

# **Governmental Coalitions in Multiparty Presidentialism:**

## **The Brazilian Case**

**(1988-2011)**

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### **Starting Point**

This project will examine how coalitions support the executive in multiparty presidential systems. I seek to understand the strategies the parties and the executive employ in legislative process to form and keep coalitions. The main question is what unites a coalition around the executive driven agenda.

So far, research on government coalitions has largely focused on case studies or comparative studies of parliamentary systems. Besides, they tend to concentrate on the ‘birth’ and ‘death’ of coalitions. Few studies have investigated their functioning and even less has been done in the context of a presidential system. The almost exclusive focus on parliamentary systems derived from the view that the incentives to create coalitions are absent in presidential systems.

Parliamentary systems, by definition, are systems of mutual dependence. The political executive emerges from the legislature whose confidence is necessary to the continuity the government. Briefly, the Prime Minister needs to count with the support of a majority in order to be elected and to continue in the office. Therefore, if no party has the majority of the seats of the Parliament it is necessary to make an agreement among parties, in other words, a coalition. When an agreement is not possible, new elections are called. In this way, when a majority party does not emerge from the electoral process, the executive’s success is presumed (and measured) by the formation of the government itself. In other words, if “the executive fails, the government falls”<sup>1</sup>.

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<sup>1</sup> Figueiredo, A., Salles, D. e Vieira, M., Political and Institutional Determinants of the Executive's Legislative Success in Latin America 2009, p.156, *Brazilian Political Science Review*.

Thus, the institutions create incentives for formation and preservation of coalitions<sup>2</sup>. It is not a research problem understand the operation of coalition, inasmuch as, once established the coalition will support the executive while maintaining the parliament's confidence.

The presidential system, on the contrary, would be a system of mutual independence. The executive and the legislature would not depend on each other for their survival. Since the elections of the president and of the Parliament are independent, the term of office is fixed and there is no possibility to call new elections. In other words, they are not accountable to each other. In this case, there are no institutional incentives for coalition formation. If the president's party lacks a majority of seats in the legislature, as it has no incentive to form a coalition, the result could be a long-term impasse<sup>3</sup>. In this case, the usually measure of president's success is the number of projects approved in the legislative, and also, a few studies have turned to the policymaking process since the success is in the maintenance of governability, measured only in the approval of the presidential agenda.

However, the traditional view about both systems is challenged by the observation that in the parliamentary systems, minority governments, from a single-party or from a minority coalition, are common and do not necessarily generate gridlocks or lead to the call of elections<sup>4</sup>. While in the presidential, by the observation that coalition governments are the rule rather than the exception<sup>5</sup>.

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<sup>2</sup>Linz, J. (1994). Democracy: Presidential or Parliamentary. Does It Make Diference? In: *Presidential or parliamentary Democracy: Does It Make Diference?* (pp. 3-87). Jonh Hopkins University Press; Linz, J., & Stepan, A. (1996). *Problems of democratic transition and consolidation*. Johns Hopkins University Press.

<sup>3</sup> Linz, J. (1994). Democracy: Presidential or Parliamentary. Does It Make Diference? In: *Presidential or parliamentary Democracy: Does It Make Diference?* (pp. 3-87). Jonh Hopkins University Press; Jones, M. (1995). *Electoral laws and the survival of presidential democracies*. University of Notre Dame Press; Linz, J., & Stepan, A. (1996). *Problems of democratic transition and consolidation*. Johns Hopkins University Press.

<sup>4</sup> Strom, K. (1985). Party Goals and Government Performance in Parliamentary Democracies. *The American Political Science Review*, 79 (3), pp. 738-754; Strom, K. (1990). *Minority government and majority rule*. Cambridge Univiversity Press; Cheibub, J., Przeworski, A., & Saiegh, S. (2002). *Governos de coalizao nas democracias presidencialistas e parlamentaristas*. Dados - Revista Brasileira de Ciências Sociais, 45 (2), 187-218; Cheibub, J. A., Przeworski, A., & Saiegh, S. M. (2004). *Government Coalitions and Legislative Success under Presidentialism and Parliamentarism*. *British Journal of Political Science*, 34 (4), pp. 565-587; Cheibub, J. (2007). *Presidentialism, parliamentarism, and democracy*. Cambridge University Press.

<sup>5</sup> Deheza, G. (1998). *Coaliciones de gobierno en el sistema presidencial*. El presidencialismo renovado Caracas: Nueva Sociedad; Neto, O. A. (2000). *Gabinetes presidenciais, ciclos eleitorais e disciplina*

The already existing studies of party coalitions in presidential systems focus almost exclusively on the president. They focus on the strategic dimension of the distribution of ministerial portfolios. They understand the distribution of ministries on the one hand, just as a strategic tool available to the President to maximize the legislative support for his political agenda. On the other hand, they perceive the minister as a guardian of goodies such as offices, or a slice of the budget.

Basically they see the President as a holder of power capable of inducing the properly behavior of the legislators. In one hand the president would be endowed with discretionary powers over the distribution of positions and budget, and in the other hand his legislative powers that shape the legislative agenda, outlining the obstacles imposed by Congress. In both cases the legislative appears to be irrelevant to the policymaking process.

In one sense, this focus on president is natural. Since the government appears dominant in the policymaking process, at least with respect to the introduction of legislation, but the policymaking process is just starting with the introduction of bill. Also, ministries are not only responsible for implementing a pre-formatted set of policies, they also formulate new policies and set the course of the presidential agenda, to do so, they should enjoy certain autonomy. Finally in presidential systems, especially where the president has strong legislative powers, the parties have strong incentives to join the coalition formed under the presidential aegis to achieve its policy goals.

Essentially, I believe that the agreement allows the formation of the coalition, also implies the division of responsibilities on policy. Thus, a bill introduced in Congress by the executive is not an individual decision of the president, but the executive as a whole, understood as the set of parties of the coalition. And finally a multiparty government can make use of legislative review procedures to resolve tension in the coalition, making changes to the bills in the legislature in order to bring it to the coalition's median preference.

The understanding that government coalitions imply an agreement on a coordinated political agenda between the coalition parties is grounds for studies of

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legislativa no Brasil. Dados - Revista Brasileira de Ciências Sociais , 43, 479-519; Cheibub, Przeworski, & Saiegh, (2004); Figueiredo, Salles, & Vieira, (2009).

coalitions in parliamentary systems. The same cannot be said of presidential regimes where analysis prevails over the idea of a president's agenda, seen almost as a synonym for an agenda of the person elected.

It is necessary to reduce the gap among the approaches used to understand each system. This will contribute to a better comprehension of both. The problem is simple, the main difference between the two systems is that in a parliamentary one there are institutional means to solve deadlocks between the executive and Parliament, but the same is not true in the presidential system. However, in both systems long-term deadlocks are not desirable. Despite different institutional incentives provided by the systems, the motivations of political actors are probably the same.

