

Political Reform in Brazil

Promises and Pitfalls

Amaury de Souza

Policy Papers on the Americas
Volume XV, Study 3

April 2004



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This report was prepared under the aegis of the CSIS Policy Papers on the Americas series. Comments are welcome and should be directed to:

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Glossary of Major Political Parties

Leftwing

PC do B	Communist Party of Brazil
PDT	Democratic Labor Party
PPS	Popular Socialist Party
PSB	Brazilian Socialist Party
PT	Workers' Party
PV	Green Party

Center

PMDB	Party of the Brazilian Democratic Movement
PSDB	Brazilian Social Democratic Party

Rightwing

PFL	Liberal Front Party
PL	Liberal Party
PMN	Municipalist National Party
PP	Progressive Party (formerly PPB, Brazilian Progressive Party)
PRN	National Reconstruction Party
PRONA	National Order Restructuring Party
PSC	Social Christian Party
PSD	Democratic Social Party
PSDC	Social Christian Democratic Party
PSL	Social Liberal Party
PST	Social Labor Party
PTB	Brazilian Labor Party

Political Reform in Brazil

Promises and Pitfalls

*Amaury de Souza*¹

Introduction

In October 2002, former labor leader Luiz Inácio Lula da Silva won a crushing victory in his fourth bid for the presidency. Lula broke all sorts of voting records, amassing 52.7 million ballots (61.3 percent) in the second round of the presidential election against only 33.3 million (38.7 percent) for his opponent, the former health minister José Serra. The election was also unprecedented as a dispute between two men of remarkably humble origins. Lula is the child of rural farm workers, while Serra is the son of a street fair salesman. Both came from São Paulo, the center of political and economic modernization in the country, and won their political credentials fighting the military regime.

Soon after his election Lula confronted Brazil's political conundrum: a president elected by a majority vote trying to govern with a fragmented Congress. Even though his promises of big social improvements shifted votes, granting him a strong popular mandate, the shifts fell short of producing a major political realignment with the formation of a new majority. The leftist Workers' Party (PT), which Lula helped to found in 1980, showed extraordinary growth, producing 91 deputies (the largest caucus in the lower house of Congress) and 14 senators (the third-largest caucus in the upper house). However, this development meant that the PT still held less than 20 percent of the seats in Congress. After the runoff election, Lula had to forge a political alliance of disparate political parties. To the left, the alliance included the PT, the Communist Party of Brazil (PC do B), the Brazilian Socialist Party (PSB), Democratic Labor Party (PDT), Popular

¹ I am indebted to Antonio Octávio Cintra, Bolívar Lamounier, and Octavio Amorim Neto, who read and commented on an earlier draft. I am also indebted to Scott Mainwaring, Mark P. Jones, Alberto Almeida, and Carlos Ranulfo de Mello for providing me with their research data. However, the responsibility for the ideas expressed in this paper remains mine.

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Socialist Party (PPS) and the Green Party (PV) while, on the right, it embraced the Liberal Party (PL), Brazilian Labor Party (PTB), and the Municipalist National Party (PMN). Because they were mostly small parties, the PT being the largest, Lula's nine-party coalition held only 220 (of 513) seats in the lower house and 31 (of 81) in the Senate. Thus, the new president was not assured of a legislative majority, much less of the three-fifths of the vote in both houses of Congress required to approve the constitutional amendments that formed the backbone of his presidential program. He could also count on only three governors out of 27 for support. These, in turn, hailed from small states with little economic or political clout, an extremely narrow base of support in a large, decentralized federation such as Brazil.

The support of at least one of the other major parties was needed, and the catch-all Party of the Brazilian Democratic Movement (PMDB) emerged as the logical candidate. Indeed, a number of its leaders had thrown their support to the PT during the 2002 campaign even though the party was at the time a formal member of then-President Fernando Henrique Cardoso's coalition. Meanwhile, having failed to win a majority in the lower house elections, the government contrived to obtain a majority by having other legislators switch parties after the elections.

When the new Congress initiated its session in February, the government coalition had already grown to 254 legislators in the lower house. Lula's center-right allies were the ones to benefit the most from the rush by newly elected congressmen to abandon the parties that had elected them in favor of membership in pro-government parties. The PTB and the PL saw their congressional representation soar from a combined 54 to 78. Losers included those parties that now found themselves in opposition to the government (the PSDB and the PFL), or that had not yet decided on which side of the fence the grass was greener (the PMDB and the PP). Three small parties (PSD, PST, and PSDC) lost all of their congressional representation and effectively disappeared.

Even some of the government's putative allies saw their numbers reduced as legislators sought to reposition themselves, an indication that leftist parties are not immune to party disloyalty. The PDT and the PSB elected 43 congressmen but could seat only 28 in the Chamber of Deputies a year later. However, other leftist parties such as the PPS benefited with its caucus rising from 15 to 21 members. Only the PT and the PC do B saw their caucuses remain intact, largely because of rigid recruitment criteria.

The game of partisan musical chairs reached its apex in the days just before October 1, 2004, a key deadline for candidates in the 2004 municipal elections to declare definitive party affiliations. With the PMDB seemingly in its pocket plus large numbers of renegades attracted to its banner, the government coalition swelled to 341 members of the lower house of Congress— 55 percent more than the member parties had managed to elect in the 2002 balloting. In the Senate, the government's numbers rose from 31 to 53.

Lula now has a huge majority when it comes to voting on key reforms but must continuously meet the challenge of managing a highly fragmented base of

support as well as a fragmented administration, because nearly the entire spectrum of the coalition is also represented in his cabinet. There is a paradox in all this for his government. Where the PT and its leftwing allies represented 75 percent of the coalition after the election, today they account for only 47 percent. The same thing has happened in the Senate, in which the leftwing parties have diminished from 77 percent to only 46 percent of the coalition. Conservative congressmen now represent the main pillar of support for the Lula government.

All this bodes ill for the future. Democracy was strengthened by the alternation in power brought about by Lula's election itself, but it can be undermined if effective governance requires wrenching political compromises. Party switching remains a prime mechanism for crafting legislative majorities while depriving millions of Brazilians of any meaningful vote. Patronage and pork-barrel politics are still needed to glue all sorts of parties into a governing coalition and to coordinate the ragbag of weak and loosely disciplined parties in Congress. To make matters worse, coalition partners will sooner break ranks than rally around the president should his popularity plummet. The Lula administration's political woes put the lie to the notion that Brazil's political institutions, whatever its faults, can sustain democratic governance.

When does unchecked horse-trading for the sake of governance make reform a political necessity? Brazilian politicians tend to reiterate their support for political reform while resisting efforts to change the country's entrenched politics of personalized electioneering and fluid party allegiances. When corruption scandalized the Congress into unseating President Fernando Collor, many proclaimed that the possibility of impeachment had made political reform superfluous. A few years later, the need for reform was again decried because of Cardoso's success in passing ambitious economic and public sector reforms in Congress. Political reform has remained an issue to the present day largely because of recurring scandals in congressional and executive offices, the dogged perseverance of a few legislators, and intermittent prodding by Brazil's Higher Electoral Court.

The issue was recently driven back onto the agenda as the lower house Select Committee on Political Reform released a proposal to overhaul party and electoral rules. The bill outlines a basic but contained reform dealing with campaign financing, multiparty alliances in legislative elections, and party control over candidate selection. The explicit goal is to strengthen parties and promote stable government. Many will be delighted if the bill sinks and things are left as is. The need to build sustainable political institutions, however, should encourage a bold retooling for the future, even if the move to a new system is unlikely to be achieved before the election after next.

The Political Reform of 1988

The unstable nature of democratic governance in Brazil has been dramatized as a recurring clash between presidents elected by national majorities and political

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institutions designed to give veto powers to minorities.² These institutions include a bicameral legislature, a decentralized federation with strong state governments, a multiparty system, and proportional representation legislative elections. To avoid gridlock, Brazilian presidents have had to wrought coalition governments and legislative majorities out of a weak and fragmented party system.³

A complex electoral system, still in operation, combines majority elections for executive offices (president, state governors, and mayors) with proportional representation elections for the legislative branch (Chamber of Deputies, state assemblies, and municipal councils). Open-list, proportional representation elections contested in huge multi-seat districts foster the proliferation of weak parties, dominated by personal interests, contributing to the dispersal of partisan power in Congress.⁴ Malapportionment also distorts party representation as lightly populated states are over-represented in the lower house to counterbalance the electoral strength of populous states.

In the past, multiparty presidentialism generated imbalances that occasionally threatened democratic stability. The president and Congress were often at loggerheads, each intent on exercising its power to the maximum extent possible, while a rancorous opposition sought to paralyze the government. In 1964, mounting political radicalization prompted the military to intervene and overthrow the government.

When Brazil managed to extricate itself from military rule 20 years later, the desire to dismantle military-imposed political institutions such as indirect elections for executive offices and strict rules of party discipline led the president and Congress to virtually eliminate constraints on party formation and functioning. The result was rampant party proliferation, with renegades breaking away to form new splinter parties. In 1982, there were 5 parties in Congress; by 1986, the number had climbed to 12.

In late 1985, then-President José Sarney appointed an advisory commission to create a draft constitution. The Provisional Commission for Constitutional Studies, known as the Arinos Commission, proposed full-fledged political reform:

² See Bolívar Lamounier, "Brazil: Inequality against Democracy" in Larry Diamond, Juan Linz, and Seymour Martin Lipset, eds., *Politics in Developing Countries: Comparing Experiences with Democracy* (Boulder, Colo.: Lynne Rienner Publishers, 1995); Scott Mainwaring, *Rethinking Party Systems in the Third Wave of Democratization: The Case of Brazil* (Palo Alto, Calif.: Stanford University Press, 1999); and Barry Ames, *The Deadlock of Democracy in Brazil: Interests, Identities, and Institutions in Comparative Perspective* (Ann Arbor, Michigan: University of Michigan Press, 2001). For a different interpretation, see Argelina Figueiredo and Fernando Limongi, *Executivo e Legislativo na Nova Ordem Constitucional* (Rio de Janeiro: Editora Fundação Getúlio Vargas, 1999).

³ This arrangement has been dubbed multiparty or coalition presidentialism. See Sérgio Abranches, "Presidencialismo de Coalizão: O Dilema Institucional Brasileiro," *Dados* 31 (1988): 5–34.

⁴ Voting districts (known as electoral circumscriptions) are coterminous with the territory of each state and can be as large as the present-day São Paulo state, with over 26 million voters.

transition to a French-style parliamentary system; a German-inspired mixed-member electoral system, combining plurality elections in single-member districts with closed-list proportional representation elections in large multi-seat constituencies (*voto distrital misto*); and a national vote threshold to exclude small parties from congressional representation. The Arinos Commission report was shelved but a similar proposal was brought to a vote in the Constituent Congress. The parliamentary proposal became inextricably tangled with an attempt to shorten Sarney's term of office and was defeated in 1988 under strong pressure from the government. Bitterness over defeat led to a schism in the PMDB. The breakaways formed the PSDB and succeeded in shifting the decision on the system of government to a plebiscite to be held in 1993.

Without strong leadership, the 1988 constitution was pasted together in a piecemeal fashion, subject to the ebb and flow of political influence. Rather than crafting more efficient institutions, the legislators partly restored pre-military institutions that put a premium on the protection of minority rights over the formation of solid governing majorities.⁵ The new constitution granted the Congress the power to nullify executive actions that exceeded the government's authority, lowered the quorum required for overriding presidential vetoes, and expanded the power of congressional committees. However, it did not restore congressional authority over the budget.⁶ Brazil's three-tiered federation was radically decentralized, with an expanded revenue sharing arrangement and greater autonomy for state and local governments. Seat apportionment in the Chamber of Deputies became even more lopsided as the constitution set a minimum of eight and a maximum of 70 seats per state.⁷ The constitution also broadened access to the judicial system and augmented the discretionary power of judges. These new powers have often been used to question government policies and to politicize judicial decisions.

