Politicians against Soldiers
Contesting the Military in Postauthorization Brazil

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Many Latin American countries returned to civilian rule in the 1980s and 1990s after being governed by the military for much of the previous two decades. How the military conducts itself in the current period critically affects whether democracy can develop and become robust in these countries. Where the armed forces play an active role in politics, they limit popular sovereignty, the guiding principle of democracy. As civilian rule enters its second decade in Argentina, the first major Latin American country to return to democracy, followed shortly by Uruguay and Brazil and then Chile, it becomes imperative to ask and possibly to begin answering several key questions. What impact did the regime changes of the 1980s have on the role of the military in politics? Has democracy motivated and enabled elected officials to diminish significantly the political influence of the armed forces? Or have military elites been able to maintain their political clout in the democratic era and undermine the independence and authority of their civilian successors?

This article probes these questions for Brazil, where the military ruled from 1964 to 1985.2 Much of the literature on civil-military relations in postauthoritarian South America stresses the continuing influence of the military and the limits to democracy’s consolidation. Analysts expected that the Brazilian armed forces would be particularly likely to exercise control over a broad range of political and socioeconomic issues after the transfer of power to civilians in 1985.3 The basis of this expectation lay in the strength of the military government’s bargaining position vis-à-vis civilians during the transition to civilian rule, which resulted in the armed forces’ retention of institutional prerogatives, including six cabinet positions and a predominant presence in the National Security Council (CSN) and National Information Service (SNI), agencies synonymous with the abuse of human rights under the dictatorship. It was predicted that these prerogatives would provide the military with a strong foundation for exercising tutelage over civilians and protecting the privileges of their institution in the new democracy.

My findings, based on evidence that extends to mid 1993, cast doubt on the expectation that the military would be an extraordinarily powerful force in Brazil’s new democracy. Over time, democratically elected politicians have successfully contested the power of the military over a broad range of issues and narrowed its sphere of influence. For example, congress defied the military and vastly expanded the right of workers to strike in 1988 and 1989. It has also steadily reduced the military’s share of the budget. President Collor took steps to restructure the military-dominated intelligence service and security council in 1990. Likewise he confronted the armed forces’ previously unchallenged control over nuclear issues by signing an agreement with Argentina allowing for inspections by the International Atomic Energy Agency. Similarly, by endorsing measures to curb ecological devastation
and to protect indigenous populations in the Amazon. Collor opposed the military’s strong interest in developing and occupying the region. In sum, despite the institutional strongholds the military retained with the regime transition and the influence it enjoyed in the immediate aftermath of the transfer of power to civilians, elected politicians soon contested the military.

That civilians have successfully begun to erode the influence of a military that was exceptionally well positioned to remain influential is especially noteworthy. The economic successes associated with Brazil’s military governments, the relatively low incidence of human rights violations they committed, and the impressive degree of public support they managed to orchestrate allowed Generals Ernesto Geisel (1974–79) and João Figueiredo (1979–85) to exercise significant control over the terms of the transition, preserving important institutional prerogatives for the armed forces. If the military could be expected to remain powerful anywhere, it was in Brazil. The erosion of military influence in this “least likely” case casts serious doubt on the military’s capacity to remain a preponderant actor in the everyday politics of Latin America.

This article first examines the theoretical and empirical basis of claims that the Brazilian military would remain extremely powerful. Second, it presents an alternative theoretical perspective to explain the decline of military influence under Brazil’s democracy. Third, it applies this explanation to two issue areas: labor legislation and military budgets. Finally, it discusses remaining enclaves of military autonomy and important ways in which civilians in Brazil have yet to subordinate the armed forces to their control.

Civil-Military Relations in Postauthorization Brazil: Continuity versus Change

The central theoretical question this article addresses concerns whether and for how long the “pacted” or “negotiated” nature of the transition to democracy in Brazil inhibited democracy’s consolidation. Did the strong hand military leaders exercised over the scope and timing of the transition and the influential political role they played in the initial phase of the new regime allow them to maintain their political influence many years later? Or did the rules and norms of democracy eventually lead elected civilians to rein in the political activities of the military?

“Confining Conditions” Inhibit Civilian Sovereignty Many analysts, such as Guillermo O’Donnell, Frances Hagopian, and Terry Karl, posited that Brazilian democracy would suffer from an indelible handicap. In their view, the military government’s firm control over the transition to democracy endowed the armed forces with a strong and indefinite foundation for exercising political leverage by allowing them to retain important institutional privileges. The concern of these authors was not that the armed forces would launch a frontal assault on democracy by waging a coup d’état but that they would impede democracy’s consolidation by continual tutelage, causing democracy to die a “slow death.”

The considerable political interference of the army in the first three years of the civilian regime seemed to provide empirical verification of this theoretical expectation. Tenets of “historical institutionalism” informed the development of this rather pessimistic view. The influence of branching tree models, such as Krasner’s model of “punctuated
equilibrium," is particularly observable. These models claim that stable institutional patterns structure political life. By creating vested interests which promote their own persistence, institutions gain considerable autonomy and strength to withstand shifts in the broader political and socioeconomic environment. Even a challenge which is drastic enough to upset established institutional patterns is conditioned in its impact by the institutional setting in which it occurs. Historical institutionalists therefore view political development as a path-dependent process: following one path channels further development down the same path and precludes other options.

According to this view, significant political change takes place only at "critical junctures" or "turning points," when institutional patterns are challenged by strong socioeconomic or political pressures. Such moments present rare opportunities for political actors to reshape the political landscape by founding new institutions. Periods of regime transition, when the rules of the game are in flux, constitute such moments. If change is to occur, quick action must be taken before the transition period comes to a close and patterns and practices inherited from the previous regime have a chance to congeal. After these windows of opportunity close, stability prevails, and profound political change, which would reshape the institutional framework, is unlikely. If left unchallenged during the regime change, previous institutional patterns are believed to be reaffirmed and given a strong foundation to persist. A historical institutionalist perspective would predict that, if the military and other conservative elites managed to retain strong institutional prerogatives throughout a transition from authoritarian rule, they would be able to preserve their power and set limits to popular sovereignty in the new democracy.