The case of Brazil is an excellent example of multiparty presidential system where coalitions are formed. The institutional framework in Brazilian political system after the constitution of 1988 endows the executive with a strong control of legislative agenda (Figueiredo e Limongi, 1998 e 1999; Santos, 1999; Ricci, 2003). The executive retains constitutional rights like the partial veto, total veto, decree power, the power to request urgency in the appreciation of specific legislation, and the power to exclusively initiate budget legislation. This set of legislative and agenda powers plus the centralized decision making system in the legislature would support an unbalance amongst the Powers favoring the executive when it comes to its objective capacity to legislate. This fact is proven in the dominance that the executive has over the legislative process, seeing that little over 80% of the laws passed between 1988 and 2011 were originated therein.

It is also fact that such control over the legislative process in an extremely fragmented political system cannot be explained just by the regimental and constitutional guaranties granted to this Power. Therefore in order to overcome the excessive fragmentation of Congress, the elected presidents, each on their turn, have partaken in governmental coalitions – dividing the ministries' portfolios amongst the parties that form the Congress – creating legislative majorities that sustain its predominance. The Brazilian political system is, hence, a coalitional presidentialism.

This project comes to this debate looking to understand how the coalitions that support the executive in Brazil work, focusing on the legislative process, that is to say,

the law-making process within the Congress. I believe that as it is in Parliamentary systems, the forming of coalitions implies in the division of power and responsibility of the group of policies that compose the presidential agenda. The main tension that multiparty governments endure, in any political system, is the same, that is: the need to unite the parties with different preferences in a single agenda.

Through the analyses of the law-making process, I intend to identify in which way the agreement between parties happens when it is the case of dealing with specific policies, as well as, through the observation of changes in processes originated in the executive, to identify how the coalition creates the necessary consensus for the approval of the presidential agenda.

The object of this analysis is justified once, although there may be a proliferation of works on the relation between the executive and the legislative, it is precisely in the mechanisms that enable the creation and proper functioning of coalitions that lie most of the divergences between them.

The existing studies on the formation of coalitions in presidential systems, not only the ones that turn to the Brazilian case, focus almost exclusively on the executive. These studies focus on the strategic dimension of distribution of ministerial portfolios. They understand the distribution of ministries in the one hand, as a strategic tool at the President's disposal to maximize legislative support to his or hers political agenda. On the other hand, perceive the holder of the portfolio as a guardian of advantages such as positions in office, or a cut of the budget. This is true, of course, but not exclusive.

In presidential systems, especially when the president has strong legislative powers, parties also have strong incentives to join the coalition in order to reach their objectives as far as policies are concerned (Strøm & Muller, 2000). Also, ministries are not responsible just for the execution of a group of policies previously arranged, but they too formulate new policies and define the ways of the presidential agenda. In order to do so, they must indulge in certain autonomy.

Basically, I believe the agreement that enables the creation of the coalition implies in the division of responsibility over the policies as well. Hence, a project presented in Congress by the executive represents not an individual decision of the

president, but of the executive as a whole, here understood as the group of parties that form the governmental coalition.

It is here necessary to make an addendum; a large part of the debate on the executive/ legislative relation in Brazil gravitates around how stable is the agreement between the president's party and the parties that hold the ministerial portfolios, I would even say that debate antecedes this, it debates over the viability of the establishment of an agreement between the Brazilian political parties itself. First due to the excessive fragmentation produced by our political system, and second and foremost, by the excessive fragmentation of preferences within the parties. Better said, by the absence of a clear definition of which preferences the parties represent.

This point is important for it is the base of the debate. A coalition is a political agreement or multiparty alliance to obtain a common goal. Said agreement may be directed to a specific policy and be, therefore, short-term, in which case we would have a legislative coalition. Or it could be long-term, where the constituting parties share more than a common interest for a specific policy, but rather divide power by dividing the ministerial portfolios. Therefore, these parties go on to share an agenda, in which case we would have a governmental coalition. In both cases it is access to political display being traded for support in the legislative, but in the first the agreement is short-term and has a specific finality, while in the latter we see a long-term agreement, where the policies to be discussed are not all previously defined (Laver and Schofield, 1998 and Müller and Strom, 2000).

The definition of governmental coalition requires, therefore, certain stability on the political agreement. Stability is here understood as the capacity of party members to support the agreement accorded by their leaders. That is, primarily, this agreement can not happen exclusively amongst party leadership, it is necessary that party members, who if at times wish to partake on the negotiations, attend to their leaders.

A governmental coalition requires: (1) An inter-party agreement, in which the executive shares its power, by distributing ministerial portfolios to two or more parties; (2) an intra-party agreement, between the party leader who has received a portfolio and the members of said party. Thus, the agreement is accorded between parties, not

individuals, and implies in the promise of legislative support not only from party leaders, but from the party's entire bench.

As I have suggested above, the rates of success and dominance of the executive are a strong indicator that the coalitions formed are sufficiently stable. Such rates would not be possible if parties were not disciplined enough to support the approval of the executive's agenda. The rate of average discipline towards government is generally used as proxy of the coalition's parties' discipline, in the Brazilian case, high in both the Chamber of Deputies and the Senate, 86% and 77% respectively. But as critics defend, the discipline rate is only stipulated at the final step in the approval process of a project, when the agreements have already been accorded and a consensus about the proposition has already been reached.

The legislative process is, therefore, infinitely more complex, not implying only in the approval or denial of a certain project. Each project presented follows a negotiation process that may even include alterations in the initial project. Thus the discipline measured in plenary sessions, that is, the rate in which the votes of the parliamentarians and their leader's vote coincide, in fact does not show if there was an intense process of negotiation previously, nor does it show in which terms the negotiation happened, let alone if the negotiation was internal to the coalition or between coalition and opposition. In these terms it does not reveal the degree of conflict involving the propositions.

So it is necessary to qualify the debate, and in order to do so it is necessary to look at the process that takes place before a certain project reaches the floor. The question is: which are the mechanisms that keep a group of parties united in the presidential agenda? And, to what extent can one state that said agenda is shared by the parties of the coalition?

## **The Object of Analysis**

Looking to answer this question I am going to analyze the propositions originated in the executive, looking to observe the relation between ministry and its party in what concerns the proposition's process in the legislative, specifically the

distribution of the matter amongst the commissions, the relation between the party of the rapporteur responsible for each project and the coalition as a whole. As well as patterns of alteration of the original propositions that derive from the relation between parties.

I intend to analyze the period that starts with the enactment of the 1988 constitutional assembly until the end of Lula's term in January of 2011. However, for specific finalities I will focus on the post-95 period. That is because starting with the rise of president Cardoso the Brazilian political system has been less affected by issues exogenous to the political process. Basically, it is from that moment on that the presidents elected directly were able to complete their terms, which on itself shows a greater stability in the political system.

The criteria adopted to define governmental coalition are the same adopted by the vast literature on the subject, with special mention to Laver and Schofield (1998), that is: The parties that form the governmental coalition are those whose members formally occupy ministries, so the criteria is not only the membership of the minister, but if he or she participated on the government representing his or her party.

We should also take into account that the governmental coalitions are not created nor endure for the four years of the presidential term. The starting and ending points of the coalition will be defined, using the criteria adopted by Figueiredo (2007), when: a party that is not part of the coalition obtains a ministry, when a party that was part of the coalition loses all ministries that it once occupied, or at each new election or reelection. I also use Figueiredo's criteria to define if the minister occupies the portfolio as a representative of his party or not. Hence, in Brazil in the mentioned period we have 19 governmental coalitions, as it is possible to verify in table 1.



