising inflation, and a deep recession, Collor rarely regained the political initiative and was no longer capable of effective policy implementation. One indication of Collor's growing policy lethargy is that after issuing well over 100 Provisional Measures in 1990, in 1991 he issued only eight (Figueiredo and Limongi 1995: 183). Of these, only two were approved by congress--and both with revisions.

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<sup>16</sup>See, for example, the comments of Senator José Richa (PSDB-PR) in "Oxigênio para o governo," *IstoÉ* *Senhor* No. 1119, March 6, 1991, p. 12.

In one of his rare major policy initiatives after the dismissal of his first economic team, in December 1991 Collor won congressional approval for a modest fiscal reform. However, for the support required he had to make major patronage concessions that partially offset the legislative victory. To sway powerful governors and their congressional allies, Collor agreed to roll over an estimated \$60 billion dollars of debts that state and local governments owed the federal government. Deputy Genebaldo Correia (PMDB-BA), the PMDB's official leader in the Chamber, stated in the aftermath of these negotiations that "Nothing is approved in congress without negotiations."<sup>17</sup>

By early 1992, Collor was reduced to the game of building political support through public resources and high level nominations, especially cabinet positions. Having promised that his ministers would remain in office for his entire five year term, by the end of January 1992, Collor had replaced eight of his initial nine civilian ministers. The extensive cabinet shuffling her engaged in between January and April 1992 to secure PFL support confirmed that the days of Collor trying to govern above parties, congress, and politicians were over.

As scandal after scandal erupted after April 1992, support in congress eroded, and the Collor government was no longer capable of accomplishing much. Increasingly, Collor sacrificed the effort to impose fiscal austerity to buy political support to stave off impeachment. An indication of his growing reliance on patronage to win political support is seen in the approval, by one important dispenser of patronage, the Bank of Brazil Foundation, of 750 clientelistic requests during his last three months in office, compared to 700 requests during his first 27 months.<sup>18</sup> Reports of outright vote buying circulated widely. Collor was forced to take a leave in October 1992 and ultimately resigned in December 1992 to avoid an impeachment trial in which his chances of absolution were dim.

Thus, a government that came into office with an ambitious agenda and high initial approval ratings ultimately failed to achieve economic stabilization and was at best only moderately successful in promoting state reform. The inflation rate was

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<sup>17</sup>"Acordo de Natal," *IstoÉ Senhor* No. 1161, December 25, 1991, p. 16.

<sup>18</sup>"Por decisão judicial," *Veja* No. 1253 (September 23, 1992), p. 23.

1585% in 1990, declined to 476% the following year, then hit 1149% in 1992. Privatization and public sector reform proceeded slowly.

When Collor was forced out of office, Vice President Itamar Franco—a center-left politician with nationalistic predilections—assumed the presidency. Political elites were anxious to ensure governability in the aftermath of the Sarney and Collor debacles. They and the public, relieved that Collor was gone, were disposed to grant Franco considerable latitude. He had ministers of PMDB, PSDB, PT, and PFL vintage, so the ideological spectrum supporting him was broad. But congressional opposition to Franco increased until mid-1994, and the president had problems getting key legislation passed on salaries, inflation, state reform, and reducing the budget deficit.

Franco went through a succession of finance ministers, none of whom was able to realize far-reaching state reform or achieve stabilization until July 1994. The government had difficulties enacting budget cuts to fight inflation, though it often announced the need to do so. Like Sarney and Collor, Franco rhetorically committed himself to cutting public expenditures; like his predecessors, he made little headway, largely because he lacked the political support and constantly found himself using public resources to win that support. This practice generated contradictory pressures: on the one hand, the government affirmed the importance of cutting expenditures; on the other, it needed to spend to win the political support it needed to carry out its programs.

On an array of issues related to stabilization and state reform, the Franco government failed to realize its objectives because of opposition from congress and governors. It was frequently defeated in its efforts to curb wage increases and to cut public spending. Congress consistently diluted and opposed austerity and stabilization plans. The government repeatedly announced that it would cut billions of dollars in expenditures, but the pressures of governors, mayors, and legislators to secure resources were intense. In their public discourse, many politicians favored cuts—but they wanted to make sure that their own resources were not affected.

