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Governability and Accountability in Brazil: Dilemma of Coalitional Presidentialism

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Governability and Accountability in Brazil: Dilemma of Coalitional Presidentialism

Taeko Hiroi *

I. Introduction

Consider this puzzle. The 2010 election gave the incoming Brazilian President Dilma Rousseff an unprecedented majority in Congress. With parties in the governing coalition expected to control 78 percent of the seats in the lower house and 64 percent in the upper house, Rousseff was elected with the largest congressional base ever since Brazil's democratization in 1985. The leading media in the nation quickly published optimistic reports that, with the ample majorities in both houses of Congress, Rousseff should have ease in approving government proposals (Folha de São Paulo, 1 November 2010). Contrary to the initial optimistic forecast, however, during the first one and half years of her presidency, she encountered a series of challenges in Congress. In fact, with those ample majorities, as of this writing in September 2012, she has not done much.

For example, in her first message to Congress in February 2011, Rousseff presented tax and political reforms as her government's priorities. To date, neither of these reforms has occurred. Recently, the Brazilian congress also considered a forest code that had anti-environmental provisions that the Rousseff government opposed. Despite its opposition, Congress passed it anyway in May 2012, forcing Rousseff to veto twelve provisions of the legislation. The president subsequently issued a presidential decree to regulate these vetoed provisions, and the members of the Rural Caucus in Congress, many of whom members of

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the president's governing coalition, immediately publicly vowed to defeat the decree.

In addition, as if problems with Congress were not enough, Rousseff's government suffered from a series of scandals within her first year. Seven of the 36 cabinet members had to leave the cabinet yet in 2011, six of them due to malfeasance, forcing her to undertake a cabinet reform in 2012.

Evidently, President Rousseff is facing a problem of governance, and this is not due to the unpopularity of the president by the public. In fact, President Rousseff's approval ratings have been consistently high, with more than 70 percent of survey respondents approving of her presidency (Pesquisa CNI-Ibope, various issues). Thus this puzzle makes us ask certain important questions, such as: What determines effective governance? Why do some bills take longer to be approved than others, and yet others tabled? What increases legislative obstructionism? And what implications does this all have for political accountability?

This article provides some answers to these questions. The problem associated with the forest code and tax and political reforms exemplifies the pattern of legislative behavior in Brazil where presidents face legislative obstruction, gridlock, and defeats from the members of their own coalition as well as those of the opposition. In this article, I argue that: (1) legislative coalitions have unique challenges that are not present in parties; (2) intra-coalition dynamics is at least as important as inter-coalition conflict in a coalitional presidential system; (3) failure to effectively manage coalitions generate greater legislative obstructionism and delay; and (4) challenges of managing coalitions have led to a series of accountability problems in Brazil.

In what follows, I will show how Brazil's political institutions engender the perpetual need for Brazilian presidents to create multiparty coalitions to navigate through the system and how this impacts policymaking processes and political accountability.

II. Brazilian Political Institutions

The 1988 constitution determines that Brazil is a presidential federal democracy with a bicameral national congress. The president is elected for a four-year term and holds substantial legislative prerogatives. For example, the president can propose statutory bills and constitutional amendments. The president also has very powerful executive decree authority called *medida provisória* (provisional measure) which allows the president to issue a temporary decree with the force of law without prior consent by Congress. The president also has extensive veto powers. She can veto any legislation in whole or in part.

The executive branch also holds the power of the purse, with discretionary power in releasing or denying public money to fund projects (Raile, Pereira, and Power 2011). The investment fund is very important for the members of Congress because it is the fund that finances their pork barrel projects to claim credit with their constituencies. The annual budget (called Annual Budgetary Law, or *Lei Orçamentaria Annual*) requires congressional approval to be effective, but its approval is not an automatic guarantee of its execution. In a given fiscal year, the Ministry of Finance monitors revenues and expenditures and exercises great discretion over the release of funds (Hiroi 2009). Known as the authorized budget (*orçamento autorizativo*) in Brazil, this prerogative grants presidents impressive leeway in deciding if and when budgetary funds will be dispersed, especially the so-called voluntary (discretionary) transfers.

