



**POLITICIANS, PARTIES AND ELECTORAL SYSTEMS:
BRAZIL IN COMPARATIVE PERSPECTIVE**

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Working Paper #141 - June 1990

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The author acknowledges the helpful comments and criticisms of Ron Archer, Tom Bruneau, Michael Coppedge, Caroline Domingo, Ken Erickson, Richard Katz, Arend Lijphart, Guillermo O'Donnell, Matthew Shugart, and Samuel Valenzuela. This paper will also appear in *Comparative Politics*.

ABSTRACT

This paper looks at the political consequences and the political origins of the Brazilian electoral system. This system has several unusual features that grant politicians nonpareil autonomy with respect to their parties. These features include a system of proportional representation that uses an open list and a mechanism known as the *candidato nato*, which allows politicians to get on the ticket despite the opposition of the party leadership. As a result, the electoral system reinforces the individualistic behavior of politicians and has contributed to undermining efforts to build more effective parties. Notwithstanding their frequent laments about the weakness of parties, Brazilian politicians have consistently opted for electoral systems that undermine parties. They have done so because they perceived measures that could strengthen parties as authoritarian, and also in response to their fears that executives would otherwise be able to control them ruthlessly. The extreme party weakness and individualistic patterns of representation that are reinforced by this electoral system have sustained an elitist polity.

RESUMEN

Este trabajo examina las consecuencias políticas y los orígenes políticos del sistema electoral brasileño. Este sistema posee varias características singulares que otorgan a los políticos muchísima autonomía con respecto a sus partidos. Entre estas características se incluye un sistema de representación proporcional que usa una lista abierta y un mecanismo conocido como "candidato nato" que permite a los políticos lanzarse a la candidatura a pesar de la oposición de la dirección del partido. Como resultado, el sistema electoral refuerza el comportamiento individualista de los políticos y ha contribuido a minar los esfuerzos para construir partidos más efectivos. A pesar de sus frecuentes lamentos acerca de la debilidad de los partidos, los políticos brasileños han optado consistentemente por sistemas electorales que los debilitan. Perciben como autoritarias las medidas que pudieran fortalecer a los partidos, y también temen que el ejecutivo de otra manera podría controlarlos despiadadamente. La extrema debilidad de los partidos y los patrones individualistas de representación reforzados por las leyes electorales han sostenido un sistema político elitista.

Electoral systems are important in at least two ways. First, they have significant political consequences. Electoral systems shape the nature of parties and party systems, and they affect the behavior of politicians and the strategies of voters. For example, in single member district plurality systems, voters have a strong incentive to select one of the two strongest candidates, and politicians have an incentive not to form third parties. Consequently, electoral systems have a strong effect on the number of parties and hence on the nature of competition in the party system. Although the issue has been explored less, electoral systems also affect the ways parties organize and function internally.¹

Second, electoral systems also reveal interesting information about the predilections of politicians. Once instituted, electoral systems shape politicians' behavior, but politicians may have occasional opportunities to revise electoral legislation, hence to select a system more to their liking. Politicians' preferences about electoral legislation indicate a great deal about how they operate and how they perceive the political system.²

¹ The literature on these subjects is extensive. For general introductions, see Vernon Bogdanor and David Butler, eds., *Democracy and Elections: Electoral Systems and Their Political Consequences* (New York: Cambridge University Press, 1983); and Bernard Grofman and Arend Lijphart, eds., *Electoral Laws and Their Political Consequences* (New York: Agathon, 1986). On the relationship between electoral systems and the number of relevant parties, see Maurice Duverger, *Political Parties: Their Organization and Activity in the Modern State* (London: Methuen, 1954); Arend Lijphart, "The Political Consequences of Electoral Laws, 1945-1985: A Critique, Re-Analysis, and Update of Rae's Classic Study," Paper for the World Congress of the International Political Science Association (Washington, D.C., August 28-September 1, 1988); Douglas Rae, *The Political Consequences of Electoral Laws* (New Haven: Yale University Press, 1967); William Riker, "Duverger's Laws Revisited," in Grofman and Lijphart, eds., *Electoral Laws and Their Political Consequences*, pp. 19-42; Rein Taagepera and Matthew Soberg Shugart, *Seats and Votes: The Effects and Determinants of Electoral Systems* (New Haven: Yale University Press, 1989); Giovanni Sartori, "The Influence of Electoral Systems: Faulty Laws of Faulty Method?" in Grofman and Lijphart, eds., *Electoral Laws and Their Political Consequences*, pp. 43-68.

² This observation means that electoral systems should be treated both as an independent and a dependent variable. They are an independent variable in the sense that they affect the nature of parties and party systems, and they shape politicians' and voters' behavior. They are a dependent variable in that politicians' preferences and conceptions determine what kinds of electoral systems they choose. It would be intellectually neater if we could treat electoral systems exclusively as a dependent or an independent variable, but doing so misses the point. In cases where electoral systems have become ossified, they function almost exclusively as an independent variable; they shape politicians' behavior, and politicians' preferences about electoral systems are irrelevant for practical purposes. But in cases where major electoral reforms have been seriously debated by legislatures, politicians' preferences and conceptions determine the nature of the electoral system. Even in these cases, however, in the short run politicians are obliged to conform to extant electoral rules in order to enhance their chances of getting elected. Hence, politicians' preferences determine electoral rules, but electoral rules in turn shape politicians' behavior. A simple causal argument will not do.

Whereas the first important aspect of electoral systems refers to their political consequences, this second aspect concerns their political origins.

This paper looks at both the political consequences and the political origins of the Brazilian electoral system. Regarding the former, my basic argument is that several aspects of Brazil's electoral legislation have either no parallel or few parallels in the world, and that no other democracy grants politicians so much autonomy vis-à-vis their parties. This electoral legislation reinforces the individualistic behavior of politicians and has contributed to undermining efforts to build more effective political parties. The extremely low degrees of party loyalty and discipline found in the major parties (excepting several parties on the left) are tolerated and encouraged by this legislation. In turn, limited party discipline and loyalty have contributed to the singular underdevelopment of Brazil's political parties.

In addition to analyzing consequences of electoral laws, the paper examines the political rationale behind these laws. Electoral systems are almost always instituted and changed as much to protect and favor some interests as to realize an "ideal" set of electoral laws. Notwithstanding their frequent laments about the weakness of political parties, Brazilian politicians have consistently opted for electoral systems that weaken parties. I argue that they have done so because they perceive measures that could strengthen party discipline as authoritarian, and also in response to their fears that executives would otherwise be able to control them ruthlessly. Finally, their preference for antiparty electoral systems reflects their belief that they can more effectively represent their own clienteles—and get reelected—if party organizations are weak.

Despite the evidence that electoral systems are important, this subject has been neglected in the study of Latin American politics,³ even as studies of elections, parties,

³ Uruguay has been the outstanding and perhaps the sole exception to this generalization. The Ley de Lemas, which allows for a complex system of multiple tickets for the same party, has attracted widespread scholarly attention. Among other contributions, see Luis Eduardo González, "Political Structures and the Prospects for Democracy in Uruguay," Ph.D. dissertation, Yale University, 1988; Dieter Nohlen and Juan Rial, eds., *Reforma electoral* (Montevideo: FESUR/Ediciones de la Banda Oriental, 1986); Juan Rial, *Uruguay: Elecciones de 1984. Sistema electoral y resultados* (San José, Costa Rica: CAPEL, 1986). The Brazilian literature on electoral systems is reasonably extensive but not always sufficiently comparatively informed. Most of the literature has focused on whether a proportional or majoritarian system would better serve the country. For an excellent overview of the debate about majoritarian versus proportional representation, see Bolívar Lamounier, "A Representação Proporcional no Brasil: Mapeamento de um Debate," *Revista de Cultura e Política* 7, (1982), 5-42. My opinion is that the problem is not proportional representation per se, but rather an open list and other measures that have led "rational" (in the sense of rational choice) politicians to individualistic, antiparty behavior. On this issue, see Bolívar Lamounier, "Partidos Políticos e Sistema Eleitoral," *Textos IDESP* No. 13 (1986). For a useful history of

public opinion, and other institutional issues have burgeoned in recent years. Remarkably, there are no books and very few articles in English on electoral systems in Latin America. This paper responds to that lacuna in the study of Latin American politics, focusing on the consequences and origins of the Brazilian electoral system.