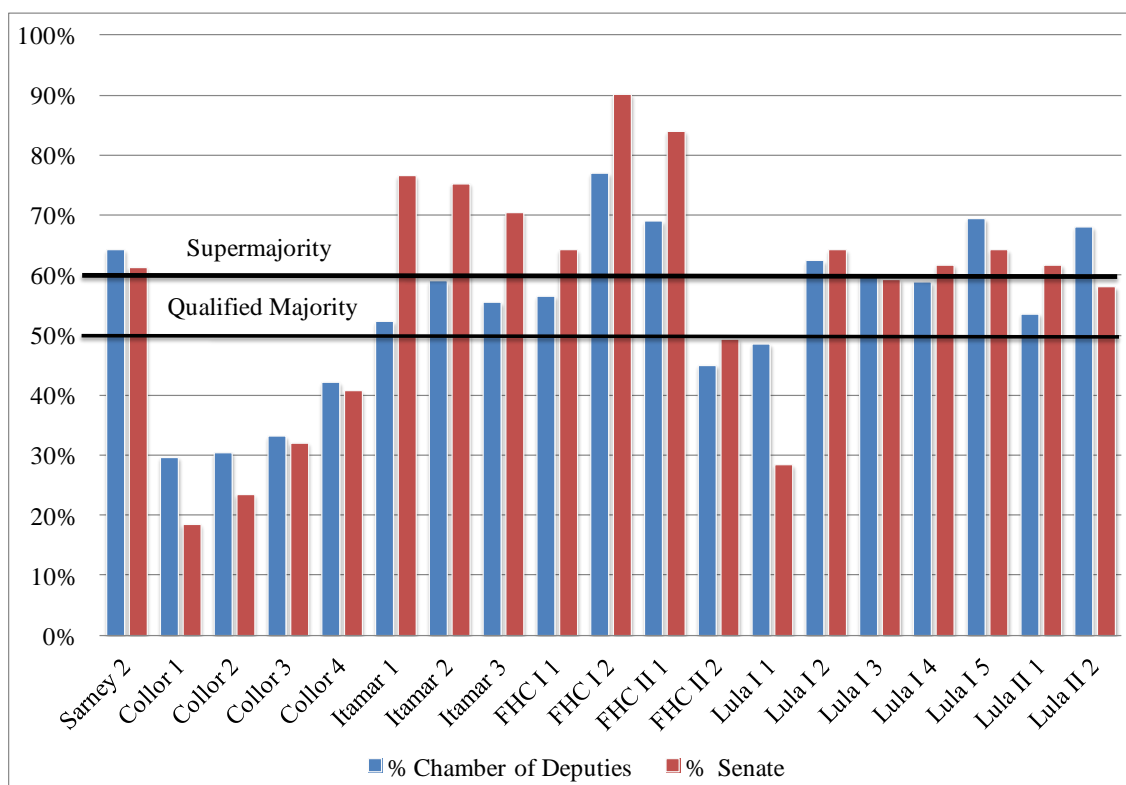
Table 1 – Presidential coalitions in Brazil (1988 to 2010)

<b>Coalition/ President</b>	<b>President's Party</b>	<b>Parties in the Coalition</b>	<b>Starting event of the new coalition</b>
Sarney 2	PMDB	PMDB – PFL	Enactment of the Constitution
Collor 1	PRN	PRN – PFL	Presidential election
Collor 2	PRN	PRN - PFL – PDS	PDS comes in
Collor 3	PRN	PRN - PFL – PDS	legislative Election
Collor 4	PRN	PRN - PFL - PDS - PTB – PL	PTB and PL come in
Itamar 1	No party	PFL - PTB - PMDB - PSDB – PSB	President's Impeachment
Itamar 2	No party	PFL - PTB - PMDB - PSDB – PP	PSB leaves e PP comes in
Itamar 3	No party	PFL - PMDB - PSDB – PP	PTB leaves
FHC I 1	PSDB	PSDB - PFL - PMDB – PTB	Presidential and legislative elections
FHC I 2	PSDB	PSDB - PFL - PMDB - PTB – PP	PPB comes in
FHC II 1	PSDB	PSDB - PFL - PMDB – PP	Presidential and legislative elections
FHC II 2	PSDB	PSDB - PMDB – PP	PFL leaves
Lula I 1	PT	PT - PL - PCdoB - PSB - PTB - PDT - PPS – PV	Presidential and legislative elections
Lula I 2	PT	PT - PL - PCdoB - PSB - PTB - PPS - PV – PMDB	PDT leaves and PMDB comes in
Lula I 3	PT	PT - PL - PCdoB - PSB - PTB - PV – PMDB	PPS leaves
Lula I 4	PT	PT - PL - PCdoB - PSB - PTB – PMDB	PV leaves
Lula I 5	PT	PT - PL - PCdoB - PSB - PTB - PMDB – PP	PP comes in
Lula II 1	PT	PT - PL - PCdoB - PSB - PTB - PMDB – PP	Presidential and legislative elections
Lula II 2	PT	PT - PR - PCdoB - PSB - PTB - PMDB - PP – PRB	PDT and PRB come in

Source: legislative database of CEBRAP.

In table 1 we can see that all the Brazilian presidents distributed the ministerial portfolios to more than one party. And, consideration on the size of the parties' benches seem to be one of the criteria involved in this division, since the sum of the benches of the parties that hold ministerial portfolios, in most coalitions, is of at least 50%+1 of seats in parliament and, at times, exceeds the limit for approval of a proposition to an amendment of the Constitution, that is, 60% of the seats, as it is shown in Chart 1.

Chart 1 – Percentage of seats in the presidential coalitions.



Source: legislative database of CEBRAP

Of the 19 coalitions<sup>6</sup> formed between the enactment of the Constitution and the end of Lula's term, in December 31<sup>st</sup> 2010, only 6 did not possess a qualified majority, 50%+1 of seats, and 9 possessed supermajorities. But the central issue does not lie on the number of seats that the executive is capable of gathering, but on the degree of control that it possesses over the occupants of these seats and, foremost, in how said control is obtained.

<sup>6</sup> The number of seats is calculated by adding the parties' benches at the starting date of the coalition, the coalition is defined by the criteria adopted by Figueiredo (2007).

## Qualifying the Object

As we have seen, the first step to define a coalition is to verify if the executive distributes ministerial portfolios to more than one party, which is true for the Brazilian case. The second step is to verify the size of the legislative bench controlled by the parties' agreement. Let us keep in mind that, given that decisions in a democracy are made by the counting of votes, if the coalition is the majority, consisting of 50% or more of the seats, the more stable it will be. This being, what we observe is that the coalitions, in most cases, consist of majorities.

But also, as it has been said here before, that is not enough for us to state that all the executives have governmental coalitions, especially if we include the condition of stability demanded by the concept. It is necessary, then, to verify if this coalition supports the executive's agenda in the legislative. The questioning of the capacity of presidents to implement their agendas, were and have been brought up, and progressively converge to a positive answer when it comes to the capability of the executive to get approval to its projects. The disagreements on this subject have been more and more concentrated on how it approves, if by exclusion or cooperation of the legislative. Whether if negotiating with its base, or with the opposition.