Electoral Competition Leads Civilians to Contest the Military In contrast to the view described above, my research on postauthoritarian Brazil suggests that countries that return to civilian rule through elite-led negotiations need not be constrained indefinitely by the balance of forces that prevailed in the transition and immediate posttransition period. Civil-military relations in postauthoritarian Brazil have displayed much greater dynamism than a historical-institutionalist framework can account for. The firm hand the armed forces exercised over the transition and the institutional prerogatives they retained indeed strengthened their political clout in the immediate aftermath of the transition. The army’s interference in civilian decision making was considerable and often met with success in this initial period. Yet as the authoritarian past receded, the advantage that military elites could reap from factors stemming from the transition began to erode. Within roughly three years, elected officials began to take gradual yet significant steps to check the military’s political interference. Politicians first confronted the military over issues that directly affected their popularity and electoral standing. Later, their actions included efforts to diminish the military’s institutional basis for political involvement, for example, by forming civilian-led organs to replace the National Security Council and the National Information Service. At the same time, while some of the military’s institutional prerogatives remained in existence, leading officers appeared increasingly unable to use them to wield actual political influence.

How do I explain this unanticipated result? I argue that electoral competition creates incentives for politicians to reduce the interference of a politically powerful and active military and that electoral victory enhances their capacity to do so. This claim rests on two
premises: that politicians are first and foremost interested in their own political survival and that the broad institutional context in which they operate structures their behavior. These premises suggest that politicians will contest the military when military actions conflict with their opportunity to gain widespread electoral appeal. Thus, in contrast to the view that political arrangements that are founded or reaffirmed during regime transitions will remain entrenched even as the political landscape around them changes, I contend that broad political and institutional shifts—in this case, the unfolding of the rules and norms of democracy—can disrupt patterns and practices put in place under a different set of circumstances. Rather than creating a static framework, democracy unleashes a competitive dynamic conducive to change.

This analysis is inspired by the literature on rational choice, which focuses on actors and their intentions and explains political action with reference to rational interest calculation. Strategic interaction among individuals maximizing their self-interest is seen as the foundation of politics. In the rational choice perspective, institutions result from this kind of interaction among individuals; they are created by actors pursuing their own preferences in instrumental ways. Once established, institutions set parameters for individual actors and their interest calculations, but they are always open to further modification.11

Authors such as Barry Ames and Barbara Geddes advance arguments based on these explicit premises to explain politics and institutional change in Latin America.12 These ideas are also reflected in Douglas Chalmers’ concept of the “politicized state,” which differs fundamentally from Krasner’s model of “punctuated equilibrium.”13 Whereas Krasner stresses the stickiness of institutions and confines the possibility of change to rare but major moments of reorientation, such as regime transitions, Chalmers emphasizes the ever-present fluidity of Latin American politics, marked by frequent incremental shifts in the balance of power among self-interested actors and the institutional arrangements they establish.

Both historical institutionalism and rational choice focus on the relationship between actors and institutions, but they differ in their views of the malleability of institutions and the direction of the causal relationship between actors and institutions. Historical institutionalism sees institutional arrangements as resistant to change, except during rare crises, and focuses on the constraints that institutions impose on actors. By contrast, rational choice sees institutions as more mutable and underscores the capacity of actors to shape institutions and modify them once created. Rational choice theorists recognize that actors are conditioned by their institutional setting but hasten to emphasize that this framework itself is the product of interaction among self-interested individuals.

Insofar as my empirical findings show that self-interested actors began rather quickly to reshape institutional arrangements and to alter the balance of political power in their favor, my study bears out the guiding principles of rational choice and diverges from those of historical institutionalism. The rules of democracy in Brazil have fostered political competition and thus induced and enabled politicians to challenge the terms of the conservative pact made during the transition from authoritarianism. In particular, politicians have begun to remove important constraints on popular sovereignty by contesting the institutional prerogatives of the military and by reducing its political influence.

What, more specifically, are the factors that induce and enable civilian politicians to undermine military tutelage over the new democracy? Why do many efforts by politicians to enhance their electoral chances conflict with positions the armed forces hold? And how do
politicians gain the force to advance their preferences even against opposition from the armed forces?

Democratization gives rise to two types of incentives: programmatic and particularistic. Particularistic incentives concern the use of resources to fuel politicians’ personal support networks. Programmatic incentives involve the credit given to politicians for advances in public policy (for example, health, education, welfare, and economic reform). Both types of incentives are operative in Brazil, as in most democracies. And in different ways, both generate strong and specific pressures against the persistence of the military’s political involvement.

First, winning elections in Brazil often depends on gaining the votes of the country’s impoverished yet increasingly mobilized majority. Besides seeking to rise from their own poverty, some of Brazil’s poor have visions, albeit often vaguely defined, of a more egalitarian society. Increasingly, politicians of diverse ideological leanings suggest in their conduct that they feel pressured to respond to this pool of voters in a symbolic, if not effective way. Politicians who need to appeal to urban electorates especially feel this pressure. The nonprogrammatic orientation of the country’s political parties increases the ability of Brazilian politicians to shift with the political winds. Politicians tend to portray themselves as sympathetic with the plight of Brazil’s poor, despite the deeply conservative tendencies of Brazilian politics, in rhetorical ways—for example, the successor of ARENA (the government party during military rule) renamed itself the Social Democratic Party (PDS)—as well as by supporting policies that recognize popular desires for change, at least in some highly visible areas. Many of the policies that even conservative politicians are tempted to support in order to appear progressive do not ensure effective interest representation or the provision of universal social rights. Nevertheless, they often run counter to the military’s goal of maintaining social order. The military’s ultimate fear is that politicians with populist leanings will encourage Brazil’s historically quiescent lower classes to become more assertive, thereby jeopardizing political stability and a model of accumulation propitious for Brazil’s rapid economic advancement.

