

Presidential Government Makes its Move

The legislative power of the executive branch serves to assuage the image of a government marked by clientelism and corruption

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Presidential government in a federalist system, one that is associated with an elected legislature that functions according to an open-list system of proportional representation, seems to both interfere with open democracy in Brazil and generate clientelism and corruption. In the view of many Brazilianists, this perverse triad explains the difficulty many Brazilian administrations face, for example, in implementing distributive policies and often leads to political paralysis. A study backed by the São Paulo Research Foundation (FAPESP), however, finds that a different political reality prevails, at least since 1988 when the new constitution took effect.

“The strengthening of the legislative powers of the executive branch neutralized the influence these features of power had on the government’s ability to implement general-interest policies, a trend augmented institutionally through the legal literature,” says Argelina Cheibub Figueiredo of the Institute of Social and Political Studies (Iesp) of Rio de Janeiro State University (Uerj).

The research began in 1997 under the supervision of Figueiredo – then at the State University of Campinas (Unicamp) – and Fernando Limongi of the University of São Paulo (USP), along with re-

Construction of the
National Congress in
Brasília (1959)





searchers from the Brazilian Center for Analysis and Planning (Cebap). By comparing the various governments under presidential systems from 1946 to 1964 to those in place after the 1988 constitution, the researchers concluded that decision-making in present-day democratic Brazil involves a high degree of delegation of authority from Congress to the executive branch. Within Congress, Figueiredo adds, one witnesses similar patterns of delegation of decision-making authority from individual representatives to party leaders.

The president's authority is exclusive when it comes to proposing legislation in three fundamental areas: administrative, budgetary and fiscal. According to Figueiredo, the president "can ask that the legislation he proposes be considered with urgency, thus ensuring its priority in the legislative calendar." The president, through his provisional authority, also enjoys the power to issue decrees having immediate and legal effect. This powerful legislative instrument, however, must be approved by Congress, which can amend or even reject an executive initiative. "The president cannot ignore the wishes of Congress," Figueiredo reminds us.

Congress, in turn, is highly-centered around party leaders who exercise rigid control over the legislative calendar. They determine the schedule for voting on bills, establish rules for full votes on

Between 1998 and 2007, the average approval rate for bills presented by the executive branch reached 75%

the floor and on amendments, and they specify the order in which particular legislation is considered. Figueiredo emphasizes the fact that, "these internal guidelines particularly benefit the leaders of the larger parties."

The initial conclusions of the study titled, *Political Institutions, Patterns of Executive-Legislative Interaction and Governmental Capacity* were published in issue no. 49 of the *Pesquisa FAPESP* magazine in December 1999. At that time, the researchers had already concluded that the concentration of power in the executive branch was institutional in nature, and that it differed from the personal, "imperial presidency" seen as characteristic of political systems in Latin America, according to journalist Ricardo Aguiar. Over the course of the following 13 years, new information would emerge to cast additional light on the Brazilian system of government.

TOPPLING MYTHS

Constitutional rules as well as legislative regulations confer upon the president and leaders of the ruling political parties the power to block the initiatives of individual members of Congress. "The centralization of decision-making authority affects both the workings and outcomes of the democratic experience in Brazil today," says Figueiredo. She backs this assertion with data: between 1998 and 2007 – the beginning of President Luiz Inácio Lula da Silva's second term – the average rate of approval for bills presented by the executive to Congress was 75.08%. "Only during the government of President Collor de Mello, who ruled without a congressional majority, was this figure far below the others," she adds.

These outcomes indicate that the concentration of decision-making authority in the executive branch – a privilege it shares with the party leadership – can neutralize the workings of federalism, electoral legislation and presidential government. "Brazil slowly began to topple myths. The centralization of power makes way for policies – even income distribution – that are national in scope, and the implementation of measures to fight inflation, which is always politically difficult. Today, national interests trump local ones."