On the other hand, the opinion most radically diverging from the point above, stresses as indications of non-governability aspects of the law-making process that cannot be observed, that is, an agenda that the president would allegedly have, but that he or she would not take to Congress due to the anticipation of his or her defeat. But what are the observable indications that there would be a non-presented agenda?

Despite a possible non-presented agenda, the authors look to establish, or understand which aspects make it possible for the executive to get approval of its projects. Briefly putting it, the issue is the cost of approval, if each case is negotiated, if the negotiation is made through the parties or individually with each member of the Congress. In short, if the agreement between the executive and the parties is stable enough so as the executive does not have to negotiate individually with parliamentarians at each voting.

The fact that government wins in sessions is certainly a result of a successful negotiation. The question is if this negotiation is made at each battle or if it is defined at the beginning of war and stays reasonably stable throughout time.

The Internal Rules for the Chamber of deputies and the Senate discipline the decision-making process in each of the legislative houses that, according to the Constitution, have autonomy to regulate their own organization and functioning. The bicameral organization of the Brazilian legislative, kept by the Constitution of 1988, makes it so that, in general, for it to become law, a proposition must be ratified by both legislative houses, that is, by the Chamber of Deputies and the Senate, that operate as Initiating House and Revising House. Once approved by the National Congress, the matters, except in the case of Constitutional Amendments, need still the presidential sanction to become a law. In reality the president has two options: to sanction or veto the approved matter. In the Brazilian case, in case of a presidential veto, the president may veto the whole project or parts of it. Be it total or partial, the matter then returns to the legislative that can maintain or dismiss the veto.

Within this general arrangement, each normative species follows a specific rite on the process of approval or dismissal. The nature of the proposition and its authorship determine the order in which both houses will speak on the matter, as well as the way in which possible divergences between the texts approved in each one are settled. These specific traits are precisely what increase or decrease the number of veto points to which it will be submitted, as well as define the number of votes necessary for its approval, or even the process of voting to which it will be submitted. Therefore, they should be taken into account if we wish to have an accurate portrait of the law-making process.

That happens because in Congress, the capability of influencing on the result of works is placed in direct relation to the control of the agenda. The demand for legislation exceeds the capability of the legislative to process it, as the volume of propositions or projects to be considered shortens the time for debates and deliberations. This being, controlling the work agenda means defining the subgroup of matters that will be object of deliberation. However, the power of agenda goes beyond mere choice of the content of the projects that will be discussed, as it includes choices of the moment and the way (or method) in which these projects will come to deliberation. In these terms, it is fundamental to know the process through which the collective body defines

its agenda, in both meanings that the word carries, that is: the organization of time and the choice of the content of what will be object of decision.

The legislative agenda is formed by an ample group of bills that span from projects that regulate the legislative process itself – resolution projects – to projects that regulate international agreements and treaties – projects of legislative decree. In what is of interest to us, that is, the type of project that once converted into law will directly affect society, are: Provisional measures (MPV)<sup>7</sup>, ordinary law projects (PL), budget law projects (PLN), supplementary law projects (PLP) and propositions to constitutional amendments (PEC), hereinafter referred to by their acronyms. The first three – MPV, PL and PLN – generate rules of the same kind, that is: ordinary. These projects distinguish from the last two, in their content, for they do not alter the Constitution, as the PECs do, nor do they complement or regulate aspects provided for under it as do the PLPs.

Amongst the bills that generate ordinary laws there is also a distinction when it comes to the content. Basically, the MPVs must have a content that demands urgent regulation. The PLNs regulate aspects of the Country's budget, it is through this that the annual budget is regulated, as well as the plans that cover many years and the budget goals. They are also used in the reassessment of resources amongst the organs of the Union, through the concession of extraordinary credits, that is, the ones not predicted in the initial budget. It is the function of the PLs to regulate all the others, with the exception of those cases foreseen in the Constitution that should be regulated by PLPs and the ones that modify aspects of the Constitution, regulated by PECs.

All these normative species can be initiated by the president. Furthermore, part of them, MPVs and PLNs, can only be initiated by this power. So even if the agenda of the executive cannot be defined solely by the projects that are processed in the legislative, I will understand from now on that this agenda is composed of these five normative species.

Having defined where we will draw our attention to, it is necessary to verify if the distribution of ministerial portfolios resulted in support to the presidential agenda within Congress. Let us look then, on Table 1, at the percentage of projects approved

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<sup>7</sup> The acronyms preserve the original Portuguese spelling. (Translator's note)

amongst the ones presented – MPV, PL, PLN, PLP, PEC – grouped by president of the presentation and end result of the process.

Table 1 – Final result of the processes of the projects presented by the executive.

President during the presentation	Last action of the projects presented by the executive				
	Enacted**	Rejected***	In process****	Others*****	Total (N)
<b>Sarney*</b>	79,6 (266)	6,8 (23)	2,3 (8)	11,0 (37)	334
<b>Collor</b>	77,3 (423)	4,2 (23)	3,2 (18)	15,1 (83)	547
<b>Itamar</b>	76,8 (399)	4,6 (24)	4,2 (22)	14,2 (74)	519
<b>FHC</b>	83,1 (666)	3,4 (28)	4,8 (39)	8,4 (68)	801
<b>FHC II</b>	76,4 (706)	4,0 (37)	8,0 (74)	11,5 (107)	924
<b>Lula</b>	83,0 (627)	1,7 (13)	6,7 (51)	8,4 (64)	755
<b>Lula II</b>	77,0 (360)	2,5 (12)	17,5 (82)	2,7 (13)	467
<b>Total</b>	79,2 (3447)	3,6 (160)	6,7 (294)	10,2 (446)	4347

Source: legislative database of CEBRAP

\*Projects presented starting at October 6th 1988, one day after the enactment of the Constitution.

\*\* Projects turned into juridical norm are the projects that became laws or constitutional amendments. Included here are FHC's 52 MPVs, that in 2001, as part of the agreement for the approval of the amendment to the Constitutional #32, are still in legislative process, without having been turned into juridical norm.

\*\*\*Considered here all the projects that finish their legislative process without becoming Law by action of Congress, that is, those which had as last action: Rejected (in assembly, or by commission), filed (for any reason), not effective (Provisional measures that have expired their due date for voting, or that, under rule of previous law, were not reedited), returned to its author.

\*\*\*\*Were considered in process all projects that still find themselves in progress, noting that the older the project, the smaller its probability of approval is.

\*\*\*\*\* Others are the projects that have finished their legislative process, but that require special consideration, for they were not acts of Congress. These are projects that: were withdrawn by their author, in this case – projects that have ended their process by the president's request – projects that were vetoed. Also in this category are projects that were hampered; projects that end their process due to another project of similar content's approval or dismissal in the legislative year<sup>8</sup>.

<sup>8</sup>The last actions enrolled in the "other" category deserve special mention, because these projects cannot be considered, at first sight, as failures of the Executive. First of all, because they are withdrawn by the president him or herself, in their vast majority, projects presented by previous presidents. Vetoed projects, too, are in general not vetoed by the president that presented them, but by his or her successor. As for the hampered projects, most are considered as such due to other projects of similar content, i.e., the proposed legislation could be considered approved. Obviously, vetoed projects could have been vetoed due to the large number of modifications that these might go through in Congress. And projects withdrawn by their author could have been so, due to a situation where the president faces a large opposition from society and/or parliament and faced with the possibility of rejection, the president could choose to withdraw the project. But what the careful analyses of Diniz (2005) and later of Diniz, Freitas, A. and Freitas, R. (2005), show is that, especially the type of last action mentioned above, in a significant majority, did not find great opposition within the Legislative. In other words, considerations on them being successes or failures of the Executive must be cautious.