To impart cohesion to the whole and counterbalance centrifugal forces set in motion by the new institutional architecture, the constitution also expanded the powers of the president. First, it adopted a double-balloting system to ensure that the president would be elected by a majority of the vote, which would supposedly

⁵ See Bolívar Lamounier and Amaury de Souza, "Changing Attitudes Toward Democracy and Institutional Reform in Brazil," in Diamond, ed., *Political Culture and Democracy in Developing Countries*.

⁶ See Figueiredo and Limongi, *Executivo e Legislativo na Nova Ordem Constitucional* and Antônio Octávio Cintra and Marcelo Barroso Lacombe, "A Câmara dos Deputados na Nova República: A Visão da Ciência Política," in Clóvis Brigagão, ed., *O Poder Legislativo no Brasil* (Rio de Janeiro: Centro de Estudos das Américas/Editora Logon, 2003).

⁷ For a comparative assessment of Brazil's federation, see Alfred Stepan, "Federalism and Democracy: Beyond the U.S. Model," *Journal of Democracy* 10 (October 1999): 19–34. Abrucio pointed out that decentralization created an "ultrapresidentialist" system at the state level, in which governors have undisputed authority over the state legislature and, in many cases, over the state judicial system. See Fernando Luiz Abrucio, "Reforma Política e Federalismo" in Maria Victoria Benevides, Paulo Vannuchi, and Fábio Kerche, eds., *Reforma Política e Cidadania* (São Paulo: Instituto Cidadania e Editora Fundação Perseu Abramo, 2003), p. 262.

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endow his office with a commensurate measure of authority. Second, to prevent the president from being harried into paralysis, the constitution maintained the military regime's executive decree, but reversed its *modus operandi* under the guise of so-called provisional measures. Executive decrees became law if not voted on by Congress within 30 days; provisional measures now expire after 60 days for the same reason.

The newly created political institutions were given an acid test in the 1989 presidential election with disastrous results. Runaway inflation spurred voters to search for a candidate who could bring the economy under control. The first round election ended in a near tie between neoliberal Fernando Collor de Mello and the PT leader, Lula. Collor won the run-off election by a narrow margin amidst a rancorous polarization of left and right.⁸ Collor's makeshift party, the PRN, held only 5.2 percent of the lower house seats while the president freely resorted to provisional measures to move emergency economic legislation through Congress. Collor's abrasive style and abuse of his decree powers to circumvent congressional oversight created mutual ill will. His fate was sealed when evidence of corruption in high offices surfaced. He was impeached by Congress in late 1992 and replaced by Vice President Itamar Franco.

Rather than move Congress to streamline unbalanced political institutions, Collor's impeachment effectively halted the drive toward political reform. Impeachment became a nostrum for the ills of presidentialism.⁹ The new constitution provided for two windows of opportunity to update its more controversial provisions: first, a plebiscite on the system of government and, second, a period of constitutional revision during which amendments could be approved by a simple majority rather than the required three-fifths vote. The results dashed hopes for political reform. The 1993 constitutional revision ended in fiasco. Among the few measures approved was a shorter presidential term of office that made executive and legislative elections concurrent from 1994 onward. The voters also opted for the status quo, defeating parliamentarism by a margin of two to one.

Fortuitous circumstances brought the PSDB reformers to power shortly afterward. In late 1993, President Franco appointed PSDB Senator Fernando Henrique Cardoso as finance minister to implement a new stabilization policy. Cardoso's success in taming inflation won him a clear mandate from an overwhelming majority of the voters in the 1994 presidential election. He was reelected in 1998, again defeating Lula in the first round election.¹⁰ The irony of

⁸ For the rise and fall of President Collor, see Amaury de Souza, "Collor's Impeachment and Institutional Reform in Brazil," in Keith S. Rosen and Richard Downes, eds., *Corruption and Political Reform in Brazil: The Impact of Collor's Impeachment* (Miami: North-South Center Press, 1999), pp. 87–118.

⁹ *Ibid.*, p.105.

¹⁰ For a political overview of the Cardoso administration, see Amaury de Souza, "Cardoso and the Struggle for Reform in Brazil," *Journal of Democracy* 10 (1999): 49–63; Susan Kaufman Purcell and Riordan Roett, eds., *Brazil Under Cardoso* (Boulder, Colo.: Lynne Rienner Publishers, 1997); Helena Chagas, "Relações Executivo-Legislativo" in Bolívar Lamounier and Rubens Figueiredo, eds., *A Era FHC: Um*

Cardoso's rise to power is that political reform, an issue that he had long championed, was crowded out of the agenda as he strived to pass an ambitious agenda of constitutional amendments to consolidate his stabilization plan, implement market reforms, and streamline the operation of government. His success led many to reject, as unnecessary, any initiative for political reform.¹¹

In the 1980s, the appeal of political engineering had galvanized the energies of a whole generation of reformers who saw the transition away from military rule as a unique opportunity to shape the evolution of Brazil's political system. But the promise of change withered as political elites retreated from reform for reasons of political expediency as well as disenchantment with the possibility of change by constitutional fiat.

Political Learning and Strategic Innovation

Cardoso's capacity to rein in inflation exerted powerful effects upon the political process and allowed him to abandon established tactics and to embrace strategic innovation in both electoral and congressional politics. His leadership skills and judicious use of post-1988 political institutions transformed the political terrain on which politicians and parties operated and effectively rejuvenated Brazilian presidentialism.

Cardoso's coalition-building strategy was a key innovation.¹² Most pundits recoiled at his initiative to bring the social democratic PSDB and the center-right PFL into an alliance, to which catch-all parties, such as the PTB, PMDB, and the former PPB, later attached themselves. Since he was elected at the same time as the new congress and a new crop of state governors, the party alliance grew into a

Balanço (São Paulo: Cultura Editores Associados, 2002), pp. 331–367; and Bolívar Lamounier, "Brazil: An Assessment of the Cardoso Administration" in Jorge I. Domínguez and Michael Schifter, eds., *Constructing Democratic Governance in Latin America* (Baltimore: Johns Hopkins University Press, 2003), pp. 269–291.

¹¹ Cintra and Lacombe "A Câmara dos Deputados na Nova República." Also, Timothy J. Power, "Why Brazil Slept: The Search for Political Institutions, 1985–1997," paper presented the Annual Meeting of the Latin American Studies Association, Guadalajara, Mexico, April 1997.

¹² The Cardoso administration's use of the presidential powers of patronage and of decree to harness a legislative majority has been dubbed "rationalized coalition presidentialism" in contrast to the 1946–1964 pattern of "factional presidentialism," in which the coalition-building formula consisted of using patronage to create pro-government factions inside all relevant parties and hence damage the ability of presidential hopefuls to mobilize legislative opposition. The core argument is that effective executive-legislative bargaining now requires stronger legislative parties in light of the president's enlarged powers, especially the exclusive right to initiate legislation on budgetary matters. As Congress is deprived of the right to make appropriations on behalf of legislators, there is a strong incentive for legislative parties to exchange a disciplined floor-voting behavior for patronage doled out by the president. See Fabiano Santos, "Partidos e Comissões no Presidencialismo de Coalizão," *Dados* 45 (2002): 237–264. Also see, Octávio Amorim Neto and Fabiano Santos, "The Executive Connection: Presidentially Defined Factions and Party Discipline in Brazil," *Party Politics* 7 (2001): 213–234.

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governing coalition able to secure the extraordinary majorities needed to pass constitutional reforms. He streamlined his congressional base of support by recruiting partisan ministers and allotting cabinet shares in proportion to the legislative weight of the political parties to ensure a disciplined vote on the floor.¹³ He also made adroit use of the sweeping legislative decree powers and control over the federal budget granted him by the 1988 constitution to sustain a legislative majority and ward off the possibility of gridlock.

Optimistic expectations generated by a string of legislative victories during Cardoso's first term of office kept the issue of political reform on the political backburner. However, the belief that the political system was working well enough as it was and that it would work even better with more institutional experience was shaken by later developments. Cardoso's reduced ability to push his legislative agenda through Congress after his popularity plummeted in the wake of the 1999 currency devaluation as well as the growing animosity between the PFL and the PMDB, which ultimately undermined his governing coalition and increased the already corrosive public cynicism about Congress, were dire reminders that the underlying political structures remained unchanged.

The issue at stake is whether the post-1988 institutions have changed Brazil's political system in a permanent manner or if the patterns observed under Cardoso resulted from imponderable circumstances, such as presidential leadership or a propitious climate of opinion. Even if presidential agency was able to forge governing majorities out of fragmented parties in the past, why expect the trend to continue?

Brazil's Political Party System

Presidential leadership has been the bellwether for relations between the executive and the legislative branches of government. But building a multiparty governing coalition to translate the popular endorsement of the president's platforms into actual policy output is a complex form of party and regional gamesmanship. One hurdle is party fragmentation in Congress, which has been exacerbated by permissive electoral rules that give parties with little electoral weight access to legislative representation.

Although proportional representation tends to produce numerous parties, electoral rules can reduce party fragmentation. Brazilian rules include no national vote threshold,¹⁴ but the way votes are converted into seats creates an implicit barrier to entry because parties that fall under the electoral quotient (i.e., the total number of votes cast divided by the number of seats) secure no legislative seats at all. Those parties that surpass the electoral quotient may receive a large seat

¹³ See Octávio Amorim Neto, "Presidential Cabinets, Electoral Cycles, and Coalition Discipline in Brazil" in Scott Morgenstern and Benito Nacif, eds., *Legislative Politics in Latin America* (New York: Cambridge University Press, 2002), pp. 48–78.

¹⁴ Brazil's 1995 political parties law requires that a threshold be enforced in the 2006 legislative elections. To win recognition in Congress and thus have leadership and committee assignment privileges, parties must win 5 percent of the national vote with at least 2 percent in one-third of the states.

bonus, because they are entitled to participate in the division of remainders according to a formula (*d'Hondt*) that favors larger parties. That barrier, however, is of no practical importance where multiparty alliances are allowed to form during legislative election campaigns. Small parties that are unable to secure enough votes by themselves are driven to join forces with larger parties to win legislative seats becomes irresistible, even at the price of passing valuable resources onto the alliance partners, such as free time for political propaganda on television and radio.

Partisan concentration of power in the lower house has alternated with power dispersal over the past two decades without a discernable trend. The sheer number of parties is a poor indicator of party fragmentation because the nominal count includes small parties unable to exert influence on congressional decisionmaking. What matters is the effective number of parties, as shown in table 1.¹⁵

Despite the sharp increase in the number of parties represented in the lower house from 1982 to 1986 (from 5 to 12), party fragmentation only peaked in 1990, when the effective number of parties jumped to 8.7. Two large parties (the PMDB and PFL), which held 77 percent of the seats in 1986, had their share of seats reduced to 37 percent in 1990. Under Cardoso, there was an incipient trend toward partisan concentration of power (during his two terms of office, the parties in his coalition increased their share of seats from 66 percent to 73 percent, and the effective number of parties declined from 8.1 to 7.1). This trend apparently has been reversed after Lula's election. The PT alliance with the PL and the minor leftist parties boosted the small and mid-sized parties' share of seats from 22 percent to 29 percent, driving the effective number of parties up to 8.5. Cardoso's five-party coalition secured a three-fifths majority in both houses of Congress whereas Lula has had to mobilize the support of 10 (or 11, if the PP is included) various parties to obtain the same result.

