

Presidential Power and Party Behavior in the Legislature

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PRESIDENTIAL POWER AND PARTY BEHAVIOR

IN THE LEGISLATURE

The comparison between parliamentary and presidential systems has been the focus of the literature on government performance and regime stability¹. In this literature, the problems and perils of presidentialism stem from its constitutional design. Presidentialism lacks institutional mechanisms to induce cooperation between the executive and the legislature, once each branch of government has independent origin and survival. Differences in constituencies give negative incentives for cooperation, even when presidents rely on a clear partisan majority in the legislature. Legislators do not benefit from supporting the government. They do not cooperate either by simply withdrawing support to legislative proposals or by producing incoherent or uncoordinated policies. According to this view, presidentialism is a system inherently prone to produce conflicts between these two powers and consequently decisional paralysis. The source of conflict is institutional. Only specific electoral and party legislation provides the conditions to overcome this basic flaw.

Shugart and Carey (1992) shifted this focus by emphasizing the variation among presidential regimes. They also introduced a new variable in the debate and inspired a new research agenda. The distinction among presidentialisms, they suggested, should consider two variables. The first, also a component of the constitutional design, is the legislative power of presidents, and the second party strength. The latter determine the nature and the degree of party support to the government while the former allows the executive to overcome the lack of partisan support.

It is fair to say, however, that the role they attribute to presidential legislative powers on government performance has been ambiguous. In addition, the general emphasis remains on electoral and parties' determinants of presidential political support. In their original work, Shugart and Carey asserted that the dual legitimacy argument against presidentialism is valid when presidents have strong legislative powers. Later, in the same book and in recent pieces, they regard legislative powers of presidents as a way to bypass the lack of partisan support (1992).

In a recent piece of work, Shugart and Mainwaring try to assess the effects of these two variables, that is, partisan and constitutional powers, on the president's ability to shape actual legislation (1995, forthcoming). For these authors, two factors are crucial in guaranteeing partisan support to executives, namely, party fragmentation and party discipline. The greater the number of parties the greater the chances that presidents will not count with majoritarian support in the legislature. The more fragmented the party system, the less likely that the president's party control the majority of seats in the legislature. Party discipline, in turn, determines the costs of governing. If parties are not disciplined, presidents may count with majoritarian nominal support for their policies in the assembly, but this does not necessarily

¹ Linz (199x), Mainwaring (1995) .

translate into votes. To obtain legislatures' approval, the president must rely on ad hoc coalitions based on distribution of patronage to individual legislators. That is, the costs of governing will be unbearable.

They regard both party fragmentation and party discipline as direct consequences of electoral laws. The relation between electoral laws and the number of parties is one of the most explored themes in political science. Regarding this point the literature concerned with the peculiarities of presidentialism has dwelled on solid basis. As to party discipline, it is considered a consequence of party leaders' capacity to affect reelection chances of individual candidates. This occurs at the electoral stage through the control of candidacies. The greater this capacity, the smaller the probability that politicians will look solely for particular interests of their constituencies. Party leaders' capacity to punish at the electoral arena decreases legislators' incentives to follow a strategy based on personal ties with the electorate.

In the absence of conditions that ensure partisan support, legislative powers of presidents come into play. In countries where presidents lack legislative majority and disciplined parties, they must rely on constitutional legislative powers to get their agenda enacted. (Shugart and Mainwaring, 1995: pp.30, 40,41)

Mainwaring's analysis of the Brazilian case in the same book reinforces the emphasis on the lack of partisan support due to the characteristics of electoral and party legislation. According to him, the combination of fragmented party system and indisciplined parties, even with "sweeping constitutional powers," leads to paralysis and difficulties in having presidential agendas realized. (1995:2,9,38) The possibility that presidential constitutional powers may bring about partisan support is not considered.

Our aim in this paper is to show that legislative powers of presidents have stronger consequences than the literature recognizes. We argue that they provide the means to obtain political support in the legislature. Extensive legislative powers allow the executive both to control the legislative agenda and to restrict legislator's transformation power. The executive thus controls resource that politicians care for their political survival. The president can affect the legislators' capacity to pursue particularistic policies. Thus, discipline is enforced at the legislative arena itself, as a result of the rules that regulate the decision making.

Electoral laws and lack of party control over candidacy may give politicians room for cultivating personal vote and defying party line. But individualistic behavior does not encounter a milieu to develop in Congress. The institutional powers held by the executive, on the one hand, and the centralized decision making system in the legislature, on the other, impose restrictive agendas and limit legislators' role in policy outcomes.

Brazil is the most cited case of presidentialism in which presidents lack political support. Party fragmentation, we are told, reached one of the highest scores ever found in the world. Individualistic behavior is rampant in Congress. Party discipline does not exist. Members of Congress vote as they wish, that is, according to their particularistic interests and refuse to follow their parties' line. Presidents count with feeble and unstable partisan support (see Shugart Mainwaring, Ames)

The data we present here dispute these statements. They show that recent Brazilian presidents—i.e., after the enactment of the 1988 Constitution—had a considerable degree of success in the enactment of their legislative agenda. They also counted with more reliable political support than what is predicted by theories considering the effects of electoral legislation on party behavior in the legislature. The second and third sections of this paper provide empirical evidence that contradicts these predictions. In the second section, using information regarding initiative, flow, subject matter and results of the bills introduced, we assess the executive ability to get its agenda enacted. In the third section, we use roll call data to show that parties in the legislature show higher levels of discipline and greater political support for presidents' proposals than the expected by those theories.

