Executive-Legislative Relations in an Oligarchic Presidential System: Brazil (1889-1930)

by

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I- Introduction

The executive-legislative relations under a presidential system is certainly one of the most intriguing conceptual and empirical questions relating to the study of political institutions. The fact that these branches have distinct constituencies poses the crucial problem of how the president would acquire legislative support for his/her policy proposals. In other words, a legislature’s membership is usually selected on a local basis, whereas the presidency results from a national competition. Thus, the government is frequently facing the challenge of proposing policies with a national impact to an arena comprised of fragmented and dispersed interests. In modern democracies, the solution for this challenge is the congressional party systems, which are held responsible for the aggregation of preferences and the stabilization of governmental interactions inside the Legislative branch.

In this sense, the Brazilian presidential experience during the so called “Old Republic” presents a very interesting analytical problem, being always mentioned as a period of great stability as far as executive legislative relations are concerned. Nevertheless, the literature is unanimous about the absence of a genuine party system in the period. If this is true, a fundamental question arises: how were organized the relations between presidents and legislators? Or, in other words, by which institutional mechanisms would the government achieve majority support for its administration?

Those same studies that identifies the absence of a congressional party system, defend that executive legislative relationship would be organized by political mechanisms exogenous to the legislature’s activities. That is, a pact between federal government and state governments relating to the distribution of ministerial spoils and the control over electoral results for the National Congress would guarantee a submissive behavior of the legislature vis-à-vis the executive branch. Therefore, the virtual non existence of studies about the Brazilian Congress of the period is understandable.

In this paper, we contend that the common wisdom on the “Old Republic” does not tell the whole story about the beginning of the Brazilian presidential system. There are good theoretical and empirical reasons for a tougher examination of the endogenous dynamics of executive legislative interaction. From an analytical point of view, the fact that there was no party system poses the question of how the representatives coordinated their behavior in order to achieve their private interests at the same time responding to an agenda with national impact. From an empirical point of view, we wonder if the stability of presidential congressional relations relied exclusively on the control over the selection of congress’ members.

In the next section, we discuss the literature on Brazilian political system during the “First Republic”, pointing out its main features. In the third section, we present our basic conceptual perspective to deal with the presidential system of government in an oligarchic context. In the fourth section, we describe the formal rules governing president congress relations and examine some data on legislative production. We close down in the last section presenting our final remarks.
II- The Brazilian Political System during the Old Republic: Coronelismo and Política dos Governadores

The objective of this section is twofold: first, we will critically discuss the literature on Brazilian’s Old Republic with a special focus on the executive-legislative relations; and, second, we will derive hypothesis from the central argument of those studies. In section 4, we test these hypothesis using data on legislative output during the Old Republic.

The literature on Brazilian politics during the period under concern is strongly influenced by Leal’s classical work, Coronelismo, Enxada e Voto: O Município e o Regime Representativo. In this work, we learn how the representative government in Brazil, with few restrictions to popular participation in elections, were nevertheless essentially oligarchic. The explanation lies in the fact that the majority of the Brazilian population lived under almost total dependence of the land owners, who thus controlled their votes. The representative regime in Brazil was in fact the legal manifestation of a trade between the local rural oligarchies and state officials. The former gave the electoral support that state and national elites needed to maintain their political power and the latter transferred patronage resources necessary to the land owners defend themselves from their local rivals. In sum, the political competition did not exist in the sense of parties disputing the popular vote by offering alternative bundles of policies. There were no place for opposition in such a setting simply because to be out of power meant to be stripped out of any relevant economic or political benefits.

Although Leal’s analysis reveals the essence of political interactions at local level, it does not directly examine the political conflict at national level. However, several studies deals with this topic and we will be concerned here with Lessa’s excellent 1987 work. In this book, the author argues that Brazilian national politics in general, and executive-legislative relations in particular were explained by the logic of inter-governmental relations – that is, conflict as well as cooperative solutions observed at national level were consequences of how presidential behavior interacted with state governments interests. An equilibrium was found when president Campos Sales proposed a pact by which the presidency committed itself not to interfere with local and state disputes, and, by thus, recognizing the winners of those disputes as legitimate rulers of their arena in exchange for a tight control exerted by the governors upon their state delegations in Congress. Before Sale’s ascension to power in 1898, the history of executive-legislative relations was one of conflict and congressional autonomy and at the same time inter-governmental relations were marked by a high level of uncertainty - central government systematically intervening in those states ruled by not trustful governors. Sales perceived that congressional opposition to president’s policies was a consequence of dislocation from power of those state oligarchies who formerly had controlled the elections for the Senate and the Chamber. A pacification between president and governors would thus imply acquiescence of congress vis-à-vis the executive’s policy initiatives.