In addition to unleashing “populist” tendencies, democratization in Brazil has reinforced particularistic incentives associated with political clientelism, often at the armed forces’ expense. Electoral competition has motivated politicians to search ever more energetically for economic assets to distribute as political pork barrel, thereby improving their chances of reelection. The rampant pursuit of patronage resources by politicians not only clashes with the long-standing positivist impulse within the military to “rationalize” the public bureaucracy. It also leads them to enter into direct competition with military elites over state resources. Politicians are tempted to shift budget shares away from the military to civilian ministries better suited for pork barrel. Similarly, where military officers hold key posts in large state enterprises—strategic positions from which to build a network of political allies by distributing jobs and other benefits—patronage-seeking politicians will try to replace them. The competition for resources is thus another way in which the incentives unleashed by democratic competition militate against the continued entrenchment of the military in the political and economic fabric of the country.

The goal of political autonomy constitutes a further reason for politicians to oppose a politically active military. The capacity of politicians to formulate and implement policies demanded by the electorate without incurring outside interference is a crucial basis of
reelection. In Brazil, this capacity applies more to presidents than to legislators, who rely relatively less on taking public policy stands and more on providing particularistic services.4 Because they are ultimately held accountable, politicians seek maximum control over events and processes that occur within their jurisdiction, territorial or functional.5 Large bureaucratic organizations like the military can compromise the latitude they need to carry out public policies in response to public opinion. Democratization has indeed created conflicts between politicians who seek this independence and politically inclined army leaders who pose a threat to this objective.

The conflict between civilian and military interests that democracy causes creates strong pressures for elected politicians to reduce the military’s sphere of influence. Although ideology does not become irrelevant, and all politicians will not follow this course of action all of the time, nevertheless, the survival interests of politicians are sufficiently compelling to promise a contraction of the military’s domain over time.

If electoral competition unleashes incentives to diminish military influence, the popular support that electoral victory certifies enhances the capacity of politicians to do so. A military organization would incur great risk and cost in taking forceful measures against a government with solid popular backing. The greater the mandate a given government enjoys, the less likely military elites will aggressively counteract civilian attempts to diminish their political role. In Brazil, direct election—if only by 53 percent of the valid vote—helped President Fernando Collor face down the armed forces in the initial stages of his government.6 Collor’s predecessor, President José Sarney, was far more beholden to the armed forces. The weakness of Sarney’s mandate, beginning with the nonelectoral route by which he came to power, left him exposed to the armed forces.7 President Itamar Franco, who replaced Collor in the wake of his impeachment, suffers from the same weakness and thus has manifested greater timidity than his predecessor in taking steps to increase civilian preponderance.

Two conditions, the weakly institutionalized nature of Brazilian politics and the demobilization of the antisystem left in the post-Cold War era, strengthen the dynamic described above. While the first condition heightens the incentives for political elites to challenge the armed forces, the second removes a previous disincentive. Together, they render politicians more likely to contest military interference in politics.

The absence of deep party loyalties among voters, a central characteristic of Brazil’s party system, renders the time horizons of politicians exceptionally short. Under formidable constraints to meet the immediate demands of voters (or be put out of office), politicians seek to reduce interference from any source that could obstruct their ability to achieve this goal, including the military. The highly clientelistic nature of politics is a further aspect of the weakness of Brazil’s party system. Most political parties base their appeal more on patronage than on programs.8 Clientelism is responsible for reinforcing politicians’ interest in decreasing the military’s claim over state funds and other resources.

If characteristics of Brazil’s political system strengthen the incentives that lead politicians to contest the military, features particular to the current era and their effect on power relations in the broader society reinforce this tendency. Politicians need to respond to electoral incentives in a democracy, but they must also respond to power relations, which vary across time and national borders. Since basic threats to socioeconomic and political order are absent in most of post-Cold War Latin America, the use of military force for
domestic political purposes lacks widespread support and renders civilian politicians less fearful of antagonizing the military. The awareness of Brazilian officers that the current political climate is unsympathetic to strong-arm tactics (and that their use would result in a loss of institutional prestige) tames their reactions to challenges that they view unfavorably but that do not threaten core corporate interests. This tendency to exercise restraint emboldens politicians to respond more to public opinion than to military opinion. In short, electoral considerations gain in importance and take precedence over considerations of military power when the basic political and economic order is not in question. In the 1990s, winning votes, not military support, is clearly the first principle of political survival.

By contrast, the political polarization of the 1960s lent credibility to military sabre rattling and rendered the domestic use of military force more acceptable. Popular sector mobilization led military elites to fear for the preservation of corporate integrity and social elites to grow anxious about maintaining their position of economic and social privilege. Conservative and center-right politicians allied themselves with leading officers, although they thereby diminished their political independence. Under conditions of high politicization, even populist politicians with ample popular backing could be overthrown by the military. The lack of support for military interventionism in the current period could be reversed in the unlikely event that Brazil were to experience a return to the instability that existed in the 1960s.

In short, driven by the imperatives of democratic competition and bolstered by popular backing, Brazilian politicians have challenged the military in significant ways. While some participants in this effort embrace the democratic ideal of civilian control of the military, many others appear to be driven mostly by instrumental considerations. That former members of the government party under military rule (ARENA) have been among those who have contested military interference testifies strongly to the operation of pragmatic calculations. President Collor, who launched the most direct attack on the armed services since 1985, was himself a son of the military regime.19

Civilians Challenge the Military: Evidence

Civilians have contested the military over several issues. Two areas, labor law and the budget, are treated here.20 For a politician, labor represents a sectoral group of increasing electoral importance. The federal budget is a way to deliver goods and gain constituents. From the military’s perspective, however, labor constitutes a potential threat to political and social stability and should be controlled. Large defense allocations are necessary to ensure decent salaries, as well as the modernization of equipment and training. If the expansion of labor’s rights in Brazil’s new democracy represents the extent to which politicians will oppose the military when popular sector support is at stake, cuts in the military budget suggest how far they will go to gain regionally based electoral support through clientelistic means.