The fourth part, is an attempt to explain the pattern observed. We discuss how institutional variables internal to the decision making process increases government ability to obtain political support for its policies. The executive, via agenda control, neutralizes the action of individual legislators. Members of Congress may have the electoral incentive to pursue their own particularistic interests. But, they just do not have the capacity to influence legislation in such a way as to achieve these objectives. Institutional arrangements—i.e., the legislative powers of the president and the internal organization of the legislature—conspire against the realization of these interests.

We claim that the implications of our discussion of the Brazilian case are more general. Legislative powers of executive are key variables in the definition of the actual working of any political system. That amounts to propose a shift in the comparative literature on democratic consolidation. That is, to direct the analytic focus to the characteristics of decision making, defined by the rules regulating the distribution of legislative powers between the two branches of government and the rules allocating parliamentary rights within Congress.

Executive agenda and legislative outcomes

Our main objective in this section is to show that recent presidents in Brazil have had a high degree of success in the enactment of their legislative proposals. They were indeed the main legislators **de jure** and **de facto**. The resumption of Congress' powers, following the enactment of the new 1988 Constitution, did not change the role of legislature in initiating laws. On the contrary, from 1989, it can be observed the same pattern of executive dominance in initiating legislation as occurred under the rules of the military regime. Executive initiative accounts for about 85% of the total laws enacted from 1989 to 1994, slightly lower than that under authoritarian rule (90%)². It is worth remarking that this pattern of executive initiative in the legal output is statistically similar to ratios found in parliamentary countries.

Compared with the democratic experience of 1946-64, present levels of executive initiative are high given that only 43% of the laws passed in that period came directly from the

² This figure takes into account the decree laws which bypass Congress participation.

executive. Executive dominance today is due to an extension in the range of presidential legislative powers began by the military. These prerogatives included: expanding exclusive initiative, establishing urgency time limits for voting procedures according to presidential demand and giving the president provisional decree power. This power gave the right to enact legislation with immediate effect subject only to repeal or amendment by Congress 30 days later.

The table below shows the capability of the executive to enact its agenda.

Table 1
Results of all bills according to initiator
1989-1994

Results		Presented	Floor vote	Enacted	Rejected	Closed	Withdrawn	In prog	Total Veto
Initiator									
Executive	Budgetary	516	516	516	-	-	-	-	-
	Prov. Dec.	355	355	278	15	3	44	13	2
	Other	578	487	223	11	51	76	119	7
	Sub-total	1449	1358	1017	26	54	120	132	9
Legislature		9454	765	176	158	-	-	317*	114

* Approved by the lower chamber, in progress in the Senate

Table 1 is organized according to the specifics of the Brazilian constitutional and legislative rules. The first two rows, ‘Provisional Decree’ and ‘Budgetary laws’, represent legislation that only the Executive is entitled to initiate. Moreover, these proposals undergo special procedures. They are referred to the National Congress, that is, the joint meeting of the two Houses, the Senate and the Câmara dos Deputados. These report to special joint committees of both houses, but the votes are counted separately. This is a legacy of the constitutional amendments made by the military for the purpose of speeding up legislation.

The third row shows the bills introduced by the executive that proceed through the regular bicameral route. (nota: The judiciary also has the power of legislative initiative but is not included in the table. Their influence corresponds to 8% of the total number of laws passed in the period.) The bills introduced by the President are referred to the lower chamber and, upon their approval, delivered to the Senate. If the Senate makes changes, the bills then return to the lower house which has the final say before returning them to the President. The president has total and partial right of veto. This veto may be overturned by the **Congresso Nacional**,

i.e. both houses jointly. The figures in the last row refer to the legislature's initiatives and include legislation that follows these same proceedings. In fact, the third and the fifth row show how the legislature compete with the executive for legislative initiative³.

There are two types of budgetary laws. Comprehensive laws include the four yearly budget plans, budget guidelines, and the annual budget itself and correspond to 24 of the 516 in the table. Budgetary modifications refer to supplementary, additional, special and extraordinary transfers of resources from one budget source to the other.

The provisional decree (**medida provisoria**), established by article 62 of the 1988 Constitution, allows the president, in situations of urgency and relevance, to issue acts with immediate force of law. Congress must deliberate in 30 days, after which it loses its legal effects. But the executive can reissue the original decree if Congress does not make a final decision. This gives the executive a strategic advantage as far as it can keep its act in force only by preventing the voting on it. The costs of forming majority are transferred to the opposition.

The figures regarding provisional decrees do not consider the number of decrees issued which amounted to 1249 from 1988 to 1995⁴. The total represented in the table considers only the original decree, which incorporates all subsequent acts of reissuing. Despite this method of calculation, the volume of decrees is high, an average of 4.7 a month in the period 1988-1994.