With all these legislative and fiscal prerogatives, the Brazilian president is very powerful. In fact, when we compare constitutional powers of the president, the Brazilian president is one of the most powerful in the democratic world (Shugart and Carey 1992). However, even though the president has many constitutional prerogatives, legislative enactment still requires congressional approval.

The Brazilian legislature is a bicameral congress consisting of two houses. The lower chamber is the Chamber of Deputies (*Câmara dos Deputados*), with 513 members elected for a four-year term. The upper house is the Federal Senate (*Senado Federal*). It has 81 members, with 3 senators from each of the 26 states

and the Federal District, serving an eight-year term. In addition to the president, members of Congress can propose bills of ordinary and complementary law and proposals for constitutional amendment. No legislation or constitutional amendment can be enacted without approval by Congress. Even presidential decrees must be examined and approved by Congress after their issuance. Congressional rejection or failure to approve within a constitutional deadline (currently 120 days) will lead to the termination of the decree.

Since the country's return to democracy, party fractionalization has characterized the Brazilian Congress. As of this writing, there are 24 parties in the lower house (Câmara dos Deputados 2012), and 15 parties in the Senate (Senado Federal 2012). Many scholars attribute party fractionalization in the country to the open-list proportional representation electoral system used to elect federal deputies, the country's lax electoral law allowing ad hoc electoral alliances, and the federal system that accentuates regional differences (Ames 2001; Mainwaring 1999). Even the largest party in the Chamber of Deputies, currently President Rousseff's Workers' Party, holds only 87 seats, or 17 percent of the seats. Since legislative approval requires at minimum a simple majority (to approve bills of ordinary law), and requirements are higher for bills of complementary law (absolute majority) and constitutional amendments (three-fifths majority), and no single party has a majority status either in the Chamber or the Senate, it is imperative for the government to work with various parties to get things done in Congress.

III. Challenges of Working in Legislative Coalitions

In Brazil, the president is regarded as the main force of legislative change (Figueiredo and Limongi 1999), and since legislative enactment requires congressional approval, the greater the president's congressional base, the more likely that she will be able to pass reforms—at least this is what many have argued. However, an exclusive focus on the size of the governing coalition does not help much to explain the difficulty that President Rousseff has been encountering since, as was stated at the beginning of the article, her legislative

coalition is the largest ever, and with such a large coalition, there appears to be little space for opposition to block legislation that the government wants to pass, or pass bills that the president opposes.

We can understand President Rousseff's difficulty in governing, and challenges of governing in multiparty legislatures in general, by examining legislative coalitions and their impact on lawmaking. Past research has paid scant attention to legislative coalitions, both of governing and opposition, treating them as monolithic entities acting like single parties. However, we need to pay more attention to the politics within coalitions as well as between coalitions, because both intra-coalition conflict and inter-coalition relationships greatly affect governability and accountability in Brazil.

Furthermore, we also need to more closely examine legislative processes, not just outcomes. If we examine the passage rates of executive proposals, one may conclude that Brazilian presidents are quite successful in approving their legislative proposals in Congress (Figueiredo and Limongi 1999; Saiegh 2009, 2011). Indeed, this is the standard measure of legislative success, or conversely gridlock. Scholars of U.S. legislative politics also tend to focus on legislative enactment (Mayhew 1991; Krehbiel 1996, 1998; Binder 1999, 2001). While I do not deny the importance of legislative enactment, we miss the essence of politics—political bargaining—if we exclusively focus on legislative passage. Whether a bill passes in Congress or not is arguably the end point of the political processes (save presidential veto), and many bills do not even reach that stage (Ames 2001). We thus need to examine legislative delays and obstructionism, because they embody the difficulty of negotiation between and within coalitions.

It is common to divide political forces into government and opposition to analyze legislative politics. This dichotomous classification may be a useful simplification of the reality in two-party systems, such as that of the U.S., where two competing parties vie for public offices and the right to govern for a fixed period of time. However, in multiparty systems where no single party holds a majority, thus requiring parties to work together to achieve political objectives, this dichotomous classification can be misleading.