An important question related to the pact created by Sales was the following: how would it be enforced? What institutional guarantee was there in order to ensure president and governors that the pact would be complied? Before presenting those institutional mechanisms that made the pact enforceable, it is important to apprehend how politicians were elected in the context of the Brazilian oligarchic Republic.

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1 See Leal (1975).
2 See Lessa (1988). Before Lessa, Cardoso’s analysis (1985) had already pointed out the basic functioning of the Brazilian political system during the First Republic. For a good political analysis of the period see also Carone (1972; 1974) and Souza (1977). For studies of political system at the state level, see Ferreira (1989), Fleischer (1973), Love (1985), and Wirth (1985).
First, we have to understand how the electoral system functioned – deputies were elected in plurinominal districts by a plurality of votes. Voters could opt for as many candidates as it was the number of representatives in the district (Nicolau, 1991). Yet, any electoral process was always characterized by fraud and manipulation. The coronéis assembled voters at the local parish, where they declare aloud their choices, instead of writing them down in a ballot. Therefore, voters felt compelled to follow the coronéis’ determinations. Nevertheless, before any one could be officially declared a winner, his name had to be confirmed by a Chamber of Deputies’ committee called Comissão de Verificação de Poderes. The role of this committee was to acknowledge a winning candidate’s legitimacy. That is, a deputy would only win a seat if his name had been approved by the Comissão de Verificação’s members (Cardoso,1985, Lessa 1988).

In sum, the electoral process was marked by a high level of uncertainty. First, at the local level, the coronéis fought among themselves in order to select by manipulation as many loyal candidates as possible. And second, at the Chamber level, those who would considered themselves out ruled would try to be recognized as deputies by contesting seats at the Verificação de Poderes committee.

Two crucial procedural changes, implemented during Sales administration, were responsible to the pact’s enforcement and involved political innovations aimed at the Chamber’s of Deputies standing orders: first, a modification in the way of choosing the Chamber’s president; who were in charge of appointing members for the “Verificação de Poderes” committee - according to the new standing order, the president would be the same deputy who had been the president at the previous Chamber; and second, an exact definition of who were the elected candidates. Under the new rule, the counting of votes and the announcement of winning candidates were transferred to the local councils.

Which were the consequences of those two procedural modifications? The new setting was marked by the almost complete control of the electoral process by state and local leaders. The pacts negotiated by the “coronéis”, mayors and governors became the final decision about whom would be the elected candidates for the Chamber of Deputies. Therefore, the argument goes, the Brazilian Chamber of Deputies during the “Old Republic” expresses the political rule of state bosses. The corollary could not be other than that the Congress’s performance was one of apathy, with relevant political issues not really being decided by deputies and senators as members of a representative institution. The president would negotiate directly with the states and the legislative behavior would be a function of the several bargains entailed between federal government and state governors.

A pertinent question to ask is what would be the legislature’s role in such a political system? One can say that Lessa answered this question by begging it: “the country had already a parliament and it would be expensive to eliminate it, and besides the legislative was a relevant locus for the definition of political careers and no stable boss would give up his federal caucus, an important channel for solving local political conflicts (Lessa 1988, p.110).

If the argument is correct, what can be expected, as far as legislative decisions are concerned, from this institutional arrangement? We can infer at least two propositions: first, lawmaking is entirely submissive to presidential preferences. Exception to this rule would occur when there is a conflict between the president and the governors of the main states; and, second, changes on the legislature’s internal organization take place only when there is an increase in the demand for control of legislative behavior.
In brief, the literature on the Brazilian oligarchic Republic views the Executive Legislative relationship as marked by the predominance of the former upon the latter, and this as a consequence of the nature of intergovernmental relations in Brazil. Conflict management between president and states required the almost complete submission of the legislature to the Executive’s policy preferences. Therefore, legislative decisions were, under this view, entirely determined by exogenous forces. In the next section, however, we will outline an argument about legislative output pointing out factors related to the endogenous dynamics of the Brazilian Chamber of Deputies during the First Republic.

III- Presidents and the Legislature under an Oligarchic Presidentialism

Our explanation of legislative output and institutional changes undergone by the Brazilian Chamber of Deputies during the “First Republic” starts with what we call the Leal/Lessa model. This model describes the process by which candidates were elected to the Chamber and its impact upon the legislative behavior. Later on, we will contend that the model, although basically correct, does not account for fundamental dimensions of the legislative dynamics in an oligarchic presidentialism.