By the data shown in Table 1, one can hardly say that recent Brazilian presidents met obstacles in Congress. There is a sharp difference between the results of the bills presented by the executive and the legislature. The overall rate of approval of Executive bills is high and rejections are rare, only 11 (2.4% of the total). The opposite happens to the legislature proposals. Rejection rates are much higher, around 20%. In absolute terms, the legislature approves and rejects almost the same quantity of its own proposals. It is also significant the amount of approved bills initiated by the legislature and then totally vetoed by the President. Congress also approves much faster the bills introduced by the executive than its own proposals.

There is no record of rejection in budgetary laws. The two types of laws in this category follow different proceedings. The comprehensive ones usually take longer. They follow specific regulations which we cannot cover here. The budgetary bills modifying previous appropriations, however, enter the legislative schedule like other ordinary proposals, but the passage of these bills is the fastest, an average of 54 days.

It is no surprise either that Provisional Decrees show the second highest average level of success. It is very difficult for Congress to repeal them entirely since their effect is immediate. The provisional decrees' rates of approval ranged from 68% to 100% in the period. Their variation depended on various conjunctural factors but tended to decline. This

³ It should be remarked that part of the Executive bills in the category 'Others' include legislation that only the Executive can initiate. These refer to the regulation of public offices and careers.

⁴ The table displays the figures until 1994 to maintain comparability with the data regarding other legislation. Elsewhere we analyse the whole period. The figure for 1988 refers to the remaining decree-laws that were transformed in provisional decrees.

fall, however, is not due to greater resistance from the legislature. On the contrary, there has been no provisional decree rejected since 1992. Approval rates declined because Congress stopped considering the decrees sent and the executive reissued them successively⁵.

The number of provisional decrees issued and then withdrawn may seem high, 44 in 355, 12% of the total, but these figures refer to two different situations: firstly, to decrees that expired simply because Congress did not take any decision on them and the Executive did not reissue them and, secondly, to revoked decrees. These actions, cannot be taken as a surrender, they result from changes in policy or in the subject under regulation. We know, for instance, that many decrees concern regulations of programs or policies that have a fixed length of duration, the expiration of which makes the maintenance of the legislation unnecessary.

Since the President can reissue provisional decrees, the time spent in Congress is not bound to the 30 days prescribed by the constitution. It corresponds to the period from the first date it was sent to Congress to the date a final action was taken upon the last reissuing. In the period, a provisional decree became law in 70 days on average. There was, however, a great degree of variation in the various administrations. They took in average of 30 days to pass during Sarney's government and 160 days during Franco's administration. Again, far from indicating greater resistance, these differences denote changes in the use of provisional decree by the executive and in Congress' reactions to it. (For the whole argument, see Figueiredo e Limongi, 1997)

Up to this point we have analyzed proposals whose outcomes derive directly from the executive institutional position. Rights to exclusivity and provisional decree power give the executive the capacity to condition the legislative agenda in both its timing and content. Let us now turn to the areas of legislation in which the legislature rivals the executive in initiating rights.

As compared to the provisional decrees and the budget laws, Table 1 shows a fall in the rate of approval of executive bills, 48%, i.e. 223 in 462. In addition, a significant proportion of bills were actually withdrawn (15% of the total), closed (8.5%) and in progress (24%). This may, at first sight, denote difficulties presidents might have faced for getting their policy proposals approved. However, a more detailed analysis of these results show that this seems not to be the case. Only 15 of the 76 bills withdrawn were submitted by the same president that called them back. The fact that an incumbent president withdraws bills introduced by previous ones cannot be taken as indicating difficulties with Congress. The most plausible explanation for this would be shifts in political priorities. This explanation could apply to bills withdrawn by the same President. Changes in ministries, for instance, may lead to policy shifts that would make the executive recall proposals introduced earlier. The same pattern occurs with the bills closed. That is, their proceedings ceased under different administrations. As to the 119 bills in progress when the data was collected, 108 were introduced under previous administrations.

Other evidence supports our interpretation that this legislation failed due to loss of interest by presidents rather than to Congress' resistance. The procedures they followed show that

⁵ We analyze the use of the provisional decree by the governments and Congress reactions in detail elsewhere. See Figueiredo e Limongi, 1997.

Congress collaborated with the executive. To fully explain this point, we should consider the internal organization of Congress.

Bills in Congress may be considered under special calendars in two situations. First, as mentioned earlier, according to presidential demand for time limits on voting. This demand can be made at the introduction of the bill or at any moment later. Then, each house should bring the bill to the vote by 45 days following the demand. This prerogative is not extensively used since the provisional decree is much more efficient for speeding up and approving legislation. A bill may also be considered under urgency procedures by decision of the legislature itself. In this case, the bill is discharged from the committee, having reported the proposal or not, and then referred directly to the floor. The right to amend bills scheduled under urgency procedures is restricted. Proposals under urgency procedures can be amended only by the committee or by one fifth of the house members or by leaders representing this number. According to house rules and practices, both the request and the approval of urgency procedures depend on party leaders (For details, see Figueiredo and Limongi, 1995, 1996).

The rates of approval for legislation are strongly linked with its scheduling being an urgent matter. Most laws initiated by the executive, that is, 134 of 223 (60%), were scheduled under urgency procedures. The bills rejected, closed, withdrawn and in progress, on the other hand, underwent regular scheduling. This shows that the executive could count on party leaders for scheduling its legislative proposals.