Strike Law: Politicians Rein in the Military The value that Brazilian politicians place on satisfying popular opinion on highly visible issues, even over military objections, is demonstrated in decisions they have made since 1987 to liberalize aspects of the corporatist
labor legislation installed by dictator Getúlio Vargas in the 1940s and reinforced after 1964 by the authoritarian regime. The aspect of this legislation analyzed here concerns strikes, the main economic and political weapon of workers.

Why is the military interested in restricting the right to strike? The goal of a quiescent labor movement has social, political, and economic dimensions. The socially disruptive effects of strikes—street protests, the destruction of property, the failure to deliver goods and services—are antithetical to the core military principles of order and discipline. To the extent that unions are often linked to leftist parties and social movements with a broad political agenda, they are seen as a potential political threat. Brazil’s armed forces have also feared that an activist labor movement would demand a “premature” redistribution of the country’s wealth and thereby impede its potential to become a major industrial power. The military’s perception that the labor mobilization of the early 1960s constituted a grave social, political, and economic threat led the bureaucratic-authoritarian regime to reimpose the strict limits on strikes established in the corporatist legislation of the Estado Novo and to strengthen these limits in the National Security Law.

What incentives do elected politicians have to support prolabor policies? The great number of Brazilians who see themselves as “working people” represents a large pool of voters. Their self-identification as workers stems from the tradition of trabalhismo established by Vargas at the end of the Estado Novo. Anticipating democratization, Vargas rallied labor support by emphasizing the concessions, rather than the controls, granted in the corporatist framework he had established.

During the period of open political competition from 1945 to 1964, labor became a political force of increasing importance to mainstream parties. Heightened electoral competition and rising labor mobilization, coupled with weakly institutionalized political parties, prompted populist politicians to bid actively for labor support. Labor leaders gained leverage by playing politicians off against one another. Under these circumstances, the corporatist controls instituted earlier by Vargas were implemented less and less. Labor mobilization outside the state-controlled system grew markedly by the time of the 1964 coup.

Democratization led to the resurgence of the labor movement. Labor has gained a symbolic importance in Brazil’s new democracy that exceeds its numbers. Brazil has seen the revival of trabalhismo and appeals made to labor and other popular sectors by mainstream parties such as the PDT (Democratic Labor Party) and PMDB (Party of the Brazilian Democratic Movement). The emergence in the late 1970s of the “new unionism,” which seeks a more independent working class movement, and the Workers’ Party (PT) helped fuel expectations and aspirations among workers. The PT, representing more than the narrow interests of organized workers, seeks to promote a more democratic and egalitarian political culture in Brazil. Mainstream politicians feel under increasing pressure to play to the themes and slogans the PT has introduced to Brazilian politics.

Recognizing that the political opening would fuel labor mobilization, the military regime sought to prepare for it. In August 1978 President Geisel formulated a plan to relax authoritarian controls overall but to keep the prohibition of strikes in “essential” economic sectors. Decree Law (DL) 1632 was designed to achieve this goal. Given its status as a decree law, DL 1632 was virtually guaranteed passage. Congress had sixty days to approve
The issuance of DL 1632 generated a wave of public criticism. It continued to ban strikes in wide-ranging sectors deemed "essential" but softened the penalties for conducting illegal strikes. Union leaders took issue with the number of areas categorized as "essential" and attacked the government for perpetuating the notion that strikes were a crime rather than a fundamental right. Echoing their criticisms were mainstream opposition politicians, such as Fernando Henrique Cardoso and André Franco Montoro. One of the platforms of their party, the MDB (Brazilian Democratic Movement), included the full restoration of the right to strike.

Legislators of ARENA faced a dilemma. As members of the government party, they felt obliged to support the legislation. Yet the criticism directed at DL 1632 made them fearful that their support might hurt them in future elections. ARENA legislators chose the easy way out: to simply not appear at committee meetings to examine the bill or for the floor vote. Thus, they sought to avoid blame but took advantage of the rules for a decree law to ensure approval of the government's bill. ARENA's conduct shows the sensitivity of politicians to electoral incentives even when competition is tightly controlled, as it was under the military regime.

With the return to democracy in 1985, military elites tried to keep strike provisions as restrictive as possible, and politicians were encouraged to expand them. The extensive strike activity of the mid 1980s heightened the salience of the conflict. For the military, the strike wave represented disorder. The labor movement remained a central subject of military intelligence reports and meetings of the army high command. In labor's view, workers had legitimate grievances, and a liberalization of labor legislation was necessary to ensure their expression. Military elites and prolabor civilian forces clashed in all phases of the redefinition of strike law: during the year in which the minister of labor sought to elaborate a new strike law (mid 1985 to mid 1986), during the constitutional debates of 1987–1988, and in a subsequent attempt in spring 1989 to roll back the gains that labor had achieved in the constitution of 1988.

The first minister of labor in the new civilian regime, Almir Pazzianotto, sought to ease state control over labor relations until the constituent assembly made definitive decisions on labor-related issues. A bill he formulated to relax restrictions on strikes became a serious point of contention. Efforts to shape the bill before it reached the congress are worth examining for what they reveal about the importance of the forum in which interest articulation takes place. The conservative nature of the bill that Pazzianotto produced—contrary to what many expected from the once progressive labor lawyer—suggests that the influence of elites, such as the military, is greatest in closed political settings. The military's ability to sway decision making undoubtedly weakens in open public debate, as occurred in the last two phases of the redefinition of strike law.

Pazzianotto wrote and revised the strike bill from mid 1985 to mid 1986. The military, business, and unions tried to influence the proposal. Leading generals insisted that the bill prohibit strikes in the public sector and in numerous services. They succeeded in pressuring Pazzianotto to make the draft bill more restrictive. Business leaders also opposed early drafts of the bill for being too sympathetic to workers. Their main concern was to achieve efficient solutions to labor disputes. Union leaders of all types argued that the bill
represented little improvement over existing legislation and criticized Pazzianotto for heeding military and business demands. In fact, the final version was quite conservative. It prohibited strikes in a broad range of sectors—most of those deemed "essential" in Decree Law 1632. In sectors deemed "nonessential" it placed other obstacles in the way of legal strikes.29 Since constitutional deliberations were in progress before Pazzianotto’s bill was put on the congressional agenda, however, its specifications had no real consequence.