Basic Features of the Brazilian Electoral System

Electoral systems involve many details that regulate a wide range of issues, from how candidates are nominated to how seats are allocated. In this paper, I do not provide an exhaustive description of all the features of the Brazilian electoral system, nor of all of its effects. I focus principally on some measures that affect the relationship between parties and candidates or congressional representatives, but begin with a summary description of several key features of the electoral system.

Like several other Latin American nations, Brazil has a mixture of representational formulas uncommon in the advanced industrial democracies. Power in the political system is concentrated in the executive branch. Elections for most executive offices, including president, governors, and mayors of cities with at least 200,000 voters, have a majoritarian format with a runoff between the two top finishers if nobody obtains 50% of the vote in the first round.⁴ Elections for mayors of cities with under 200,000 voters are based on a single round, plurality method, and senate seats are also filled in plurality (first-past-the-post) elections. Still other positions (federal deputies, state deputies, town council representatives) are filled in proportional elections. Thus all three of the most common methods of allocating seats (absolute majority with single member districts, plurality with single member districts, and proportional elections) play an important role in the political system.

The national legislature is bicameral and the state legislatures have a single chamber. Even though the Senate is almost as powerful as the Chamber of Deputies and each state has three senators, the less populous states are greatly overrepresented in the Chamber. There is a minimum of eight deputies per state and a maximum of 60, so supposedly proportional elections are marked by gross disproportionalities. The number of voters per deputy in the state of São Paulo is over ten times greater than in the least populated state (Acre), giving Brazil one of the world's most disproportional systems of proportional representation (hereafter PR). The Brazilian system was designed to

Brazilian electoral systems, see Maria D'Alva Gil Kinzo, *Representação Política e Sistema Eleitoral no Brasil* (São Paulo: Símbolo, 1980).

⁴ The 1989 presidential election was the first election to use this formula, which was introduced by the 1988 constitution. Before 1989, elections for executive posts were based on a first-past-the-post system with a single round.

overrepresent the least populated states, which are generally the poorest, and underrepresent the most populated, especially São Paulo.⁵

In the proportional elections for federal and state deputies, the states (of which there are currently 23), plus the Federal District and two territories, serve as the electoral districts. As is always the case with list PR, seats are allocated first according to the total number of votes for a party. The method for determining proportionality is that of the largest remainders which, as Lijphart has shown,⁶ allows for higher proportionality than other methods. The minimal threshold for attaining one seat is quite low, namely, the electoral quotient (number of votes divided by number of seats). Parties that do not reach this quotient are not eligible for the distribution of remainders. In São Paulo, a party or a coalition needs to garner only 1/60 of the votes (1.67%) in order to win representation in the Chamber of Deputies.⁷ The district magnitude (i.e., the number of seats per electoral district) for federal deputies ranges from moderate to exceptionally large, from 8 to 60 deputies, and the district magnitude for state deputies is even higher. Few countries (Holland and Israel among them) have district magnitudes as high as the state of São Paulo. Reinforced by the low threshold and the largest remainders method, the high district magnitude would permit a high degree of proportionality if a more equitable formula of distributing seats among states were used.

Incentives to Individualism in the Brazilian Electoral System

The Brazilian electoral system offers a number of incentives to antiparty behavior on the part of individual representatives. Foremost among these incentives is a peculiar system of proportional representation, which gives the electorate exceptional choice in choosing individual candidates and weakens party control over candidates. In most countries with proportional representation, political parties have considerable or absolute authority in determining which individual candidates will fill seats. Some proportional systems, including those in Argentina, Venezuela, Israel, and Spain, use a closed and

⁵ On these inequalities in representation, see Gláucio Ary Dillon Soares, "Desigualdades Eleitorais no Brasil," *Revista de Ciência Política*, 7 (1973), 22-48. On the origins of these disproportionalities, see Maria do Carmo Campello de Souza, *Estado e Partidos Políticos no Brasil (1930 a 1964)* (São Paulo: Alfa-Omega, 1976), pp. 124-34.

⁶ Arend Lijphart, "Degrees of Proportionality of Proportional Representation," in Grofman and Lijphart, eds., *Electoral Laws and Their Political Consequences*, pp. 170-79.

⁷ Because coalitions are allowed, a party could elect a representative with an infinitesimal percentage of the vote. Assume that a coalition wins 10% of the vote in São Paulo and elects six deputies. If one party in the coalition had only one candidate, who came in sixth place with 2% of the coalition's total votes, it would win a seat with 0.2% of the total vote for the state. If this party did not run candidates in other states, it could win a seat in the national legislature despite having only 0.04% of the votes.

blocked party list,⁸ in which the party determines an unalterable order of candidates in advance of the elections. If it wins five seats, the first five names on the party's list are elected. The voter selects a party but does not vote for a specific candidate within that party. In most other proportional systems, including those in Belgium, Austria, the Netherlands, Switzerland, and Luxembourg, voters can alter the order of candidates through what is known as preference voting, but the parties' initial ordering of candidates is nevertheless important.

Only in a few proportional systems, including the Brazilian, do preference votes completely determine the intraparty order of candidates. In some such cases, including in Italy and Greece, the parties present an initial order to the list, but this order has no formal authority in determining the allocation of seats to candidates. The single transferable vote (STV), which is used in Ireland, Malta, Tasmania, and Australian senate elections, also places a premium on preference voting, but it is not a system of list PR.⁹

Brazil has an open list system, which is otherwise found only in Chile (1958-73) and Finland.¹⁰ It is a simple system that offers citizens exceptional comparative weight in intraparty selection at election time. A citizen casts a vote for one deputy only, and this vote cannot be transferred to other individuals. Seats are first distributed to parties according to the total number of votes their candidates get, and then within parties according to the number of individual votes. Suppose that 4 parties compete for a given state's seats in the Chamber of Deputies. Each party is allowed to run 1 1/2 candidates per seat, or up to 12 candidates for 8 seats. Assume the following vote totals:

⁸ This system is also used for half of the seats in West Germany.

⁹ Constituencies are multimembered. Citizens cast one vote only, but they can stipulate their order of preferences for the entire list of candidates. If their first choice vote is "wasted," either because the candidate does not have enough votes to be in the running or because the candidate's election is already ensured, then the vote goes to their second (and so on) choice. For details, see Enid Lakeman, *How Democracies Vote: A Study of Electoral Systems* (London: Faber and Faber, 1974), pp. 111-50; Arend Lijphart and Bernard Grofman, eds., *Choosing an Electoral System: Issues and Alternatives* (New York: Praeger, 1984), pp. 113-51.

¹⁰ On Finland, see Klaus Törnudd, *The Electoral System of Finland* (London: Hugh Evelyn, 1968); and Andrew McLaren Carstairs, *A Short History of Electoral Systems in Western Europe* (London: George Allen and Unwin, 1980), pp. 110-120. On Chile see Arturo Valenzuela, *Political Brokers in Chile* (Durham: Duke University Press, 1977), pp. 55-57, and Alejandro Silva Bascuñán, *Tratado de Derecho Constitucional* (Santiago: Ed. Jurídica de Chile, 1963), Vol. II, pp. 194-200.

Table 1

	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
Candidate 1	65,000	52,000	35,000	36,000
Candidate 2	60,000	40,000	25,000	15,000
Candidate 3	55,000	20,000	16,000	10,000
Candidate 4	50,000	14,000	8,000	9,000
Candidate 5	40,000	13,000	6,000	8,000
Candidate 6	35,000	12,000	5,000	5,000
Candidate 7	30,000	11,000	4,000	4,000
Candidate 8	25,000	10,000	3,000	1,000
Candidate 9	20,000	9,000	2,000	—
Candidate 10	15,000	7,000	2,000	—
Candidate 11	10,000	5,000	—	—
Candidate 12	5,000	3,000	—	—
<hr/> Total votes for party	<hr/> 410,000	<hr/> 196,000	<hr/> 106,000	<hr/> 88,000

The total number of votes cast, 800,000, is divided by the total number of seats (8) to derive the electoral quotient (100,000). Each party then gets one representative for each full multiple of 100,000, yielding 4 representatives for A, 1 for B, and 1 for C. The remaining seats are distributed on the basis of the highest remainders. Each party that reaches the electoral quotient (100,000) subtracts from its number of votes its number of representatives times the electoral quotient. The party with the highest remainder is entitled to the next representative. In this case, the parties would have leftovers of 10,000; 96,000; 6,000; and 88,000, respectively. Since D did not reach the electoral quotient, it is not eligible for the distribution of remainders. The highest remainder method would therefore yield additional seats for B and A, and the parties would end up with 5, 2, 1, and 0 seats, respectively.