We have seen, from the data presented in Table 1, that the executive succeeded in getting its agenda passed, whereas the legislature's chances were dim. Table 2 shows that the contents of their agenda differ sharply. While executive proposals concentrated on economic and administrative matters, the legislature agenda comprised mainly social legislation. However, the rates of success varied according to the subject matter.

The executive obtained greater rates of approval for the economic and administrative proposals. Executive activities concentrate on these areas. The number of administrative laws suggests that to a large extent executive initiative focused on routine government activities. However, it is worth stressing not only the amount but also the importance of the bills passed in the economic area. This was indeed the main area of executive activity. The analysis of social and administrative legislation initiated by the executive shows that they were mostly supplementary to economic measures. For instance, many social laws enforced changes in the social security system for balancing the budget.

The social area is the only one in which the number of enacted bills initiated by the legislatures comes close to that initiated by the executive. However, the total number of proposals rejected and in progress attest Congress' inability to enact a social agenda. It seems that in this field the executive also find greater difficulties. Social proposals represent the larger proportion of proposals in progress.

Table 2
Results of all bills according to initiator and subject matter
1989-1994

Results Subject	Enacted		Rejected		In Progress	
	Exec (%)	Leg (%)	Exec (%)	Leg (%)	Exec (%)	Leg (%)
Economic	40 (201)	24 (42)	50 (11)	14 (23)	23 (31)	10 (30)
Administ.	34 (171)	11 (19)	41 (9)	22 (35)	31 (41)	7 (20)
Social	24 (120)	57 (100)	9 (2)	42 (66)	43 (56)	79 (241)
Other	2 (9)	8 (15)	-	22 (34)	3 (4)	4 (14)
Total	100 (501)	100 (176)	100 (22)*	100 (157)**	100 (132)	100 (305)***

* No inf.=4

** No inf.=1

*** No inf.=12

Obs. The bills withdrawn are not included because they refer only to the executive proposals.

In summary, constitutional rules grant the executive advantages in determining the timing and the content of legislation. Moreover, the internal organization of the legislature where party leaders hold asymmetrical rights regarding the legislative agenda and amendment prerogatives also contributes to executive dominance over legislative outcomes.

Those skeptical about our conclusions could object that the proposals sent might not represent the actual executive agenda since presidents, anticipating the difficulties they would face in Congress, might not send all the proposals they wanted. This is a real possibility and certainly it has happened. However, we do not know when, how often and which policy proposals such presidents wanted to carry out and did not even attempt because they anticipated obstacles. So, the mere possibility that this happened should not be taken as the basis for disputing conclusions about their real policy proposals. Moreover, it is difficult to assess the potential agenda of presidents based on their own allegations of difficulties. These may be part of the politics of blaming and taking credit. On the other hand, there is no reason to believe that presidents would never be willing to transfer the costs of rejection to Congress itself. A key point worth noting, is that the executive has access to information about previous behavior and the instruments it possesses. We recognize, however, that the data used does not allow us to give the final word on the subject. The executives' ability to have their agenda enacted is not an all or nothing question. Further studies are required to make the necessary qualifications of the general picture portrayed here.

Party behavior in the legislature: discipline and political support

The data reported in the previous section show that post 1988 Brazilian presidents have had most of their legislative initiatives approved by Congress. This outcome is at odds with the conventional wisdom about the Brazilian political system. Considering the literature on Brazilian parties, it may be argued that the presidents obtained these rates of approval for their agenda at high costs. They assembled these majorities through bargaining with each representative.

In this section we argue that this was not the case. The analysis of roll-call data in the Brazilian lower house, **Câmara dos Deputados**, show that parties behaved as collective actors. It shows also that Brazilian presidents relied on stable party coalitions to get their agenda approved. They have obtained political support more or less the same way prime ministers do, that is, by building government coalitions through the distribution of portfolios to political parties and thereby securing the votes they needed in Congress. The lines that divide presidentialism and parliamentarism seem not as sharp as the literature asserts.

The endemic weakness of Brazilian parties is well established in the literature. Excessive party fragmentation, politicians constantly changing parties and lack of party discipline are part of the same phenomena, i.e. the subjugation of Brazilian parties to personal interests and caprices of their members. According to this picture, one is forced to conclude that there are no parties at all. There are politicians and their interests. Individualism rules sovereign.

According to the specialized literature, electoral laws explain the prevalence of members' over party interests. The argument is well known: open list proportional representation stimulates internal party competition in the electoral arena. Moreover, party leaders do not control the access to parties' ticket. No matter what they have done in the Congress, the law assures that incumbents cannot have their access to the ticket denied. Party leaders do not control campaign finances either. Candidates raise funds on their own, without party control or support. Candidates run their campaigns as their own private business. Members of Congress do not owe seats to their parties. Party leaders cannot affect their chances of being reelected. Thus, they follow an individualistic strategy in the legislature.

The lack of party discipline in the legislature derives from the fact that politicians do not depend on parties to further their careers. Let us emphasize this point. The assertion that there is no party discipline does not rely on empirical analysis. It is entirely derived from the theory. However, we found that members of the same party do vote together and follow their party leader's directives.