First, it is important to specify in a concise form the Leal/Lessa model’s basic traits. To begin with, it should be emphasized to whom deputies owe their mandates or, in other words, who is his de facto constituency. We know, by Leal’s work, that deputies owed their seat, not to his district electorate, but to the local coronéis’ ability in: first, assembling voters in the polls, and, second, compelling voters to support them. By this reasoning, Brazilian representatives in the Chamber were accountable not to voters but rather to the coronéis. The next step of the model would be to specify which type of policy these local bosses would demand from their selected representatives once they are in charge. We also know that the powers of the coronéis relied on their capacity of controlling means of coercion and economic resources at the municipal level. This means that their main objectives were to nominate relatives and loyal followers to local public posts and to bring to his bailiwicks public funds in order to distribute among their dependents. By controlling bureaucratic posts and economic transfers to the county, coronéis would be able to defend themselves from rival factions and deliver services to their clients. Therefore, the role of deputies, as coronéis agents, was to hinder any federal government’s attempt to intervene in the states and as a consequence to avoid giving to rival factions the ability to nominate their supporters for the most important public posts.

Now, we are in a position to clarify what, according to Leal/Lessa model, would be the political objectives of the Brazilian presidents, elected during the so called “Old Republic”. For the presidents, the essential role of the federal government would be to foster a public management free from any possible cleavages emerging from political passions and factionalism. As far as Executive-Legislative relations were concerned, this would mean that presidential policies should be sanctioned without the influence of possible conflicts that could arise in congressional daily life.

The institutional design imagined by president Campos Sales, as Lessa points out, was a perfect tool for accomplishing the aims of coronéis and presidents. The “Politics of Governors” was, in this sense, the equilibrium represented by coronéis in search of official protection and public funds and the president who was looking for a totally submissive Congress.
As it was said before, we admit that the Leal/Lessa model is basically correct. Nevertheless, it is not capable of dealing with important dimensions of executive-legislative relations in the context of an oligarchic political system. To understand why this is so, we should examine under a more accurate manner the dynamics of political competition under an oligarchic order. It should be considered, for instance, the social and economic background favorable to such a political order – absence of an integrated market of goods and services and an incipient social division of labor. That is, a background in which the majority of individuals finds itself in an intense economic dependency with the land owners. Therefore, the local political bosses, by controlling the access of those individuals to the supplies needed for their survival, also control their political behavior. Consequently, the stability of the oligarchic regime was based in an economic system poorly developed and scarcely integrated.

The Leal/Lessa model accuracy, as a description of the oligarchic equilibrium, depends on the preservation of such an economic system. As a corollary, hypotheses about legislative behavior and Chamber of Deputies’ activities are based on the same assumption. Problems with the model arise when the economy starts to develop. With the economic growth comes also a nationally integrated market, social complexity and higher rates of social division of labor. And, due to all this, the number of individuals not living under that relationship of dependency with land owners also grows. New issues and new forms of political pressure emerge in such a scenario.

In this sense, it should be remembered what was going on as far as the Brazilian social structure is concerned. In the last three decades that precede the advent of the Republic important changes occurred in the Brazilian economic foundations. Coffee plantations expand in number and extension, and during the 1870/1880 period it can be seen an intense commercial and financial activity, which allowed a great deal of urban/industrial prosperity (Cardoso 1985). Furthermore, by the beginning of the XX century, the country witnessed a sudden dissemination of salaried labor in the rural sector as well as the reconfiguration of its presence in the international economy. As a consequence of the former, the Brazilian economy experienced a huge increase in its degree of monetization. As for the latter, it is important to notice that, in 1913, the amount of the foreign capital invested in Brazil was nearly 514 million pounds, capital which represented about 30% of foreign money in Latin America and 5.4% in the world (Franco, 1990).

To see how those changes affected the Brazilian economic structure, Table 1 displays figures for economic and industrial growth during the Old Republic.

(TABLE 1 ABOUT HERE)

As we can observe, in spite of some oscillation, the economy likewise the industry performed amazing rates of growth- the average growth of the economy was 4.7% and of the industry 5.8%! As a consequence, the end of the century was marked by a great dynamism, as we can see by the urban population growth: in the interval between 1872 and 1890, cities’ population with 50.000 or more inhabitants grew 3.7%, and those with 100.000 or more inhabitants grew 3.1% (Cardoso, 1985). What is the political importance of those figures? Basically, a concentration of urban population was growing steadily, and this population represented a mass of citizens free from land owners’ domain. As Reis pointed out:

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3 For a theoretical defense of this argument see Santos (1998).
Three distinct social actors gained importance: the expanded middle-classes, the new industrialists, and the urban workers. In varying degrees, they would pose new problems to the dominant agrarian elites. And despite the latter’s impressive capacity to absorb or neutralize pressures, existing political arrangements became more and more difficult to maintain (Reis, 1979, p.238).