What we see is that the average rate of approval for the projects presented by the executive is extremely high, averaging 80%. But we also see that although the rates of approval are high, Congress does not excuse itself of rejecting or filing projects of the executive, even if rates for motions of this sort are significantly low. However, we can be stricter on the evaluation of the success of the executive, using the criteria of Figueiredo & Limongi. These authors consider successful the project that generates an ordinary law,<sup>9</sup> presented and approved during the term of the president of the presentation.<sup>10</sup> So, in this calculation we don't have all the projects approved from the executive, but only those approved under the agreement accorded with the parties in the period that the president was in office. As we can see, (Chart 2), even under strict criteria, the presidential success rate is high, on average 73% of the projects presented<sup>11</sup> by this power were sanctioned during the course of the term of the president of the presentation. Even Collor's administration, that did not, in any moment, obtain majority in a coalition, is able to get 64% of the projects that it sends to Congress approved throughout its term.

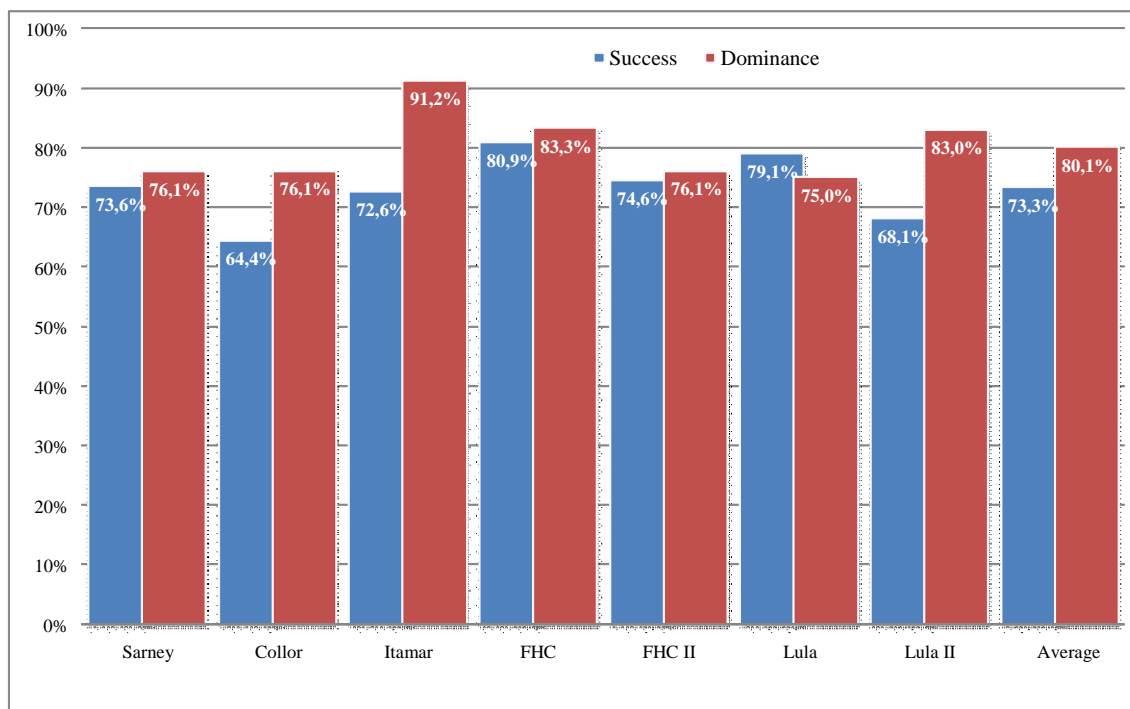
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<sup>9</sup> Projects that generate ordinary law are the bulk of the legislative production, the Executive alone, between 1988 and 2010, presented 4396 projects of this sort.

<sup>10</sup> For example, suppose president Sarney had presented 100 projects and that out of those, 80 had been approved, of which 70 during his term and 10 only during Collor's term. In this case the success rate is 70%, not considering projects approved out of his term, what is justified, for even though they are part of president Sarney's agenda, these projects were not approved through the agreements accorded between Sarney and the parties that were part of his coalition. In the case of the reelected presidents, FHC and Lula, the criterion does not take into consideration projects presented in the first term and approved in the second. The reason for that is the same mentioned above. However, it has obvious consequences. Presidents in end-of-term periods tend to present fewer projects, which can be observed in many countries. But reelected presidents maintain their rates of presentation of projects at the end of their terms more or less stable, and since the average time for approval of a law originated in the Executive in Brazil is 323 days, projects presented towards the end of a term will not have enough time to be approved during the first term. Thus, the success rates of FHC and Lula are slightly smaller than the others. If we don't use this criterion for the reelected, that is, if we consider the projects presented and approved in the eight years of government, the success rates rise to 82% and 78%, for FHC and Lula, respectively.

<sup>11</sup> Let us point out that there is a minimum period for the approval of a project, that has nothing to do with how slow the Legislative might be. The point is, even if the Legislative were extremely agile the regiment of the legislative houses determines minimum periods for the processes, that are specific to each normative species. Besides the regimental determinations on the time of these processes, the legislative process itself must be taken into consideration, the passing of the projects by at least two commissions, one that verifies constitutional aspects and another that evaluates the merit of the content of the proposition, as well as the number of projects to be evaluated, for reference, in 2010 alone, 1332 projects of ordinary law were submitted to the Chamber of Deputies. Therefore, projects presented at the end of a term will not have enough time for approval. Hence, it is not expected that the Executive will approve the totality of projects presented in the course of its term, not just because we are in a democratic regime, but also because the average time of appreciation is of 425 days. This number is brought down by the large number of projects that generate ordinary laws, especially by MPVs. PECs, for example, take on average 787 days to become amendments to the Constitution.

Chart 2 – Success and dominance of the executive in the law-making process.



Source: legislative database of CEBRAP.

We can also see, in Chart 2, the rates of dominance of the executive over the legislative process. The dominance rate shows how much of the legislative production is originated in the executive, here too using the criteria adopted by Figueiredo & Limongi, the calculus is made by dividing the total number of laws originated in the executive, by the totality of projects turned into laws<sup>12</sup>.

The dominance rates also show themselves to be very high, the number of laws sanctioned that were originated in the executive oscillates around the mark of 80% . Which supports the conclusions of Figueiredo & Limongi, that the legislative process is centered in the executive, whose legislative powers allow for the control of the legislative agenda. That is, agenda, as it has been said above, in both meanings of the term, those are: the organization of the time and the definition of the content that will be object of decision. In the current model, the definition of the legislative work agenda is highly centralized in two courts, the Presidency of the Republic and the Governing Board. This appears unquestionably in the data presented above.

<sup>12</sup> Basically, if during president Sarney's term he has 60 projects, of which he sent to Congress, turned into law and the legal production in that period is of 100 laws, Sarney's dominance rate is 60%.