To clarify some points, a word about the data is in order. In the Brazilian Congress, roll call is not the norm. It occurs only in specific situations. In constitutional amendments, for instance roll call is mandatory. The house internal rules do not require the recording of votes. Usually, representatives stand up or remain seated according to the Speaker command. This voting procedure is called "symbolic", but a roll-call takes place whenever requested by party

leaders⁶. Evidently leaders will force a roll-call based on political calculations⁷. Therefore, we are dealing with the more important and controversial issues that were under consideration in the Câmara. Thus, the set of decisions we are dealing with is marked by political conflict⁸.

Table 3 reports the proportion of cases that falls within Rice index intervals for the seven bigger parties (PT, PDT, PSDB, PMDB, PTB, PDS) and the two others we built by assembling the small right wing parties (PDIR) and the small left wing parties (PESQ). The figures do not seem to support the idea that one can not identify parties in the legislature. Party membership is a valuable information to predict a representative actual vote.

Table 3

**Proportion of roll-calls according to Rice Index Intervals by political party
1989-1995**

Rice Index Intervals	Party								
	PT	PDT	PSDB	PMDB	PTB	PFL	PDS	PDIR	PESQ
0 - 50	1.0	10.8	19.0	18.0	19.3	12.7	15.7	18.6	14.4
50 - 60	0.0	3.9	4.9	7.2	7.2	3.3	4.9	4.2	7.2
60 -70	0.7	6.5	6.5	12.7	9.2	4.2	7.2	7.2	9.8
70 - 80	1.3	11.1	11.8	16.7	12.4	9.5	7.5	11.1	8.5
80 - 90	8.8	21.6	21.6	17.3	17.0	17.0	21.2	22.2	16.7
90 - 100	19.6	19.0	17.0	21.6	9.2	31.0	20.6	22.5	2.3
100	68.6	27.1	19.3	6.5	25.8	22.2	22.9	14.1	41.2
Mean	96.0	81.1	75.2	71.6	73.1	81.2	76.9	74.4	77.8

Given roll call procedures in the Brazilian Congress, it is possible to identify a disciplined vote, that is, if a party member voted according to party directives. According to internal rules, leaders of parties holding at least 5% of the seats should announce the party position on the issue before the roll call vote. Besides declaring the party position against or for the proposal, party leaders can leave the question open, that is, to let members free to vote as they want. Therefore, for most cases, we know if a member voted or not according to the publicly announced party line.

⁶ Leaders of micro parties do not have this right. There are also some limitations as to the frequency of roll call requests to avoid using roll call as a filibustering methody.

⁷ They may expect to revert decisions and/or increase their adversaries' political costs due to the votes record. Besides, in a Congress plagued with absenteeism, roll call is a means to check quorum requirements.

⁸ Since mandatory roll-calls may comprise unanimous decisions, we excluded these decisions and the votes in which 90% of the legislators cast the same vote. For methodological details, see Limongi and Figueiredo 1995.

Table 4 shows the distribution of disciplined votes found in the Lower House. It clearly shows that discipline is the norm. The proportion of members voting according to the party position fell below 60% in only five cases. More than half of the cases registered a proportion of disciplined vote superior to 80%. The expected discipline rate is 89.6%.

Table 4
Proportion of Disciplined Votes
1989-1995

% of votes cast with the leader	No. of roll-calls	% of roll-calls	Cum %
0 - 60	5	1.6	1.6
60 - 70	24	7.8	9.5
70 - 80	107	35.0	44.4
80 - 90	169	55.2	99.7
90 - 100	1	0.3	100.0

One may argue that the data presented is not sufficient to establish that the levels of discipline are high. Indeed, this is a comparative statement and we are not comparing levels of discipline. Our point is that the observed pattern is much higher than the indicated by the existing literature. And, what is more important, the levels of discipline found were sufficient to render the decision making process predictable. One can predict results with great accuracy assuming perfect discipline, i.e. that all members followed their leaders. The expected outcome (approval or rejection) is confirmed in 92.8% of the cases. The decision making process is far from being random. Parties are meaningful actors in the legislature and strongly influence voting outcomes.

Let us now focus on the presidential agenda and its fate on the floor. We defined the presidential agenda as comprising two types of proposals. The first were the proposals introduced by the president himself. The second were the proposals regarding to which the government leader stated the government position on the issue before the voting. A total of 142 roll call votes met these criteria.

The pattern found for the whole data set was replicated in the presidential agenda. The results change little. Average parties' Rice index moves only 1% up or down at most. Average floor discipline remains close to 90%. Predictability remains the norm: 93.7% of the outcomes are correctly predicted. If the executive agenda comprises the most important issues voted by the House, discipline and predictability do not vary with importance of the issue.

Presidents won most votes on the floor. They did so by relying on disciplined vote. The presidential carried the day 122 times. Of these, 117 counting on disciplined vote. Unexpected victories occurred only in 5 votes. On the other hand, few presidential defeats were due to upsurge of indiscipline. Only 4, out of 20 defeats can be credit to indiscipline. Discipline is the

norm. Presidents rely on disciplined votes to have their agenda approved. That is to say, in order to approve their agenda, presidents have to seek support from parties.