It can be misleading because one could view coalitions of parties as if they were monolithic, single parties. However, coalition partners are distinct parties, and internal coherence and cohesion of coalitions vary significantly. Since they are distinct parties, there are unique challenges to working as coalitions. For example, there may be an electoral incentive for parties to work together in the legislative arena if their pooling of legislative resources and strengths, and thereby getting things done, could lead to an increase in common support. However, these parties are also interested in increasing electoral support that is *exclusively theirs* to win more seats. In the end, there is only a fixed number of seats, and seats won by coalition partners are seats lost for them. Therefore, electoral competition is a zero-sum game, and electoral motivations may increase competition among coalition partners, complicating the business of working together.

In addition, partners in a coalition may have similar or dissimilar policy positions. The larger the coalition size, the more likely that the coalition is characterized by preference heterogeneity than homogeneity. This is the case with Dilma Rousseff's governing coalition: It includes parties from all range of the ideological spectrum, from the left to the right. It is not difficult to imagine that achieving consensus within such a heterogeneous coalition is difficult, if not impossible.

Moreover, parties may also have different relational preferences. For example, even parties in the opposition need to work together to act as an effective counter bloc to the governing forces. However, some parties may want to have a confrontational relationship with the government while other opposition parties may prefer to have less confrontational, more cooperative relationship.

Finally, especially with respect to the members of the governing coalition, there is also the issue of distribution of public offices and resources. Government budget and ministerial appointments are scarce resources that all parties and politicians value. How to divide these resources is often a political decision for the president. If these are not done in a manner satisfactory to the members

of the coalition, there will be rebels within it, which could be manifested in the legislative arena in the form of obstructionism, delay, and defeat. In short, legislative coalitions pose unique coordination challenges to lawmaking.

In Brazil, legislative coalition is a necessity due to its extremely fractionalized party system. Since Brazil is a presidential system, unlike prime ministers in parliamentary systems, presidents in theory do not need a legislative majority to stay in office. However, Brazil's fractionalized party system forces presidents to build majority coalitions to legislate, to govern. In addition, many legal changes require supermajority votes in Congress, generating the need to construct oversized coalitions. As a result, all post-1985 presidents have built coalitions, albeit of different sizes and internal cohesion. The trend is that coalitions have increased in size and internal heterogeneity over time.

However, size may not be the most important attribute of a coalition. In fact, internal unity and coalition satisfaction matter for effective governance and opposition, because coalition requires parties with divergent interests to act together and make decisions jointly. If a coalition lacks internal cohesion or has dissatisfied partners, more bargaining may be necessary to achieve legislative objectives. For example, coalition partners may bargain over the appointments of the cabinet and other important offices. Coalition members may demand shares of the government budget, claiming funding for their pet projects. The government may also need to bargain with its coalition members over policy, negotiating the content of proposed legislation. In short, coalition members can give a hard time to the government. Also, because the internal heterogeneity of coalitions and competition for resources will likely increase with the size of a coalition,⁽¹⁾ larger coalitions do not mean that they are better. In fact, it is likely to be difficult to satisfy everyone in a large coalition, and therefore larger coalitions

(1) Strictly speaking, heterogeneity will not increase if the preferences of additional parties and their members completely overlap those of the existing coalition partners. Competition will not increase if additional parties and their members do not demand any resources. Both of these are unlikely scenarios. Note also that heterogeneity or competition will never decrease if additional parties and members are added.

can be more problematic than smaller coalitions.

If this is the case—if there is a problem with coalition unity and management—then we should see their consequences in the legislative arena. We may see it in the legislative outcomes, with the government experiencing legislative defeats. We should also see it in the legislative processes, with an increase in obstructionist movements, resulting delays in decisions, and/or amending of government proposals.