In sum, the Brazilian society, during the First Republic, was not totally structured around the “coronelistic” framework; instead, we can observe the emergency of alternative forms of social and economic interactions. By implication, the Chamber of Deputies’ legislative work likewise its procedural changes could not be reasonably explained without reference to the new forms of political conflict emerging from those new economic phenomena.

It is important to notice that these different kinds of political tension meant also distinct issues arising from the social world demanding governmental action. The fundamental way a government has to act is lawmaking— that is, the provision of legislation with broad and national impact capable of generating solutions to those new social economical problems. As far as the legislative process is concerned, the relevant question now relates to the Chamber’s institutional capacity to respond to these claims. Or, in other words, was the Chamber institutionally prepared to provide legislation with a national scope? By which institutional means were the deputies able to dealt with those unknown political conflicts?

To understand why the provision of legislation with public impact generates an institutional dilemma inside the legislature, it should be considered that the process of production of those laws creates a collective action problem for legislators. The reason for this is that lawmaking with a national scope is a collective good for legislators because the benefits that accrue from its provision tends to be equally distributed for the society. Any constituency would benefit from the provision of the law, independently of his/her representative efforts in providing it. Hence every legislator has an incentive to free ride on the parliamentary activity of others, and invest his/her time exclusively with matters of personal or local concerns. This problem is aggravated by the informational complexity usually attached to broad legislation and problems of coordination derived when different alternatives benefit some members relative to others.

An obvious answer, and the one which certainly is implied by the Leal/Lessa model is that legislator’s response to the recent requirements for governmental action would be the delegation of authority to the presidency. That is, by giving the president wide autonomy to legislate in matters of national impact. Nonetheless, the equilibrium described by the model is rather an unstable one, in the sense that it does not guarantee that the legislative decision making would be entirely restricted to what the executive branch considers adequate. And the reason for such instability is a constitutional one: the presidential system of government. In order to clarify our argument, lets consider a simple historical example.

During the XIX century, a very close set of problems of legislative coordination behind bills of national impact was experienced by the Parliament in England\(^4\). As Bagehot’s famous phrase ascertains, the solution was “the close union, the nearly complete fusion, of the executive and legislative powers”. Three features were crucial for the success of the English institutional arrangement: first, the distinction between private legislation, which dealt with matters of local or individual concern, and public legislation, which dealt with matters of

\(^4\) The following description of the English experience during the XIX century is based on Cox (1987).
national concern— the parliamentary form of government meant that initiatives on public bills would be ministry’s concern, and private bills would be private member’s business; second, the expectation for politicians to improve on the political ladder, essentially aiming at a ministry position, was linked to a long and loyal service in the House of Commons; third, and perhaps the most important feature, the emergency of a congressional party system— the organization of legislative business and coordination of majority support for several bills became a party leader’s task. In sum, the institutional solution, consecrated by Bagehot’s formula, denoted not only the fusion of the legislature with the executive, but also fundamentally the creation of parliamentary procedures that dramatically reduced the freedom of representatives to initiate and amend bills and enhanced the power of parliamentary parties leaders to set the legislative agenda.

In Brazil’s Old Republic, as we will see, the 1891 Constitution endowed the Congress with a huge amount of decision making powers. The president’s ability to influence lawmaking was restricted to veto bills approved by Congress, or to suggest propositions by means of addresses (*mensagens*). He didn’t have formal powers to interfere in the legislature’s timetable, and was not able to issues decrees. Consequently, decision making was a matter entirely in hands of the legislature itself. Besides there was not any distinction between public laws and private laws. Bills of local and individual concern and which interested deputies individually received, formally at least, the same treatment directed at bills that presidents considered crucial. Furthermore and perhaps more crucially, there was not a congressional party system able to coordinate the behavior of individual deputies in order to support legislation with a public scope. So, the question reemerge: how could the legislature dealt with new and relevant national issues arising from industrial and economic growth?

