Brazilian institutional changes 1891-1967

https://doi.org/10.22151/ELA.4.2.1

Larissa Rodrigues Vacari de Arruda
PhD candidate at Federal University of Sao Carlos- UFSCar, Brazil.
larissa.rodrigues_vacari_de_arruda@kcl.ac.uk

Abstract

Brazil passed through important institutional changes during the 20th century: an Oligarchic Republic, two dictatorships, and two democrat periods in 1934-1937 and 1945-1964; finally, the current Democracy started in the 1980s. The objective of this paper is to analyse the institutional changes that occurred within the Brazilian regimes between 1891 and 1967. Historical Institutionalism is the theoretical approach used. We argue that Brazilian politics displayed some characteristics that difficulted Democracy implementation. For instance, the Union controlled states and municipalities, while the Executive dominated the Legislative, in addition to restricting the opposition as well.

Keywords: Institutional change, Historical Institutionalism, Brazilian politics, Federalism, Representative system, Powers organization
1. Introduction

The 20th century in the Brazilian political history was tumultuous and unstable in a difficult trajectory to the consolidation of Democracy. First, the Declaration of the Republic in 1889, marked the beginning of an oligarchical and undemocratic period. The Vargas Era (1930-1945) was a civilian Dictatorship; the Estado Novo (New State, 1937-1945) had two Constitutions, a more open one in 1934 and an authoritarian one in 1937. A brief democratic regime was in power between 1945 and 1964, with new rules established in the Constitution of 1946. A coup d'état in 1964 inaugurated a Military Dictatorship and its emblematic Constitution in 1967. Finally, through the democratization in the 1980s, Brazil seemed to overcome those issues.

Brazil has experienced many institutional changes between 1891 and 1967. This paper aims to analyse such changes. Our theoretical premise is that political actors were able to adapt to constant changes in the period that extends from 1891 to 1967. To analyse those changes we used historical institutionalism as a theoretical framework. In general, some researchers use this method to compare those regimes, and when they use history it is often to highlight social connections or analyse institutional change between two regimes. The importance of this research is to offer another interpretation of Brazilian politics to clarify political patterns, which helps us to understand the path of Democracy construction in Brazil as well as the difficulties underlying its implementation.

This paper is organized as follows: Firstly, we proceed to a literature review and explain the theoretical framework to be used. Secondly, in the Methodology we establish the conceptualization and operationalization of our research in order to define our basic definitions, variables and hypothesis. Finally, in the last section, related to Brazilian Constitutions and institutional change, we define and analyse the data. Furthermore, we argue that Brazilian politics presented some characteristics that difficulted Democracy implementation, such as: Union controlling of states and municipalities, strong Executive conducting Legislative, personal politics and charismatics presidents, and restriction of opposition. Those traits are still present in Brazilian politics.

1 As known, Latin America was mainly colonized by Spain and Portugal. After Independence, Spanish America was divided and gave rise to several Republics. In turn, Portuguese America remained united under a Monarchy (1822) until 1889 when Brazil became a Republic.
2. Literature review and theoretical framework

Brazilian researchers often used the historical framework to understand their society. However, their studies focus on socio-structural interpretations, instead of integrating political history in the explanation of institutional changes. Two books are usually considered a classical example: ‘Casa Grande & Senzala’ (The Masters and the Slaves) published in 1933 by Gilberto Freyre; and ‘Raízes do Brasil’ (Roots of Brazil) published in 1936 by Sergio Buarque de Hollanda. Both authors offer a new interpretation of Brazilian society through history, besides exploring the Portuguese heritage and the Colonial past. Freyre concludes that Brazil had a positive mixture of races at a time when racist interpretations of development were supported. Hollanda, through the ideal type homem cordial (cordial man) define Brazilians as people with passionate motivation.

Although this perspective was seminal in Brazilian Social Sciences, a second approach used history to clarify political patterns and institutional changes. Two classical books are ‘Coronelismo: the municipality and representative government in Brazil’, first published in 1945 by Victor Nunes Leal; and ‘States and Party system - 1930 a 1964’, published in 1976 by Maria C. Campello de Souza. Leal dialogued with two approaches. First, he brilliantly theorized on Coronelismo, which was a political phenomenon in Brazilian society. Secondly, he explored the institutional frameworks in Brazilian municipalities from colonial times until 1945. Campello, who used only the second perspective, explained the formation of the Brazilian political party system over the period 1930-1964. She demonstrated how the institutions from dictatorship 1937-1945 were kept under the democratic period (1945-1964). Another significant book, affiliated to a second approach, is “The barons of the federation” by Fernando Abrucio. This author analyses the federalism in Brazil from the First Republic (1889-1930) until the period of Democratization in 1988, explaining how state governors used democratic means to strengthen their power vis-à-vis the federal State.