This new face of Brazil's presidential government differs little from that of a parliamentary system. "Even as late

ORDINARY LEGISLATION
Legislative output, by government, 1988-2007*

Government	President's Party in the House of Representatives (% of seats)	Government Coalition in the House of Representatives (% of seats)	Success of the President** (%)
Sarney	40,61	58,59	73,83
Collor	5,05	33,79	65,93
Franco	0,00	57,28	76,14
Cardoso I	9,36	71,62	78,72
Cardoso II	18,32	67,87	74,38
Lula I	11,11	59,52	81,47
Subtotal	14,07	58,11	75,08

SOURCE: CEBRAP LEGISLATIVE DATABASE
* DECEMBER 31, 2006
** PERCENTAGE OF EXECUTIVE BILLS PRESENTED AND APPROVED DURING THE PRESIDENT'S TERM IN OFFICE



Finishing touches are added to the ramp leading to the National Congress for inaugural ceremonies (1960)

as the 1990s, parliamentarianism was considered a superior system of government, one that fuses the two branches and eliminates conflicts. In a presidential system, by contrast, the electoral base of the executive (national) and legislative (local) branches, as well as the president's autonomy in choosing his cabinet, represent built-in sources of conflict within government. "But if the president wants to govern," says Figueiredo, "he needs the support of the legislature. It just so happens that political actors, being rational, work towards effective government by cooperating through coalition-building."

"Like prime-ministers, Brazilian presidents form party-based coalitions to obtain legislative support," Figueiredo reminds us. This compromise translates into effective government participation, including cabinet ministries. "These coalitions are in evidence during all con-

stitutional periods, from 1946 to 1964 and as of 1988, and they keep getting stronger as backing from the governing parties increases."

"Government coalitions formed since democracy was re-introduced have predominantly allied themselves – until the Lula government – with parties that are ideologically right-of-center," says Figueiredo. "As soon as it gained control of the government, the PSDB (Brazilian Social-Democratic Party), allied with the PFL (Liberal Front Party), began to rely on the support of the PMDB (Party of the Brazilian Democratic Movement) and, in 1996, the PPB (Brazilian Popular Party) as well. The alliance at that time went from the center towards the right and the government ended up following the PFL party's free-market instead of its own purportedly social-democrat agenda. The left, then, was in the opposition," Figueiredo concludes. When

the PFL left the government to compete in the 2001 presidential elections, the alliance broke apart. In 2002, Lula won a second term after allying with the right, the PL (Liberal Party). "The PT (Lula's Workers' Party) understood that it could not govern without an alliance," Figueiredo adds, concluding that the opposition was left in the center of the political spectrum.

MAJORITY COALITIONS

Both Presidents Fernando Henrique Cardoso and Lula sought to form majority-based alliances through multi-party coalitions to push through constitutional reforms requiring congressional quorums of three-fifths of the members.

With a united coalition, when the entire leadership sends up affirmative votes, other parliamentarians who are members of the alliance will vote along with the leadership. During the period



Demonstrators climb the dome of the Federal Senate (1996)