As it is shown by Amorim Neto, it is of no use gathering more than one party in a ministry, if that will not be enough to guarantee the approval of a presidential agenda. It is necessary to verify if the executives were able to turn the nominal majority obtained by the distribution of ministerial portfolios into approval of the projects taken to Congress. Which is in fact verified, not for one or another president, but for all of them. This can also be seen when we look at the victory and defeat rates of the executive in the nominal voting sessions in the Chamber of Deputies and in the Federal Senate. (Chart 3).

It is necessary to point out that not all projects have to necessarily be voted nominally. As we have said before, each normative species has a particular process and amongst the specificities of each one, is the method of voting. The decisions made in assembly can be voted by three methods: symbolic, nominal and secret voting.<sup>13</sup>

All the measures that require simple quorum, 50% plus one of the attending, respecting the quorum for the beginning of works of 50% plus one of the seats, can be voted on by the symbolic method, which spans from petition, appeals amongst other legislative procedures to projects that create ordinary legislation – MPV, PL or PLN. The symbolic method does not imply the counting of votes, which means votes may not be pin pointed to this or that parliamentarian. Basically the president of the Governing Board, invites those contrary to the proposition to manifest themselves, and visually determines by the number of manifestations if the project was approved or not.

After the declaration of the result of the symbolic election, any parliamentarian can request the verification of the voting, as long as, in the Chamber<sup>14</sup>, he or she has the support of at least 6% of the deputies, or leader(s) representing said value; in the Senate<sup>15</sup>, as long as three senators support the request for nominal voting, in which case it is submitted to approval in assembly. The verification of the voting session happens by the nominal method. The nominal voting can also occur if it is requested before the beginning of the voting process, through a petition approved by the assembly. Once the verification of a voting session has taken place, a new voting session may not occur in the course of the next hour.

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<sup>13</sup> The method of secret voting is used to vote on presidential vetoes, on the election of the Governing Board, and to decide on impeachment, amongst others.

<sup>14</sup> RICD Art. 184 to 188.

<sup>15</sup> RISF Art. 293 to 295.

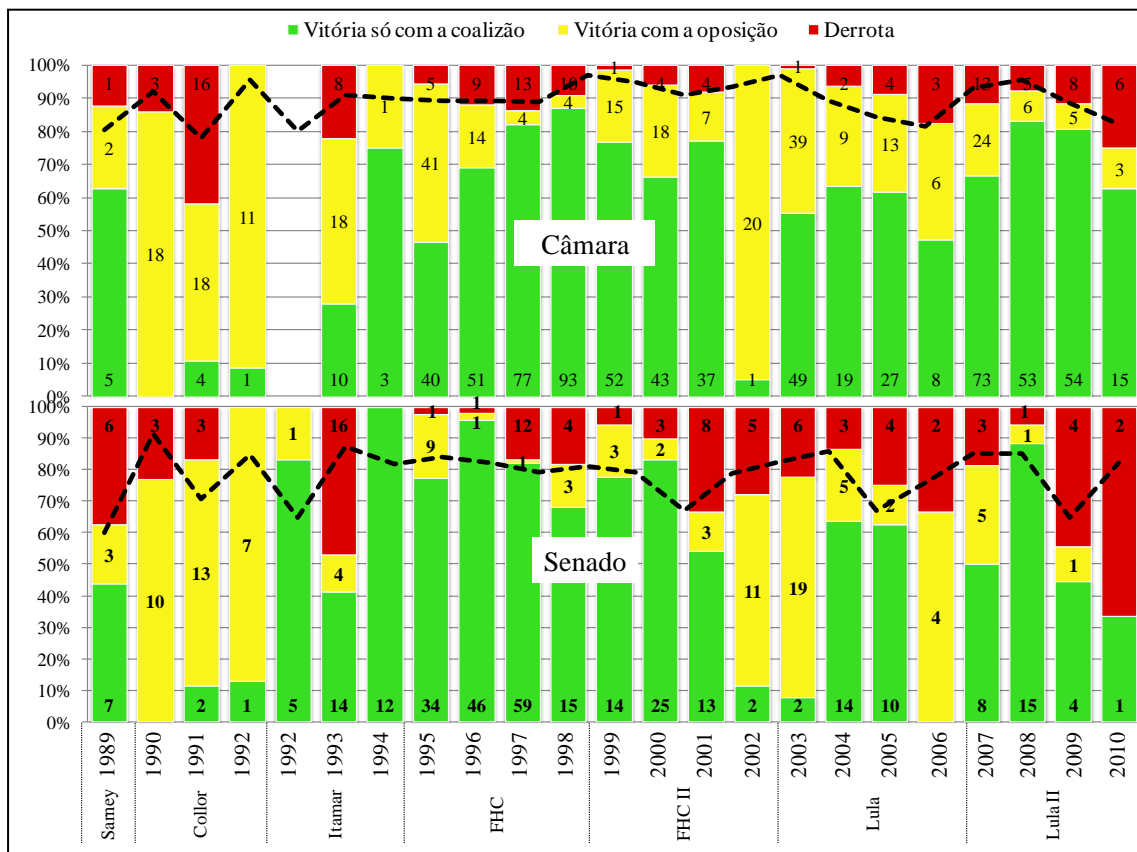
At last, all the matters that require qualified quorum, PEC, quorum of 3/5 of the seats, or PLP, quorum of 50%+1 of the seats, as well as the amendments or highlights to these matters, must be voted necessarily by the nominal voting method.

In the case of a request for a nominal voting session, in the Chamber, the leaders are called by the president to present their parties' positions concerning the projects, that is, the indications of the leaderships who orient their benches to vote yes or no on a proposition takes place.

In the Senate, in the case of a nominal voting session, the leaders are called to vote first and, as it is stipulated by the Senate's regiment, "Being known the votes of the leaderships, the remaining Senators will vote" (Brasil, RISF Art.294, IV), the votes of the leaders begin the voting session in order to work as guidance to that house's assembly.

As we have seen in the case of request for nominal voting, both in the Chamber of Deputies and in the Senate, is relatively simple. Hence it is an easy tool to apply in case there is an interest to expose the votes of parliamentarians in voting sessions where there is a lot of conflict on the issue. So, when we analyze in chart 3 the victories and losses of the executive in assembly, we are not solely looking at the voting of projects originated in this power, but at a portrait of voting sessions with some degree of disagreement, or sessions whose qualified quorum demands the gathering of larger majorities. In short, Chart 3 enables us to state that when there is a conflict, the executive very rarely loses.

Chart 3 - Type of victory<sup>16</sup> and party discipline



Source: legislative database of CEBRAP.