We contend that the equilibrium expressed by Leal/Lessa model is only a partial solution for the interaction between presidents and legislators. As we showed, the pact behind the *Política dos Governadores* was in reality a trade established among president and governors. By controlling who would be elected for the Chamber, state leaders became the main partner of the political bargains needed to approve governments’ program inside the legislature. However, the crucial stage of the model occurs during the electoral momentum, when deputies are being selected, and not along the process of decision making itself. Nonetheless, we cannot just assume that, once elected through the aid of a president’s ally, representatives abdicate of any other political objective. In this lies our main contention: during the legislative process, deputies still had preferences of their own and for a president to garner his support in favor of broad legislation it would be necessary to trade private legislation in exchange for this national policies. In the absence of an institutional mechanism that generates incentives for politicians to give up their more parochial concerns, like a congressional party system or a system of standing committees, the government will be obliged to establish political trades almost in an individual level.

Therefore, our argument is that the institutional design created in the advent of the Brazilian presidential system, without a national party system and with a Congress formally endowed with a huge amount of agenda setting powers, provided the conditions for a proliferation of individual trades between presidents and deputies. In terms of legislative activity we can expect, rather than a complete subjugation of the legislature by the Executive, a significant amount of bills with a private character and procedural changes aimed at facilitating such political trades.

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5 Although it is certainly an important analytical and empirical question, it is not our intention here to discuss why national parties did not developed during the Brazilian First Republic. For a good historical analysis of the issue, see Witter (1999).
IV Institutional Rules and Legislative Production

One of the crucial issues for understanding the executive-legislative relationship in the context of the Old Republic is the constitutional authority of each of these branches. The Constitution enacted in 2/24/1891 dedicates its section I, containing 5 chapters and 25 articles, to the National Congress and its functions; and its section II, also containing 5 chapters and 6 articles to the executive branch. Within the constitutional sphere, two aspects of this relationship must be noted: the attributes of each branch and the legislative process, specially the power to send bill proposals; and the president’s role in sanctioning or vetoing National Congress decisions. One must point out that the federative form of government, as adopted by the Constitution, laid down a distinction between state and Union functions, which circumscribed legislative and executive powers at the federal level.6

In the constitutional arrangement of 1891, the legislature – Chamber of Deputies and Federal Senate – held broad policy-setting powers and the almost exclusive right of legal initiative. In the economic field, it has the function of: legislating monetary policies, establishing expenses and federal government’s annual budget; authorizing of any loans contracted or credit operations by the executive, likewise of public debt legislation, control of revenues, of federal tax distribution and of international or inter-state commerce. As for Union defense and international relations, it would be exclusively up to Congress to oversee the annual establishment of the military, naval and terrestrial assemblages; all legislation pertaining to the organization of Army and Navy, as well as borders security; the authorization for the government to declare war or peace, deliberation on matters of borders between Union States and surrounding countries; deliberation of international treaties and the concession of amnesty.

In the more specific field of public administration, Congress had the exclusive authority to introduce bills on the municipal organization of the Capital, to create or suppress public federal posts and their functions and earnings; likewise to regulate public service and Post and Telegraph Services; to organize the Federal Justice, to issue laws and resolutions necessary to the exercise of Union roles and to concede subsidies to the state in special cases. From the institutional point of view, Congress had the power to exclusively introduce bills on Civil, Commercial and Criminal laws, as well as on the Federal Justice procedures; to regulate its internal regime, to issue organic laws for constitutional enforcement and to adjourn and postpone legislative sessions.

Federal Senate’s unique exclusive authority was that of judging the president of the Republic, while it was the initiative of the Chamber of Deputies to postpone the legislative sessions, to initiate tax laws, naval and terrestrial forces laws, posting laws, the discussion of projects proposed by the executive, likewise the declaration of validity of speeches made against the president. Besides these special rights of the Chamber of Deputies, any law proposal could be originated in any of the two houses, by the initiative of any of its members.7

A bill approved in one of the two houses had to be submitted to the other, which could, if met with approval, send it to the executive for sanction. Any bill that have been altered by the parent chamber would return to where it had been initiated, and if the modified version is accepted, it which should be sent to the executive. If not, it would again return to the parent chamber – at this moment the maintenance of the modified version of the bill would require the

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6 In particular, the well-known preliminary dispositions to Title I- On Federal Organization.
7 The initiative of bill proposals and its discussion was regulated by the Chamber of Deputies’ standing orders. For more information, see Oliveira (1926).
support 2/3 of its present members. If this happened, the bill would be sent to the house which introduced it, who could reject the amendments by means of the same majority.