Presidents may obtain partisan support on a case by case basis or by building stable coalitions. Most students of presidentialism, following Linz' original formulation, rule out the second alternative based on two related arguments. Firstly, since presidents derive their popular mandate directly from the people they will prefer to impose their will over Congress rather than to attempt to form coalitions. A recent study summarizes this reasoning:

“Presidents have their own independent popular mandate and are likely to be reluctant to cede the degree of power necessary to an opposition party in order to entice it into a legislative coalition. This is due to their independence as nationally elected officials, which often causes presidents to overestimate their power” (Jones, 1995: 6).

The second and complementary argument assumes that even if the president attempts to form a coalition, non-presidential parties have no incentive to join. Opposition parties have a dominant strategy: to remain in the opposition and wait their opportunity to control the presidency themselves. Their chances to conquer the presidency depend on the incumbent president's failure. The opposition will always be irresponsible. Once again, we find this argument in Jones:

“The principal opposition parties (or party) recognize that the Executive is on the whole the one responsible for the performance of the government. Thus they are often loathe to do anything to help the president succeed. Instead, they often adopt a policy of blind opposition with the end goal of causing the government to fail with the hope that one of their party leaders will be able to win the next presidential election” (Jones, 1995: 6-7).

We do not find either argument convincing. They are based on the assumption that the political game in presidential systems is always a zero sum game, due to political actors misperceptions. Besides, the game is defined as being played by two players, the president and the opposition. There is no reason to accept this assumption in a multiparty system. In fact this is implicit in the quote above which mentions “the principal opposition parties”. Non presidential parties do have incentives to join a government coalition.

We test the hypothesis that coalition governments are viable under presidentialism. The study of coalition government in parliamentary systems is advanced, but there is no theory that tells us with certainty what coalition will or will not form. The students of presidentialism seems to be in a better situation. They know for sure that coalitions will not be formed. Is that really true? We insist that it is necessary to look at what happens.

Again, reality does not fit theoretical predictions. Amorim Neto (1995) has shown that during the 1946-1964 and the 1985-1997 democratic periods in Brazil, presidents formed cabinets on partisan basis. About 70% of the cabinets in these periods were characterized as “coalition” cabinets as opposed to “cooptation” and “non-partisan” cabinets. Based on Amorim Neto's classification for the post-1988 period, we used the party composition of the cabinets to test

the performance of government coalitions in the lower house floor. Table 5 reports the basic information for the six cabinet identified by Amorim.⁹

Table 5
Government Coalitions
1989-1995

Cabinets	Parties	Proportion of seats in the Legislative*	initial date
Sarney	PFL - PMDB	56.5	01/89
Collor I	PDS - PFL - PTB (BLOCO)**	47.9	03/90
Collor II	PDS - PFL - PTB (BLOCO)**	52.6	04/92
Itamar I	PFL - PTB - PMDB PSDB - PSB	52.8	10/92
Itamar II	PP - PFL - PTB PMDB - PSDB	60.3	08/93
Fernando Henrique	PFL - PTB PMDB - PSDB	58.0	01/95

Source: adapted from Amorim Neto (1995) and from data collected by Rachel Meneguello (1996).

data on party' proportion of seats is ours.

* Câmara dos Deputados

** During Collor government, the PFL led the Bloco Parlamentar (parliamentary block) composed by most small right wing parties.

In order to assess the performance of the government party coalition in the legislature, we compare the position declared by party leaders with the position of the government leader. Table 6 reports the data for the seven bigger parties distinguishing their support for the government according to the periods they were and were not members of the presidential coalition. Note that only the PT and the PDT did not join any coalition, whereas the opposite happened with the PFL.

⁹ We used also data collect by Rachel Meneguello . We thank her for making them available to us.

Table 6**Party leader positions regarding government proposals by Cabinets
1989-95**

Party	Members						
	Support	%	Oppose	%	Open	%	Total
PT	0	-	0	-	0	-	0
PDT	0	-	0	-	0	-	0
PSDB	59	95.16	3	4.84	0	0	62
PMDB	59	84.29	3	4.29	8	11.43	70
PTB	95	70.90	15	11.19	24	17.91	134
PFL	114	80.28	7	4.93	21	14.79	142
PDS*	53	73.61	13	18.06	6	8.33	72
Party	Non Members						
	Support	%	Oppose	%	Open	%	Total
PT	29	20.42	110	77.46	13	9.15	142
PDT	35	24.65	95	66.90	12	8.45	142
PSDB	37	46.25	35	43.75	8	10.00	80
PMDB	48	66.67	21	29.17	3	4.17	72
PTB	5	62.50	0	-	3	37.50	8
PFL	0	-	0	-	0	-	0
PDS*	38	-	14	-	18	-	0

* PDS/PPD/PPR

The data show that the parties belonging to the presidential coalition do support the executive agenda. This support is not unconditional and absolute. But, it is also true that presidents rarely faces opposition from a member of his coalition. In general, the president can count with the parties that support him. It is worth noting that there is no unconditional opposition either. Even PT and PDT supported the government on specific substantive matter under appreciation. That amounts to say that presidents are not confined to collect votes on his coalition. The all or nothing strategy envisaged by Linz and others do not seem to occur.