The discussion so far helps us highlight some important hypotheses about legislative processes and conflict. With respect to the governing coalition, we should see more legislative delay and obstruction movements as the cohesiveness of the governing coalition declines. In addition, legislative delay and obstructionism will be more common as satisfaction among coalition partners declines. We also expect that satisfied coalitions matter more when coalition size is relatively small, but as it becomes larger, it will matter less, because larger coalitions can afford some defection in voting. With respect to the oppositions, we expect that legislative delay and obstruction are more likely as the cohesiveness of the parties in opposition increases.

IV. Extrapolating from the Past Experience: Data Analysis

In this section, I will examine available data on the legislative processes in Brazil. Since most available data are for the period before President Rousseff assumed office, I will analyze these data. If we find support for the aforementioned hypotheses in these data, it will help us explain the current situation in Brazil as well. I will use two distinct legislative datasets from Hiroi (2008) and Hiroi and Renno (2012).

Figure 1. Governing Coalition Size in Percentage of Lower House Seat Share

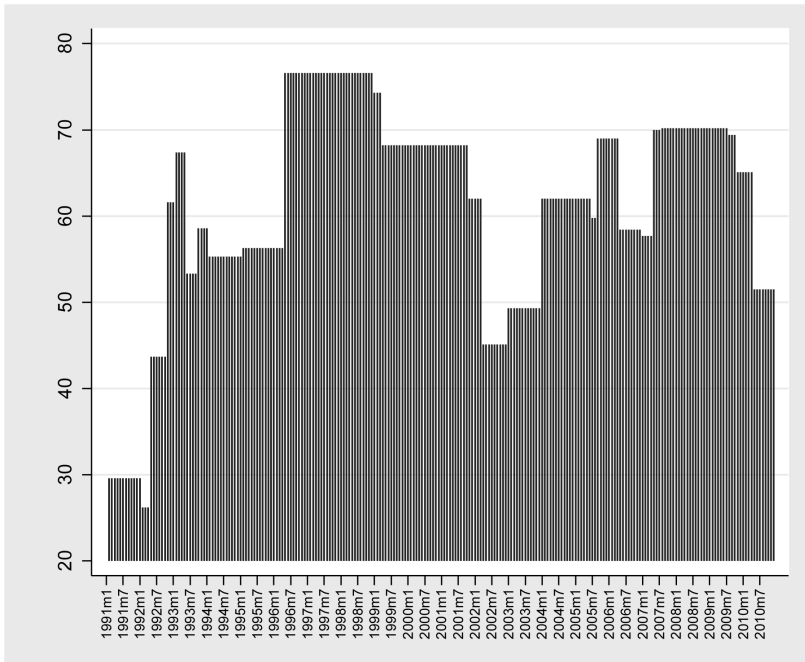


Figure 1 presents the size of the governing coalition in terms of the percentage share of the lower house seats that parties in the coalition holds. Parties in the governing coalition are those that hold ministerial appointments. This graph covers the period from the presidencies of Fernando Collor de Mello (March 1990–October 1992); Itamar Franco (October 1992–December 1994); Fernando Henrique Cardoso (January 1995–December 1998; January 1999–December 2002); and Luiz Inácio Lula da Silva (January 2003–December 2006; January 2007–December 2010). Collor’s legislative coalition was an exception to the pattern in that it started and remained as a minority coalition. In general, Brazilian presidents have crafted oversized coalitions, controlling more than 50 percent of the lower house seats most of the time. Lula’s coalition began as a minority coalition in 2003, but within a year, Lula expanded his

congressional base to over 60 percent of the lower house seats.

Another pattern that the figure shows is the cyclical nature of coalition size. Coalition size tends to grow during the first half of the administration and then becomes smaller toward the election time. This pattern reflects two important practices. First, its expansion at the beginning indicates the tendency of Brazilian deputies to be *governista*. Rather than standing by principles and policy positions, in the post-electoral period many deputies migrate to parties in the governing coalition, and many parties join the coalition, seeking greater access to pork and patronage resources. Second, diminishing coalition size as elections approach is evidence that partners in coalition are also competitors in elections and they leave the coalition if it is electorally beneficial.