From a constitutional point of view, the executive’s ability to put a independent stamp on the legal production was restricted to sanctioning, addressing proposals or vetoing Congress laws and resolutions. Furthermore, the president could suggest to the National Congress any urgent measures and adjustments through his annual addresses on the “state of the Union”. Therefore, the president had relatively narrow agenda-setting powers as far as legislative activities are concerned. Besides the role of presenting the annual Union budget, of suggesting the Armed Forces’ dimension, and of indicating judges for the Senate’s appreciation, presidential addresses to the Congress could be transformed by representatives into bill proposals to be sent to the appointed committees for appraisal. In the case that a bill was considered unconstitutional or contrary to national interests, the president could veto it, or deny sanctioning, which implies returning it to the house where it had been initiated. This veto could be rejected by a suffrage of 2/3 majority in both houses.

Hence, the 1891 Constitution consecrated the separation of legislative and executive functions and emphasized National Congress agenda setting powers, specially those of the Chamber of Deputies, which could initiates policy in the economical, administrative, institutional and foreign affairs fields, likewise in its own internal affairs.

The observation of the legislative activity in the First Republic suggests that the extra-constitutional arrangements as analytically characterized by the Leal/Lessa model were juxtaposed to the constitutional framework of executive-legislative relations. The rules of the game as established by the Constitution generated a liberal-democratic institutional structure, specially in what concerns the relationship between the executive and the legislative branches: while the Constitution supported a strong legislature, the Campos Sales’ arrangement gave rise to an imbalance in favor of the presidency. Such an imbalance was the result of a deal between president and governors by means of which the latter would try to send to congress members loyal to the government and the former would not interfere in disputes between states oligarchies that controls the selection of Congress’ members. The implicit argument in the Leal/Lessa model is that it considers this choice of representatives adequate to guarantee stability in executive-legislative relations, with supremacy of the first. This arrangement also relied on the presence of representatives of the most important states in ministry, especially in the Ministries of Justice and of Finance (Lessa, 1988; Love, 1995; and Wirth, 1985).

As we have said in the last section, the equilibrium described by the Leal-Lessa model presents a fundamental problem: that of legislative output during a presidential term. According to the model, such an output should not be particularly relevant, because the selection filter via the Verificação de Poderes would guarantee the docility of legislators in relation to the government. Conversely, we defend the idea that this filter only operated in the moment of polls, that is, that no guarantees were given as to legislative procedures and their results. Furthermore, we have observed that the lack of an internal regulation mechanism would compel the president to a constant individual bargaining with deputies, so as to approve their policy proposals.

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8 In its article 29, constitutional text mentions that it would be the Chamber of Deputies exclusive prerogative to “... discuss projects offered by the Executive Power ...”
An analysis of the legal output of this period, of presidential addresses to National Congress and of executive vetoes of legislative deliberation leads to the identification of some characteristics and tendencies of the relationship in question.\(^9\)

**TABLE 2 ABOUT HERE**

To begin with, one can affirm that throughout the first republican period there was an initial increment in law output and a stability beginning with Rodrigues Alves. In general, by parliament initiative or in response to demands made by the executive, the National Congress increased its legislative capacity. The third and fourth congresses (1897/1899; 1900/1902), in the years which correspond to Campos Sale’s setting down of the *Política dos Governadores*, produced 396 laws and decrees. In the following term, by Rodrigues Alves, we can find 650 laws and by the end of the Old Republic, in the Washington Luís\(^10\) period, this figure had risen to 712 laws and decrees.\(^11\)

Some congresses and presidencies were especially productive and active, as for example Afonso Penna’s, with 755 laws (6th and part of the 7\(^{th}\) congresses) and Epitácio Pessoa’s (part of the 10\(^{th}\) and 11\(^{th}\) congresses.)\(^12\) And exactly these were the two presidents who most extensively used the veto prerogatives, 49 for Afonso Penna and 59 by Pessoa, who was the one to send the greatest number of addresses to National Congress, 618, 60% more than his predecessor Wenceslau Brás, second in this ranking.

The exercise of veto power and addresses with suggestions of bill proposals were the only formal tools available for the executive to intervening in the legislative production. Along the analyzed period, 1899-1930, we have observed that for 5300 laws and decrees approved, the executive exerted its veto powers only 162 times, 67% of these concentrated in the Pessoa and Penna presidencies. These numbers seem to suggest that, generally, presidents did not need to use this tool in their relationship Congress’ members who, controlled in the moment of *Verificação de Poderes*, would deliver policies in the path of interests agreed upon by a pact between president and governors, or at least which did not confront these. Given this, our questions are: how could those presidents coordinate and even domesticate 14 congresses having as tools, on the one hand, control over electoral results and, on the other, veto power? And, how could presidents provide policies with broad impact in the absence of a congressional party system?