The next step in the evolution of labor policy was the constitution of 1988. Notwithstanding the disappointments of 1985–86, workers won tremendous gains in the new constitution. The open political forum of the constituent assembly redounded to their advantage. Among labor’s greatest victories was the unrestricted right to strike. Even public servants and employees in sectors previously considered essential were not excluded from this right, at least until a complementary law was instituted to regulate it.30 The composition of the constituent assembly did not militate in favor of labor. Approximately fifty-two percent of assembly members belonged to the conservative bloc, the Centrão. Only about twenty-two percent of all assembly members could be counted on to represent working class interests.31 Against these odds, organized labor was able to convince politicians across the political spectrum to side with many of its demands. Three factors explain labor’s success: the concentration of energy and resources by the electoral left on labor issues, the adept lobby that defended workers’ interests, and the electoral motivations of politicians in supporting a prolabor stance. This discussion focuses on the third factor.

At the outset of the constitutional debates, the organization that headed the lobby on labor issues, DIAP (Interunion Department for Legislative Advice), advanced a proposal which included expanded strike rights, greater job security, a reduced work week, and a minimum wage increase. The military rejected virtually all of these points, except an increase in the minimum wage. Business groups were prepared to compromise on everything except guarantees of job security.

Leading officers took their case to the constituent assembly, whose members were identical with congress. As negotiations unfolded, it became evident that the military lobby lacked the resources necessary to gain adequate leverage over congressional votes.32 Evidently, it was unwilling to call upon the central power capability of the armed forces—intimidation—for this purpose. Notably, only where business elites forged an explicit alliance with the military—over the issue of expanding job security—was the labor lobby thoroughly defeated. Business groups, which had contributed funds to the electoral campaigns of many assembly members, appear to have had more sway than the armed forces.

In the end, the constitution met most of labor’s basic demands although it did not extend job security or completely abolish the corporatist organizational structure of unions. To the extent that aspects of the corporatist structure remained, pressure from established union leaders, not the military, was responsible. The unrestricted right to strike was a central victory for labor.33 The final vote for expanding strike rights was ample: 436 in favor versus thirty-eight against and nineteen abstentions.34 Conservative support was marshaled strategically. The labor lobby not only played on electoral interests. Its supporters, including politicians from the PT and PMDB, threatened to back more far-reaching proposals, such as job security provisions, if conservatives did not support the more moderate reform package that eventually passed.35 In the aftermath of the vote, the army minister publicly accused
legislators of being more concerned with their own political advancement than with the country’s future. Echoing this interpretation was one of the few dissenting legislative voices, Luís Roberto Ponte, who denounced his fellow assembly members for being too oriented to the vote of “November 15,” the day of the upcoming municipal election.36

Labor victories in the constitution did not deter military leaders from persisting in their efforts to dampen labor protest. The next attempt they made was to regulate the unrestricted right to strike. The military ministers, in conjunction with civilian ministers concerned about the effect of wage increases on inflation and the public budget, pressured President Sarney in April 1989 to curb the strike wave afflicting Brazil. The counsel general, together with a leading army general, drafted a “provisional measure,” or medida provisória, aimed at restricting strikes.

Under Brazil’s new democracy, the president can issue a medida provisória under “exceptional circumstances.” Congress has thirty days to approve or reject it. In the event of its approval, the measure becomes law. In the event of congressional rejection or inaction, it becomes invalid. During the thirty days, the terms of the measure are binding. While leaving the president considerable power, this legal innovation of Brazil’s new democracy represents a large decrease in executive powers relative to the decree law under military rule. Whereas congress needed to actively reject a decree law to invalidate it, it now needs to actively approve a medida provisória for it to remain in effect.

In late April 1989 the executive put forth a medida provisória (MP) which made it difficult to conduct a legal strike. The MP required the presence of a high percentage of union members (at least one-third) to even decide whether to strike, one-half of which had to vote affirmatively. Moreover, the MP enumerated a long list of essential services (thirteen in all) in which union leaders were required to communicate the intention to strike at least two days in advance. It also obligated unions in these sectors to assure the continued functioning of basic services for the duration of the strike. If they failed to do so, the president could summon members of the population for this purpose. Finally, the MP specified stiff penalties against those who violated the legal criteria for a strike.37 Military leaders applauded the MP and sought to persuade congress of its merit.

How did congress react to the MP? While explicitly prolabor parties attacked it as downright draconian and moderate politicians likened it to the restrictive legislation of the military regime, conservative legislators were reluctant to take a stand. On the one hand, they recognized the existence of constituencies that were frustrated with the paralysis resulting from strikes and felt that labor should be “kept in its place.” On the other hand, they were aware of the possible risks of antagonizing prolabor groups.38 Few were receptive to the military lobbyists who knocked on their doors.

Congress rejected the MP by failing to vote on it within thirty days. Given the provisions of a medida provisória, conservative legislators could no longer assure the passage of unpopular legislation by simply avoiding the issue, as they had done with Decree Law 1632 in 1978. The president immediately reissued the MP. As long as its terms were binding, any congressional substitute for strike regulation, which would undoubtedly be less restrictive, was preferable for labor. The chair of the joint congressional committee that produced the replacement, or substitutivo, was Senator Ronan Tito, leader of the PMDB in the senate. Tito walked a tightrope. While needing to place some restrictions on strikes in order to prevent an endless repetition of issuance and defeat of the MP, he needed to produce a
substitutivo liberal enough so as not to jeopardize his own standing with voters and his party’s presidential candidate, Ulysses Guimarães.39