In Brazil, one of the tools of coalition management is cabinet appointments. As discussed before, parties seek ministerial positions because of their patronage potential, policy interest, or both. When cabinet positions are distributed among coalition partners proportionately to their relative legislative weights, coalition partners are, arguably, relatively satisfied. However, if cabinet portfolios are distributed disproportionately, then at least some partners of the coalition are discontent and may engage in obstruction in the hope to get a better bargaining leverage. Amorim Neto (2002) devised a measure called cabinet coalescence rates to assess the proportionality in the distribution of cabinet positions and legislative weights.

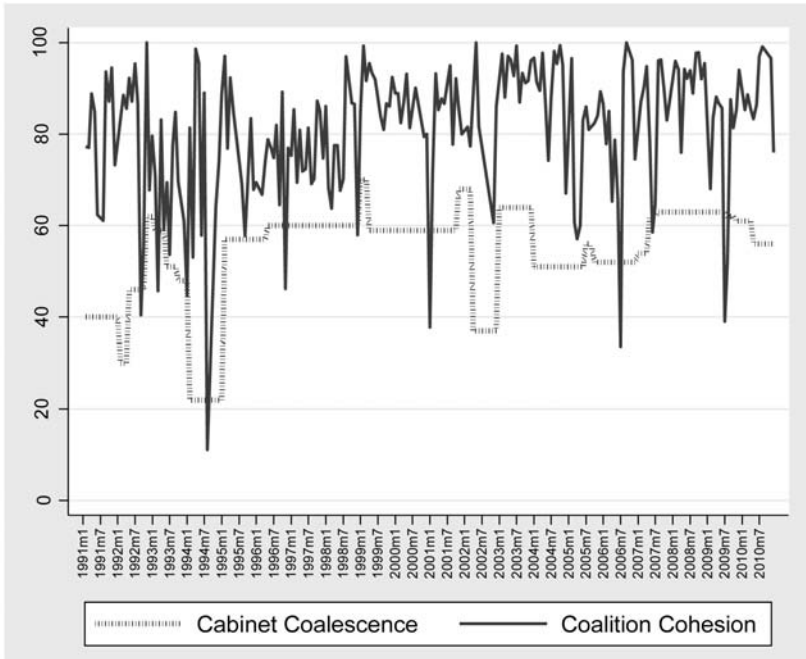
Figure 2. Satisfaction and Cohesion of Governing Coalition

Figure 2 presents the levels of satisfaction measured by cabinet coalescence rates and cohesion of governing coalitions since 1991. Coalition cohesion is measured by the Rice index of cohesion, expressed here in three-month moving averages, calculated by an absolute difference in the percentages of those voting yes and those voting no in the coalition. The figure shows that the levels of both cabinet coalescence and coalition cohesion fluctuate considerably. Yet, cohesiveness of the opposition oscillates even more, as shown in Figure 3. So an important question is: Do the levels of coalition and opposition cohesion and coalition satisfaction help explain delays and obstructionist movements in the legislative processes?