Green: Victory solely with the coalition  
 Yellow: Victory with the opposition  
 Red: Defeat

Câmara: Chamber of Deputies  
 Senado: Senate

We can see that government is victorious solely with the coalition in 715 out of 1127 voting sessions that took place in the Chamber of Deputies and in 303 out of 499 voting sessions that took place in the Senate. In 296 sessions in the Chamber, and 108 in the Senate, the government needed individuals that were not affiliated to any parties, or

<sup>16</sup> The victory or defeat of the Executive is calculated based on a group on nominal voting sessions, having excluded the unanimous voting sessions or the sessions that 90% or more of parliamentarians vote in a similar manner. Are still considered unanimous the voting sessions in which the leaders of the larger parties indicate similar votes. At last, are excluded those sessions in which the minimum quorum necessary was not reached, that is, the invalid voting sessions. These criteria are the same used by Figueiredo&Limongi (1999). Under “victory”, are the voting sessions in which the government leader indicated ‘yes’ and that, quorum considered, ‘yes’ was the majority, as well as voting sessions where the indication is ‘no’ and no was the majority. In cases where there is a coincidence between the majority of votes and the leader of the Executive’s indication, I check if the coalition has enough disciplined votes to guarantee victory, and in affirmative cases, I consider it a victory solely with members of the coalition. If not, I consider that the opposition has supported the proposition. In cases where there is discrepancy between the government leader’s indication and the assembly’s majority vote, it is considered a defeat of the Executive. It is important to remember that we are not dealing only with projects originated in the Executive, projects that are part of its agenda. Therefore, what we see is a general panorama of the favorable situation of the Executive within the assemblies of both houses.

even parties that did not possess any ministerial portfolio, to win in assembly. Obviously, in order to win without any exterior support the coalition must be large enough to grant the votes that the president needs depending on the kind of project that is being voted on. Thus, there is still one step remaining in the qualification of the sort of victory of the executive, but be it as it may, the number of victories of this power counting solely on the base of support constituted by the distribution of ministerial portfolios is very high.

In Chart 3 we can also see how disciplined the members of the coalition were in relation to the indication of the leader of government. Not only is the discipline high, it is possible to see that the lines indicating discipline move in the same direction, both in the Chamber and in the Senate. This is noteworthy, for we must remember that are not the same projects that are being voted in both houses. If we look carefully there is something cyclical that interferes in the support given by members of the coalition to the government. Especially when we look just at FHC and Lula's administrations we can see similar movements in the first and in the last years of their terms, which must be looked at more carefully, which, too, I will do in the next phase of this work.

The rates of success and dominance of the executive on the legislative production, as well as the considerably larger number of victories of said power in assembly, would hardly allow one to state that the executive is not successful in the formation of legislative majorities in order to approve its agenda. They further allow us to evaluate how stable this success is. Let us point out that, therefore, this success does not come from personal characteristics of the president, nor can it be attributed to factors *ad hoc*. Hence, whatever are the factors that cause this, these factors are systemic.

However, such success does not imply that the executive, personified by the president dominates the legislative. The variations on the discipline rates as well as explicit rejection, or not, of projects of the executive are a small evidence of the effective participation of the legislative in the law-making process. A greater evidence is how much the projects originated in the executive are altered by the legislative.

On Table 2 we can see the percentage of ordinary laws whose projects originated in the executive suffered some sort of alteration in the legislative. Some addendums

must be made, the table counts only ordinary laws that originated PLs and MPVs, in the case of the latter only the ones initiated after amendment n°32, in other words, after September 2001. On the next phases of research I intend to include the remaining normative types, with the exception of MPVs prior to 2001, given the impossibility to evaluate the modifications that these projects suffered.

Table 2 – Ordinary laws originated in the executive (1988-2011)

	Sarney*	Collor	Itamar	FHC	FHC II	Lula	Lula II	Total
Without alterations	18 (40,9%)	36 (29,8%)	25 (31,2%)	43 (38,0%)	91 (47,9%)	144 (44,6%)	56 (38,1%)	413 (40,6%)
With alterations	26 (59,1%)	85 (70,2%)	55 (68,8%)	70 (62,0%)	99 (52,1%)	179 (55,4%)	91 (61,9%)	605 (59,4%)
Total	44 (100%)	121 (100%)	80 (100%)	113 (100%)	190 (100%)	323 (100%)	147 (100%)	1018 (100%)

\* Projects presented after 05/10/1988

We can see on table 2 that the rate of alterations of ordinary projects is close to 60%. Freitas, R. (2010) shows that the rate is even higher for projects originated in the executive in areas where the political initiative is shared amongst powers, basically all projects that do not concern budget or administrative issues. In projects where the initiative is shared the average alteration rate is close to 70%. Freitas, R. further shows that a significant part of the alterations is proposed by rapporteurs responsible for the matter, and at last, he shows that close to 70% of the rapporteurs that propose modifications are members of parties that belong to the coalition.

But what does this data reveal of the process as a whole? Basically, that everything works as it should in a democracy: the executive is able to make decisions and get its agenda approved and the legislative evaluates, discusses and alters the propositions of the executive, partaking, therefore, in the legislative process.

As for the defeats suffered by the executive, where can they take us? The existence of non-approved projects and of defeats of the executive, even if in a small amount, question the theses on the perfect anticipation of the executive, which on its turn, questions the idea that the executive would have an agenda that is not sent to Congress, for it would not approve that agenda. Said agenda exists, but it is sent to the legislative. Furthermore, we can see that a very small percentage of the projects of the

executive are in process *ad eterno*, indicating that the legislative can file a project from the executive, without, however, causing the distress of rejecting it.

At last, it is important to note that Diniz (2005) shows that the success or failure of the executive cannot be quantified by the number of projects that it approves in relation to the amount that it presents. That is because it is not always the objective of the executive to get approval on what it sends to Congress. The cases used as example by the author show that at times the executive uses law projects as “instruments of negotiation”. Furthermore, the author highlights that the executive was able to get part of its agenda approved, not because it used discretionary resources, but because there was linkage between the presidency and its support base.

This point is of particular interest to this work. As it is said above, I consider that the legislative process can reveal to what extent the agreement accorded between president and the parties that occupy ministries have policies as purpose. Hence, I believe that through the legislative process it is possible to understand how the parties of the coalition reach consensus about specific policies. Furthermore I believe that in order for the accorded agreement to be put in practice, it is necessary that the ministers have some degree of autonomy over the policies of their term.

This autonomy, on its turn, raises problems relating to delegation. It is not news that democratic systems create a chain of delegation (Strom, 2000), that starts with the electorate delegating to its representatives, through vote, the power to make political decisions. But the chain does not end in the elector/representative relation, the elected president delegates power to his or her ministers, that on their turn delegate to the bureaucracy. Finally, the Brazilian political system is made up of infinite delegation chains, where the dilemma of the main agent is put in practice everyday.

In multiparty political systems, where coalitions are formed, the dilemma is multiplied, as actors with power to make decisions also multiply. It is expected of parties when forming a coalition, that they will commit to an agenda, that may be previously determined, but whether this is the case or not, it will change during the course of the government. However it may be, coalitions demand commitment of the parties that form it.

Likewise it demands delegation, once it is necessary to trust ministries and the bureaucracy with a certain degree of authority so they may be able to undertake certain policies. As a result the initial control of the policy formulations is in the hand of a specific party, that is, of the party that controls the ministry in which the policies are formulated. Said party, on its turn, competes with other parties during the elections, including the ones in its coalition as the remaining parties have the objective of obtaining the highest possible number of offices, be those legislative or executive. So, the party in the ministry can be tempted to move a certain policy from the coalition's majority preferences<sup>17</sup>, leading the policy to the party's ideal point.