In his draft, Tito modified some aspects of the MP which provoked the most widespread opposition and omitted the high quorum required to decree a legal strike, the presidential prerogative of requisitioning civilians to guarantee essential services, and the stiff penalties for workers who participated in illegal strikes. The law that congress passed in June 1989 respected these omissions. While continuing to place some limits on the right of workers to strike, its terms are far less restrictive than the government’s original proposal.40 The vote in the chamber of deputies was solidly in favor of the new law (244 for, eighty-two against, and four abstentions). In the senate, the vote was symbolic, with only two senators casting negative votes.41 Legislators from labor-oriented parties (the PT and PDT) acknowledged the new law as a vast improvement over the government’s previous proposal to regulate the right to strike but still opposed it for being too restrictive.42 Conservative politicians by and large supported the new law. Nevertheless, the military regarded it as excessively permissive. Members of the government also felt that the new law was not stringent enough to prevent strikes from occurring on a widespread scale. Notably, however, President Sarney did not attempt to veto the new strike law. He was realistic about the goals and powers of congress, which militate against military tutelage and control over the labor movement.

In summary, over enduring military opposition the labor movement made significant legal gains in the first postauthoritarian government and has managed to maintain them until the present. Electoral motivations affected a sufficient number of politicians to yield decisions that would not have been expected on the basis of ideological leanings and political affiliations. The growing electoral strength of the labor movement and of PT presidential candidate Luís Inácio da Silva (Lula) suggests that many Brazilian politicians will continue to take into account the concerns of labor and other popular sectors.

**Budget Allocations: Politicians Reduce Military Resources** Defense spending has been a highly contentious issue in Brazil’s new democracy. Civil-military conflict over military budgets is common in countries which have recently undergone a transition from authoritarian to democratic rule. What accounts for it? One explanation centers on the reluctance of politicians to reward an institution they feel was responsible for great misdeeds. This explanation is indeed founded in countries where the armed forces devastated the economy and committed extensive human rights violations, as in Argentina.43 An interpretation that applies across more countries and for a more enduring time period concerns the competing demands for state funds that democracy creates. To win voters, politicians try to expand social and economic spending, consequently cutting into military expenditures. This line of analysis is much more promising in understanding civil-military conflicts over defense spending in Brazil, where public animosity toward the military regime was relatively low.

Many observers anticipated that the military would be able to extract large budget shares in the new democracy.44 Contrary to this expectation, the armed forces have seen their budget shares diminish in the new democracy (see Figure 1). Actual budget percentages, as well as the dynamic of congressional budgetary negotiations, bear out the military’s weakness in this area.45 Military allocations increased slightly between 1982 and 1985, but
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Figure 1 The Military’s Budget Share

since 1985, with the exception of 1990, military shares have contracted steadily.\(^4\) By 1992, the armed forces had lost more than a quarter of their 1985 budget share.

While the increase from 1982 to 1985 stemmed from an effort to placate the outgoing military, the downward trend from 1986 resulted from the competing demands that democracy generated and the incentives that politicians faced to meet these demands. Legislators have proven eager to use public spending to improve their chances of reelection, mainly by delivering distributable goods to their constituents. Certain civilian ministries, such as transportation, education, and health, lend themselves readily to pork barrel. But defense expenditures in Brazil yield little electoral capital. The arms industry does not employ vast numbers of civilians, and its heavy concentration in the state of São Paulo confines its political utility to legislators from this one state. Limited electoral mileage can be gained through military bases because congress has little say in their location.

The fact that congress is limited to redistributing the amount assigned by the executive (and can not increase total expenditures)\(^4\) creates a conflict in funding between programs with high patronage potential and military projects. This “zero sum” situation militates in favor of holding down the military budget. Viewing defense spending as an actual drain on their opportunity to build political clienteles, legislators have gone so far as to shift funds earmarked by the executive for the military to civilian ministries more conducive to political patronage.\(^4\) This process of amending the budget has occurred every year since 1988, when the new constitution boosted the budgetary powers of congress. The budgetary politics of recent years suggest a trend toward small military budgets, especially as the authoritarian past recedes further into the past and fears of a military coup fade.

A common alternative interpretation of declining military budgets rests on the demise of Communism worldwide and the loss of a strategic rationale for Latin American militaries. These conditions certainly contribute to shrinking military resources. However, a parallel
trend of modest military budgets in the last period of Brazilian democracy (1945–1964), which coincided with the height of the Cold War, supports the argument advanced here: the armed forces’ bargaining position is weak because military expenditures have little electoral value and actually present an “opportunity cost.” The work of Ames sheds light on this same phenomenon from 1945 to 1964, during which fierce competition for political clienteles led Brazilian legislators to contest hotly government resources.49 The armed forces, which repeatedly lost out to ministries more conducive to pork barrel, were a strong contender for funding only in the midst of political crises. But even then public works took precedence over military spending.50

 Presidents also use public funds to enhance their personal popularity and the electoral prospects of their allies. The common practice among former Brazilian presidents to reenter politics reinforces these motivations.51 But presidents are more willing than legislators to spend on the military. Since antagonizing the armed forces could lead to a major political crisis—in the extreme, to a coup—presidents rationally exercise caution in their electorally driven efforts to contest the military. Their temptation to divert budget resources away from the armed forces to patronage spending, designed to build their future political careers, is held in check by the obvious interest they have in completing their current term.

 Legislators also have a strong interest in not provoking the military to forceful political intervention. However, a colossal collective action dilemma, reinforced by the organizational weakness and large number of Brazil’s political parties, usually prevents them from acting upon this interest. Given that other politicians would be highly unlikely to contribute to the collective good of safeguarding democracy by granting the military budget shares sufficient to satisfy them, no legislator alone has an incentive to make a contribution to this cause. The moderation of an individual politician’s hunger for patronage resources would barely affect the military’s budget share and the commitment of the armed forces to democracy. But by foregoing a crucial weapon in electoral competition, it might well risk the individual politician’s political future.52

 Presidents, by contrast, do not face this collective action dilemma to the same degree because they can individually make a major contribution in keeping the military minimally satisfied by granting them greater funds. Therefore, they occasionally counteract budget cuts approved by congress and provide the military with supplemental funds outside of normal procedures. All three presidents since 1985 considered such action prudent at the nadir of their political popularity, suggesting that the military has not ceased to be perceived as an important factor of power. Through discretionary funding as well as other concessions, vulnerable and weak presidents still seek to remain in good standing with the armed forces. However, recent Brazilian presidents have had difficulty in compensating for the cuts that congress has made with supplemental funds.