Figure 3. Opposition Cohesion

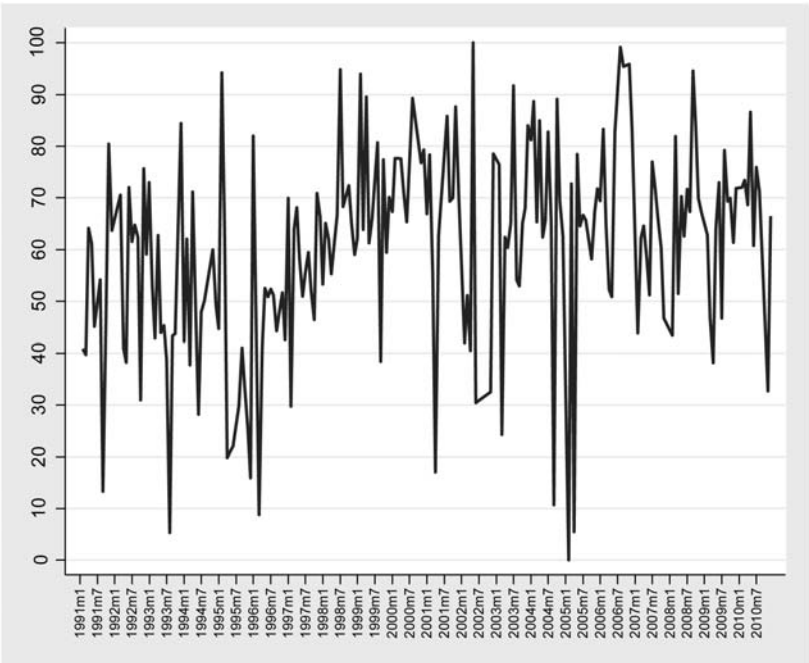


Table 1 provides descriptive statistics for a sample of legislative proposals submitted to the Brazilian Congress between 1988 and 2003. The original data come from Hiroi (2008). In this section, I examine only the executive and congressional proposals (2,937 bills).⁽²⁾ The dataset has all executive proposals submitted during this period. With respect to congressional proposals, the dataset includes all bills submitted and subsequently approved at least by the house of origin. This rule establishes a relative equivalency between executive and congressional proposals. In Brazil, the proposal formulation process in the executive branch is centralized; many policy proposals are first discussed within the executive branch and then only a selected few will be submitted to the congress as executive proposals. On the other hand, proposal submission in

(2) The original dataset also includes judicial proposals.

the legislative branch is decentralized; each legislator can submit a bill without support of others, except proposals for constitutional amendments, which require endorsement of at least one-third of the membership of the house. This means that not all proposals are equal, and proposals examined here are ‘institutional’ proposals that cleared the first hurdle of the internal deliberative processes. The history of each bill was traced until its final passage or its termination for other reasons. Bills pending as of July 31, 2004 are “censored” and exit the dataset at that point.

Table 1: Life Span of Bills in the Brazilian Congress, 1988-2004

	No of Bills	No of Bills Approved	Mean (days)	Median (days)	Min (days)	Max (days)
All Bills*	2937	1219	1530	1207	1	5777
Executive Bills*	847	533	801	428	1	5736
Congressional Bills*	2090	686	1825	1533	9	5777
Approved Bills	1219	--	795	560	2	5155

*The figures include censored and non-censored cases.

According to the table, of the 2,937 bills examined, Congress approved 1,219 bills. The table also suggests that bills tend to stay very long in Congress. There are some bills that were in Congress over 15 years and still pending. The table also indicates that executive bills tend to stay less in Congress and more likely to be approved, but even executive bills stayed in Congress for more than 2 years on average.

Table 2. Event History Analysis of Time until Final Passage in Congress, 1988-2004

Cabinet Coalescence	0.041** (0.019)
Gov. Coalition Size	0.053*** (0.018)
Coalescence*Coalition Size	-0.001** (0.0003)
Gov. Coalition Cohesion	-0.002 (0.003)
Opposition Cohesion	-0.010*** (0.002)
Gov-Opposition Ideological Divide	5.161*** (0.467)
Ideological Divide*ln(time)	-0.864*** (0.071)
N	52211
Wald Chi-Square	216.45***

Note: The model was estimated with Cox regression. Entries are coefficients. Robust standard errors clustered on individual bills are in parentheses. The interaction term for ideological divide with natural logarithm of time is included to address the violation of the proportional hazard assumption. * denotes $p \leq .10$, ** $p \leq .05$, and *** $p \leq .01$, two-tailed tests.