The answer might be found by the exam of what the legislature deliberated upon and what the executive requested in its addresses. The reading the laws’ contents indicates that, along 3 decades, the relationship between executive and legislative was concentrated in the matters of public administration and economy, nearing 90% of the total., but were mainly

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\(^9\) See note on sources and their usage at the end of text.

\(^10\) Corresponding to the 13\(^{th}\) congress (1927/1929) and to one year of the 14\(^{th}\), interrupted by the revolution of October 3, 1930.

\(^11\) So as to adjust data and to make the correspondence between the dates of congresses and presidential terms possible , which were important for our arguments, we considered that, in the elaboration of charts and graphs, the beginning of the presidential term is the month of January following the end of term is the month of December following the instatement of his successor, which in most cases occurred on November 15, with elections being held in March 1\(^{st}\). The legislative session was from May to September, and was current until its postponement in December.

\(^12\) In the Afonso Penna term include the final period in which Nilo Peçanha, Vice-President, assumes presidency due to Penna’s death, in July 1909. In the Epítaico presidency we have included the Delfim Moreira interval, which occupied the presidency from 15/11/18, due to President Rodrigues Alves’ illness, culminating in his death in January 1919, and the election and empowerment of Epitácio Pessoa.
about the authorization for new credit lines – special, supplementary and extraordinary – for expenses to be made by the executive and for topic payments, devoid of national coverage and with specific recipients, being these institutions or individuals. The same occurs in the field of public administration, in which, as we expected, authorizations for public servants licensing, concession of pensions, exemptions and bonuses, counting of public service time and military pensions widely predominate. An expressive part of the legislators’ time was spent discussing and deliberating authorizations for the president to, beyond the union budget forecast, spend and concede benefits oriented to topic and individualized issues, which amounted to 70% of the total of laws and addresses. It seems that this dynamics of solicitations and occasional authorizations – a form of private bills – structured executive-legislative relations itself. Between one Verificação de Poderes and another, the president had to indicate expenses and concessions that could satisfy parliament members’ specific interests, guaranteeing their own interests at the same time. Within the lack of political coordination in parliamentary activity, an intense exchange of concessions between the two powers was under way, foregoing issues of national interest.

(GRAPH 1 ABOUT HERE)

Epitácio Pessoa, the president who issued the greatest number of addresses, was the one contemporaneous to the most productive legislative years, and the one who most vetoed Congress’ deliberations (table 2). The explanation for this presidency’s exceptionality seems to be that Pessoa, a native of the state of Paraíba, was elected outside the traditional oligarchic pact, and was faced with a more hostile Congress, having been responsible for the unheard fact of vetoing a federal budget, that of 1922 (Belo, 1956; Carone, 1972; Santos, 1930). If hostility begets vetoes, how do we explain the enormous legislative output in this period and this presidential activity, sending 618 addresses in less than 4 years, 27% of the time period analyzed?

Patronage and pork-barrel delivery increases when selection of the legislators control cannot be updated in the sense of the Leal/Lessa model. Hence, so as not to be forced into yet more vetoing, a significant part of the exuberant legislative output and presidential initiative in the Epitácio Pessoa term was made up of credit and benefit solicitations and authorizations, in the same manner as in other governments and congresses. To compensate difficulties in the relationship with his main partners- the governors- and consequently with the representatives not quite domesticated by the filter of Comissão de Verificação de Poderes, Pessoa tried to overcome this by legislative activism that offered more credit and benefits.

(GRAPH 2 AND 3 ABOUT HERE)

It must be noted, however, that from the WWI on, the economic, political and administrative Union agenda was undergoing changes, which was reflected in the legislative production and by presidential initiative, changing towards diversity and complexity. Even though the characteristics of this executive-legislative relationship were not altogether modified, it is possible to perceive new themes and contents beginning to be found in legislative activity. A small shift towards themes of justice, security and social protection was underway, having first entered the public agenda in the decade of 1910 (see graphs 1 and 2). And, in the economic and administrative areas, themes relative to the financing of industrial activities, administrative changes and public works began to emerge (Fritsch 1990).

13 According to José Maria dos Santos, Epitácio Pessoa himself affirmed to have been “the president who denied to sanction the greatest number of legislative bills” (Santos, 1930, p.450).
14 The Afonso Penna case deserves further investigation.
Nonetheless, demands for political and social reforms that arose in the 10s and 20s did not obtain actual reactions in terms of policy making. While society was undergoing a turmoil and requesting pertinent lawmaking more ample and national answers, legislative activity continued to be basically oriented towards “private bills”.