 To prevent their budgets from shrinking further, military lobbyists have argued that defense expenditures in Brazil are modest compared to those of neighboring countries and are too low to sustain modernization plans within the armed forces.53 But given the individual incentives of legislators and the absence of strong parties that might be able to coordinate members around a more cautious or at least carefully considered policy of military spending, defenders of increased military expenditures face an uphill battle.

 The pressures on the military budget created by democratization in Brazil can be generalized to other countries. In a democracy, military expenditures must necessarily
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compete with a plethora of other interests. The pressure on politicians to increase the share of nonmilitary funds may be especially strong where parties are weak and clientelism prevails, but it is also present where more programmatic, better organized parties exist. In Chile, for example, defense shares have declined while social expenditures have risen since the transition to democracy. This change is especially noteworthy in light of the vast array of constitutional guarantees that General Pinochet secured for the armed forces before giving up the presidency.54 In the three years between 1989 and 1992, defense expenditures steadily fell from 12.82 to 10.08 percent of the national budget.55 During the same period, the share of the budget devoted to social spending, such as health, housing, social security, and education, rose from 62.13 to 65.64 percent.56 The incentive to build political support through nonmilitary spending, which democracy makes virtually irresistible, accounts for this reduction in the military’s budget share, even where a stable coalition of parties keeps in mind the collective goal of not antagonizing the military.

In summary, contrary to expectations, electoral competition has prevented the military from bargaining effectively for federal funds. When congress increased its influence over the budget, especially after 1988, the competitive dynamic of democracy mitigated in favor of projects with high electoral potential and against military programs. Brazilian presidents have displayed somewhat greater inclination to spend on the military, especially when their political standing with other key actors was weak. However, the consolidation of democracy increases the likelihood that even presidents will assign low priority to defense expenditures. The calculations and structure of decision making I have depicted suggest that, as long as congress retains ample budgetary powers and Brazilian executives preside over relatively stable governments, the military’s portion of the budget will remain relatively small and may even decline further. Historical precedent—the decline in the military budget over the last period of democracy in Brazil—strengthens this expectation.

Conclusion

This article departs from the general inclination to stress the limits that the military imposes on democracy and underscores the limits that democracy places on the military. It suggests that elected public officials are likely to contest the military and have considerable capacity to do so even when the military enters the period of civilian rule from a position of strength. The mode of transition from authoritarian to democratic government does affect the balance of power in the new regime initially, but its impact is much weaker and shorter-lived than prevailing views within the literature on regime change would imply.

My research shows that incentives unleashed by electoral competition soon led politicians to contest the military in Brazil’s new democracy. In many ways politicians came to regard the armed forces as an obstacle to their own political advancement. The military’s vision of a quiescent labor movement clashed with the goal of politicians to appeal to popular sectors by supporting prolabor legislation. Similarly, politicians came to see military expenditures as a drain on resources better applied to political patronage, the lifeblood of a Brazilian politician. If democratic elections motivated politicians to challenge the military, the support they conferred on winning candidates served to protect them in the process. This factor, coupled with the cost and risk of using military force for domestic political purposes in the
current era, has by and large inhibited the Brazilian armed forces from taking serious steps to reverse their recent losses.

Thus, my findings demonstrate the superiority of a rational choice approach, which emphasizes human action and its potential for change, over the emphasis by historical institutionalists on the enduring weight of institutional constraints. The power structures and institutional mechanisms established or reaffirmed during a regime transition are not immutable. Rather, they can be successfully challenged and modified by actors pursuing their own goals in the competitive setting of a democracy. In line with a rational choice perspective, Brazilian politicians followed instrumental calculations and contested the armed forces in order to improve their own electoral chances.

While calculations based on self-interest have provided the crucial impulse for pushing back military influence in the new democracy, they have also set limits to these efforts. Politicians are most likely to confront the armed forces when direct gains are at stake. Where military powers and prerogatives do not obstruct the electoral chances of politicians, they tend to remain intact.

For this reason, the Brazilian armed forces have managed to retain considerable autonomy over their narrow corporate affairs. They continue to dominate decisions about defense organization, doctrine, education and training, recruitment, and advancement. Civilian politicians would not gain electorally by trying to reduce the armed forces' command over such internal matters. Most voters have much more pressing concerns, on which politicians rationally focus their attention and energy. The autonomy the armed forces retain over their own corporate affairs is limited only by shrinking budget shares.

Also, Brazilian politicians have not yet subjected the armed forces to institutionalized civilian control, an undertaking that would go well beyond contesting their influence over specific issues. While all politicians have a long-term interest in keeping the military at bay, individuals (especially legislators) are often reluctant to expend the political capital necessary to institute and sustain systematic civilian control.

Also, democracy does not induce all politicians to contest the military all of the time. Presidents, who are held accountable for the general well-being of the country, face cross-cutting incentives and pressures. Presidents seek autonomy from the armed forces in order to pursue their own programs, but they also have a strong incentive to avoid provoking the military. Presidents who have lacked the political support to combat Brazil's economic and political crises have been tempted to guarantee governability by allowing military influence to expand. Given his weak civilian support base and lack of direct electoral legitimation, President Sarney often gave in to this temptation. Since Brazil's system of fluid political parties made it exceedingly difficult for him to gain solid backing and to govern effectively, he invoked help from the military. President Franco, who also ascended to office from the vice-presidency and thus suffered from the same liabilities as Sarney, has followed a similar path. Such politically weak presidents can temporarily stall or reverse the general trend toward a reduction of military influence. Yet the operation of counterincentives to contest the armed forces limits these reversals.