Since it is difficult to gauge the impact of cabinet coalescence and coalition and opposition cohesion on legislative delay by examining descriptive statistics, I performed an event history analysis of time until final passage in Congress, as shown in Table 2.⁽³⁾ The results provide strong support for the hypotheses. They indicate that both cabinet coalescence and governing coalition size expedite the process of legislative approval when their conditioning variables take the value of 0. The interaction between cabinet coalescence and coalition size is negative and significant, suggesting diminishing marginal effects of cabinet coalescence and coalition size. The analysis also indicates that cohesive opposition is a

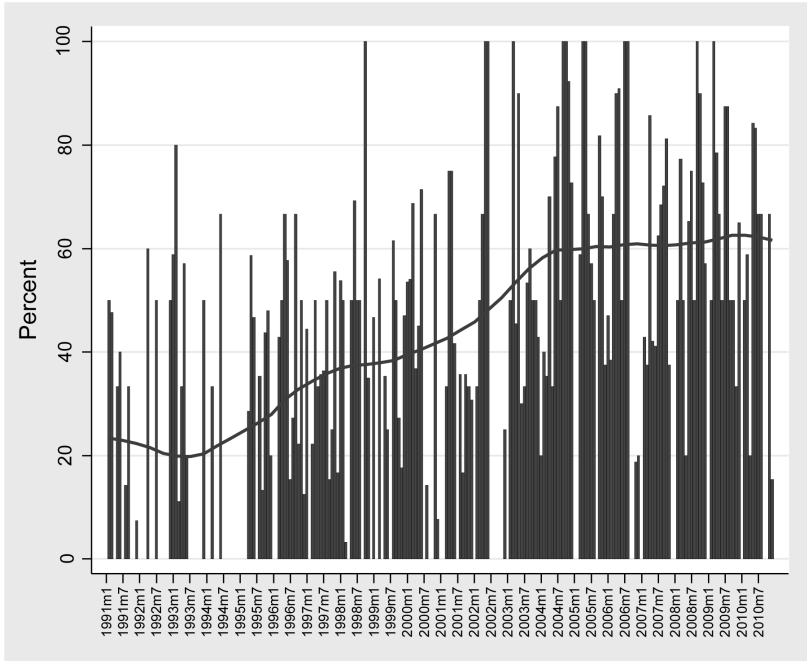
(3) See Hiroi and Renno (2012) for more complete and technical analysis.

hindrance to legislative approval, but a cohesive governing coalition may not necessarily facilitate the passage of bills. Finally, the initial effect of the ideological divide between the governing and opposition coalitions—a measure of inter-coalition conflict—is positive, but such effect flips (i.e., becomes negative) in about a year.

We can also examine data on obstructionist movements in Congress. Legislative obstruction involves the use of procedural votes that impede legislative decisions. These include, for example, request to remove proposals from the order of the day, request to delay discussion and vote, request to separately vote on different articles of a bill, request to use roll call votes instead of symbolic votes, request to vote on amendments, and so forth.

Figure 4 shows the monthly ratio of obstructionist votes to the total roll call votes. It shows that obstructionist votes are on the rise in the Brazilian Congress, indicating the importance of such study. Hiroi and Renno (2012) analyzed these data in another study, which yielded estimation results that are very similar to those found in the event history analysis, particularly with respect to government coalition size, coalescence, and the interaction between these two variables. Namely, size and coalescence decrease the likelihood of obstructionist movements, with diminishing returns for oversized coalitions. However, they also found that other aspects of legislative conflict, including intra-coalition unity, be it the governing or the opposition, do not affect the monthly ratio of requests for procedural votes that trump the decision-making process. Moreover, the ideological divide between the governing coalition and opposition does not help explain obstructionist maneuvers. What matters appears to be how well the government rewards its coalition partners with patronage positions.

Figure 4. Ratio of Obstructionist Votes to Total Roll Call Votes (in percent)



So what does this all mean for Brazil, and for President Rousseff? It means that in Brazil, intra-coalition dynamics are more salient than inter-coalition conflict, confirming the need to study what happens inside coalitions to understand legislative politics. Our findings also indicate that size will not offset the cost of bad coalition management or lack of unity, and an oversized coalition of heterogeneous parties may do more harm than good in governing. This probably explains a part of the puzzle: Dilma Rousseff’s coalition is too heterogeneous and too large to allow her to govern effectively.

V. Implications for Accountability and Quality of Democracy in Brazil

What are the implications for political accountability of the institutional arrangements that, on the one hand, generate so many disparate political parties

and relentless need for a coalition to govern, but on the other grants substantial power of the purse and patronage to the president? I will discuss a few areas of accountability that are weakened or undermined as a result of this configuration.