Considering the behavior of the coalition as a whole, we may distinguish the following possibilities: 1) all parties belonging to the government coalition support the presidential agenda; 2) no coalition member opposes the government but at least one leaves the vote on the issue open; 3) at least one party from the government coalition opposes the presidential agenda; 4) all coalition members oppose the presidential agenda. Table 7, based on the party leaders' announced position, organizes the information regarding the votes on the executive agenda, according to the four alternatives listed above by each cabinet.

Table 7
Coalition Support for Presidential Agenda
1989-95

Cabinet	Party's Position				Total Roll-calls
	All parties support	At least one party leaves open	At least one party opposes	All party oppose	
Sarney	6	1	-	1	8
Collor I	43	6	12	1	62
Collor II	9	1	-	-	10
Itamar I	9	15	7	-	31
Itamar II	5	-	2	-	7
FHC	19	4	1	-	24
Total Roll-calls	91	27	22	2	142

Table 7 indicates that, in general, the parties in the cabinet coalition tend to vote with the government. In 64% (91 in 142 votes) of the cases all the leaders of the coalition support the executive proposal. Explicit defection by one or more members is rare, but defections do occur. Table 8 complements these information showing the data on the votes given by the members of coalitions. It shows then the average support on the floor for the executive agenda is very high when all parties support. The data reported shows that in case of conflict in the coalition, representatives follow their leaders rather than the government. There is no unconditional “governmentism”.

Table 8
Average Proportion of Coalition Votes for Presidential Agenda
Roll-calls votes - 1989-95

Cabinet	Party's Position			
	All parties support	At least one leaves open	At least one opposes	All oppose
Sarney	91.8	65.5	-	19.2
Collor I	92.8	70.4	50.9	13.1
Collor II	93.5	96.8	-	-
Itamar I	90.3	77.4	66.8	-
Itamar II	96.5	-	73.4	-
FHC	92.1	82.6	27.3	-
All	92.6	76.9	56.9	16.2

Table 9 split the support to the presidential agenda according to its source. We identify the following alternatives: a) the support obtained from the representatives that belong to parties from the presidential coalition; b) the support obtained from parties that do not belong to the presidential coalition but that supported the president on a given issue and c) the support obtained from members of the small parties to which no data on party stance is available and other sources¹⁰. We report the average percentual support for the presidential agenda over the total votes.

Table 9
Sources of Support for Presidential Agenda
Average Contribution over the Total
1989-1995

Cabinet	Support				Total
	Coalition	Issue Support	Small Parties	Other	
Sarney	49.1	9.7	4.9	4.4	68.0
Collor I	30.9	20.8	6.1	2.9	60.7
Collor II	39.9	19.5	0.8	7.6	67.9
Itamar I	45.6	11.7	11.6	2.9	71.8
Itamar II	57.1	15.7	8.1	1.6	82.6
FHC	51.1	8.9	7.1	5.9	73.0

The data at Table 9 shows that support to the presidential agenda comes mainly from the government coalition. In general, presidents could count on their coalitions to assure their victories in the floor. Collor, the only to form non-partisan or cooptation cabinets, according to Amorim's classification, have the smallest proportions of coalitional support. He is also the administration that counted with higher level of issue support. The important point to stress, however, is low proportions of votes in the category "Other" which includes the undisciplined vote and the votes coming from members whose leader left the question open. This means that the various administrations did not depend on the support of undisciplined members. Finally, the last column shows that these administrations were supported by supermajorities.

¹⁰ This last group includes the votes coming from parties that left the question open and due to indiscipline.

Institutional Power and Political Support

The systematic analysis of legislative outcomes and voting behavior presented here dispute predictions of prevailing theories. We have found neither rampant party indiscipline nor a legislature acting as an institutional veto player. The main questions then are the following. Why does the executive exercise such a great dominance on legislative outcomes in a multiparty system of separation of powers? Given electoral incentives and the lack of party control over candidacies, why is the voting pattern in the lower house structured by parties? How does the executive obtain political support in a system of separation of powers with high party fragmentation?

Two institutional features of the decision making system may explain the results reported here: the president's legislative powers and the distribution of power inside the legislature in favor of party leaders¹¹. Constitutional rules and house standing orders give agenda setting power to the president and the party leaders. They control the legislature's schedule. The agenda setters, as it is well known, count with significant strategical advantages. Firstly, they can block propositions that run against their preferences. The power over the agenda does not allow the agenda setters to impose their will against the majority's. But, it confers to a significant negative power in the sense that they can "close the gates" by preventing bills to reach the floor whenever they favor the *status quo* (Krehbiel, 1988).

The executive and the party leaders' control over the agenda imply that they have the means to neutralize the drive toward the distributive equilibrium. It is fair to assume that Brazilian legislators want to be reelected and that they see the approval of "pork barrel" bills as means to realize their objectives. If possible, they would engage in log-rolls. They may have the incentive to respond to the electoral imperative, that is, they may want to pursue particularistic and individualistic strategies that would lead to some kind of distributive equilibrium. In fact, they do so. They present an enormous amount of propositions and amendments. However, this does not guarantee that they succeed. According to specialists in the US Legislature, the committee system is the institutional framework that makes the electoral connection possible. We have nothing of this sort in the Brazilian Congress. We have a centralized decision making process much closer to the parliamentary model.