The scale of party organization adds another complication to coordination efforts in Brazil's multiparty governing coalitions. In fragmented party systems, the division of Congress along partisan lines is compounded by the influence of geographic constituencies.¹⁶ Large national party organizations are required to overcome the incentives provided by federalism for parties to organize and to compete at the state level. Nationalization requires that political parties set up and maintain a nationwide structure that allows them to effectively compete for the

¹⁵ The standard measure of the effective number of parties is Laakso and Taagepera's index, which assigns more weight to larger parties while screening out very small parties. See Marku Laakso and Rein Taagepera, "Effective Number of Parties: A Measurement with Application to West Europe," *Comparative Political Studies* 12 (April 1979): 3–27.

¹⁶ Brazil's decentralized pattern of federalism affects the pattern of party politics in many ways. In his analysis of the role of state governors in national politics, Samuels shows that coattail effects in Brazilian politics tend to be more influential in gubernatorial elections than in presidential elections. State-level connections are often more important for candidates running for the lower house than the support they receive from national parties or presidential candidates. Federal deputies are therefore more reluctant to depend on national party leaders. See David J. Samuels, *Ambition, Federalism and Legislative Politics in Brazil* (Cambridge: Cambridge University Press, 2003).

Table 1. Evolution of the Lower House Party System (percent of seats)

Parties	1982	1986	1990	1994	1998	2002
PP ^a	49	7	8	10	12	9
PMDB	42	53	21	21	16	14
PDT	5	5	9	6	5	4
PTB	3	3	7	6	6	5
PT	2	3	7	9	11	18
PFL	-	24	16	17	20	16
PL	-	1	3	2	2	5
PPS ^b	-	0.6	0.6	0.4	0.6	3
PDC	-	1	4	-	-	-
PC do B	-	0.6	1	2	1	2
PSB	-	0.2	2	3	4	4
PSC	-	0.2	1	0.6	0.4	0.2
PRN	-	-	8	0.2	-	-
PSDB	-	-	7	12	19	14
PRS	-	-	0.8	-	-	-
PTR/PP	-	-	0.4	7	-	-
PST	-	-	0.4	-	0.2	0.6
PMN	-	-	0.2	0.8	0.4	0.2
PSD	-	-	0.2	0.6	0.6	0.8
PV	-	-	-	0.2	0.2	1
PRP	-	-	-	0.2	-	-
PSL	-	-	-	-	0.2	0.2
PRONA	-	-	-	-	0.2	1
PSDC	-	-	-	-	-	0.2
Parties Represented ^c	5	12	19	18	18	19
Effective Parties ^d	1.8	2.8	8.7	8.1	7.1	8.5
Number of Deputies	479	487	503	513	513	513

a. Formerly PDS/PPR(PTR-PP)/PPB.

b. Formerly PCB.

c. Number of legislative parties in the first year of a new legislature.

d. Marku Laakso and Rein Taagepera, "Effective Number of Parties: A Measurement with Application to West Europe," *Comparative Political Studies* 12 (April 1979).

Sources: Data on the effective number of parties are adapted from Olavo Brasil de Lima Jr. and Fabiano Santos, "O Sistema Proporcional no Brasil: Lições de Vida," in Olavo Brasil de Lima Jr., ed., *Sistema Eleitoral Brasileiro: Teoria e Prática* (Rio de Janeiro: IUPERJ/Rio Fundo Editora, 1991), pp. 133–152; see also Octávio Amorim Neto, "Presidential Cabinets, Electoral Cycles, and Coalition Discipline in Brazil" in Scott Morgenstern and Benito Nacif, eds., *Legislative Politics in Latin America* (New York: Cambridge University Press, 2002), pp. 48–78; and Santos (2002) [PLEASE REPLACE WITH FULL CITATION].

country's presidency and to present candidates in the legislative elections in every state.¹⁷

The concept of party and party systems nationalization can be useful in this regard if by nationalization we mean, as Jones and Mainwaring do, a relatively even share of the party vote across sub-national units, whether provinces or

¹⁷ Mark P. Jones and Scott Mainwaring, "The Nationalization of Parties and Party Systems: An Empirical Measure and an Application to the Americas," *Party Politics* 9 (2003): 139–166.

states.¹⁸ Rather than focusing on presidential elections, lower house elections provide more reliable evidence on the extent to which candidates for legislative seats have to tie their fortunes to a national party leadership in order to be elected. As happened with the PSDB in 1994 and 1998 and with the PT in 2002, a party can be highly nationalized in presidential elections, and yet weakly nationalized in lower house elections.¹⁹ The results for Brazil are shown in table 2.

Table 2. The Nationalization of Parties and Party Systems in Brazil

Election dates	Brazil	PTB	PMDB	PT	PFL	PSDB	PDT	PP ^a
1986	0.65	-	0.84	0.60	0.71	-	0.49	0.41
1990	0.51	0.37	0.63	0.64	0.59	0.53	0.51	0.47
1994	0.51	0.40	0.69	0.67	0.55	0.55	0.54	0.50/0.52
1998	0.61	0.53	0.74	0.69	0.68	0.70	0.54	0.64
2002	0.64	0.70	0.76	0.73	0.61	0.69	0.66	0.60
Average	0.58	0.50	0.73	0.66	0.63	0.61	0.55	0.51

a. PDS in 1986 and 1990; PP/PPR in 1994. Only parties with at least 5 percent of the vote are included. Figures are party and party system nationalization scores.

Source: Scores for the 1986–1998 period can be found in Mark P. Jones and Scott Mainwaring, “The Nationalization of Parties and Party Systems: An Empirical Measure and an Application to the Americas,” *Party Politics* 9 (2003): 152; for 2002, Jones and Mainwaring, private communication.

In comparative perspective, Brazil has one of the least nationalized party systems of the Americas. It ranks with Ecuador as one of the least nationalized countries along with Peru, Argentina, Bolivia, Venezuela, Guatemala, and Canada (countries with scores ranging from 0.57 to 0.77). Mexico, the United States, and El Salvador belong to the intermediate group of countries with party system nationalization scores much higher than Brazil’s (0.82 to 0.85) but still lower than those countries that are highly nationalized—Chile, Uruguay, Costa Rica, Honduras, Jamaica, and Nicaragua (0.86 to 0.93).

Contrasts are even sharper in the case of individual political parties. As a rule, larger parties tend to be more nationalized because they can present candidates and win legislative seats in virtually all states. Highly nationalized parties (scores of 0.92 and above) tend to have high national vote shares, such as Uruguay’s Partido Colorado (34 percent) or Mexico’s Partido Revolucionario Institucional (42 percent). In turn, the largest Brazilian parties are unable to win more than 15 percent of the national vote apiece.

Although Jones and Mainwaring’s conclusion that Brazil’s “national party system is a pastiche of state party systems”²⁰ may be too harsh, it is apparent that party nationalization has been an erratic and uneven process. Brazilian party

¹⁸ Ibid., p. 161. To measure nationalization, Jones and Mainwaring use the Gini coefficient, subtracted from 1. Thus, a score of 1 indicates a high level of nationalization, meaning that a party received the same share of the vote in every state. Conversely, a score of 0 means that it received the totality of its vote in one single state and nothing in all the rest.

¹⁹ Ibid., p. 145.

²⁰ Ibid., p. 150.

system nationalization scores were higher in 1986 than they are today, indicating that the decline of the pre-1988 dominant parties (the PMDB and the PFL) foreshadowed a dealignment of political forces. Whereas the PT may be the harbinger of a new cycle of national politics, having consistently competed for the presidency since free elections were reinstated as well as strived for nationwide organization, persistent party fragmentation may delay the nationalization of the regional mosaic of political forces.

Accountability of Legislators to Voters

One reason why Brazilian parties are weakly organized is arguably the open-list system. Although voters are allowed to cast a ballot for a candidate or the party label, the party share of legislative seats is distributed to the candidates who receive the most ballots.²¹ Candidates generally are left to their own devices to raise money and organize their campaigns. Because the parties do not provide the electoral resources they need (the PT being the glaring exception), the party leaders' ability to pressure them once elected is further weakened.²² Propped up by a personal vote, most legislators believe they owe the seat to their own performance at the polls and hence tend to act in a highly individualistic manner, concerning themselves more with local or state-based issues than with issues of national import and treating parties as flags of convenience to be swapped at will.²³

Open-list competition in huge multi-seat districts reduces the intelligibility of political competition. The logic of electoral quotients encourages parties to present the largest possible number of candidates, most of whom have virtually no chance of being elected or even a direct link to partisan politics and end up competing against other candidates from the same party. Permissive electoral rules also distort the allocation of seats for votes. Multiparty alliances allow parties to win seats even if they fail to reach the required electoral quotient. Moreover, they are opportunistic arrangements that exist only for the duration of the electoral campaign; once the election is over, the parties disband and the elected legislators follow their own stars. Electoral results can also be twisted by the way in which remainders are distributed. If a candidate fails to be elected, his votes are added to the party total and may be used to elect a different candidate in

²¹ Since 1986, the number of votes cast for a party label in lower house elections has oscillated around 14 percent. The PT tends to receive the largest proportion of the party vote. Surveys have shown that in choosing candidates for Congress, most voters claim to make a decision based on the name of the candidate, not the party label. See Jairo Nicolau, "Como Controlar o Representante? Considerações sobre as Eleições para a Câmara dos Deputados no Brasil," *Dados* 45 (2002): 219–236.

²² See Ames, *The Deadlock of Democracy in Brazil*, p. 269.

²³ The idea that parties are superfluous is deceptive not only because candidates are not allowed to stand without a party endorsement but also because very few candidates are actually able to reach the electoral threshold on their own. In 1998, only 28 of 513 federal deputies received a number of votes larger than the respective electoral quotient (number of statewide valid votes divided by the number of contested seats). The other 485 were elected by having the parties pool votes from other candidates that had received even fewer votes.

a process over which voters have no control. The large number of wasted ballots in Brazilian elections shows that current electoral rules can effectively disenfranchise voters whose first preference is for specific parties or candidates.²⁴

The reduced intelligibility of political competition blurs accountability lines between voters and legislators. Without the anchorage provided by party identification, links to geographically delimited constituencies, or a high level of political attentiveness and information, the memory of the vote fades rapidly.²⁵ A national survey conducted after the 2002 elections found that few voters had any recollection of the name of the candidates they had voted for.²⁶ Fading memories were a function of the time elapsed and the nature of the election, as depicted in figure 1.

Predictably, votes cast in majority elections were recalled more readily than votes cast in proportional elections. In reference to the 2002 balloting, few respondents said they did not remember for whom they had voted for senator (6 percent), for governor (3 percent), or for president (1 percent). In reference to the previous ballot (1998), the reported proportions were 31 percent, 12 percent, and 9 percent. When it came to legislative elections, however, the results were significantly worse. Barely two months after the 2002 balloting, a third of the voters had already forgotten the names of the candidates they had keyed in the electronic voting machines for federal deputy (28 percent) and state representative (30 percent). 70 percent could not recall for whom they had voted in the 1998 legislative election.