Even though the number of representatives is determined by party votes, whether or not a candidate is elected depends on his/her ability to obtain individual votes. The five most voted candidates from Party A, the two most voted from B, and the most voted from C would be elected. This system provides a strong incentive for individualism in campaigns, especially since a politician's prestige and power are greatly enhanced by a massive vote total. Note that individuals can fail to get elected even though they tally more votes than a successful candidate from another party.

Systems in which preference voting completely determines the order of candidates give the greatest weight to popular voting and the least to party organizations

in determining which individuals get elected. Electoral systems of this type, which maximize voters' influence in selecting individual candidates, have had ardent defenders over the years. Ostrogorski's classic book underscored the evils of party organizations and advocated measures to dilute party control and allow citizens free choice among candidates.¹¹ The implementation of primary elections in the United States had much the same objective. More recently, Lakeman and Newman argued passionately in favor of the single transferable vote, largely because it gives voters great intraparty choice.¹² However, such systems often undermine party organizations and serve as an incentive to individualistic behavior among politicians.

Although this combination of PR and an open list system may be the most important measure that grants politicians so much autonomy vis-à-vis their parties, other aspects of the Brazilian electoral system contribute to this effect. Some of these are noted in what follows.

(1) A highly unusual characteristic of Brazil's electoral system that has accentuated the autonomy of politicians vis-à-vis their parties is the *candidato nato* (literally, birth-right candidate). This is a rule by which federal and state deputies and town council representatives (and until 1986 senators as well) automatically have the right to be on the ballot for the same position in the next election. A politician can violate all of the party's programmatic concerns, consistently vote against the leadership, and still be guaranteed a place on the ballot.

Because of the *candidato nato*, a deputy can even switch parties despite the opposition of the party leadership and still be guaranteed the right to run for office on that party's ticket. Such a case occurred in the PMDB in the state of Paraná in 1986. Renato Johnsson, a federal deputy of the PDS, the party created by the military government, applied for membership in the PMDB of Curitiba, the capital of the state. The PMDB Directorate of Curitiba turned him down, but Johnson then convinced a Directorate in the interior of the state to accept his membership in the PMDB. Having done this, Johnsson was assured of a place on the PMDB ballot by the institution of the *candidato nato*.

(2) As notable as what electoral legislation says is what it doesn't say. The current electoral system contains no measures that inhibit elected representatives from switching parties.

¹¹ Moisei Ostrogorski, *Democracy and the Organization of Political Parties* (Garden City, NY: Anchor Books, 1964).

¹² Lakeman, *How Democracies Vote*; Robert Newland, *Comparative Electoral Systems* (London: The Arthur McDougall Fund, 1982). On the implementation of primary elections in the US, see James Ceaser, *Presidential Selection* (Princeton: Princeton University Press, 1979).

The Brazilian military government (1964-1985) instituted a law that stipulated that the representative would lose his/her mandate by changing parties unless it were to form a new party, which was allowed once in every four year period. With the advent of a civilian government in 1985, however, this measure was one of the first to be repealed when Constitutional Amendment #25 of May 1985 revoked this stipulation and allowed politicians to change parties at will. A unique article in the electoral code of 1985-88 actually obligated politicians to switch parties if they wanted to keep their mandate. Parties that failed to reach 3% of the total vote for the Chamber of Deputies, with at least 2% in 5 states, would not be represented in congress, but the representatives elected from those parties maintained their mandates as long as they switched to another party within 60 days. In a similar vein, Articles 147-150 of the old Electoral Law of 1950 cancelled the registration of parties, but unless the parties were dissolved for being "anti-democratic" (i.e., leftist), individual representatives retained their mandates.

(3) Brazilian electoral legislation allows each party to present a large number of candidates for proportional positions. For federal and state deputies, a party can present 1 1/2 times the number of seats to be filled. In the state of São Paulo, this means that a party can present up to (and has an incentive to do so) 90 candidates for federal deputies and 126 candidates for state deputies. For town council representatives, each party can present three times the number of seats to be filled. If one party forms an electoral alliance with another, the alliance can present twice the number of candidates, and if it forms an alliance with two parties, the alliance can run three times the number of candidates. Thus, an electoral alliance among three parties in the state of São Paulo could present 378 candidates for state deputies. This large number of candidates reduces party control over who gets elected and increases the importance of individual efforts in campaigning.

(4) Congressional rules provide a stimulus to form new parties. A party with one representative gets virtually all of the congressional privileges accorded to larger parties: space for the party leadership, secretarial assistance, telephones, an automobile, etc. As a result, there is an incentive for people to get elected on one ticket, then form another party. This opportunity increases the range of possibilities for politicians and makes it more difficult for parties to elicit minimal commitments. In a similar vein, the electoral legislation governing the use of free television time for campaigns encourages the proliferation of parties since small parties get proportionately more free TV time during campaign periods than large parties.

(5) Some PR systems establish a minimum percentage of the national vote that parties must attain if they are to win any representation in the legislature. West Germany,

for example, has a comparatively demanding 5% minimum, i.e., any party that fails to reach 5% of the votes will not be allotted any representatives.¹³ Such minimums were designed to make difficult the ascension of antisystem parties or to limit the number of parties in parliament as a means of facilitating interaction among the remaining parties. In Brazil, the low threshold and the high district magnitude facilitate the representation of a high number of parties (often more than twelve) in congress. The absence of such an entry barrier facilitates the process of frequently changing parties because it minimizes the risks of forming one's own party or joining a small splinter group.

The Political Consequences of Brazil's Electoral Laws

Electoral rules structure the actions and logics of politicians, both in inter- and intraparty dealings. Some electoral rules require that politicians cooperate with other parliamentary representatives and candidates because such cooperation is necessary in order to win party backing, which in turn is essential to election and promotion. Other rules encourage politicians to put themselves above their parties because election depends above all on the effort of individuals, with parties being of secondary importance. The Brazilian case is an extreme example of electoral rules that encourage individualism among politicians and loose linkages between parties and politicians. No democracy grants politicians as much autonomy with respect to their parties as Brazil does, and no single feature so sharply distinguishes Brazilian catch-all parties from parties in the other more developed nations of Latin America as the extremely loose relationship between politicians and parties. In turn, these loose linkages simultaneously reflect and reinforce the exceptional weakness of Brazilian parties. In this way, electoral legislation has institutionalized a system that encourages weak party commitment, solidarity, discipline, and cohesiveness.

The autonomy of politicians vis-à-vis their parties begins in electoral campaigns, which are run in highly individualistic fashion. There is often intraparty solidarity among people competing for *different* positions, but a sharp competition prevails among people competing for proportional positions (for example, among individuals running for federal deputy). In the catch-all parties, intraparty competition is often sharper than interparty competition. Campaigns are largely financed by individual candidates, the exception being that free TV time is allocated for the various parties. TV time for proportional candidates, however, is extremely limited, and in any case it largely promotes individual

¹³ There is a minor exception. If a party wins at least three majoritarian seats, it will have the right to parliamentary representation even if it does not obtain 5% of the votes. In practice this exception has been virtually meaningless because there are few cases of a party winning three or more districts without also winning 5% of the national total.

candidates rather than parties. (The exceptions are the three leftist parties, the PT, the PCB, and the PC do B.) Occasionally one finds campaign literature promoting candidates of two different parties, even when the parties concerned do not have an electoral coalition.

Candidates for proportional elections can sometimes make electoral inroads more easily against their own party colleagues than against candidates of other parties. To the extent that a voter has a party preference, he/she is less likely to switch to another party than to a different candidate from his/her preferred party. In contrast, in plurality or majority systems, intraparty rivalry is limited to the period of candidate selection, and in most other PR systems, parties have stronger mechanisms to control or influence who gets elected. A PR system with an open list functions like a simultaneous primary and general election. It is a general election in that party votes determine the number of seats, but it is like a primary in that the electorate selects which candidates will represent them.