The Franco administration announced its intention to harness state governments that spent beyond their resources and ultimately relied on the federal

government to cover their deficits. The central government needed to reduce the hemorrhage of resources to fiscally irresponsible state governments. But here, too, the pressures of congress and governors forced the government to gut its plans.

A related issue was central government control over public sector banks owned by states. State-level banks, which are under the jurisdiction of governors, had broad authority to make their own loans, and effectively had the autonomy to undermine national-level monetary and fiscal policy. They had a reputation for profligate spending to bolster the political careers of the politicians who oversaw them. Despite affirming a commitment to rein in these banks and to prohibit the Central Bank from covering their deficits, the Franco government in practice did little in this regard.

In a similar vein, federal government efforts to impose new taxes or to bolster tax collection met resistance. Franco lacked the political base that would have enabled him to follow through on such endeavors. In February 1993, congress approved a new government-supported tax on financial transactions, but it also immediately committed an important part of the tax to new social programs, thereby diminishing the potential to cut the deficit.

Because many public firms were inefficient, were adding billions of dollars per year to the public sector deficit, and were subjected to patrimonial manipulation, the government favored accelerating the pace of privatizations. Here, too, it encountered congressional resistance and largely failed to accomplish its objectives.

Summary. Stabilization and state reform were key problems facing Brazil between 1985 and 1984 for they were virtually the necessary conditions for resuming steady growth, addressing poverty, and ameliorating inequalities. However, in nine policy areas related to the overarching objectives of achieving stabilization and state reform, presidents were frequently unable to implement their preferred policies.

1. Although most economists and business leaders agreed that indexation contributed to inflation until 1994, governments had difficulties deindexing wages and pensions because of congressional opposition. Politicians knew that their votes on wage policy were monitored by unions and that they would have difficulties explaining votes that reduced wages in the short term. Even conservative

politicians who rhetorically made combating inflation a top priority often voted to maintain indexing. In wage policy, congress was a key reactive actor, and it continuously opposed measures that would have adversely affected wages in the short term.

2. Governments had difficulties cutting public sector employment despite fairly broad consensus that doing so was necessary. Politicians not only protected their constituents (and by doing so, themselves) by voting against measures to cut public sector employment, they also protected their ability to build their political careers by naming allies to public positions.

Congress was a key actor in any effort to quickly cut back public sector employment because doing so would take a constitutional amendment. (Congress would not necessarily be an actor in cutbacks effected through attrition.) The 1988 constitution guaranteed job tenure to public-sector servants with at least two years of service, provided that they had entered through a civil service exam (Article 41). It also established (Transitory Article 19) that all public-sector employees with five years of service as of the time of promulgation of the constitution would be guaranteed tenure, even if they had not entered the public sector through proper channels (i.e., via a civil service exam).

Governors and mayors had autonomy to hire public sector personnel. Presidents were not able to control the hiring practices of local and state governments, and until Cardoso, they were unwilling to push governors and mayors toward fiscal discipline by refusing to roll over loans to state level banks.

3. Presidents were limited in privatizing public enterprises by the constitutional provisions (Articles 20, 176, and 177) that made some economic activities the exclusive prerogative of the public sector or of national firms. By not endorsing constitutional change, Congress limited the ability of governments to privatize public sector firms. Sarney unsuccessfully fought against the provisions guaranteeing a state monopoly in many areas of the economy. Collor and Franco then unsuccessfully attempted to obtain constitutional amendments that overturned public sector monopolies.



4. Congress limited the capacity of governments to increase taxes. Congressional approval is needed to create new taxes or to increase tax rates (Article 150 of the 1988 constitution).

5. Congress and the governors defended the current share of state and local governments in federal tax revenues, despite a widespread perception that this arrangement contributed to fiscal problems and inflation. This share was constitutionally enshrined (Transitory Article 34), so it could be modified only through a constitutional amendment.

6. Congress and the governors resisted federal government efforts to curb the autonomy of state level public banks and enterprises, even though these banks and enterprises were not well run and contributed to the problems of economic policy at a national level.

7. Congress and the governors fought against the federal government's insistence that state governments and enterprises pay the interest on the massive loans they owed to the federal government.

8. Congress sometimes blocked the federal government from collecting debts owed by private capital. For example, the 1988 constitution forgave interest payments of most private businesses on loans contracted between February 28, 1986, and February 28, 1987, and forgave interest payments on debts contracted by all but large farmers between February 28, 1986 and December 31, 1987. This amounted to a massive subsidization of private business.