The possibility that voters may punish or reward incumbents based on their performances during the previous legislative session is further dulled by the high rate of turnover in the Chamber of Deputies. From 1994 to 1998, 56 percent of the lower house deputies were not reelected for a second term. This does not mean they were defeated. In 1998, 25 percent of the lower house members either ran for other offices or did not run at all; nearly 70 percent of those who sought reelection achieved it. The remainder lost because of a party or coalition failure (21 percent) rather than their own campaign failures (9 percent).²⁷

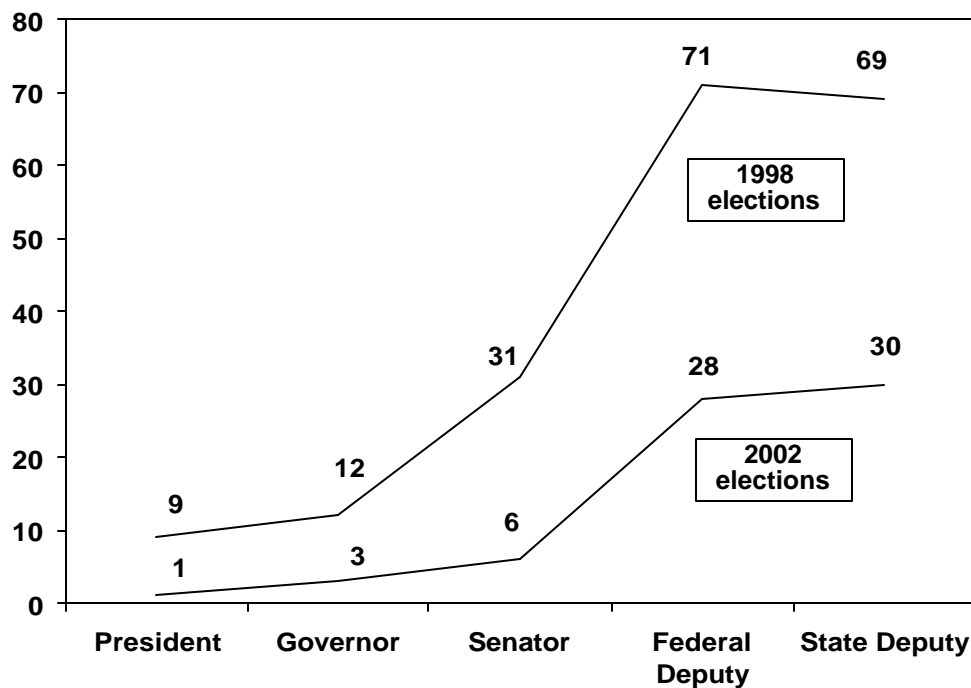
²⁴ Nicolau, “Como Controlar o Representante?” p. 226. Nicolau estimates that in the 1986–1998 period, only 36 percent of the voters cast ballots for lower house candidates who won, while 22 percent voted for candidates who were defeated, 33 percent cast blank or void ballots, and 9 percent voted for a party label.

²⁵ Where voters have little or no information about the candidates, party identification should serve as a compass for setting voter preferences. However, nationwide surveys conducted in the past 10 years have estimated that only 41 percent to 58 percent of voters identify with a party, mostly with the PT and the PMDB. See Rachel Meneguello, “Eleitorado e Reforma” in Maria Victoria Benevides, Paulo Vannuchi, and Fábio Kerche, eds., *Reforma Política e Cidadania* (São Paulo: Instituto Cidadania e Editora Fundação Perseu Abramo, 2003): pp. 344–363.

²⁶ See Alberto Carlos Almeida, “Informação do Eleitorado e Reforma Política,” unpublished manuscript (Rio de Janeiro: Fundação Getúlio Vargas, 2003).

²⁷ Nicolau, “Como Controlar o Representante?” p. 230.

Figure 1. Memory of the Vote (percent who did not remember for whom they voted)



Note: Interviews were conducted with a national sample of voters from October 31–December 28, 2002.

Source: Alberto Carlos Almeida, “Informação do Eleitorado e Reforma Política,” unpublished manuscript (Rio de Janeiro: Fundação Getúlio Vargas, 2003).

It is unclear whether campaign money or the distribution of particular benefits to constituents weighs more heavily in reelection campaigns. Although winners usually outspend their opponents, the capacity to transfer federal budget resources to specific localities through pork barrel legislation may tip the scale in favor of incumbents. A study of the 1998 election found that the decision to run and the chances of winning reelection were positively related to the deputies’ capacity to obtain budget allocations for their bailiwicks. Holding party and congressional leadership positions was equally relevant. Conversely, absenteeism and defection from the presidential coalition were likely to reduce an incumbent’s chances of being reelected.²⁸ Notwithstanding its limitations, the open-list system has not inhibited the emergence of a party vote. Since its foundation in 1980, the PT has progressively gained power. Although it developed into a programmatic party, with emphasis on leadership accountability to members, internal democracy, and rigid recruitment criteria, the PT is not a traditional socialist party, infused with Marxist ideology. It originated from Lula’s trade unionists, Catholic grassroots

²⁸ Carlos Pereira and Lucio Rennó, “O Que é Que o Reeito Tem? Dinâmicas Político-Institucionais Locais e Nacionais nas Eleições de 1998 para a Câmara dos Deputados,” *Dados* 44 (2001): 323–362.

activists inspired by “liberation theology,” and leftist academics. Instead of revolution, the PT has championed social justice, political ethics, and radical democracy, with a focus on expanding citizen participation in public affairs.²⁹

The PT was a trailblazer for the strategy of promoting a party vote under Brazil’s open-list system by reducing incentives that attract candidates who cultivate a personal vote and enhancing the value of the party label.³⁰ This strategy translated into lower campaign costs and allowed the PT to elect candidates with a lower number of votes than would have been required in other parties.³¹ Electoral alliances with the minor leftist parties, especially the PC do B and PSB, have augmented the PT’s electoral resources and helped to consolidate a loyal leftwing caucus in Congress. Party control over candidate selection and financing have also been crucial factors. The PT requires members to give a proportion of their salaries to party funds, thereby making the party less dependent on contributions from special interests.

The distinctiveness of the PT is fully evident when considered in the context of the oddest paradox of Brazil’s politics: the ease with which deputies change party labels after elections while the parties themselves act in a disciplined manner in legislative voting decisions. Since 1982, on average 30 percent of lower house legislators swap parties during a congressional session, some of them more than once. Party discipline (the extent to which members vote with the majority of their parties) and party loyalty (the extent to which members stay put than change party labels) set the PT in a class of its own. Legislators from most other parties, as shown in the table below, may act in a disciplined manner but tend not to act out of loyalty for their party labels.³²

In the 1990s, only two parties displayed a combination of high discipline and loyalty: the PT on the Left and, at a distance, the PFL on the Right. Other parties, such as the PDT, PSDB, and PTB, grew more disciplined but continued to swap legislators. A few, such as the PMDB and PP, declined in both discipline and loyalty.

²⁹ Margaret Keck, *The Workers’ Party and Democratization in Brazil* (New Haven, Conn.: Yale University Press, 1992) remains a valuable source on the origins of the PT. For the evolution of the party in the 1990s, see André Singer, *O PT* (São Paulo: Publifolha, 2001). Despite the dominance of a social democratic orientation in the PT since the early 1990s, the party still harbors several radical socialist factions.

³⁰ See David J. Samuels, “Incentives to Cultivate a Party Vote in Candidate-Centric Electoral Systems: Evidence from Brazil,” *Comparative Political Studies* 32 (1999): 487–518.

³¹ See Carlos Ranulfo Felix de Melo, “Partidos e Migração Partidária na Câmara dos Deputados,” *Dados* 43 (2000): 214.

³² Party discipline scores were calculated by the Rice index, which subtracts the percentage of party members who have voted against a given roll call from the percentage who have voted for it, and takes the absolute value of the difference.

Table 3. Party Discipline^a and Loyalty^b in the Lower House (percent)

Party	1987-1991		1991-1995		1995-1999		1999-2003	
	Discip.	Loyalty	Discip.	Loyalty	Discip.	Loyalty	Discip.	Loyalty
PT	99	100	96	92	98	98	98	99
PDT	90	71	86	68	88	58	91	68
PSDB	70	100	78	93	87	84	93	74
PMDB	65	64	80	78	66	75	75	79
PTB	76	89	70	51	82	63	80	63
PFL	84	82	81	71	91	81	92	73
PP	84	87	77	77	71	63	80	68

a. Party discipline scores are calculated as the Rice index.

b. Party loyalty scores are the percentage of party members who changed parties during the legislative session subtracted from 100.

Source: Party discipline scores are adapted from Celso Roma, "Partidos Políticos, Ideologia e Coesão: A Lógica da Votação Nominal na Câmara dos Deputados," paper presented to the XXVI Annual Meeting of ANPOCS, 2003; party loyalty scores from Carlos Ranulfo Felix de Melo, "Partidos e Migração Partidária na Câmara dos Deputados," *Dados* 43 (2000): 207–239, and Carlos Ranulfo Felix de Melo, *Retirando as Cadeiras do Lugar: Migração Partidária na Câmara dos Deputados (1985/2002)* (Belo Horizonte: Editora da UFMG, 2004). Only parties with at least 5 percent of the vote are included.

Party switching does not occur in a random fashion. On the contrary, it has become a means of political competition. Party changes are likely to be more intense in the first year of a new session (when legislators seek to stand in with the incoming administration or find a suitable party label to compete in the next municipal elections) or the third year (in preparation for the approaching legislative elections). It has been argued that the same constitutional powers used to pressure deputies into casting a disciplined vote also push them to switch parties to draw closer to the powers that be.³³

Presidential Powers and Legislative Outcomes

The notion that weak electoral parties should result in equally weak legislative parties seemingly was belied by Cardoso's legislative success. Based on a detailed examination of roll-call votes from 1989 through 1994, Rubens Figueiredo and Bolívar Limongi found a much higher degree of disciplined party voting than the conventional wisdom might have predicted.³⁴ Party voting was even more

³³ See Melo, "Partidos e Migração Partidária na Câmara dos Deputados," pp. 214–217. As Melo emphasizes, in the 1990s, deputies of the Right were more likely to switch parties (40 percent on average) than those of the Left (19 percent) or of the Center (20 percent). Not all parties in the same ideological camp behaved in the same manner. On the Right, the PFL was the most cohesive party (on average, it lost 24 percent of the deputies elected whereas the other rightist parties lost 49 percent). On the Left, the losses suffered by the PT (5.6 percent) and the minor leftist parties (6.5 percent) contrast sharply with those of the PSB (27 percent) and the PDT (31 percent). See also Carlos Ranulfo Felix de Melo, *Retirando as Cadeiras do Lugar: Migração Partidária na Câmara dos Deputados (1985/2002)* (Belo Horizonte: Editora da UFMG, 2004).

³⁴ Argelina Figueiredo and Fernando Limongi, *Executivo e Legislativo na Nova Ordem Constitucional* (Rio de Janeiro: Editora Fundação Getúlio Vargas, 1999). Figueiredo and Limongi conclude that the president was able to coordinate the parties' approval of his legislative agenda, and that floor-voting patterns were predictable based on vote recommendations by party leaders.

disciplined in the 1995–1998 period.³⁵ These developments yielded impressive numbers. During Cardoso’s first term, 71 percent of all executive-initiated legislation was voted into law by Congress. Moreover, the average time taken to approve executive-initiated bills was 183 days, while the average for a bill originating in Congress or the judiciary branch was 1,194 and 550 days, respectively.³⁶

Such findings have triggered an intense debate about the nature of multiparty governing coalitions in Brazil. Figueiredo and Limongi’s contention that such coalitions are as solid and efficient as those formed under parliamentary regimes has been hotly disputed.³⁷ Barry Ames, for one, argues that a significant number of executive proposals were greatly modified, withdrawn, or rejected by the legislature. In his view, legislative fragmentation requires that a new majority be formed with each new vote.³⁸

The debate has pitted proponents of an “electoral connection” model (who argue that legislative behavior is influenced from the bottom up by the type of vote cultivated by candidates: partisan or personal) against proponents of an “executive connection” model (who assume that influence flows from the top down due to the president’s power over patronage and the legislative agenda).³⁹ The former contend that Brazil’s open-list system produces weak parties that can only form loose coalition governments, providing presidents with unreliable legislative support. Such parties are unable to impose discipline on legislators, who constantly threaten to defect in order to extract concessions from the government.⁴⁰ The latter defend the opposite view that effective governance is ensured because the president dominates the legislative agenda, party leaders

³⁵ Jairo Nicolau, “Disciplina Partidária e Base Parlamentar na Câmara dos Deputados no Primeiro Governo Fernando Henrique Cardoso (1995–1998),” *Dados* 43 (2000): 709–735. For comparable party discipline rates in the 1946–1964 period, see Amorim Neto and Santos (2001).