Brazilian politicians have on occasion commented upon the strident intraparty competition fostered by this electoral system. In 1954, Osvaldo Trigueiro, a prominent politician and scholar, wrote that "Each candidate must look out for himself above all... The parties, more than confronting each other, suffer the internal [literally, intestinal] struggles of their candidates, who wage war against one another." One year later, Afonso Arinos de Melo Franco, another renowned politician and intellectual, wrote that "In all of the states, we see an internal dispute in which the candidates of the same list attack each other ferociously, much more than they do with their adversaries."¹⁴ Almost three decades later, Senator Milton Campos stated that "With the current electoral regime, the rivalry among candidates of the same party is becoming unbearable. Elections are spectacles of disharmony among colleagues, undermining party cohesion."¹⁵

Because there is such a premium on individual campaigning and because significant benefits accrue to winning, PR with an open list has encouraged massive individual spending and financial corruption. Corruption in electoral campaigns is nothing new in Brazil, nor is it unique to that country, but the evidence suggests that the problem is particularly acute in Brazil and that it is getting worse over time. Among Brazilian politicians, there is a broad consensus about the dramatic increase in campaign expenditures and in corruption in recent years. Comparisons with other countries are

¹⁴ Osvaldo Trigueiro, "A Representação Proporcional no Sistema Eleitoral Brasileiro," *Revista Forense* 153 (May-June 1954), 13. Afonso Arinos de Melo Franco, "Os Partidos Políticos Nacionais," *Revista Forense* 157 (January-February 1954), 16.

¹⁵ In Sara Ramos de Figueiredo, "Voto Distrital," *Revista de Informação Legislativa* 78 (April/June 1983), 317. For similar observations, see also Ruy Bloem, *A Crise da Democracia e a Reforma Eleitoral* (São Paulo: Martins, 1955).

difficult because there are no records (except private individuals') of campaign expenses, and politicians are reluctant to divulge this information, in part because almost all of them violate the stringent formal laws on campaign spending. I nevertheless obtained some interesting statements on this subject in interviews. The ex-Treasurer and ex-President of the PMDB of the state of São Paulo, Waldemar Chubaci, a long time state deputy, estimated that in 1986 those who were elected federal deputy in the state of São Paulo spent an average of over \$600,000, and that those who were elected for state deputy spent on average 1/3 of that amount.¹⁶ This would make São Paulo elections among the most expensive in the world—a fact that suggests how valued political power is in Brazil.¹⁷

Either a plurality system or a PR system with greater party control over the list would probably reduce financial corruption in elections. In a plurality system, financial resources are important, but the arena where one can buy votes is geographically limited, and the candidates tend to be better known since there are far fewer of them. It is easier to buy a moderate number of votes in a number of different parts of a state than it is to buy a massive number of votes in one electoral district. According to Brazilian politicians, most candidates accused of egregious financial abuses in 1986 had a relatively dispersed vote pattern, i.e., they won votes from many different parts of their states. A PR system with greater party control over the list likewise reduces the incentive to buy votes. Potential financial supporters are not inclined to spend money that has very little effect on their candidate's chances, and politicians have limited incentive to raise money for their own campaigns.

The effects of the electoral system begin with the campaign but go far beyond it. Once elected, representatives can act independently of party programs with almost no chance of sanctions. The representatives do not owe their mandate to the party, but rather to their own initiative. Parties put up with flagrant violations of party programs and organizational commitments if a politician brings a lot of votes.

¹⁶ Interview, March 29, 1988. Chubaci estimated these average expenditures in cruzados. I converted the cruzado figures into dollars at the parallel (black) market rate for October 1986, around 25 cruzados per dollar. Using the official exchange rate, the average expenditures of successful candidates would be 70% higher in dollar terms.

¹⁷ The 1986 elections were exceptionally costly because those elected would be members of the constitutional congress of 1987-88. Individuals and interest groups poured more resources into the elections than they usually do. Nevertheless, by comparative standards even "normal" Brazilian elections are extraordinarily expensive. In 1988, the winning candidates for the US House of Representatives spent an average of \$393,000. See "An Edge for Incumbents: Loopholes that Pay Off," *New York Times*, March 20, 1990.

Politicians perceive parties as vehicles to get elected, but generally feel no deep bonds to the parties. In Argentina, Mexico, Uruguay, and Venezuela, even though the dominant parties are not highly ideological, they command deep allegiances from professional politicians, much as in the United States. The most important single measure of this extremely loose relationship in Brazil is the stunning frequency with which politicians change parties. A calculation based on incomplete data shows that politicians in the current congress have belonged to an average of 2.9 parties; with complete data, the figure would be even higher. Many instances of party switching have occurred because parties cease to exist, but many others occur because a politician finds it expedient to join a different party. During the current (1987-90) congress, about one-third of the 559 representatives have switched parties since being elected in November 1986.

The second half of the 1980s witnessed an unprecedented increase in the frequency of party switching among Brazilian politicians. The practice, however, is not new, nor can it be explained simply by the extraordinary changes (the collapse of the PDS and the PMDB, the rise of new parties, the proliferation of party labels) in the party system throughout the 1980s. It is revealing that there is a specific term—*partido de aluguel* (party for rent)—to describe parties used simply for running for office, after which the politician intends to switch to another party. The use of this term goes back to the 1946-64 democratic interregnum.

The catch-all parties have almost no control over how politicians vote. The PMDB split badly on almost every controversial issue in the constitutional congress, and the PFL, PDS, and PTB were also sharply divided.¹⁸ The fact that politicians can change parties without facing any sanctions—possibly excepting that of the electorate, in the next elections—enhances their negotiating power vis-à-vis their parties. If a politician's demands are not met, he/she can simply transfer to another agglomeration. Party organs such as the Executive Committee have fairly broad powers on paper, but in practice meet rarely and decide even less. The situation in some European countries, in which representatives have limited autonomy vis-à-vis their parties and can even lose their mandates for failing to follow the party line, is anathema among the large Brazilian parties.

The extraordinary autonomy of Brazilian politicians could be curtailed by implementing some changes in electoral legislation. That fact that these changes have not been adopted indicates a profound ambivalence on the part of politicians about the

¹⁸ For details on this point, as well as other evidence of party fragility, see Scott Mainwaring, "Brazilian Party Underdevelopment in Comparative Perspective," *Political Science Quarterly*, forthcoming.

desirability of strengthening parties. This ambivalence stems ultimately from the fact that Brazilian politicians want to preserve their autonomy vis-à-vis parties, even at the cost of prolonging the tradition of party underdevelopment that many of them complain about.

Preference Voting and Antiparty Behavior

To what extent is antiparty behavior on the part of politicians a common product of electoral systems that emphasize preference voting? Although little research has been done on preference voting in general,¹⁹ and indeed more generally on how electoral systems affect the relationship between politicians and parties,²⁰ it is safe to make two assertions. First, where preferential voting completely determines which candidates from a party get elected, party cohesion and discipline suffer. Rose wrote that “The practical political effect of STV (single transferable vote) PR is to weaken party discipline, because the winning candidates are not beholden to the party for a high position on the party list.”²¹ Other scholars have made similar observations with respect to Italy, and Törnudd observed that Finnish campaigns were the most individualistic in Europe as a consequence of the open list system.²²

Second, even though party cohesion and discipline generally suffer and campaigns are generally more individualistic when preference voting completely determines the order of candidates within a party, the Brazilian case stands out as extreme. The other systems in which this is the case are not characterized by such pronounced individualism among politicians or by such a notorious lack of party discipline and cohesion.

The Finnish and Chilean cases make evident that we cannot formulate a general hypothesis that open list systems always have deleterious effects on party building (even though the much weaker hypothesis suggested earlier, that they encourage individualism in campaigns and negatively affect party solidarity and cohesion, still obtains). Finnish and Chilean parties have been major actors in political life. The two party

¹⁹ For exceptions, see Richard Katz, “Intraparty Preference Voting,” in Grofman and Lijphart, eds., *Electoral Laws and Their Political Consequences*, pp. 85-103; and Richard Katz and Luciano Bardi, “Preference Voting and Turnover in Italian Parliamentary Elections,” *American Journal of Political Science* 24 (February 1980), pp. 97-114.

²⁰ The salient exception is Richard Katz, *A Theory of Parties and Electoral Systems* (Baltimore: Johns Hopkins University Press, 1980). See also Katz’s “Intraparty Preference Voting.”

²¹ Richard Rose, “Elections and Electoral Systems: Choices and Alternatives,” in Bogdanor and Butler, eds., *Democracy and Elections*, p. 39.

²² On Italy, see Katz and Bardi, “Preference Voting and Turnover in Italian Parliamentary Elections,” and Christopher Seton-Watson, “Italy,” in Bogdanor and Butler, eds., *Democracy and Elections*, pp. 110-21. On Finnish campaigns, see Törnudd, *The Electoral System of Finland*, p. 57.

systems are marked by deep ideological divisions; parties are programmatic; party organizations are strong. Politicians have strong commitments to their parties, which are much more disciplined than the major Brazilian parties. Notwithstanding considerable intraparty competition during campaign periods, Finnish parties are very cohesive in parliament. Similarly, in Ireland, deputies are expected to vote the party line in parliament. The result is individualism during campaigns, but loyalty to party leadership and cohesion in parliament.