This tension between reform demands and decisional conservatism was maximized by changes in the Chamber of Deputies’ standing orders. According to the 1900’s congress rules basic legislative initiative belonged to the deputy, with a preliminary vote as to whether it was appropriate to commence formal discussion of the bill. It was the 1920s standing orders that changed this procedure. Bill proposals of the executive, committees, senate and those bearing the signature of 10 deputies need no longer be preliminarily judged. In 2 decades, the legislative initiative was less restrictive, suppressing, in some important cases, the bill proposals’ preliminary judgement (Brazil d; Oliveira, 1926). If in the beginning of the century the floor could filter any parliament initiative, this probably being an internal control mechanism, by the end of this period the initiative of initiating projects was not only liberalized but had fewer standing orders constraints.

Therefore, we can characterize the executive-legislative relations of our first republican period as one of intense exchange of authorizations and concessions of a private nature, a by which the partners in the oligarchic pact could not only control but also coordinate legislative activities vis-à-vis the absence of party or even of ideological options. This trend was tensioned by changes in the national political agenda and in the country’s economy, which show through in the content of the legislative output and of presidential initiative. We suggest that the final challenge of this structuring would be to respond to this new agenda and its characters from an oligarchic coalition which must, in order to function, control not only the access to representation but also intense and permanently exchange credits and advantages of short span and private usage.

V- Discussion

The results analyzed in the last section suggest that the Brazilian legislature’s internal dynamics is relevant for the understanding of executive legislative interaction during the “Old Republic”. Our main conclusion at this point is that between two elections there exists an intense legislative activity which deserves explanation of its own. Therefore, the fact the selection of Chamber’s members was controlled by state and local leaders did not guarantee the representatives’ docility vis-à-vis presidential proposals during their term as federal deputies. The data indicates a high amount of private bills as far as the legislative production is concerned, which denotes a constant trade between presidents and legislators along the decision making process. Although a extremely low rate of presidential veto indicates a low degree of conflict between the two branches, it is important to point out that the political system’s stability was also based in this intense legislative activity developed during different presidential terms. Furthermore, we can also suggest that the legislative production’s particularistic pattern emerges as a substitute for an institutional mechanism inside the legislature able to coordinate its member’s behavior, as, for instance, a congressional party system.

In spite of its preliminary character, this study indicates that a more deep research on the legislative behavior during our first republican experience can increase the understanding of the Brazilian presidential system in particular, and, in general, of the executive-legislative relations in a presidential regime without a congressional party system. Our next steps in this direction include at least three distinct themes: the study of legislative
career’s structure; the mechanism by which roll calls were taken and specific bills approved or rejected; and, a more detailed investigation of the nature of approved bill.

VI- Note on sources and their usage

The sources were basically official documents, in particular the Annals from the Chamber of Deputies and Senate, as well as the Collection of Brazilian Laws. In this stage of the survey we began by the Campos Sales presidency, which structured the Políticas dos Governadores and corresponds to the last year of the 3rd congress.

In the Collection of Brazilian Laws and in the Annals we have, based on their indexes, organized all actions by the Legislative power, vetoes and presidential addresses into six categories: economy-finance laws; administrative laws; social and justice-safety laws; Legislative internal affairs; laws relative to international relations and honorific laws. As we can see, the best part of the legal output concentrates on the administrative and economic categories. In the graphs, we opted for grouping internal affairs, international relations and taxes. In view that 95% of Executive laws and initiatives are concentrated in three issues, the next step of research will demand a new system of classification, which will permit a better comprehension of content in Legislative and Executive acts.

One of the difficulties encountered in this survey of fresh data was the absence of some volumes from the Annals of both Chamber of Deputies and Senate, not to be found neither in the most important libraries and archives in the city of Rio de Janeiro nor in the Chamber of Deputies and Senate libraries, in Brasilia. To fill in these gaps, in special those of 1919, 1920, 1925, 1929 and 1930, we have drawn from the Diário do Congresso Nacional.

References


**Sources;**


## Table 1

Evolution of Brazilian GNP and IP: 1901-1929

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Source: Abreu (1990)
Table 2
Presidential Addresses, Vetos and Laws by Presidential Terms: 1899-1930

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Source: Brazil a, b and c
Graph 1
Number of Law by Year:
1898 a 1929

Source: Brazil a
Graph 2
Presidential Addresses by Administration
1898-1930

Source: Brazil b and c
Graph 3
Presidential Vetos by Administration
1898-1930

Source: Brazil b and c