³⁶ See Carlos Pereira and Bernardo Mueller, “Uma Teoria da Preponderância do Poder Executivo: O Sistema de Comissões no Legislativo Brasileiro,” *Revista Brasileira de Ciências Sociais* 15 (2000): 45–67. See also Carlos Pereira and Bernardo Mueller, “Partidos Fracos na Arena Eleitoral e Partidos Fortes na Arena Legislativa: A Conexão Eleitoral no Brasil,” *Dados* 46 (2003): 735–769.

³⁷ Figueiredo and Limongi, *Executivo e Legislativo na Nova Ordem Constitucional*, p. 101.

³⁸ Ames, *The Deadlock of Democracy in Brazil*, pp. 187–223. Also see Jairo Nicolau, “Disciplina Partidária e Base Parlamentar na Câmara dos Deputados no Primeiro Governo Fernando Henrique Cardoso (1995–1998),” *Dados* 43 (2000): 720. Nicolau shows that the Cardoso government won 90 percent of 147 roll-call votes in the 1995–1998 period. Of the 15 (10 percent) that it lost, 11 were constitutional amendments dealing with the crucial issues of pension and public administration reform, the nationalized oil industry and coastal transportation.

³⁹ A discussion of the two models can be found in Octávio Amorim Neto and Fabiano Santos, “The Executive Connection: Presidentially Defined Factions and Party Discipline in Brazil,” *Party Politics* 7 (2001): 213–234.

⁴⁰ See, for instance, Scott Mainwaring, *Rethinking Party Systems in the Third Wave of Democratization: the Case of Brazil* (Stanford: Stanford University Press, 1999), p. 140.

control the floor's voting schedule, and individual legislators tend to follow the vote recommendations of party leaders.

The proverbial truth lies somewhere between the two extremes.⁴¹ The Brazilian president has the legislative power to produce a disciplined party vote on bills of interest to him. His agenda-setting powers include the total or partial veto, which can only be overridden by an absolute majority vote in a joint session of both houses of Congress, and the exclusive right to initiate legislation related to the budget. The congressional ability to amend legislation is constitutionally restricted.⁴² The president can send up bills classified as urgent matter (discharge petitions) that are granted priority in Congress as well as attach or remove the urgency tag from bills already in the hopper.

Despite its formidable appearance, the president's powers are limited in practice by his level of congressional support. The power to issue executive decrees (provisional measures) is a case in hand. Such decrees are the president's chief device for controlling the congressional agenda.⁴³ The constitution originally established that a decree expires if Congress fails to take a vote within 30 days. To forestall this possibility, presidents began to re-issue decrees for an endless series of 30-day terms. Cardoso's stabilization plan was set in motion by a decree issued in 1994 and reissued 65 times during a period of 6 years until it was finally approved in 2000.⁴⁴ He also resorted to using executive decrees as a pathway for different parts of his agenda. Without a legislative majority, however, the president would hardly be able to legislate by decree.⁴⁵

⁴¹ In a similar vein, Amorim Neto, Cox, and McCubbins argue that, "Brazil's legislative politics are neither consistently 'atomistic' (per Ames) nor consistently 'parliamentary' (per Figueiredo and Limongi)." In their view, there is not a single pattern of governance in Brazil. Some presidents, such as Cardoso, will strive to control the legislative agenda and form parliamentary-like cabinets while others, such as Collor or Franco, rely on "shifting coalitions" to govern. See Octávio Amorim Neto, Gary W. Cox, and Mathew D. McCubbins, "Agenda Power in Brazil's Câmara dos Deputados, 1989-98," *World Politics* 55 (2003): 550-578.

⁴² Congress must designate the revenue source of new expenditures not proposed by the president. The president, in turn, can propose a ceiling on overall spending.

⁴³ See de Souza, "Collor's Impeachment and Institutional Reform in Brazil," pp. 110-111; Timothy J. Power, "The Pen is Mightier Than the Congress: Presidential Decree Power in Brazil" in John M. Carey and Matthew S. Shugart, eds., *Executive Decree Authority* (Cambridge: Cambridge University Press, 1998), pp. 197-230; and Fernando Limongi and Argelina Figueiredo, "Medidas Provisórias" in Maria Victoria Benevides, Paulo Vannuchi and Fábio Kerche, eds., *Reforma Política e Cidadania* (São Paulo: Instituto Cidadania e Editora Fundação Perseu Abramo, 2003), pp. 266-299.

⁴⁴ Helena Chagas, "Relações Executivo-Legislativo" in Bolívar Lamounier and Rubens Figueiredo, eds., *A Era FHC: Um Balanço* (São Paulo: Cultura Editores Associados, 2002), p. 336.

⁴⁵ Fernando Limongi and Argelina Figueiredo, "Medidas Provisórias" in Maria Victoria Benevides, Paulo Vannuchi and Fábio Kerche, eds., *Reforma Política e Cidadania* (São Paulo: Instituto Cidadania e Editora Fundação Perseu Abramo, 2003), p. 288. Limongi and Figueiredo point out that "the power to issue decrees does not give the executive the capability of ruling against the majority." Also see Bolívar Lamounier, "Brazil: An Assessment of the Cardoso Administration" in Jorge I. Domínguez and Michael Schifter,

Another relevant mechanism created after 1988 is the College of Leaders (*Colégio de Líderes*), which is comprised of leaders of parties that hold at least 1 percent of lower house seats. College members control committee assignments, hold urgency powers, and make vote recommendations to legislators on major bills. Consequently, they effectively centralize decisionmaking power over the flow of legislation and the floor's voting schedule.⁴⁶ Yet it is uncertain whether these party leaders are able to obtain a disciplined party vote under adverse circumstances. Based on the analysis of the legislative behavior of six major Brazilian parties during the 1991–1998 period, Ames argues that party leaders lack the power to compel deputies to follow their lead.⁴⁷ The apparent voting unity observed across several roll-call votes is explained by the fact that the parties often recommend votes in situations where there is consensus, but shy from making contested recommendations. Nicolau's analysis of party discipline from 1995 to 1998 found that, although legislative parties generally displayed high rates of voting unity, absences from the floor and vote abstentions by supposedly loyal legislators often forced the Cardoso administration to reach for legislators from nonaligned parties.⁴⁸

The Cardoso administration perfected the strategy of rewarding or punishing legislators through the manipulation of individual amendments to the annual budget bill. Such amendments are usually related to public works projects in their electoral bailiwicks. Fitting a project into the budget does not necessarily mean that the appropriation will be spent, however. The federal budget is merely a budgeting authorization, and the executive has the final word on how funds are spent. Legislators who voted in a disciplined manner for government bills were likely to see their public works projects implemented. But the strategy did not always work to Cardoso's advantage. His coalition's least disciplined party, the PMDB, had more success in turning amendments into actual public works than stauncher allies, such as the PFL and the PSDB.⁴⁹

eds., *Constructing Democratic Governance in Latin America* (Baltimore: Johns Hopkins University Press, 2003, 2nd. edition) p. 284. Lamounier also notes that “without stable majority legislative support, no president can implement his or her policy agenda via decree for a long period of time.”

⁴⁶ Parties are represented in the committees, especially in the powerful Budget Committee, in proportion to the number of seats they hold. For an assessment of the power of the executive over congressional committees, see Carlos Pereira e Bernardo Mueller, “Uma Teoria da Preponderância do Poder Executivo: O Sistema de Comissões no Legislativo Brasileiro,” *Revista Brasileira de Ciências Sociais* 15 (2000): 45–67. Jairo Nicolau, “Como Controlar o Representante? Considerações sobre as Eleições para a Câmara dos Deputados no Brasil,” *Dados* 45 (2002), pp. 219–236.

⁴⁷ Ames, *The Deadlock of Democracy in Brazil*, p. 222.

⁴⁸ Jairo Nicolau, “Disciplina Partidária e Base Parlamentar na Câmara dos Deputados no Primeiro Governo Fernando Henrique Cardoso (1995–1998),” *Dados* 43 (2000), pp. 725–726.

⁴⁹ Carlos Pereira and Bernardo Mueller, “Comportamento Estratégico em Presidencialismo de Coalizão: As Relações entre Executivo e Legislativo na Elaboração do Orçamento Brasileiro,” *Dados* 45 (2002): 265–301.

The existence of an institutionalized opposition also helped Cardoso to hold together his governing coalition. Through strident and often reckless opposition to the incumbent administration, the PT won a recognized public status and the possibility to present itself as an alternative government. A confrontational style and strict party discipline were key to building the PT's reputation as a credible opposition as well as to preventing its own legislators from being co-opted by the government. As a result, a dual mode of operation emerged in Congress. Although pork-barrel politics continued to accommodate a great many legislators, the initial phase of market and public sector reforms divided Congress into broad coalitions of opinion.⁵⁰

Leoni and Roma have described the changing distribution of lower house roll-call votes along a left-right continuum.⁵¹ In the 1986 legislature, the PFL and the PMDB stood at the Center-Right while the PSDB took the Center and the PT and the PDT took the Left. The next legislature, elected in 1990, displayed two distinct phases. Under Collor, the PFL shifted further to the Right and the PT to the Left whereas the PMDB moved closer to the PSDB at the Center. Under Franco, both the PSDB and the PFL converged to the Center-Right. The legislature, which was elected along with Cardoso in 1994, was polarized between the Center-Right (the PSDB, PFL, PP, and PMDB) and the Left (the PT and PDT). This pattern of congressional voting remained dominant during his second term with a caveat: after 1999, the Center became virtually empty, and lower house deputies voted as if there were only two political parties on the floor.

The Limits of Presidential Coalition Building

Ultimately, a system that relies on particularistic incentives and constitutionally defined powers to coordinate weak and loosely disciplined parties is inherently inefficient. In such a system, party leaders and legislators seek to maximize the transfer of resources to their electoral clienteles through pork barrel legislation while the president formulates national policies. This division of lawmaking reduces the ability of voters to identify and support national policy alternatives in legislative elections.⁵²

⁵⁰ See Bolívar Lamounier, *A Democracia Brasileira no Limiar do Século 21* (São Paulo: Fundação Konrad Adenauer, 1997).

⁵¹ See Eduardo Leoni, "Ideologia, Democracia e Comportamento Parlamentar: a Câmara dos Deputados (1991-1998)," *Dados* 45 (2002): 361-386; and Celso Roma, "Partidos Políticos, Ideologia e Coesão: A Lógica da Votação Nominal na Câmara dos Deputados," paper presented to the XXVI Annual Meeting of the Associação Nacional de Programas de Pós-Graduação em Ciências Sociais, 2003. The ideological ordering of Brazilian political parties is discussed by Leôncio Martins Rodrigues, *Partidos, Ideologia e Composição Social: Um Estudo das Bancadas Partidárias na Câmara dos Deputados* (São Paulo: Edusp, 2002).