First, in Brazil there is currently not much room for opposition, creating a pro-executive legislature and weakening horizontal accountability. The powerful presidential prerogative notwithstanding, and especially after the failure of Collor's presidency (who was impeached by Congress), Brazilian presidents have come to understand the need to construct a majority coalition to enact reforms. Thus, they welcome, and often negotiate, joining of independent or opposition parties in the governing coalition and the migration of the members of opposition parties to parties in the coalition. The most immediate and obvious motivation for their migration is access to government resources.

One of the consequences of this migration is that the size and number of the parties in the governing coalition grow enormously after elections, making the legislative branch pro-government. Needless to say, such post-election migration undermines the accountability of parties and elected politicians to voters. Imagine a voter who thought s/he cast vote against the incumbent president by voting for a candidate from an opposition party, only to find that once elected, the party joined the coalition supporting the president. In addition, such migration and consequent enlargement of the governing coalition connote that checks and balances do not function well in Brazil, undermining horizontal accountability between state institutions (O'Donnell 2003).

Second, the need to distribute public offices among coalition partners for political purposes likely compromises the efficacy of the state agencies in providing high quality public services. Ideally, these positions are filled based on merit and expertise, and should not be objects of political bargaining. When politicians with dubious backgrounds are appointed to these offices, and if their primary motivations for taking these positions are access to patronage and other state resources, there is no wonder why ministerial turnovers due to malfeasance are high in Brazil.

Third, the constant need to manage coalitions also motivates the government

to buy support of legislators, often by illegal means, leading to corruption in both the government and legislature. Indeed, corruption is not a foreign concept in Brazilian politics. For example, President Collor was impeached on the ground of corruption. During the first term of President Cardoso, some deputies reportedly sold their votes in 1997 to support the constitutional amendment that allowed one consecutive reelection of the executive offices at all levels.

More recently, the first term of President Lula was marked by a series of corruption scandals involving himself, his government and party operatives, and his allies in Congress. The *mensalão* (which roughly translates into ‘big monthly stipends’) scandal, which broke out in 2005, involved his government handing out cash to the members of the coalition partners in exchange for their support for government proposals, especially for pension and tax reforms. The public prosecutor’s office investigated and indicted many members and leaders of Lula’s government, the Workers’ Party, other parties in the coalition, and public and private enterprises. The magnitude and method of the scheme was such that its revelation shocked even the Brazilian public accustomed to news of corruption.

What can Brazil do to better governability and accountability? Political reform has been debated in Brazil for many years. Many scholars and politicians recognize the need for political reform to address the existence of governability and accountability problems. Electoral reform has been a major part of the discussion. Many proposals have been circulated and debated and *ad hoc* committees have been established in both houses of Congress. However, progress on this end has been very slow, if not stagnant. There are many members who benefit from the current system and, as such, they form a powerful barrier to reform. However, political reform is needed to address governability and accountability problems. Political reform will not resolve all the problems, but it will help alleviate some of these problems because many of them have institutional sources.

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Governability and Accountability in Brazil

<Summary>

Taeko Hiroi

This article seeks to answer an important puzzle in Brazilian politics: What explains the legislative struggles and defeats by a president who holds a large congressional base? In the post-democratization period, most Brazilian presidents have amassed large congressional bases of support by forming governing coalitions comprised of various legislative parties. Conventional wisdom would indicate that large legislative bases would facilitate presidents to pursue their legislative agenda. However, successive presidents have faced legislative obstruction, gridlock, and defeats in Congress. This article shows how Brazil's political institutions engender the perpetual need for presidents to create multiparty coalitions to navigate through the system and how this impacts policymaking processes and political accountability. Specifically, (1) legislative coalitions have unique challenges that are not present in parties; (2) intra-coalition dynamics is at least as important as inter-coalition conflict in a coalitional presidential system; (3) failure to effectively manage coalitions generate greater legislative obstructionism and delay; and (4) challenges of managing coalitions have led to a series of accountability problems in Brazil.