There are also conspicuous differences between Brazil and most other cases in how much party organizations are able to sway voters to go along with their own preferred candidates. In Australian senate elections, the single transferable vote theoretically leaves the choice of candidates up to the electorate and out of the parties' hands. In practice, however, parties issue "how-to-vote" cards to indicate their preferred order of candidates. According to Bogdanor, there has never been a case of electors ignoring these party instructions. Bogdanor sees Tasmania as a counterexample in which electors frequently use the single transferable vote to ignore the requests of party leaders.²³

In Italy, the parties present an initial ordering of their lists and work to ensure that their top candidates are elected. Table 2 shows how successful the parties generally are in realizing this objective. For the Christian Democrats, 100% of those who headed the list and 80% of other ranked candidates were elected, compared to only 17% of unranked candidates, whose names appear on the list in alphabetical order after the ranked candidates. For the Socialists, 96% of the heads of list and 63% of other ranked candidates were elected, compared to a mere 4% of the unranked. Securing a high position on the list is therefore essential. Doing so requires the support of the leaders of a party or party faction, a fact that offsets the individualism encouraged by preference voting. Katz and Bardi concluded that as a result of this system, "the party can maintain reasonably effective control over its parliamentary personnel."²⁴

²³ Vernon Bogdanor, "Conclusion: Electoral Systems and Party Systems," in Bogdanor and Butler, eds., *Democracy and Elections*, pp. 247-62.

²⁴ Katz and Bardi, "Preference Voting and Turnover in Italian Parliamentary Elections," p. 112.

Table 2
Italian Electoral Result by List Position, 1972

	DC			PSI		
	<u>Elected</u>	<u>Defeated</u>	<u>%Elected</u>	<u>Elected</u>	<u>Defeated</u>	<u>%Elected</u>
Capolista (Head of list)	28	0	100%	23	1	96%
Other ranked candidates	176	44	80%	12	7	63%
Unranked candidates	61	299	17%	23	534	4%

Source: Richard Katz, *A Theory of Parties and Electoral Systems* (Baltimore: Johns Hopkins, 1980), p. 76.

In Brazil, the catch-all parties do not make much of an effort to help some candidates over others, nor do they have great ability to do so. They are cautious about how much they favor some candidates over others. The ease of changing parties means that party leaders must maintain a delicate balance. On the one hand, they want their own faction of the party to be dominant. On the other, they need to offer substantial spaces to other factions to avoid massive defections to other parties (including new ones). Party bosses may not be willing to make many concessions about who controls the peak level positions, but they must offer meaningful concessions in allowing free play in proportional elections. Government leaders frequently use state resources to help favored candidates, but the party organizations are more reluctant to do so.

In brief, in none of the other countries in which preference voting completely determines the order of the list for the lower chamber do we find parties that are so loosely organized, have so little influence in determining who gets elected, and allow so much autonomy to politicians. This observation poses a question. From a rational choice perspective, it would appear that with an open list, politicians' behavior should conform to an individualistic incentive structure as it does in Brazil. The discipline found in Chilean and Finnish parties is counterintuitive. What offsets the individualistic incentives in these cases? Why are Brazilian parties so much more individualistic than parties in Chile (1958-73), Finland, Ireland, and Italy?

To begin with a perhaps obvious yet still important observation, electoral systems have significant consequences, but they are not all-important. The relationship between politicians and parties is affected by other factors in addition to electoral legislation. Arguing that certain features of an electoral system *cause* specified kinds of party organization, party discipline, or relationships between parties and politicians is misleading.

As noted earlier, it is not only the open list but rather several unusual features that distinguish the Brazilian electoral system, giving politicians exceptional autonomy vis-à-vis their parties. Conversely, in other countries, features of the electoral system offset the individualism encouraged by preference voting. In Finland, for example, electoral legislation contains two measures that strengthen party control over politicians, both of which are absent in Brazil. First, the ratio of candidates to winners is lower than in Brazil because each party can present only one candidate per seat. As a result, party choices about who will appear on the list are somewhat more important in determining who gets elected, and voters' choices are somewhat less decisive in intraparty competition. More important, some aspects of electoral legislation can be interpreted as giving parties a *de jure* imperative mandate by which individual legislators are obligated to follow the party leadership.²⁵

Differences in the contexts in which the various electoral systems function also help explain why parties are much more disciplined and cohesive in other countries where preference voting is decisive. The timing of the introduction of an open list system was quite different in Brazil, Chile, and Finland. Brazil has had an open list since a modified form of PR was introduced in 1932, so the open list antedates by a decade the emergence of the first mass party in Brazilian history. Thus an electoral system that encourages individualism has functioned since before the first days of modern political parties. Finland adopted an open list only in 1954. Until then, voters chose among competing lists, each of which could have two (1935-54) or three (1906-35) candidates per list. There was intraparty competition, but the party had greater control over the list. Parties had been on the political scene for decades and were well institutionalized before the introduction of an open list. The same was true in Chile, where the open list was introduced by the 1958 electoral reform.

An open list system in the context of strong parties that have deep roots in civil society is one thing; the same system in the context of a society that had never had strong parties is quite another. In Chile and Finland, the open list was introduced in

²⁵ Törnudd, *The Electoral System of Finland*, pp. 131-33.

response to perceived problems generated by strong party control over politicians. In both countries, politicians take their parties' ideological commitments seriously, and these strong ideological commitments help cement party loyalties. In Brazil, the open list was introduced to *prevent* strong party control from developing in the first place. Also, in general, the major parties have been less ideological than in Chile and Finland.

A decisive difference between Brazil on the one hand and Finland, Ireland, and Italy on the other, is the system of government: presidential or parliamentary. Parliamentary systems offer an important incentive to party cohesion that is absent in presidential systems. Members of parliament have a strong incentive to vote the party line because doing so can keep their party in office or help topple the government of another party. This is true even when the parliamentary system has not encouraged the formation of ideological parties, as is the case in Canada, and to a slightly lesser extent in New Zealand and Australia.²⁶

In presidential systems, there is no such incentive to follow the party line. A congressional representative can vote against the party leadership without affecting the party's position in government or in opposition. Thus, the incentive structure of parliamentary regimes favors party unity while that of presidential systems is neutral; the former can help offset individualistic features of the electoral system more easily than the latter. Parties are coresponsible for governing in parliamentary systems; they must continue to support the policies of the executive or that executive will fall. In presidential systems, this is not the case.

Riggs has argued that some presidential systems not only fail to encourage party cohesion, but actually encourage a lack thereof.²⁷ Given the separation of powers and a tendency in most presidential systems for the government to face an opposition majority in at least one house of the legislature, if parties were highly cohesive and disciplined governments would face inordinate difficulties in getting their agendas accomplished. A lack of party cohesion and discipline makes it possible for presidents to coopt members of opposition parties to support government programs.

The presidential system has been a key factor in the lack of cohesiveness of Brazilian parties, both because legislators have no compelling reason to follow the party line (Epstein's argument) and because presidents have intentionally undermined parties. Even so, presidentialism does not wholly explain the lack of party cohesion in Brazil.

²⁶ On this point, see Leon D. Epstein, "A Comparative Study of Canadian Parties," *American Political Science Review* 58 (March 1964), 46-59.

²⁷ Fred Riggs, "The Survival of Presidentialism in America: Para-Constitutional Practices," *International Political Science Review*, 9 (October 1988), 247-78.

Several Latin American countries have presidential systems and parties that are very cohesive in congress.²⁸ Venezuelan congressional parties are among the most disciplined and cohesive in the world.²⁹ Congressional roll calls do not even bother asking for individual votes, but rather ask the party leadership how the party as a whole is casting its ballot. Congressional parties in Argentina and Chile (before 1973) also are (were) very cohesive, even though the major Argentine parties are quite factionalized and uncohesive outside the congressional arena.

A general rule of thumb for presidential systems is that only if party organizations control who gets elected (for example, by providing a closed party list in proportional elections) or the process of candidate selection, do individual representatives have compelling motives to follow the party line. In Argentina and Venezuela, in sharp contrast to the situation in Brazil and the US, party organizations exercise strong control over who gets elected to congress because the organizations provide a closed party list for proportional elections. Party control over the order of the list establishes a powerful incentive for congressional representatives to follow the party line.