⁵² This refers to Shugart and Carey's "inefficient secret" model where a president with strong legislative powers interacts with party leaders that yield weak control over the rank and file. See Matthew Soberg Shugart and John M. Carey, *Presidents and Assemblies: Constitutional Design and Electoral Dynamics* (New York: Cambridge University Press, 1992), pp. 168-170. Amorim Neto and Santos argue that programmatic

For presidents to derive their strength primarily from legislative majorities, the party system must be strengthened. Fragmented and weakly nationalized parties are the Achilles' heel of multiparty presidentialism because governing coalitions—in order to accommodate a multiplicity of partisan and regional forces—tend to be larger than the minimum winning size.⁵³ The president's ability to coordinate his own cabinet is also curtailed as the number of parties in the governing coalition increases. Even more ominous, the added power obtained by building supermajorities is deceptive because underlying cleavage lines can shift depending on the issues under consideration.⁵⁴

This was one of the issues that cast a shadow over the 2002 presidential race. As Lula's lead over his opponents widened, uncertainty about the future triggered a financial panic that cut by almost half the value of Brazil's currency and bonds. Mistrust of Lula himself and of the PT's fiery rhetoric of the past played a key role in the market's loss of confidence. Political apprehensiveness was compounded by the realization that the PT would fall short of a majority in Congress and might seek support from political forces that opposed the tough decisions needed to stabilize the public debt and move the country away from default. Cardoso's lesson on coalition building was not lost on Lula and the PT moderates. To avert a defeat at the polls, they steered the party toward the political Center and sealed an alliance with the conservative PL by picking Senator José Alencar as Lula's running mate.

The moderating influence of the PT's need to share power as well as the smooth transfer of power to the new government helped dissipate the atmosphere of uncertainty. But concerns over the prospects for democratic governance have not been dispelled entirely. The president-elect's moderation in economic matters and support for austere fiscal policies won over many erstwhile opponents and bought him precious time to establish his credibility. Yet in doing so, he has hammered a wedge between the PT's longstanding moderate and the radical fringes, adding another split to a fragmented governing coalition.⁵⁵ Despite the PT's success in quelling dissent, the loudest opposition still comes from factions

parties can partially redress the parochial focus of legislative elections by challenging the incumbent administration's policy priorities and presenting alternative policy options to voters. See Octávio Amorim Neto and Fabiano Santos, "The Inefficient Secret Revisited: The Legislative Input and Output of Brazilian Deputies," *Legislative Studies Quarterly* 28 (2003): 449–79.

⁵³ The impossibility of governing with minimum-size legislative coalitions is the core argument of Abranches's 1988 analysis of multiparty presidentialism.

⁵⁴ Oversized coalitions entail a moral hazard as undisciplined parties stand to claim a larger payoff in return for supporting government-sponsored legislation. See Tim Groseclose and James M. Snyder, Jr., "Buying Supermajorities," *American Political Science Review* 90 (June 1996): 303–315.

⁵⁵ Having been the leading critic of neoliberal economic policies, the PT now faces a policy vacuum as some members cling to old ideas while the leadership has embraced much of the Cardoso administration's policy agenda. For an analysis of policy program changes during or after elections in Latin America, see Susan C. Stokes, *Mandates and Democracy: Neoliberalism by Surprise in Latin America* (Cambridge: Cambridge University Press, 2001).

within Lula's own party. Dealing with pork-seeking parties such as the PTB, PL, and PMDB while stiff-arming the radical fringes of the PT to the sidelines is bound to be a trying balancing act.

In addition, Lula's governing coalition has had a mixed record in securing a disciplined vote on controversial bills. Rather than challenging the president, legislators have resorted to vote abstentions or absences from the floor to avoid voting with the government on unpopular bills. The PT leadership, with the quiet support of the presidential office, has on occasion had to enlist the support of the oppositionist PSDB and PFL to pass legislation.

In the past decade, the pattern of Brazilian politics has been effectively dominated by a bipolar competition between Cardoso's center-rightist coalition and the leftist coalition spearheaded by the PT. That tradition may be crumbling, as congressional battle lines are redrawn to reflect support for or opposition to the government rather than a Left-Right divide. By sponsoring Cardoso's reform agenda and forming an alliance with center-rightist political parties, Lula and the PT blurred existing ideological lines. Party-building measures may be more necessary now than in the past to sustain a disciplined legislative majority.

The New Reform Agenda

Political reform made its way onto the agenda of Brazilian elites in the mid-1980s because of an increased perception that the disfunctionality of electoral rules and political practices threatened democratic governance. A reverse trend took place in the 1990s as the rejuvenation of presidential rule under Cardoso made the issue appear less urgent.

Yet the absence of political reform did not prohibit political change. New arrangements were born from piecemeal reform initiatives that deeply affected Brazilian politics, such as making federal and state elections concurrent by shortening the presidential term of office. Problems with the operation of the political system have also changed in nature dramatically over time, setting in motion efforts to redesign political institutions.

Prodded by the Higher Electoral Court, in 1995 Congress approved a new political parties statute to tighten up rules on party formation and functioning that had been hastily undone in the wake of the transition to democratic rule. To win recognition in Congress, which carries with it leadership and committee assignment privileges, the parties must win 5 percent of the national vote, with at least 2 percent in one-third of the states. Once it takes effect in the 2006 elections, the clause will effectively restrict access to congressional representation for parties of small electoral weight.

Another such initiative was the 1997 constitutional reform to allow the president, state governors, and municipal mayors to run for a consecutive term of office. Presidential reelection, regardless of its immediate political motivations, answered the government's need to take the future into account in making macroeconomic decisions. It also facilitated presidential coordination as coalition

members' expectations regarding policy outcomes were shaped by the prospect of sharing power for longer periods of time.

The presidential decree powers were the next target of reform. A legislative-initiated constitutional amendment was passed in 2001 to limit both the ability of the president to issue decrees and the power of Congress to delay or avoid taking action on them. The amendment establishes that if Congress fails to take a vote within 45 days, the decree is automatically tagged "urgent" so that it must be voted on before any other bills, virtually freezing Congress's voting schedule. Similarly, the president risks paralyzing his own legislative agenda by issuing decrees.

There has been a wealth of comprehensive reform proposals, but lack of leadership and conflict over key issues has prevented the formation of a working legislative majority. Four major goals of reform can be discerned: reduction of the number of parties; strengthening of party controls over incumbents and candidates; proportionality of seats to votes; and accountability to geographical constituencies.⁵⁶

Surveys conducted with national and congressional elites from 1989 to 2002 show that elite opinion has been generally favorable to the broad issues of political reform.

As depicted in table 4, in many cases elite opinion anticipated the sway of the vote prior to strong leadership initiatives for change being submitted to Congress. Only 42 percent of the legislators interviewed in mid-1991 were in favor of the reelection amendment but, by late 1996, four months before the actual vote, support had climbed to 71 percent. A more striking picture emerges in relation to the president's power to issue decrees. Just after the 1989 presidential election, elites were asked to evaluate provisional measures as an instrument of economic policymaking. Only 23 percent thought that they had put excessive powers in the hands of the president. Eighteen months later, as Congress and Collor began to clash, there emerged an 85 percent majority in favor of restricting presidential decree powers. Although that change took nearly 10 years to accomplish, congressional opinion remained unchanged.

⁵⁶ See Jairo Nicolau, "A Reforma da Representação Proporcional no Brasil" in Maria Victoria Benevides, Paulo Vannuchi, and Fábio Kerche, eds., *Reforma Política e Cidadania*, p. 201–224. For a listing of reform bills, see Miriam Campelo de Melo Amorim and Antônio Octávio Cintra, *Breve Histórico das Reformas Políticas durante a 51ª Legislatura na Câmara dos Deputados* (Brasília: Câmara dos Deputados, Consultoria Legislativa, 2003) and *As Reformas Políticas e a Câmara dos Deputados* (Brasília: Câmara dos Deputados, Consultoria Legislativa, 2003).

Table 4. Changing Elite Preferences for Political Reform (percent in favor)

Reform issues	1989–1990 ¹	Jun 1991 ²	Sep 1993 ³	Mar 1995 ⁴	Sep 1995 ⁵	Oct 1996 ⁶	Oct 2002 ⁷
Reforms enacted							
Reelection for executive office	-	42	-	62	58	71	-
Limit the president's power to issue provisional measures	23	85	-	88	-	83	-
Reform bills							
Public campaign financing	-	-	-	-	-	-	87
Unseat party switchers	44	-	-	47	65	76	76
Strict proportionality of state representation in the chamber	63	58	55	59	58	69	69
Mixed-member district system for legislative elections	55	67	57	60	52	65	61

1. Survey of 450 national elites conducted from December 1989 to June 1990. See Bolívar Lamounier and Amaury de Souza, *As Elites Brasileiras e a Modernização do Setor Público* (São Paulo: Instituto de Estudos Econômicos, Sociais e Políticos, 1990).

2. Survey of 469 congressmen, June 4–6, 1991. See Bolívar Lamounier and Amaury de Souza, *O Congresso Nacional e os Plebiscitos* (São Paulo: Instituto de Estudos Econômicos, Sociais e Políticos, June 1991).

3. Survey of 278 congressmen, September 1–30, 1993. See Bolívar Lamounier and Amaury de Souza, "O Que os Empresários Querem Mudar," *Gazeta Mercantil* (October 21, 1993).

4. Survey of 484 congressmen, February 15–March 31, 1995. See Bolívar Lamounier and Amaury de Souza, *O Congresso Nacional e os Grandes Temas da Atualidade* (São Paulo: Instituto de Estudos Econômicos, Sociais e Políticos -Federação das Indústrias do Estado de São Paulo, 1995).

5. IDESP survey of 409 congressmen, August 1–September 15, 1995. See Bolívar Lamounier and Amaury de Souza, *O Congresso Nacional Frente aos Desafios da Reforma do Estado* (São Paulo: Instituto de Estudos Econômicos, Sociais e Políticos -Federação das Indústrias do Estado de São Paulo, September 1995).

6. Survey of 311 congressmen, October 1–31, 1996. See Bolívar Lamounier and Amaury de Souza, *O Congresso Nacional Frente aos Grandes Temas do Momento Brasileiro* (São Paulo: Instituto de Estudos Econômicos, Sociais e Políticos -Federação das Indústrias do Estado de São Paulo, October 1996).

7. Survey of 500 national elites interviewed from August to October 2002. Only deputies and senators are included in the table above. See Bolívar Lamounier and Amaury de Souza, *As Elites Brasileiras e o Desenvolvimento Nacional* (São Paulo: Instituto de Estudos Econômicos, Sociais e Políticos, 2002).

Among the reform issues before Congress, only two are backed by an overwhelming majority of legislators. Public campaign financing is the first (87 percent in favor); the other is a rule of party loyalty to expel party switchers from Congress. Support for the latter has gone up from 44 percent in 1989 to 76 percent today. Opinion has been divided with regard to three other issues of reform. Since

overrepresentation provides lightly populated northern and central-western states with nearly 50 additional lower house seats, reapportionment remains a highly divisive issue supported by 55 percent to 69 percent of the political elites over the past 12 years. Preferences for an electoral mixed-member system and a national vote threshold for party representation in Congress have displayed a similar pattern. Lastly, two reform issues have faced strong opposition in Congress: the ban on pre-electoral multiparty alliances (43 percent) and the ban on compulsory voting (37 percent).