9. Until March 1996, Congress refused to pass constitutional amendments providing for social security reform. Presidents sought such amendments because the 1988 constitution (Articles 40 and 202) enshrined provisions that the social security system could not handle, including a low retirement age and benefits that were generous compared to the salary structure of active members of the labor force. The social security system was solvent, but experts projected that with the rapid increase in the number of pensioners, it soon would be in the red. Therefore, they believed that social security reform was a fiscal imperative.

## **Assessing the Impact of Institutions**

There is no way to calculate exactly what share of Brazil's governance problems between 1985 and 1994 stemmed from institutional as opposed to other causes. Nevertheless, there are some means of verifying whether the institutional argument laid out here is compelling.

First and most important, if political institutions contributed to Brazil's lag in achieving stabilization and implementing state reform, presidents should have been more easily able to implement their preferred policies in areas where congress and governors were less central actors. In many policy areas of high visibility and impact, congress and/or governors had at least moderate ability to block the president, to force the president to significantly change his initial proposal or extract substantial concessions from the president in exchange for support, or to undertake policies that undermined presidential initiatives. However, in two important policy areas--exchange rates and tariffs--congress and the governors were weak players. In contrast to the situation with the nine policy areas indicated above, the 1988 constitution gave congress and governors no formal authority over exchange rates and tariffs. Indeed, Article 153 explicitly gives the president complete authority over tariff rates (and implicitly does so over exchange rates).

Collor's most significant success in implementing neoliberal reform was in opening markets. As was the case with the policy areas in which presidents were institutionally constrained, trade liberalization created many short-term losers; it was not an easy policy to undertake in that sense. Throughout Latin America, trade liberalization reversed decades of relatively closed markets, adversely affecting the powerful interests (business and labor alike) that had grown up around protection from international competition. But trade liberalization was easier institutionally than other neoliberal policies because congress and governors did not hold veto power.

In a similar vein, exchange rates affect who wins and who loses. An overvalued currency adversely affects exporters and most domestic producers who compete with imported goods, while it would presumably benefit importers. Altering the exchange rate is therefore not easy in terms of the impact on powerful



actors in society, but congress and governors have no control over the exchange rate. In this respect, it is telling that the exchange rate became a major peg of Cardoso's stabilization plan in 1994. In short, even when they faced societal opposition, presidents were able to implement their preferred policies when there was little institutional resistance, but they were not able to do so when congress and/or governors were key players.

A second means of assessing the impact of institutional constraints looks at variation within a particular policy area, for example, privatization of public enterprises. The institutional constraints to privatization were greatest in cases where the constitution enshrined a public sector monopoly or where governors opposed privatization of state-level public enterprises. Privatization in Brazil proceeded slowly (Williamson 1990; Schneider 1992). By the Collor period, some privatizations were taking place—but none in the sectors where the constitution mandated a public sector monopoly. Privatization in these sectors became possible only after the constitutional amendments of 1995. Despite efforts, neither Collor nor Franco was able to secure support for such amendments.

Under many circumstances, comparison across countries is the best means of assessing hypotheses. In this particular case, because it controls for noninstitutional factors by keeping them constant, the two forms of intracountry comparisons are the best way to assess the impact of institutional factors. Comparing presidents' capacity to implement stabilization and state reform policies across countries is less powerful because noninstitutional factors also affect this capacity; nevertheless, presidents should be able to more easily implement their preferred policies, although this does not assure positive policy results, if they face weaker institutional resistance.

Among the major countries of Latin America, institutional constraints to major reform were much lower in Argentina, Colombia, Mexico, and Venezuela than in Brazil; economic stabilization and state reform occurred more quickly and earlier in all four countries (Williamson 1990; Williamson and Haggard 1994; Edwards 1995), though it got derailed in Venezuela. Brazil was the regional laggard in stabilizing; its inflation rate was almost 20 times higher than that of any other Latin American country in 1992 and 40 times higher than that of the second highest in 1993. Brazil was also a regional laggard in state reform (Williamson 1990; Packenham 1994; Schneider 1992; Edwards 1995). Brazil's delay did not result simply from a lack

of will, especially in stabilization policy. Presidents from Sarney on were anxious to bring inflation under control, but they failed to do so, partly because of institutional constraints. While Brazil's delay in state reform can be partly attributed to Sarney's and Franco's vacillations, even the accomplishments of Collor, who was adamantly committed to the enterprise, were limited.