Also contributing to the loose nature of Brazilian parties is the federal nature of the political system, an issue that is usually insufficiently emphasized in analyses of contemporary Brazilian politics. Federalism generally makes a difference in how parties function, especially in limiting party discipline, weakening the central party organization, and encouraging heterogeneity. In Brazil, state party organizations make most of the important decisions, and the national organizations do not have much power over state organizations. This means that there are twenty-six groups of party bosses, one per state and territory (plus the Federal District), rather than one centralized group. Obviously, coordinating ideas and plans among twenty-six different groups is more difficult than doing the same in one centralized party leadership. Just as has occurred in the US, federalism in Brazil works against party unity, obliges the major parties to tolerate diversity and autonomy, and favors a loose arrangement between individual politicians and parties. In contrast, the European countries in which preference voting completely determines the order of the list all have unitary political systems.

One question of a survey I administered was designed to directly test how deputies and senators perceive their allegiances to their states or districts as opposed to

²⁸ For this reason, although the basic thrust of his argument is correct, Epstein overstates how much the presidential system explains differing patterns of party cohesion.

²⁹ On the disciplined nature of Venezuelan parties, see Michael Coppedge, "Strong Parties and Lame Ducks: A Study of the Quality and Stability of Venezuelan Democracy," Ph.D. dissertation, Yale University, 1988.

their parties.³⁰ The answers, shown in Table 3, suggest how federalism contributes to weakening party unity, especially among the large catch-all parties.³¹ The answers also revealed much greater party loyalty among the leftist (PT, PC do B) and center-left parties (PDT) than among the rest.

Table 3
Attitudes of Brazilian Congresspeople
towards Party and Regional Loyalty

Q: When there is a conflict between the needs of your state and your party's positions, how do you usually vote? With the party, according to the state's needs, or half and half? (Percentages)

	With Party	For State	Half & Half	Other and N.A.	N
PMDB	31.0%	48.3%	12.0%	8.6%	58
PFL	13.0	73.9	8.7	4.5	23
PDS, PTB, PL, PTR, PDC	19.2	46.2	11.5	23.1	13
PDT, PT, PC do B	75.0	16.7	-	8.3	12
No party	100.0	-	-	-	1
Total	31.3	49.59.8	9.3	107	

Note: Two politicians checked two boxes, each of which were counted as half-votes.

Finally, comparatively low levels of partisan identification and citizen information about politics also help account for the unusual individualism among Brazilian politicians. In Finland, Ireland, and Italy, voters choose a party much more than they do in Brazil. In Finland, for example, in 1958, 80% of those surveyed said that they chose a party first and a candidate second, and only 15% chose a candidate first. In 1966, the corresponding figures were 67% and 31%, reflecting the dealignment that has occurred in many advanced industrial democracies in the past few decades.³² But even these later figures were dramatically higher than the corresponding ones for Brazil, where only 30-

³⁰ As noted above, Brazilian congressional representatives do not formally have "districts" in the same sense that U.S. congresspeople do. In practice, however, about half of the federal deputies represent well-defined regions within their states.

³¹ I administered the survey in February 1988. The response rate was only 19.1% (107 of 559), but a sample size of 107 was sufficient to suggest some interesting patterns.

³² Törnudd, *The Electoral System of Finland*, p. 110.

40% of the population has expressed a spontaneous party preference in recent years. In these European countries, relatively few politicians change parties. This situation creates stronger bonds between politicians and parties, for the fate of politicians depends to a greater extent upon the success of their parties. Low citizen involvement and information in Brazil mean that issues are less salient in structuring the vote than in the other countries,³³ enabling politicians to wheel and deal with few constraints from the electorate. Weak party identification also helps explain why Brazilian politicians can easily move from one party to the next without facing sanctions from the electorate.

Table 4 summarizes some major differences in the political systems between Brazil and the European countries in which preference voting completely determines the order of the list. We would generally expect parliamentary systems, unitary systems, ideological parties, and high levels of partisan identification to promote greater party control over parliamentary representatives. Without exception, the features of the Brazilian political system are conducive to loosely organized parties in which individual legislators have considerable autonomy.

Table 4
**Features of Political Systems that Affect Party Control over
Parliamentary Representatives and Candidates**

	Year Open List Introduced	Political Regime	Political System	Ideological Parties	Partisan Identification
Brazil	1932	presidential	federal	no*	low
Chile	1958	presidential	unitary	yes	high
Finland	1954	parliamentary	unitary	yes	high
Ireland	-	parliamentary	unitary	**	***
Italy	-	parliamentary	unitary	yes	high

Note: In all five countries, preference votes completely determine the order of intraparty candidate selection.

* This is changing somewhat because of the growth of the PT.

**It is difficult to classify Irish parties according to simple dichotomous categories.

***No data available.

³³ See Fábio Wanderley Reis, "Partidos, Ideologia e Consolidação Democrática," in Fábio Wanderley Reis and Guillermo O'Donnell, eds., *A Democracia no Brasil: Dilemas e Perspectivas* (São Paulo: Vértice, 1988), pp. 296-326.

The Political Origins of Brazil's Electoral Laws

Thus far I have examined the nature of the electoral system in comparative perspective, underscoring its distinctive character, and looked at the political consequences of that electoral system, arguing that it has led to exceptional autonomy on the part of politicians vis-à-vis their parties. The consequences of electoral laws are important, to be sure, but exclusive concern with this side of the issue can be misleading. As important as the consequences are the political roots of electoral laws—the reason why politicians adopt certain electoral laws.³⁴ The Brazilian case is as interesting in this sense as it is in examining the political consequences of electoral laws.

We could approach this question from two polar perspectives: assuming that politicians decide upon electoral systems out of self-interest, i.e., they vote for a system that will enhance their own chances of electoral success, or assuming that politicians decide upon electoral systems according to their conceptions of how political systems should function. As will become apparent in the following paragraphs, the approach taken here draws upon both of these perspectives.

In addition to representing interests, politicians have interests of their own. To further their own interests and those of their constituencies, politicians tend to favor some kinds of electoral arrangements over others. The reason is that electoral arrangements are not “neutral,” but rather discriminate against some groups and politicians while favoring others. Electoral systems and electoral reforms may not produce the results that were intended when they were drawn up. Almost always, however, they are intended to help, or at least not to hinder, the interests of those who promote them. Nevertheless, many electoral systems including the Brazilian contain measures that cannot be explained on the basis of politicians' self-interest. In Brazil, the electoral system has produced high turnover rates (around 60% per election) in the Chamber of Deputies; politicians who were strictly self-interested in some narrow way would opt for a system that more strongly favors incumbents.

Electoral legislation particularly reveals interesting information about politicians' predilections and perceptions where it is frequently revised. Where it is long-standing, one might argue that electoral legislation reflected politicians' conceptions about their own interests, parties, politics, and society at the time the legislation was approved, but that it no longer necessarily does so. Politicians in these cases accommodate themselves

³⁴ For a similar argument, see Dieter Nohlen, *Sistemas electorales del mundo* (Madrid: Centro de Estudios Constitucionales, 1981). Most analysts have focused on the political consequences of electoral laws; the issue of political origins has received less attention.

to electoral systems more than they shape them. But in countries where electoral legislation has undergone several major changes, or where the legislature has seriously debated electoral reform, electoral systems register the ongoing predilections and perceptions of politicians. Such cases occur particularly where, as in the case of Brazil, the demise of an authoritarian government led to the need to revise or rewrite the constitution or, alternatively, where a deep political crisis occurs, prompting major actors to consider major political reforms.

It is from this perspective of the interests and perceptions of politicians that recent changes in Brazil's electoral legislation should be analyzed. Anomalous from other perspectives, Brazilian electoral legislation makes sense from this one. The Brazilian electoral system did not arise accidentally, but rather was the purposeful creation of the political class, designed to ensure that parties do not have strong control over politicians.

Affirming that Brazilian politicians have consciously chosen electoral legislation that grants them a high level of autonomy does not mean that they have a firm understanding of how electoral systems work. Most politicians do not realize how unusual Brazilian legislation is, and indeed have little awareness about electoral and party legislation in general. Nevertheless, since at least 1932 when an electoral code introduced broad reforms, Brazilian politicians have consistently chosen electoral systems that maximize their autonomy vis-à-vis their parties. The 1932 electoral code allowed candidates to run for the constitutional convention of 1934 without belonging to a party and introduced the combination of proportional representation and an open list.