The Select Committee on Political Reform's bill tackles several of these issues. The committee's term of reference targets five areas of reform: (1) "the adulteration of electoral results by multiparty alliances in legislative elections"; (2) "the weakening of political parties by extremely personalized voting"; (3) "the mounting cost of electoral campaigns and candidate dependence on special-interest money for campaign financing"; (4) "an excessively fragmented party system"; and (5) "intense party switching, causing party caucuses to change in size within a legislative session."⁵⁷

The core proposal establishes public campaign financing, bans multiparty alliances in legislative elections, and introduces the closed-list whereby voters choose candidates ranked by the party convention in order of preference rather than by name (open-list). To circumvent opposition to a ban on multiparty alliances, the Select Committee put forward the idea that parties that wish to join forces in legislative elections form a federation. In its turn, the party federation will be required to behave as a single legislative party for a period of at least three years.⁵⁸ No provision was introduced to enforce party loyalty on the assumption that the closed list would provide sufficient incentive for politicians to remain in the same party.

What is novel is that similar reform measures, such as public campaign financing and closed-list proportional representation, are among Lula's campaign pledges. The presidential platform also upheld the strict proportionality of seats to population in the lower house, an issue that most politicians are loath to confront. However, the fact that parties from all corners of the political spectrum have converged on issues of reform should not beg questions of practical advantages. A closer view at the proposed measures is indispensable to assess the prospects for political reform.

Public Financing of Electoral Campaigns

What worries politicians the most is that the already high costs of campaigning continue to rise. Brazilian elections are extremely expensive in comparison. In 1994, Brazil spent between \$3.5 billion and \$4.5 billion on elections, whereas the

⁵⁷ Bill 1712, approved by the Select Committee on Political Reform, December 3, 2003.

⁵⁸ Another device intended to make the bill more palatable to legislators was the lowering from 5 percent to 2 percent of the national vote threshold required for party recognition in Congress, as stipulated by the political parties statute.

combined spending totals in the United States in 1996 were only \$3 billion.⁵⁹ Campaign financing in Brazil also encompasses a market that is much smaller than in the United States. In Brazil, the biggest portion of campaign treasure chests comes from corporations rather than individuals. This suggests that contributors donate money with the expectation of obtaining favors later on. Such favors often come in the form of congressional amendments to the federal budget for public works projects or through legislative pressure on federal agency spending.⁶⁰

The Select Committee's bill proposes to distribute roughly \$2 per voter (or approximately \$300 million overall) to political parties. That figure does not include public monies already available. The Political Party Fund currently distributes about \$20 million per year in proportion to party caucuses in the Chamber of Deputies. Parties are also entitled to free radio and television time to broadcast political propaganda. Free media time is by far the most important form of public campaign financing. It has been estimated that, in election years, free media time costs the government about \$30 million in lost revenues because of tax breaks granted to media outlets. Even so, the overall amount seems to be inadequate in the light of what is known about campaign financing in Brazil.

Doubts have been raised about the wisdom of adopting public campaign financing. The distribution of free media time to political parties has yielded mixed results. On the one hand, it fosters democracy by creating a level playing field. However, it has also become a valuable resource for entering multiparty alliances in executive and legislative elections. Small parties often cede their free time allotment to large parties in exchange for the chance to win a legislative seat through a common slate. Free media time has also encouraged the proliferation of so-called rental parties, that is, party labels that are created solely for political bartering purposes.

A major concern is the prevalence of corporate donations, many of which go unreported due to double bookkeeping. Airtight private donation rules must be introduced lest federal funds be used to complement private money. In open-list elections, raising and spending campaign money is overwhelmingly the responsibility of candidates rather than their parties. Current legislation seems to be effective when it comes to candidate campaign financing reports. However,

⁵⁹ These findings are based on an analysis of campaign contributions from 1994 to 1998. See David J. Samuels, "Financiamento de Campanha e Eleições no Brasil" in Maria Victoria Benevides, Paulo Vannuchi, and Fabio Kerche, eds., *Reforma Política e Cidadania* (São Paulo: Instituto Cidadania e Editora Fundação Perseu Abramo (2003), pp. 364–391.

⁶⁰ David J. Samuels, "Does Money Matter? Campaign Finance in Newly Democratic Countries: Theory and Evidence from Brazil," *Comparative Politics* 34 (2001): 23–42; and "Pork-Barreling is Not Credit-Claiming or Advertising: Campaign Finance and the Bases of the Personal Vote in Brazil," *Journal of Politics* 64 (2002): 845–863.

there are no such report requirements for political parties, a loophole that can be used to provide a cover for the raising of unlimited private money.⁶¹

To subject party and candidate expenditures to audit and effective sanctions in the case of breaches of the legal limits on spending is a *sine qua non* condition for public campaign financing. However, given the cost of Brazilian elections and the pervasive role of private donors, it is probably prudent to move first to a public-private campaign financing system along the lines suggested by David J. Samuels.⁶²

Pre-electoral Multiparty Alliances

The Select Committee's bill offers the party federation as an alternative to multiparty alliances in legislative elections. Parties wishing to form a federation would be required to register with the Higher Electoral Court. They could band together in as many states as they wish and run campaigns as a unit. Unlike existing multiparty alliances, however, legislators would be required to stay under the federation banner for at least three years of the period for which they were elected. Party federations are thus expected to enable small parties to gain representation in Congress without fostering legislative party fragmentation.

How adequate is this alternative? Any electoral reform entails difficult trade-offs between the number of legislative parties and the proportionality of the parties' share of seats to votes. Multiparty alliances cause deviations from proportionality by giving representation to parties that otherwise would be unable to achieve the electoral quotient required to share in the distribution of legislative seats. In addition to multiparty alliances, however, electoral rules that translate votes into seats, such as the electoral quotient, the distribution of remainders, and the allocation of seats to population, are also sources of distortion in representation.

Because these factors are interrelated, they should be jointly assessed. This point is illustrated by the disproportionality of the distribution of legislative seats among states. The PT and the PFL won nearly the same number of votes in the 1994 legislative elections, but the PFL won 89 seats whereas the PT was left with 49. Because the large urban areas where the PT was born are underrepresented in the lower house, these areas electoral quotients are huge in comparison to the overrepresented constituencies where the PFL thrived.⁶³

⁶¹ For a discussion of similar issues, see Simone Rodrigues da Silva Bohn, David Fleischer, and Francisco Whitaker, "A Fiscalização das Eleições" in Bruno Wilhelm Speck, ed., *Caminhos da Transparência* (Campinas: Editora Unicamp, 2001).

⁶² David J. Samuels, "Financiamento de Campanha e Eleições no Brasil" in Maria Victoria Benevides, Paulo Vannuchi, and Fábio Kerche, eds., *Reforma Política e Cidadania* (São Paulo: Instituto Cidadania e Editora Fundação Perseu Abramo, 2003): 388–391.

⁶³ In 2002, winning a legislative seat in São Paulo required at least 280,000 votes while in Amapá the comparable figure was only 29,500 votes.

Using data from the 1998 legislative election, Nicolau simulated different outcomes that would result from changing one or all of these factors.⁶⁴ The simulation shows that some reform proposals may exact a forbidding political price in exchange for very modest gains in the partisan distribution of power or the proportionality of seats to votes in the lower house. The trade-offs are compared to the status quo in 1998 in the table below.

The single most potent means to reducing the number of parties represented in the Chamber of Deputies is to adopt a national vote threshold (alternative 1 in table 5). Had such a clause been in effect in 1998, the number of legislative parties would have dropped from 18 to 7. But party fragmentation (as measured by the effective number of parties), in turn, would only drop from 7.1 to 6.1 while seat to votes disproportionality soared from 7.0 to 16.5.

Simply banning multiparty alliances would also increase the deviation from proportionality without a commensurate gain in party concentration (alternative 2). Because small parties coalesce with large parties because they are unable to attain the required electoral quotient, the inclusion threshold might be banned along with the multiparty alliances (alternative 3). The results are disappointing because this alternative would only increase disproportionality.

An even more complex institutional redesign could result from simultaneously changing multiparty alliances, the inclusion threshold, and the way remainders are distributed. Alternative 5 would replace the d'Hondt formula (which favors larger parties) with the largest remainder formula. The proportionality of representation would be greatly improved, but would also disperse even more partisan power in the lower house. The last simulation is focused on malapportionment in the lower house. To add a strictly proportional distribution of seats to state populations, as the PT wishes to do, would produce gains that are hardly worth the political cost of the reform (alternative 6).⁶⁵

⁶⁴ Nicolau, "A Reforma da Representação Proporcional no Brasil," p. 201–224. Deviations from proportionality (i.e., the distortion between votes and seats) are measured by the index formulated by John Loosemore and Victor J. Hanby, "The Theoretical Limits of Maximum Distortion: Some Analytic Expressions for Electoral Systems," *British Journal of Political Science* 1 (1971): 467–477. Needless to say, simulation results are only indicative because voters can be expected to change their voting decisions as new rules are introduced.

⁶⁵ State caucuses in the Chamber of Deputies were never rigorously proportional to their state's population. Data on legislative sessions from 1872 to 1994 show that despite constant changes in the rules, the malapportionment of seats to population has varied over time but has never been eliminated. The region most affected by malapportionment has always been the southeast. The northeast and the south have alternated between over- and underrepresentation while the north and the center-west consistently have been overrepresented in the lower house. See Jairo Nicolau, "As Distorções na Representação dos Estados na Câmara dos Deputados Brasileira," *Dados* 40 (1997).

Table 5. Simulated Outcomes of Political Reform Proposals

Reform proposals	Number of represented parties	Number of effective parties ^a	Deviation from proportionality ^b
1. Set a national vote threshold for party representation in Congress	7	6.1	16.5
2. Ban multiparty coalitions in legislative elections	14	6.0	13.5
3. Ban multiparty alliances as well as the electoral quotient	14	6.0	9.6
4. Allow multiparty alliances with a proportional allocation of seats to parties	14	6.7	9.0
As was in 1998	18	7.1	7.0
5. Ban multiparty alliances and the electoral quotient, but adopt the largest remainder formula to apportion seats	21	7.6	4.1
6. Ban multiparty alliance and the electoral quotient, adopt the largest remainder formula, and make seats proportional to population	21	7.7	3.3

a. Marku Laakso and Rein Taagepera, "Effective Number of Parties: A Measurement with Application to West Europe," *Comparative Political Studies* 12 (April 1979).

b. The index measures the extent to which the distribution of seats deviates from perfect proportionality to parties' vote shares. See John Loosemore and Victor J. Hanby, "The Theoretical Limits of Maximum Distortion: Some Analytic Expressions for Electoral Systems," *British Journal of Political Science* 1 (1971): 467-477.

Source: Adapted from Jairo Nicolau, "A Reforma da Representação Proporcional no Brasil" in Maria Victoria Benevides, Paulo Vannuchi, and Fábio Kerche, eds., *Reforma Política e Cidadania* (São Paulo: Instituto Cidadania e Editora Fundação Perseu Abramo, 2003), pp. 201–224. Simulations are based on data from the 1998 election.

The best trade-off between party representation and electoral proportionality is a reform proposal that would permit multiparty alliances provided that legislative seats are distributed in proportion to each party's share of the vote (alternative 4). In sum, rather than championing initiatives that carry a high political price tag, such as a national vote threshold or the reapportionment of legislative seats among states, the Select Committee's party federation proposal seems to offer a realistic way to advance electoral reform. Its major shortcoming

is the lack of a rule for party federations that establishes the division of seats in proportion to the partners' share of the vote.⁶⁶

Closed-list Proportional Representation

The reform bill's boldest innovation is the closed list system. Under this system, the parties would present lists of names rank-ordered by party conventions, and the voters would cast their ballots for the party label. As soon as votes are tallied, seats would be awarded to candidates in accordance with their ranking on the pre-ordained party list. The closed list is expected not only to strengthen political parties but also to make public campaign financing viable by channeling public funds through the parties.