The advantages of agenda setter, however, are not purely negative. Even if we restrict our attention to a one-dimension decision space, the agenda setter has large room to exploring strategically the placing of propositions (see Krehbiel 1988 and Tsebellis 1995).

In a multi-dimensional space there is no guarantee that a majority equilibrium exists. Even if the majority prefers a set of points over the status quo, there is no guarantee that this majority will agree to vote for some specific proposition. Actors may even recognize that they may gain by forming a coalition but they have no guarantee that these coalitions will hold on the floor. Opportunistic behavior by some members of the coalition and/or from parties outside

¹¹ An important study on the role institutional arrangements play in shaping opportunities for competing political parties and party factions to coalesce into majorities is Huber's (1996).

the coalition may destroy the coalition. This is the problem of preserving the gains from trading votes that the American literature on Congress discusses.

The centralized control over the agenda solves this problem. The president and the party leaders use the agenda powers granted to them by the constitution and the standing orders to build majority coalitions. All they have to do is to choose a point that is Pareto superior for the majority. The power to restrict floor amendments protects the coalition against legislators' opportunism. The issue is reduced to a yes or no question.¹²

If the agenda setter uses his power strategically, all Pareto improvements will represent movements from the status quo toward his ideal point. Where he places the proposals depends on the relative positions of the status quo, the majority win-set and his ideal point. But he will not win if he proposes a move from the *status quo* outside the majority winset. Note also that any move from the *status quo* has to be approved by the agenda setter. He keeps his negative power.

Up to this point, the argument relied on the existence of a specific distribution of preferences. We have assumed that a set of alternatives superior to the *status quo* exists for a majoritarian coalition. If this set of points does not exist, no proposal is made on the subject and the status quo prevails. Note, however, that with the provisional decree power the executive can alter the *status quo*. Thus, it not only transfers the costs of forming an opposing majority to the legislature but the rejection of the proposal does not restore the *status quo*.

However, the Executive still has other resources. It has the power of the purse. It controls resources politicians want to run for reelection. The executive can punish indiscipline. Thus the existence of supporting coalitions does not depend exclusively on the distribution of the preferences.

Standard views about executive-legislative relations assume that presidents have no other way to obtain support for their initiatives than exchanging perks and appointments for votes. They do so on each vote. In this view, opportunistic legislators blackmail a weak presidency. The exchange is worth only one vote. If this is true for members of Congress, that is, if the president cannot expect their loyalty on the next voting, if the president has to offer him new perks tomorrow, why would the presidents honor his promise? The president does not need to trade such valuable resources at such a cheap price. The price may be higher. Presidents are in position to require support for their whole agenda. In other words, we claim that there are advantages in being a member of the government coalition. Politicians have gains if they join the government since they may influence policy making in ways that favor their electoral needs.

¹² Note that we are not saying that the centralization emerged as a response to the existence of this problem. We are not trying to explain the origins of the actual institutions. We do not want to offer a functionalist argument. Since Congress members themselves made these decisions, a most relevant task is to explain why they have chosen these institutions. We have analysed the debates during the constitutional assembly related to the establishment of the provisional decrees. We know also that the Lower House standing orders were object of a intense debate.

Finally, we want to stress two implications of our analysis. Firstly, it disputes the possibility of inferring legislators' behavior exclusively from electoral laws. In positive terms, it is necessary to consider the internal organization of the legislative work and other means by which leaders can punish recalcitrant rank-and-files.

Secondly, it questions the treatment of presidentialism and parliamentarism as two radically distinct forms of government. To understanding the logic of the decision making in these systems, other variables should be taken into account. The search for peculiarities of presidentialism has blurred the analysts' views. It is widely recognized that executive control over the legislative agenda is a central feature of the parliamentary system. Given the separation of powers, most analysts accepted that the same predominance is not possible under presidentialism although presidents, by definition, hold legislative power. At most, legislative powers of president were thought of as means to bypass an institution assumed as antagonist (see Shugart and Carey).

Legislative powers of the president are not a means to bypass an antagonist institution. They provide presidents with the means to entice part of the legislature's members into a cooperative strategy. This allow us to dispute Tsebellis conclusion regarding the basic difference between parliamentary and presidential systems. According to him, control over the agenda distinguishes these two systems. In his words: "In parliamentary systems the executive (government) controls the agenda, and the legislature (parliament) accepts or rejects proposals, while in presidential systems the legislature makes the proposals and the executive (the president) signs or vetoes them" (1995:325). In some presidential systems the executive does count with this strategic advantage. The control over the agenda also varies within presidential systems.

Following the argument put forth by Cox (1987) we demonstrated here that centralized control over the agenda has strong effects on party discipline. Back-benchers have their capacity to participate in the policy making process curtailed. Centralization denies the access to the resources back-benchers need to influence legislation. The bills and the amendments they introduce do not reach the floor. All they can do is to vote yes or no for a agenda that is defined without their effective participation.

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