The dilemma that coalition governments face is how to join at times diverging preferences in order to be able to make policies together (Martin & Vanberg, 2011). In this sense, rejection, as do the alterations of projects originated in the executive, reveal as Diniz says, that the legislative legislates. And, therefore, the approval of a certain policy demands commitment and linkage amongst the parties of the coalition, the legislative is, therefore, an important control arena, maybe the most important, of the member parties of the coalition.

The assumption that this argument brings forth is simple: First, when forming the coalition the president establishes an interparty agreement that does without the accommodation of at times diverging preferences on a common agenda. By doing so, the president delegates to ministers certain authority over the policies. Due to electoral competition the ministers tend to shift the policies, in the time of their formation, towards his or her ideal points. The remaining members of the coalition, especially the president's party do not have all the necessary information in each of the different political areas developed within the executive to be able to distinguish if the minister that formulates a policy has acted intentionally when he or she took the policy to his or her ideal point, or just formulated the policy in a way to make it executable in the most efficient possible manner.

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<sup>17</sup> The fact that Brazilian political parties do not have clear ideological stands does not make the argument invalid. First, because it does not mean that they do not have any preference at all. Second, because the motivation to take policies to the parties preferred point, does not have to necessarily not hurt the electorate's trust, or those of an elector with certain preferences. That is, the preferences of a specific party here, at least for starters, are purposefully defined in a superficial manner, and are understood, therefore, as a group of majority preferences of the collective of its members. And they are formed having electoral success as their ultimate goal. That can be seen in many different ways, in other words, parties can seek to attend to the preferences of a group of voters, or seek to attend to the preferences of campaign financiers, amongst so many others.

So, at each formulated policy, especially those where the preferences are most diverging, internal and external control mechanisms are activated. In parliamentary regimes, in many countries, there are institutional mechanisms to revise policies within the executive itself. Besides that sort of control, studies focused on parliamentary governments have highlighted the presence of junior ministers, that is, designation of servants from the second grade of a different party than the minister's, who would have the function of inspecting and controlling possible deviations in the accorded agreement (Thies, 2001 e Muller & Strom, 2000).

In the Brazilian case, specifically, we know a law is not signed only by the minister responsible for that political area. In addition to the signature of the portfolio's minister and the president's, it is common to have the signature of at least two more ministries as well, those are: Planning and the Casa Civil (Chief of Staff Office). Less common, though still frequent, is the signature of the Minister of Justice. Even though there are no studies on the pattern of signatures, it is fair to assume that this is one of the internal forms of control of the coalition over its members.

In addition to the internal control, already shown in studies on the parliamentary systems, there is external control, via legislative, still not thoroughly studied, but progressively receiving more attention, nonetheless. In this case, what has been seen is that the legislatures in parliamentary systems are one of the instruments of control that the coalition has in order to deal with the ministers' desires to shift certain policies towards said ministers' ideal points (Martin & Vanberg, 2004, 2005, 2008 and 2011; Carrol & Cox, 2010; Strom et alli. 2008).

That is the approach I intend to follow in this work, what I intend to do is to verify, as said, how the coalition interacts within the legislative in order to build a consensus about its propositions.

## **1. Methodology**

The methodology that will be used is a combination of quantitative and qualitative approaches, used jointly in order to elucidate the postulated arguments. I intend to find evidence that the support to the executive within the legislative is built



around the policies, around of the modification process the projects go through in the legislative, which is centered in the parties of the coalition.

The supposition is that when the executive distributes ministries it also distributes responsibilities over specific policies. Basically, what I intend to do is classify the authorship of the projects that come from the executive, based on the ministerial portfolio responsible for the policy and verify if there is a relation between the party that holds the portfolio and the rapporteurs designated for the project.

I understand that once the matter reaches Congress, it goes through adjustments; I suppose these adjustments have the purpose of making the project adequate to the preferences of the legislative majority. Said majority, with the exception of Collor's government, is formed by parties that compose the governmental coalition. Hence, the second phase of the work is to analyze the process of modification of the projects, through substitutive procedures, amendments and highlights, in both legislative houses (Chamber of Deputies and Federal Senate). It is known that the law projects that come from the executive suffer changes in the legislative houses, as it has been said above, and, that these modifications are made primarily by rapporteurs who are members of parties that form the coalition. In other words, there is a negotiation process within the coalition in what concerns the policies (Freitas, R., *et alii*, 2008; Freitas, R., 2011). The point is to understand the importance of this process to the success of the executive.

Both phases combine the analysis of aggregated and general quantitative data, with the reading of the debates that took place in assembly, that is, a qualitative analysis of the legislative process.

I intend to, also, investigate the behavior of the political parties in the National Congress during the period preceding their entrances into the coalitions, and comparing it to the period that follows the joining in of the parties. The objective is to understand the strategies used by parties in the National Congress to force their ways into the coalitions. Hence, it happens so that in the moment immediately after the presidential election, an intense bargaining begins between president and parties to decide on the display of ministries. These coalitions, of beginning of terms, that provide little legislative material to follow its forming, will not be discarded at first, however the work will focus on the 7 new coalitions formed by the joining in of new parties.

In all 7 cases, I will reconstruct the policies in play at the moment immediately before the new formation, seeking to understand what sort of legislative resource the parties mobilized. Basically, I intend to understand if these parties use postponing resources that imply in costs for the approval of projects from the executive, such as the obstruction of nominal voting sessions, petitions for nominal voting sessions, petitions for postponement or change of agenda against projects originated in the executive, requests for dismemberment of projects, excessive presentation of amendments and highlights that require separate voting.

In this phase still, I intend to verify if the entry of the party in the coalition implies in a change of behavior, so, I will divide the behavior of the parties of the assembly in three: The moment that immediately precedes the entry of the parties, their general behavior before the entry in the coalition and their behavior after having joined the coalition. The division in three instead of two moments is justified, for the parties without presidential ambitions tend to vote in a disciplined manner towards the executive. The hypothesis that is to be investigated is that the majority of parties in the Chamber votes with the executive despite having or not having a ministerial portfolio. But there are critical moments, when the parties that don't have executive ambitions can in fact threaten presidential success. Here too the analysis will combine quantitative data referring to the nominal voting sessions and qualitative data extracted from the reading of the Diaries of the Chamber and of the Senate.

Finally, I will seek to understand to what extent the victories of the executive can be attributed to the governmental coalitions. If the coalitions are stable and maintain themselves throughout a process of negotiation, which involves the adjustment of the policy to the preferences of the majority of the coalition, then it is to be expected that the parties involved would not only be disciplined in assembly, but also that they would participate in a more expressive way in the voting process.

The idea is simple, majority governmental coalitions are the rule, all presidents were successful in forming coalitions that had at least half plus one of the seats, with the exception of Collor. The discipline rates are also high, but there are still authors that defend that this is not enough for the executive to be at ease with whether its projects will be approved or not. Hence, the question is knowing if the number of disciplined votes of the members of a coalition are enough to guarantee its victory in assembly, or if

in fact presidents have to seek support in the opposition. Besides, if the supposition I have made is correct and there is a relation between the modifications in the projects originated from the executive and the disciplined behavior of the coalition it is to be expected that matters that have been altered, especially those that during their processes have gone through rapporteurs of different parties that form the coalition, would obtain more support in assembly than the others. In this phase the data used is quantitative.

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