There is little doubt that the closed list would open the way to a radical change in existing political practices over time. What is feared is that such change might run against the grain of Brazilian politics, precipitating a reaction that might forestall the drive for political reform. The personal vote has in fact thrived at the expense of political parties. However, the rise of programmatic parties such as the PT has shown that party discipline and party control over candidate selection are not incompatible with the open-list system.

The problem with the Select Committee's bill is that it would push the pendulum too far in the opposite direction, giving party leaders excessive power over party incumbents and candidates. Party leaders have only a tenuous accountability to the rank and file, and even politicians who stand for more cohesive and disciplined political parties are reluctant to abandon the current open-list system. It is telling that Selected Committee members have chosen to reinstate the *ex officio* or birthright candidate (i.e., no minees who are automatically included on a party slate because they already hold office) as a check on the discretionary power of party leaders, at least until the new system takes hold and mechanisms designed to weed out oligarchical tendencies within the parties are instituted.

One alternative to a closed-list system is the flexible party list, which would allow voters to rank candidates within a list previously approved by the party convention. However, the evidence shows that voters tend to make limited use of such opportunity when it is available. An even more adequate alternative that would preserve the wholesome features of the open-list system is to adopt a mixed-member system that combines majority contests in single-seat districts with closed-list proportional representation elections in statewide circumscriptions.

The mixed-member system provides adequate trade-offs along two dimensions in which Brazil has exhibited extreme features: the interparty (majority-versus-proportional representation) and intraparty (personal-versus-

⁶⁶ The coalescence of small parties into party federations should reduce even further the number of nominal and effective parties represented in the lower house.

party vote) dimensions.⁶⁷ Single-member majority elections should enhance the intelligibility of political competition because majority contests often come down to a two-candidate race. Candidates on the closed-list side, who must appeal to a constituency scattered across huge multi-seat constituencies, should compete for the allegiance of the voters by offering broad policy platforms rather than particularistic pork benefits. There is also the matter of accountability to geographical constituencies. Being significantly smaller in size than the current electoral circumscription, the single-member district should allow voters to clearly identify their representative as well as hold him accountable for issues of importance to them.

The mixed-member system also appears to be an appropriate institution for Brazil's electoral geography. Ames's study of the spatial patterns of vote distribution identified two major dimensions: the spatial contiguity of a candidate's votes across municipalities (concentrated or scattered), and the degree to which a candidate receives a majority of the votes or shares votes with other candidates in key municipalities (dominant or shared).⁶⁸

Concentrated-dominant vote distribution profiles are informal bailiwicks that would easily fit into the nominal tier of a mixed-member system. Concentrated-dominant federal deputies tend to maintain closer links to voters, cultivate a personal vote, and be more independent from the party line and more engaged in pork-seeking activities on behalf of their clienteles. Such deputies held 17 percent of lower house seats from 1994 to 2003. (Another 30 percent share of seats went to deputies with scattered-dominant vote distributions, who tend to display similar electoral motivation.⁶⁹ To infer that informal bailiwicks are the exclusive province of clientelistic center-right parties can be misleading. Although these parties have a large number of concentrated-dominant deputies in their lower house caucuses, nearly one-third of the PT deputies had the same vote distribution pattern.⁷⁰

Shared-scattered vote distribution, for its part, should fill the requirements of the mixed-member system's party tier. The PT's competitive electoral edge resides in this pattern of vote distribution. Concentrated-shared deputies (who held 30 percent of the seats in the last legislature) tend to appeal to broad social groups in large cities, the typical spatial base of PT candidates.⁷¹ Scattered-shared deputies (who held 20 percent of seats) were equally motivated to take a stand on sensitive policy issues to appeal to nonterritorial constituencies, such as religious, ethnic, and social movement groups.

⁶⁷ See Matthew Soberg Shugart, "Extreme Electoral Systems and the Appeal of the Mixed-Member Alternative" in Matthew Soberg Shugart and Martin P. Wattenberg, editors, *Mixed-Member Electoral Systems: The Best of Both Worlds?* (New York: Oxford University Press, 2001), pp. 25–51.

⁶⁸ See Ames, *The Deadlock of Democracy in Brazil*, pp. 43–44.

⁶⁹ Nelson Rojas de Carvalho, *E no Início Eram as Bases: Geografia Política do Voto e Comportamento Legislativo no Brasil* (Rio de Janeiro: Editora Revan, 2003).

⁷⁰ *Ibid.*, p. 109.

⁷¹ Ames, *The Deadlock of Democracy in Brazil*, p. 81.

Conclusion

Since 1988, Brazil has made great strides toward the consolidation of democratic governance. Electoral credibility has been assured by reform measures that have brought greater safeguards at the ballot box, as exemplified by the 2002 all-electronic election.⁷² Rather, the issue at hand is electoral efficiency, that is, enhancing the voters' ability to identify and support national policy alternatives in legislative elections. It is also a matter of defining clear lines of accountability between voters and legislators. To the extent that the responsibility for public policy is hidden or obscured, the voters' ability to influence policy outcomes is reduced. These requirements presuppose meaningful parties.

The Select Committee's bill has helped attenuate the lines of disagreement that have restrained political reform for so long. However, the reform initiative should also take into account three main elements. First, electoral reform should be the priority. A mixed-member system not only is less conducive to party fragmentation but also provides incentives that assure that legislators will be more responsive and accountable to those who elect them. The current state apportionment of legislative seats should be used to delimit the number of single-member districts. In the future, drawing equal-sized districts across states could automatically eliminate malapportionment. In addition, party federations should replace multiparty alliances in legislative elections, provided that seats are distributed in proportion to party vote shares. Otherwise, party federations will perpetuate existing distortions in the allocation of seats to votes. In the future, incentives for party mergers can be introduced to help transform party federations into full-fledged political parties. Finally, if a public-private campaign financing system is introduced, it should uphold the current reform bill's ban on the use of party funds.

Why, in retrospect, have politicians failed to implement political reform? The argument that those who enjoy advantages through the status quo tend to prefer it, while those disadvantaged by it will seek alternatives that favor the outcomes they prefer is of limited value. Politicians have in fact opposed aspects of reform that arguably were in their long-term interests.⁷³ Uncertainty regarding the prospects

⁷² A proud achievement of Brazil's Higher Electoral Court, the electronic vote may have been the harbinger of a political revolution because it greatly reduced the possibility of wasting a vote through error. The number of blank and null votes cast in legislative elections had been increasing since 1986. In that year, 28 percent of the votes for lower house seats were blank or null. In 1990, the figure jumped to 44 percent, dropping to 41 percent in 1994 and 20 percent in the (only partly electronic) 1998 election. In 2002, however, blank and null votes totaled less than 8 percent, ensuring a fair count for millions of votes from poorly informed voters. A falloff of similar intensity occurred in the presidential, senatorial, gubernatorial, and state legislative elections. Declining turnout rates were also reversed as 82 percent of voters went to the polls, up from 78.5 percent in 1998. Jairo Nicolau, "Eleições sem Mantra, mas com Bossas" *Inteligência* (October–December 2002): 65–69.

⁷³ Permissive electoral and party rules introduced in the democratic transition period had to be overturned by Congress in the mid-1990s to avert a governance crisis. See Timothy

for change is probably a more relevant reason why Congress is unlikely to adopt the Select Committee's bill wholesale.⁷⁴

The PT and other parties of the Left have steadfastly opposed political reform along the lines set by early reformers, calling it excessively concerned with governability rather than citizen representation and participation in public affairs.⁷⁵ However, because the Select Committee's emphasis on closed-list legislative elections and public campaign financing benefits the PT above all, legislators hope that the reform bill has a better chance of success. On the other hand, by seeking out the political Center, which is crowded with small parties, Lula may have also undermined his ability to promote real reform of the political system.

The 2006 presidential and legislative elections and, to a lesser extent, the 2004 municipal races will be critical junctures in the evolution of the PT reform preferences. The party leadership hopes to leverage the governmental and political apparatus it controls to deliver to its candidates a decisive number of votes and to transform the PT into a truly national political party. If successful, Lula's bid for a consecutive presidential term would consolidate the PT's hold on Congress. His coattails might even win his party a few governorships in the larger and wealthier Brazilian states. The PT has risen to the challenge by setting up a nationally centralized structure, which is already in operation, to assist local party branches to fund and organize the 2004 election campaigns. Moreover, the PT's current affiliation drive seeks to enlist one million new party members in the next few years. An expanded membership should not only provide more political clout, but also help dilute the electoral weight of the party's extreme fringes.

However, the transition to a catch-all party is unlikely to preserve the organizational and ideational features that made the PT into the pivotal element of the center-left coalition which wrested Brazil's presidency from Cardoso's center-right partners. The programmatic triad of social justice, radical democracy, and political ethics will hardly emerge unscathed from the wheeling and dealing of power politics. The party's predicament has been dramatized by the decision to

J. Power, "Parties, Puppets and Paradoxes: Changing Attitudes Toward Party Institutionalization in Post-authoritarian Brazil," *Party Politics* 3 (April 1997): 189–219.

⁷⁴ See Donald L. Horowitz, "Electoral Systems: A Primer for Decision Makers," *Journal of Democracy* 14 (October 2003): 127. Uncertainty about the effects of political reform is exemplified by the unexpected results of the introduction of a mixed-member electoral system in several countries. See the studies in Matthew Soberg Shugart and Martin P. Wattenberg, eds., *Mixed-Member Electoral Systems: The Best of Both Worlds?* (New York: Oxford University Press, 2001), pp. 25–51; and Olavo Brasil de Lima Junior, "Reformas de sistemas eleitorais: mudanças, contextos e conseqüências," *Dados* 42 (1999).

⁷⁵ To wit: "The current elite drive for political reform is intent on engineering institutions to endow the political system with agile decisionmaking processes, in particular by buttressing executive-legislative relations through stable congressional majorities. We would welcome a political reform to improve Brazil's democratic and representative system through the correction of its distortions and the expansion of mechanisms for direct democracy and the social control of government." See José Dirceu and Marcus Ianoni, *Reforma Política* (São Paulo: Editora Fundação Perseu Abramo, 1996), p. 6.

expel one senator and three deputies for voting against the party's vote recommendation on the pension reform bill, regardless of the fact that the decision would thin the party caucus and might jeopardize its chances of electing the next president of the Chamber of Deputies, a key legislative post. This affirmation of party discipline occurred shortly after the migration of lower house legislators to pro-government parties that the PT helped to orchestrate. The PT might even become a target for the charges of *fisiologismo* (literally, physiologism, the practice of seeking personal gains at the expense of the public interest by politicians or public servants) that it leveled against incumbent administrations in the past in an effort to cash in on the protest vote. In a nutshell, for the PT the goal of political reform should not be to turn the other parties into mirror images of itself—all programmatic, cohesive, and disciplined parties—but to avoid becoming one of them.

Lula is committed to an ambitious agenda of economic and institutional reforms not dissimilar from his predecessor's. Like Cardoso, Lula has learned just how fickle legislative majorities can be. Political reform might help him overcome the resistance to policy innovation of those players with veto powers embedded in existing political arrangements. Without reform, this is likely to remain the basic hindrance to democratic governance in Brazil.

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