GOVERNMENT COALITIONS FROM 1988-2007*

President	President's Party	Parties in government coalitions	Start of coalitions	End of coalitions	Duration of coalitions (days)	% Votes in Congress (start of coalition)
Sarney 2	PMDB	PMDB-PFL	06/10/1988	14/03/1990	524	63,03
Collor 1	PRN	PRN-PFL	15/03/1990	31/01/1991	322	24,04
Collor 2	PRN	PRN-PDS-PFL	01/02/1991	14/04/1992	438	34,59
Collor 3	PRN	PDS-PTB-PL-PFL	15/04/1992	30/09/1992	168	43,54
Itamar 1	sem partido	PSDB-PTB-PMDB-PSB-PFL	01/10/1992	30/08/1993	333	60,04
Itamar 2	sem partido	PSDB-PTB-PMDB-PP-PFL	31/08/1993	24/01/1994	146	59,64
Itamar 3	sem partido	PSDB-PP-PMDB-PFL	25/01/1994	31/12/1994	340	55,27
FHC I 1	PSDB	PSDB-PFL-PMDB-PTB	01/01/1995	25/04/1996	480	56,14
FHC I 2	PSDB	PSDB-PFL-PMDB-PTB-PPB	26/04/1996	31/12/1998	979	77,19
FHC II 1	PSDB	PSDB-PMDB-PPB-PTB-PFL	01/01/1999	05/03/2002	1159	73,88
FHC II 2	PSDB	PSDB-PMDB-PPB	06/03/2002	31/12/2002	300	45,22
Lula 1	PT	PT-PL-PCdoB-PSB-PTB-PDT-PPS-PV**	01/01/2003	22/01/2004	386	42,88
Lula 2	PT	PT-PL-PCdoB-PSB-PTB-PPS-PV-PMDB	23/1/2004	31/01/2005	374	62,38
Lula 3	PT	PT-PL-PCdoB-PSB-PTB-PV-PMDB	01/02/2005	19/05/2005	107	57,70
Lula 4	PT	PT-PL-PCdoB-PSB-PTB-PMDB	20/05/2005	22/07/2005	63	58,28
Lula 5	PT	PT-PL-PCdoB-PSB-PTB-PP-PMDB	23/07/2005	31/01/2007	548	69,59

SOURCES: [HTTP://WWW.PLANALTO.GOV.BR](http://www.planalto.gov.br); MENEGUELLO, 1998; BANCO DE DADOS LEGISLATIVOS, CEBRAP.

CRITERIA:

1) TERM CHANGE AND PARTY COMPOSITION OF CABINETS (ENTRY OR EXIT OF A MINISTER FROM A NEW PARTY FORMALLY PART OF THE COALITION);

2) START OF A NEW LEGISLATIVE TERM OR PARLIAMENTARY GROUP THAT ALTERS THE PROPORTION OF THE COALITION'S VOTE IN CONGRESS.

* OCTOBER OF 1988 TO JANUARY 31, 2007.

** THE PDT OFFICIALLY BREAKS ITS TIES WITH THE LULA GOVERNMENT AND LEAVES THE ALLIANCE ON DECEMBER 12, 2003. CRITERIA FOR REMOVING CABINET MEMBERS, HOWEVER, WERE MAINTAINED WITH THE DEPARTURE OF MINISTER MIRO TEIXEIRA ON JANUARY 23, 2004.

in question, the average percentage of votes in favor of government proposals was 91.1%. “This support did not waver among the various presidents,” notes Figueiredo. With a divided coalition the average falls to 66%. “Support for the government is not unconditional.” In general, such divisions occur when party leaders openly oppose approval of a given issue. According to Figueiredo, “party support is what guarantees the vote of any group within Congress.”

Failure to enter into agreements with groups within Congress leads to defeat. President Collor de Mello, for example, who governed without a majority coalition or the support of the PMDB party, could not push through 14 of 61 legislative initiatives requiring simple majorities. President Fernando Henrique Cardoso, on the other hand, lost only 11 of 205 initiatives that depended on similar simple majorities. Of the 222 votes on constitutional matters requiring a three-fifths majority on the floor, President Cardoso suffered only 18 defeats.

During his first term in office, President Lula lost 10 of 182 initiatives, eight of which were among the 134 that re-

quired simple majorities. Figueiredo concludes, “the role of the parties becomes increasingly important because the structure of Brazil’s current political system is the same as those of countries having multi-party, parliamentary systems.”

Presidential government based on coalitions is not an exclusively Brazilian system. Figueiredo reminds us, “Latin American countries are becoming multi-party.” Comparisons must be drawn in order to understand these different systems.

“We initiated a study on minority-led government in Latin America and had trouble uncovering details about their institutional aspects,” says Figueiredo. “We started to form an association of researchers to put together a database. We’re now gathering data for 14 countries, with information on the organization of cabinets since 1980. The challenge for us is identifying the party affiliation of cabinet ministers. We even looked on Facebook for answers.” The greatest obstacle, according to Figueiredo, is that under a presidential system political parties do not always enjoy a quota of ministers representing them in the cabinet. ■

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