Since 1932, only when obliged to do so by the military government of 1964-1985 did the congress approve measures that strengthened the hand of parties vis-à-vis deputies and senators. In 1965, expressing its deep discontent with the nature of the 1946-64 parties and party system, the military government implemented an electoral law that had a high threshold to limit the number of parties in congress and that contained measures designed to strengthen party control over congressional representatives. In 1971, a new Organic Law of Political Parties reinforced mechanisms of party discipline, making it easier to expel a party member. Representatives would now lose their mandates if they voted against the party leadership whenever the latter called for following the party line, if they left the party, or if they publicly criticized the party program.³⁵ Congress approved this law only under pressure, during the most repressive period of the military regime, at a time when the opposition delegation in congress was minimal and when congressional representatives were afraid to buck the government lest they lose their

³⁵ Senado Federal, *Lei Orgânica dos Partidos Políticos* (Brasília: Senado Federal, 1971), Vol. I, pp. IX-XXXIX.

mandates and political rights. MDB deputies denounced both the new law and the pressures to pass it.³⁶

Under democratic conditions, during the constitutional congresses of 1946 and 1987-88, as well as when it enacted major revisions of electoral legislation in 1950 and 1985, the congress has voted for measures that grant politicians considerable autonomy. Interviews with Brazilian politicians further drove home the consistent preference for weak parties and nonrestrictive (for politicians) electoral legislation. Many politicians say they lament the weakness of political parties, but when asked about alternative electoral systems that would strengthen parties, the vast majority respond that such measures are authoritarian.

A survey I administered made apparent broad support for the open list and general sympathy for allowing politicians to change parties at will. Table 5 shows that nearly 90% of congressional representatives who preferred PR favored an open list. Table 6 shows strong general support for allowing politicians to switch parties after elections. Among the smaller parties, regardless of their ideological orientation, support for stronger party control over individual representatives is somewhat greater.

Table 5

Preferences of Brazilian Congresspeople Regarding Electoral Systems

Q: What type of representation do you prefer: Majoritarian, PR w/Open List, or PR w/Closed List? (Percentages)

Party	Majoritarian	PR w/ Open List	PR w/ Closed List	Other and N.A.	N
PMDB	21.9%	67.5%	8.8%	3.5%	58
PFL	37.0	58.7	-	4.3	23
PDS, PTB, PL, PTR, PDC	46.2	53.8	-	-	13
PDT, PT, PC do B	-	75.0	16.7	8.3	12
No Party	-	-	100.0	-	1
Total	25.2	63.6	7.5	3.7	107

Note: Two politicians checked two boxes, each of which were counted as half-votes.

³⁶ Ibid., Vol. II, p. 1593.

Table 6**Attitudes of Brazilian Congresspeople toward Party Loyalty**

Q: Do you agree that a representative should lose his/her mandate for switching parties after the elections?

	% Agreeing	% Disagreeing	N
PMDB	34.5	65.5	58
PFL	30.4	69.6	23
PDS, PTB, PL, PTR, PDC	46.2	53.8	13
PDT, PT, PC do B	50.0	50.0	12
No Party	-	100.0	1
Total	36.4	63.6	107

The survey also showed strong support for implementing primary elections to determine candidates for majoritarian positions. Evidence from the United States indicates that primary elections reduce party control over individual politicians and serve as an incentive to individualism. Thus, among Brazilian politicians there is considerable support for measures that would further weaken already weak parties. The results are shown in Table 7.

Table 7**Attitudes of Brazilian Congresspeople toward Primary Elections**

Q: Do you agree that Brazilian parties should institute primary elections to determine candidates for majoritarian positions (mayors, senators, governors, and president)?

	% Agreeing	% Disagreeing	N
PMDB	82.8	17.2	58
PFL	78.3	21.7	23
PDS, PTB, PL, PTR	84.6	15.4	13
PDT, PT, PC do B	58.3	41.7	12
No Party	100	-	1
Total	79.4	20.6	107

These consistent predilections raise an intriguing question: *why* have Brazilian politicians chosen such measures? Why do they desire such autonomy and, conversely, why do they want parties that are extremely loose agglomerations?

In the first place, Brazilian politicians have historically seen mechanisms that restricted politicians' autonomy vis-à-vis the parties as authoritarian. Instruments of party discipline were denounced as authoritarian. During the 1965 congressional debates about the government's proposals to enhance party discipline, opposition (MDB) Deputy Arruda Câmara spoke on behalf of the right of a deputy to vote however he/she chose and to switch parties at will. "[The law] is anti-democratic. It imitates the totalitarian countries, it takes away the rights of the deputies elected by the people... I cannot agree with this loss of rights of deputies or senators because they change parties... The mandate is granted by the people and should be taken away only by the people."³⁷ The perception that individual politicians and not parties are the agents of representation is apparent and persists until this day.

This rejection of instruments of party discipline has been particularly strong since 1985, in an understandable reaction to measures that the military government imposed, supposedly to enhance party discipline but consistently with self-serving results. Article 152 of the 1969 Constitution instituted a Law of Party Discipline that obligated representatives to follow the party leadership on key votes. The law was rarely used to discipline recalcitrant party members, although the military government often held it as a threat over the heads of politicians of the official party. The existence of such a law provided leaders with a means of imposing party discipline at crucial moments. Unfortunately, the military government used this law not to encourage strengthening political parties, but rather to ensure the subservience of the parties that supported the government.

Reacting against the military government's legislation, the congress approved sweeping changes in electoral legislation in May 1985, two months after the inauguration of a civilian government. The congress revoked virtually all measures of party discipline and loyalty, enabled (and as noted earlier, under some conditions even required) deputies and senators to change parties without sanctions, retained proportional representation with an open list, and reallocated party alliances in proportional elections. Other measures in Constitutional Amendment #25, particularly the rules for the mayoral

³⁷ Published in Senado Federal, *Lei Orgânica dos Partidos Políticos* (Brasília: Senado Federal, 1965), Vol. I, pp. 234, 235, 236.

elections in 1985, were extremely controversial, but virtually no one opposed the re-establishment of loose electoral legislation.³⁸

Amendment #25 also abolished the “voto vinculado,” the straight party vote, introduced in November 1981 by the military government in a manipulative measure designed to enhance its chances for victory in the November 1982 elections. The imposition of straight party voting can be criticized from many angles, and some of the mechanisms associated with the straight party vote in 1982 were particularly casuistic.³⁹ Nevertheless, straight party voting would strengthen party identification in a society where it is very weak. By reestablishing the right of citizens to vote across party lines, Constitutional Amendment #25 added to the general contour of an electoral legislation that sees individual politicians, not political parties, as the agents of representation.

The perception that mechanisms of party discipline were authoritarian continued to prevail in the constitutional assembly of 1987-88. In 1986, a commission was given the task of writing a draft of the new constitution. This commission concluded that extant electoral legislation had deleterious consequences, and it argued for implementing a system akin to the West German, in which party control over politicians is much stronger than in Brazil. The constitutional congress, however, did not use the report of the commission and subsequently rejected any changes that would have strengthened party control over politicians and adopted a loose electoral system.

A second major reason why Brazilian politicians reject party discipline is that even though politicians enjoy comparative autonomy with respect to their parties, most depend upon the state apparatus for survival and success. The importance of delivering material goods in securing re-election makes it difficult for many politicians to act with autonomy with respect to the executive branch of government. Their insistence upon not being tied down by a political party is partly a reaction against this dependence on the state apparatus. This reaction has a compelling logic to it: holders of executive office often dominate political parties. In a system in which political competition involves access to state favors as much as disputes among parties with different ideological proposals, party discipline could easily imply loyalty to individual political bosses more than to ideas.

The preference for electoral legislation that grants politicians great autonomy vis-à-vis their parties also stems from the federal political system. Obligated by electoral legislation to belong to parties that are national in scope, Brazilian politicians federalize the parties in

³⁸ See the debates in the *Diário do Congresso Nacional*, May 1985, pp. 721-797.

³⁹ For a description of the military government's manipulations of electoral legislation, see David Fleischer “Constitutional and Electoral Engineering in Brazil: A Double-Edged Sword,” *Journal of Inter-American Economic Affairs* 37 (Spring 1984), 3-36.

practice by stripping them of power over congressional representatives. Under these circumstances, politicians belong to *de jure* national parties but can represent their local clienteles without any interference from national parties. Only where politicians are relatively free from party obligations can they represent their local and statewide clienteles as they wish to.