Another manner of thinking about the impact of institutions is seeing whether presidents in other countries who faced significant constraints from governors and congress also had difficulties implementing their policies. Arguably no other country in Latin America has comparable institutional constraints to Brazil, though the president's decree powers partially offset these constraints. But institutional constraints should be significant in Bolivia and Ecuador, given the considerable fragmentation of the party systems and the low degree of party loyalty in both countries. In Ecuador, presidents did have a hard time implementing adjustment and state reform policies (see Edwards 1995). During the 1990s, even presidents committed to state reform were not able to implement policies because of congressional opposition. Bolivia, conversely, was an early case of state reform and stabilization. However, this exception does not undermine the general claim that institutional structures had some impact on presidents' capacity to implement their preferred policies in these two areas.

### **The Cardoso Administration: Overcoming Institutional Obstacles?**

Beginning with the approval of a new tax (the Social Emergency Fund) in March 1994, and especially with implementation of the economic stabilization plan in mid-1994, the Franco and Cardoso administrations were able to get much of what they wanted from congress in the areas of stabilization and state reform. In 1995, Cardoso won support for constitutional amendments to eliminate state monopolies in gas, telecommunications, and petroleum. He also won a constitutional amendment to end constitutionally based discrimination against foreign investment. After years during which presidents generally seemed hamstrung after short honeymoons, Cardoso's success in obtaining qualified (at least 60% of each chamber) congressional majorities for what had previously been highly controversial issues was remarkable.

Whereas previous stabilization plans had faltered, the Real Plan finally tackled inflation. Inflation fell from 2489% in 1993 to 22% in 1995. In contrast to the recessive effects caused by some aggressive stabilization plans, growth remained solid (4% in 1995). Cardoso's predecessors had failed to rein in state banks; Cardoso did so in one major state (Bahia). Previous efforts to deindex wages had met congressional resistance; Cardoso was able to get through a Provisional Measure that brought about deindexation.

These successes call into question why institutional obstacles that had prevented Sarney, Collor, and Franco from implementing key reforms had not similarly blocked Cardoso. Perhaps the most important factor was the profound sense of crisis that permeated Brazil by 1994. The country, for all its promise, was the only Latin American nation that had not stabilized its economy by 1994. The success of neighboring Argentina and Chile in stabilizing and (at least temporarily) resuming growth through neoliberal policies eventually had profound repercussions in Brazil, causing a revision in how actors perceived the role of the state. This, coupled with the long period of stagnation, generated a willingness to try what increasingly appeared as the only way out. By 1994, many Brazilians feared that their society was disintegrating under the weight of rampant inflation, slow growth over the previous thirteen years, declining living standards, and escalating urban violence. The depth of the crisis lent an urgency to the effort to accept new measures. Under these conditions, legislators and governors were disposed to give Cardoso (first as Finance Minister and then as president) greater latitude to implement policies.

The growing ideological consensus in Brazil in the post cold-war period also favored Cardoso. By 1995, when Cardoso assumed the presidency, the PMDB, PSDB, and the conservative parties had shifted far toward acceptance of the neoliberal agenda. The successful stabilization in Argentina, the robust growth of the Chilean economy, and the region-wide trend toward a smaller state helped generate growing consensus toward stabilization, adjustment, and state-shrinking policies in Brazil. Whereas centrist parties in Brazil were fundamentally statist at the time of the 1987-88 constitutional congress and during the Collor administration, by 1994 they were prepared to accept much of Cardoso's state reform agenda. The collapse of real socialism delegitimated the leftist statist utopia and fostered consensus about the

role of the state: the most statist options were delegitimized. By 1994, the ideological dissensus that characterized Brazil in the 1980s was somewhat attenuated.

In addition, Cardoso was a better leader than his predecessors. He was articulate, had a clear vision of where he wanted to go, and chose capable ministers. His landslide victory in 1994 strengthened his hand with congress and the state governors. He also won more leeway with congress and governors because of the fact that the PT candidate was the easy front-runner in the 1994 campaign until after the full implementation of the stabilization plan in July. Fearful of the consequences of a leftist victory, congress and the governors supported measures that might not otherwise have gotten through. Cardoso's successes in turn extended the honeymoon that presidents usually enjoy.