Only if a fundamental challenge to the established sociopolitical order emerges—as Brazil's elites feared in the early 1960s—would many politicians be tempted to sacrifice their electoral interests in order to preserve their more fundamental stake in sociopolitical stability. In such an emergency situation, politicians tend to knock on the doors of the
barracks and seek protection from the armed forces. The demise of the radical left, however, makes it unlikely that such an extreme situation will recur in Brazil.

Notwithstanding such improbable dangers, the dynamic, expansive view of democracy advanced here justifies a more hopeful outlook on Latin America’s fledgling civilian regimes. What has occurred in Brazil suggests that Latin America’s new democracies need not be condemned by initial constraints. The opportunism of politicians can enhance the principles of democracy by extending the sovereignty of citizens and undermining the tutelage of soldiers. As Mandeville claimed, private vice may indeed result in public benefit.

NOTES

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2. “Military” will be used to refer primarily but not exclusively to the army, the most politically active branch of the armed forces in Brazil historically and currently.


4. See Stepan, pp. 69–70.


10. For examples of military interference in this period, see Stepan, pp. 103–114.

11. The term “rational choice institutionalism” is sometimes used to describe the use of rational choice assumptions to understand how institutions develop in response to individual incentives and strategies and how they in turn affect political and economic outcomes. To avoid confusion, I will refer to this approach simply as “rational choice.” Examples of such work include Margaret Levi, *Of Rule and Revue* (Berkeley: University of California Press, 1988).
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14. Although the constitution bans immediate presidential reelection, Brazilian ex-presidents often reenter politics at lower levels. They can also compete for the presidency again after one term has lapsed.

15. While Brazil’s system of proportional representation with open party lists limits the degree to which voters can hold legislative politicians accountable, legislators do exert themselves to improve their chances of congressional reelection and prepare for executive positions (such as city mayors and state governors), which many of them avidly seek. In 1988, for example, more than one in every five legislators was willing to leave congress for a mayoralty in his or her home state. → Timothy Power, “Politicalized Democracy: Competition, Institutions, and ‘Civic Fatigue’ in Brazil,” Journal of InterAmerican Studies and World Affairs, 33 (Fall 1991), 75–112, esp. p. 82.

16. The latitude Collor enjoyed vis-à-vis the armed forces was made more ample by the fact that he defeated a socialist-leaning candidate, Luís Inácio da Silva (Lula), who was feared by large sectors of Brazil’s civilian as well as military elite.

17. Sarney was the rather colorless vice-presidential choice of President-elect Tancredo Neves, who died before assuming office in 1985. Neves himself was selected by an electoral college rather than by popular vote.


19. Fernando Collor received his initiation into politics in the 1970s as an appointed mayor (prefeito biônico) of Maceió, the capital of the state of Alagoas.


22. See Erickson, chs. 4–7.


24. The constitutions of 1967 and 1969 gave the president the power to issue decree laws on matters related to national security and public finances, broadly defined.


30. Military personnel remained an exception.


32. Several military lobbyists I interviewed in 1989 emphasized this point.

33. Workers also gained a reduction in the work week (from forty-eight to forty-four hours), a maximum of six hour shifts in the event of no work breaks, an increase in overtime pay, and maternity leave of 120 days. See Articles 6–11 of the Constitution of the Federative Republic of Brazil, 1988 (Brasília: Senado Federal, 1990), pp. 11–14.


35. While the PMDB and Centrão voted overwhelmingly in favor of the proposal, certain members of the Centrão and PMDB refrained from joining the accord.


37. This MP (50) was published in the Jornal do Brasil, Apr. 28, 1989.

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38. An aide to a leading senator helped me understand their dilemma.
39. In this connection, Guimarães had already taken Tito to task for supporting another unpopular measure, delinking the minimum wage from social security benefits. See “De novo, um ataque ao bolso,” Veja, May 31, 1989.
40. For a point by point comparison of the new strike law to the government’s proposal, see “Veja o que muda com a nova lei,” Jornal de Brasil, June 23, 1989.
42. Their objections are discussed in “Congresso aprova lei de greve mais branda,” Correio Braziliense, June 23, 1989.
45. The focus on budget shares rather than absolute expenditures has a theoretical as well as practical foundation. The core analytical issue—the relative priority politicians accord to the military versus other groups—is best captured by budget shares. On a practical level, data on absolute expenditures are highly conflicting and distorted by differences stemming from rampant inflation and exchange rate fluctuations. It is nevertheless important to note that declining shares would provoke less military ire in the context of an expansion in real expenditures.
46. These data were compiled from the Anuário Estatístico do Brasil, 1982–1992. I have corrected for the fact that the Anuário includes in the total budget the Brazilian government’s internal debt, which greatly increased during the 1980s, and social security spending, which had been accounted for in a special budget but after 1988 was included in the overall government budget. The inclusion of these budget items artificially compresses the budget share of all other types of expenditures. Not correcting for this artifact—something many observers, the popular press, and the military do (the latter, in order to strengthen their case)—vastly overstates the relative decline of military spending.
47. See Article 166, Paragraph 3 (I and II) of the constitution of 1988.
48. An interview in August 1989 with a leading member of the congressional budget committee confirmed the existence of this strategy. See also “Tinoco justifica corte em gastos militares,” Estado de São Paulo, Nov. 2, 1989.
49. See Ames, esp. chs. 2 and 4.
50. Ibid., p. 65.
51. For example, the large-scale patronage José Sarney distributed in the presidency helped lay the groundwork for his senatorial election in 1990 and presidential candidacy in 1994.
52. This approach to understanding declining military budgets applies less in contexts where congress by and large rubber stamps budgets designed by executives, a common practice in many South American countries.
54. Pinochet was assured that the military budget would not fall below a specified absolute level, equivalent (in real terms) to the amount received in 1989. The Chilean military also enjoys a legal provision (Law no. 13.196) that entitles it to 10 percent of revenues from the state-owned copper company, Codelco.
56. Ibid.