The importance of federalism in the desire of politicians to maintain considerable autonomy vis-à-vis their parties was manifest in arguments against party discipline in the 1965 and 1971 debates about the Organic Laws of Political Parties and in the 1987-88 constitutional congress. In 1971, for example, Senator Nelson Carneiro of the opposition MDB said that it was fascist to require members of a party to vote in a certain way, affirming that such measures of party discipline undermined the capacity of deputies and senators to represent their constituencies. According to Carneiro, because the interests of the constituencies vary, a representative needs autonomy vis-à-vis the party to best articulate them.⁴⁰ In these debates, numerous politicians expressed a viewpoint that disciplined parties would *impede* effective representation. This argument makes sense only in a system in which the identification between parties and group politics is loose and in which federalism is a central issue.

Conclusions

Since the 1930s, Brazilian electoral legislation has had several unusual features that have encouraged antiparty behavior on the part of politicians. Along with other factors—the massive importance of the state bureaucracy, extreme social inequalities, the early (relative to levels of per capita income) development of sophisticated modern media, a presidential system, and frequent interventions by the executive power against parties—electoral legislation has contributed to the secular weakness of Brazilian parties.

Brazilian party underdevelopment has been seen as residing largely in factors external to the parties, which condition their role in the political system: private domination of the political system, a state centered polity, or state interventions against parties. I believe that a factor *within* the parties is also crucial in explaining underdevelopment: the relationship between politicians and parties. Many features of the political system must be understood in relation not only to the strong state but also to the power of political elites and the economic elites closely connected to them.⁴¹ Parties are overshadowed not only

⁴⁰ Senado Federal, *Lei Orgânica dos Partidos Políticos* (1971), pp. 649-52.

⁴¹ On this point, see also Frances Hagopian, "The Politics of Oligarchy: The Persistence of Traditional Politics in Contemporary Brazil," Ph.D. dissertation, Massachusetts Institute of Technology, 1986.

by the state, but also by political elites who do not want parties to become major actors in the political system. The dominant spaces in the political system are occupied by the state, political elites and their economic allies, and the military. In one way or another, all of these forces conspire against strengthening political parties.

Generally speaking, analysts have seen the behavior of politicians as a product of their environment and have not asked how politicians have shaped the character of the parties and, more broadly, of the political system. But politicians are not simply products of the political system in which they act; they also help to create that system. The nature (and weakness) of Brazilian parties is, in part, a consequence of the preferences of Brazilian politicians. At least since 1930, Brazilian politicians have intentionally operated in ways that maximized their autonomy vis-à-vis their parties. Politicians have helped create a political system in which they can deal in more or less independent ways, free of the fetters that disciplined parties would impose. In almost every conceivable dimension, Brazilian parties are singularly loose organizations, designed to permit politicians to operate in a freewheeling fashion.

The desire to create effective parties is not sufficient for such parties to emerge, but it is indispensable. This desire does not exist in Brazil. Politicians have attempted to prevent more effective parties from emerging, believing that party loyalty and more disciplined parties would impose authoritarian constraints and limit their ability to attend to their clienteles. With loosely organized parties, politicians are freer to attend to their own clienteles without being bound to programmatic concerns or organizational commitments.

Through the electoral system, Brazilian political elites have institutionalized mechanisms that favor weak parties; limit accountability; and encourage personalistic, clientelistic, and individualistic styles of representation. In this way, electoral legislation provides a linkage between elite values and institutions. The issue is not whether institutions or elite preferences are responsible for patterns of representation and domination; it is rather that through electoral legislation, politicians express preferences that are then institutionalized.⁴² The resulting institutional arrangements have profound implications for the political system.

In contemporary Brazil, whom politicians represent and how they do so varies enormously from one person to the next. Nevertheless, on balance the political class

⁴² Roberto DaMatta, *A Casa e a Rua* (São Paulo: Brasiliense, 1985), Raimundo Faoro, *Os Donos do Poder* (Porto Alegre: Globo, 1958), and others have properly emphasized the hierarchical world views and practices of most Brazilian elites. For understanding patterns of domination, it is important to analyze how such world views are institutionalized, thus relating the realm of ideas and values to that of institutions. Using a specific example (electoral systems), this is what I have tried to do here.

disproportionately represents the interests of the backward regions, the privileged sectors of society, and a patrimonial fusion between the state and the political class itself. The freedom of politicians to wheel and deal as they want and with whom they want has been a fundamental pillar in a patrimonial and elitist political system. In the absence of even minimally disciplined parties, politicians can defend the sugar barons of the northeast, the coffee kings of the south, the shoe manufacturers of São Paulo, the massive state enterprises in Minas Gerais—even at the expense of the *res publica*, and even when doing so runs counter to party programs and platforms. Politicians, their families, and their friends have benefitted handsomely from this system. So, too, has the country's economic elite, which has close personal, family, and financial connections to a large part of the political class.

For a majority of Brazilian politicians, representation means clientelism rather than representing clearly defined social groups. Clientelism exists in all political systems, but it is particularly pervasive in Brazil. It is facilitated by a political system in which the formal organization of interests is relatively weak, and has been made intentionally weak by corporatist structures and repression against popular organizations. The counterpart to the individualism of politicians is the atomization of interests in Brazilian civil society. Interests are not aggregated in political parties, and the parties do not express social cleavages to the same extent as they did in the classical European cases.

Politicians have been an integral part of this closed political system. They have both helped construct the system and have generally sought to adapt to it rather than challenge it. The system has served them well, generally speaking. Their choice to maintain some of its essential features intact, through weakening political parties as agents of representation, must be understood in this light.

Allowing representatives so much autonomy to attend to local clienteles bolsters elitist elements in the political system by dampening issues of broad-based class entitlement. Politicians run favors and obtain resources for individuals more than groups or classes. Where representation is so individualistic, party programs and class issues are undermined, to the detriment of the popular sectors. Privileged elites gain easy access to the offices and dining tables of congressional representatives and state bureaucrats, and thus can dispense with having strong corporate representation through parties. Popular interests, however, are not effectively represented through such informal channels, and other forms of popular representation (unions, neighborhood associations, peasant organizations) have difficulty gaining access to the corridors of power. Mechanisms of accountability are vitiated because the electorate cannot keep track of the performances of

all of the deputies and senators, nor can it infer much about their performances and positions on the basis of party affiliation.

Progressive factions of the catch-all parties have been complicitous in the generalized antiparty orientations of politicians. On first impression this seems puzzling because the individualistic nature of representation has facilitated a pervasive clientelism that undergirds this elitist political system. The problem is that the progressive factions fear that strengthening party leadership would weaken their own position in the parties because they do not control the leadership positions. Moreover, progressives often neglect the organization building that clientelistic politicians have mastered. Individual rationality—protecting minority spaces within the party by accepting the extremely loose organization and antiparty electoral legislation—has blocked the emergence of more desirable collective alternatives.

These observations suggest a more general point. Electoral systems that give the electorate more of a voice in determining which people will run for office seem more democratic than those in which the party machine makes this decision. Unfortunately and counter-intuitively, comparative evidence indicates that giving voters more choice in intraparty nominations does not make parties more responsive to popular demands. At worst, giving voters more choice in intraparty nominations may encourage personalism among candidates, contentless politics, and demagoguery.⁴³ The most optimistic appraisal of such measures is that there is an inevitable tradeoff between strengthening parties and allowing voters choice. Most discussions of electoral systems, however, do not pay sufficient attention to these tradeoffs.⁴⁴

I have insisted that it is inadequate to think of the problem only in terms of “the political consequences of electoral laws.” This is essential, but it is only half the equation. The other half is understanding *why* electoral laws were chosen. Electoral systems are not, as Nohlen has convincingly argued,⁴⁵ some technical issue in which parties and politicians try to come up with solutions that serve the “national interest.” Rather, different conceptions of electoral and party legislation reflect interests and identities. In turn, once instituted, electoral systems encourage the dominant political actors to follow the logic of

⁴³ See Ceaser, *Presidential Selection*.

⁴⁴ For example, in their defenses of the single transferable vote, Lakeman, *How Democracies Vote*, and Newland, *Comparative Electoral Systems*, argue that this system gives greater choice to voters and is therefore desirable. This system does in fact give greater choice to voters, but it can also encourage antiparty behavior among politicians and weaken parties.

⁴⁵ Nohlen, *Sistemas electorales del mundo*.

the extant rules. This is why major changes in electoral systems are uncommon once a party system is reasonably institutionalized.

The final point to make is the importance of analyzing the relationship between politicians and parties. This issue has been sorely neglected in studies of Latin American parties, but it can be of central importance. Parties are not simply abstract institutions that follow some mechanical rules in the political system. They are institutions created above all by politicians, and the way they relate to civil society and the state, as well as their capacity to represent and impede the representation of interests, hinges to a meaningful extent upon those politicians.