Following the Argentine example, Cardoso found a new mechanism to help bring down inflation: the exchange rate. Most previous stabilization plans in Brazil had relied on more conventional fiscal and monetary mechanisms. Fiscal policy was undermined by presidents' need to spend to retain political supports and by legislators' and governors' quest for patronage. Efforts to control the monetary supply were hindered by the autonomy of state governments and the difficulties of controlling state banks. Exchange rate policy was less subject to control by congress and governors.

It would be a mistake to imagine that these institutional constraints never existed or that they have evaporated. For a protracted time, the Cardoso government was not able to win support for constitutional amendments on administrative reform, tax reform, and social security reform--three pillars of its program. Congress and the governors may have rolled over for a time, but they did not disappear as political actors to be reckoned with.

In its victories, the government still had to negotiate with congress and failed to obtain much of what it sought. For example, in April 1995, the congress overrode presidential veto of a law that postponed debt payments owed to the Banco do Brasil by landowners. The legislators linked to these rural interests threatened to boycott voting on the administration's constitutional amendments if the government tried to circumvent the override. Despite the high financial cost--estimated at 1.8 to 5.0 billion dollars--Cardoso caved in and the government agreed to postpone payment

on the debts of the landowners for two years. This negotiation was a sine qua non for the support of scores of legislators for constitutional reform.<sup>19</sup> The government was forced to resort to traditional patronage politics in order to win congressional support of the large bloc that represented the landowners.

Only because of exceptional circumstances did presidents' inability to implement coherent policies have such deleterious effects between 1985 and 1994: given the exhaustion of state-led development and the gravity of inflation, the country needed major reforms to resume development. The greatest difficulty for presidents given this institutional configuration is implementing major reforms, especially those that are constitutionally enshrined. Now that some of the reforms needed to modernize the economy are in place, it seems likely that institutional constraints will loom less large.

## Conclusion

Some of the literature on Latin American presidentialism has emphasized how powerful presidents are. This paper suggests that this argument is partially misleading. In Brazil, presidents have dominated proactive policy making, but because of the complex combination of strong constitutional powers, weak partisan powers, and robust federalism, they often had trouble pushing through parts of their policy agenda in the areas of state reform and stabilization.

In principle, presidential systems are designed to encourage the dispersion of power. The problem, which is not unique to presidential systems but which assumes some unique contours therein, is how to engender a strong yet democratically accountable executive: excessive dispersion of power can cripple the executive; excessive concentration undermines accountability and checks and balances. Presidents in Brazil have tottered between the two poles; they dominate decision-making power, yet when their political base erodes, they cannot implement major reforms. Between 1985 and 1994, difficulties in implementing stabilization programs and state reform because of the lack of political support led to policy formulation excessively oriented toward immediate political objectives. Serious policy mistakes of those years--the decision to postpone adjustments to the Cruzado

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<sup>19</sup>"Era uma vez o monopólio da Petrobrás," *Veja* No. 1396 (June 14, 1995), p. 32.



Plan in 1986, the mishandling of the debt moratorium in 1987--were results of presidents' efforts to cultivate political support.

It would appear on first impression that the Brazilian president concentrates so much power that governing would be relatively easy. But although constitutional presidential powers are impressive, presidents have often faced difficulties in accomplishing their agendas--and Goulart, Sarney, and Collor were clear failures.

What explains the gap between sweeping presidential constitutional powers and difficulty in realizing presidential agendas? Brazilian presidents typically have weak (especially since 1985) partisan powers to go along with their strong (again, especially since 1985) constitutional powers. When congressional support for the president erodes, an impasse can result, with both congress and the president typically debilitated in the process. Despite its difficulties in overturning presidential vetoes and despite its weakness as an agent of policy formulation, the Brazilian congress matters--as should be the case in a democracy. Without the support of congress, the president often faces difficulties implementing policies in a coherent fashion. This helps explain O'Donnell's (1992) observation that Brazilian presidents oscillate between omnipotence and impotence.

Given sweeping presidential powers and congressional difficulty in overriding a veto, why does congress sometimes serve as a check? This issue is especially intriguing for the post-1985 period. Given their powers, why do presidents bother at all to obtain congressional support? Why not just govern through decree? Provisional Measures can be a powerful tool for presidents when congress is indifferent or deeply divided about a proposal. However, when congress actively opposes a measure, decree powers have not allowed presidents to ram their agenda through. Congress can amend Provisional Measures in unrestricted ways; of the 229 Provisional Measures approved by congress in the 1989-94 period, 113 were amended (Figueiredo and Limongi 1995: 184).

In response to its dissatisfaction with Collor, the Chamber of Deputies almost passed a bill that would have regulated and restricted the use of presidential decrees (Power 1994; Pessanha 1993). Presidents are aware that if they abuse their decree powers, congress could attempt to pass a bill that would severely circumscribe the

use of these decree powers. If a president infringed on what congress viewed as its prerogatives, congress would react negatively, making it more difficult for the executive to win legislative support for subsequent bills.

Despite their formidable constitutional powers, presidents need congressional support to enact ordinary legislation. Even though it establishes an imbalance of powers favorable to the president, the 1988 Constitution grants congress some meaningful powers. The congress is a key actor in the ordinary legislative process; with the partial exception of presidential decrees (which require congressional acquiescence but not approval), no bill becomes law without congressional approval.

Congress has some authority in setting the budget. It has a panoply of other powers that potentially constrain the president: the exclusive authority to approve all international agreements with budgetary implications; to approve presidential and vice-presidential requests to leave the country for more than 15 days; to approve a state of defense, state of siege, or federal intervention in state level political affairs; to directly oversee and control all acts of the Executive; to approve presidential initiatives related to nuclear activities; to authorize and convoke plebiscites. The Chamber and the Senate, as well as any of their committees, have the right to interpolate Ministers of State. The Chamber of Deputies and the Senate together have 10 of the 15 members of the Council of the Republic, which formally must issue a statement on federal interventions, states of defense, and states of siege, as well as issues related to the stability of democratic institutions. The Senate must approve nominations for certain judges (including Supreme Court judges), governors of territories, president and directors of the Central Bank, the Attorney General, and the heads of diplomatic missions. It names two-thirds of the Ministers of the National Accounting Court (Tribunal de Contas da União), and the presidential nominees to this body require senate confirmation. It has broad powers to set limits on Brazil's internal and external borrowing and loans.

During exceptional periods, presidents have had a particular need for congressional support for issues around which decrees did not serve their needs. During the constitutional congress, President Sarney hoped to secure certain results (above all, a five-year mandate for himself and the maintenance of a presidential system). Sarney had some influence over congress (mostly through patronage), but he was not able to impose his preferences on the constitutional congress. Another



exceptional period occurred when Collor needed congressional support to avoid impeachment. To win such support, Collor negotiated with congress and ultimately failed to get what he wanted.

Another exceptional circumstance that levels the playing field between congress and the president is the constitutional amendment. Ever since the promulgation of the 1988 constitution, successive presidents have yearned for constitutional reforms that would make governing easier. For example, Collor, Franco, and Cardoso believed that several provisions of the 1988 constitution needed to be amended, and they had to bargain to obtain the votes to win approval of key amendments. A constitutional amendment requires 60% approval of both chambers of congress, and both must pass the measure twice. Thus, "exceptional periods," by which I mean times when presidents could not get what they needed without active congressional support, have been quite common.

Between 1985 and 1994, the combination of a highly fragmented party system, undisciplined parties, and federalism 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 the presidents' lack of reliable majority 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 1985-94 period, policy coherence often suffered as a result of president's efforts to win support in congress and among governors.

The problems presidents encountered in winning support for their programs usually did not surface because of congressional vetoes. Rather, the problems appeared mainly in the guise of presidential need to secure broad-based congressional support before undertaking action. Congress can fail to adopt bills the president would like to pass, it can approve bills the president opposes (even though the president can veto a bill with a low likelihood of an override), and it can amend presidentially initiated bills in "unfriendly" ways.

Executive/legislative conflict need not be a pathology of presidentialism; it can even be a virtue, as the two branches of government can effectively check one

another and prevent irresponsible action. However, when neither congress nor the president can effectively pursue a policy agenda, some problems are likely to emerge. In Brazil, between 1985 and 1994, the difficulties presidents had in winning support for cohesive stabilization and state reform policies contributed to the country's economic travails. These difficulties illustrate the problems that can emerge given an institutional combination that promotes dispersion of power across parties, states, and regions, in a young democracy where an agile executive branch is often called for.

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