The theoretical framework that we will use is Historical Institutionalism, to understand the institutional changes over the periods. Historical institutionalism is an approach that studies politics considering the ways in which institutions structure and shape political behaviour and its outcomes (Steinmo, 2008). Institutionalists are scholars who put special emphasis on the role of institutions in structuring behaviour. Institutions are usually defined as rules (Steinmo, 2008). According to Douglas North (2011: 3), “institutions are the rules of the game within a society”, which means that institutions are behaviour norms, conventions and codes of conduct that shape human interaction. Therefore, institutions ‘reduce uncertainty’. In what regards history, North points out that history matters, not only because future and present are connected by
past, but mainly because “today’s and tomorrow’s choices are shaped by the past; and the past can only be made intelligible as a story of institutional evolution” (North, 2011: vii). Thus, “institutional change shapes the way societies evolve through time and hence is the key to understanding historical change” (North, 2011: 3).

Historical institutionalists seek overall patterns, permanence and/or ruptures. Therefore, historical institutionalists aim at making those patterns visible and at tracing their causal impacts (Pierson and Skocpol, 2002). Additionally, the Historical Institutionalism is an approach for comparing the institutional changes over the periods (Hall and Taylor, 2003; Crouch, 2005; Steinmo, 2008). According to Historical institutionalists, history is not a mere chain of independent facts because there are causal processes between periods. Indeed, past events influence the current situation and history matters (Fernandes, 2002). In other words, if a country chooses to no longer follow a certain route, it will face high risks and barriers to pursue another direction. Because institutions shape interactions and need stability, they do not change easily neither. According to most sociological institutionalists, theorists of rational-choice and historical institutionalists, institution implies persistence (Mahoney and Thelen, 2009).

3. Methodology

Given that consolidated institutions offer little room for change, institutionalist theorists had spent less attention in analysing institutional change (Crouch, 2005). Nevertheless, in the case of Brazil, there were several changes over the 20th century: Oligarchical Republic (1889-1930), Vargas Era (1930-1945), Democracy (1945-1965), Military Dictatorship (1964-1988) and Democratization. Therefore, even though there are institutional constraints against changes, they happen.

Some authors are concerned about this issue. From an economical angle, North points out that the agent of change is the individual entrepreneur, and change involves “modifications in the rules, norms, and enforcement that constitute the institutional framework” (North, 2011: 83). On the other hand, stability is defined as a set of limitations imposed by institutions in a hierarchical arrangement. Formal and informal rules take place in this configuration.

In the same effort to analyse institutional changes, Margaret Levi (1991) makes a significant contribution to the subject. The author admits that to change an institution is costly; moreover, institutions are made by individuals. In turn, institutions limit the choices of these same individuals and future generations. According to Levi’s (1991) definition, institutions imply a fixed distribution of powers, because institutions contain and create power. Hence, who exercises the power has conditions to maintain institutional arrangements and to transform
undesirable institutions arrangements. Therefore, according to Levi, institutional change is an alteration in the rules or in the ways they are implemented. Formal institutional change happens when alteration within the distribution of power occur; and disobedience is a tool that people less powerful can use against powerful people, since obedience is important to institutional stability.

An interesting model of institutional change is offered by Mahoney and Thelen (2009), who highlight gradual change. In contrast with studies that concern rapid transformations, such as revolutions (Skopcol, 2015); Mahoney and Thelen are interested in constitutions, systems and arrangements that shift in more subtle ways across time (2009: 2). The authors present the model of institutional changes, political context, and agents behind such change. Besides, they state that institutional change occurs when problems of rule interpretation and enforcement enable actors to implement existing rules in new ways (Mahoney and Thelen, 2009).

Political context and the kind of institution determine the type of institutional change. Streeck and Thelen (2005) define four models of institutional change: displacement, layering, drift, and conversion. 1) Displacement occurs when the existing rules are replaced by new ones. It could be a rapid change (such as a revolution) or a gradual substitution of rules. 2) Layering is the introduction of new features in an old rule; then, old and new rules are connected. In contrast with displacement, layering does not provide a completely new change. Its amendments, additions, and revisions are small; however, over long periods they can promote a major change. 3) Drift takes place when environmental changes encourage alterations in the existing rules. 4) Conversion occurs when rules are the same, although rule interpretation change.

This paper analyses formal rule changes through different Brazilian Constitutions. Until nowadays, Brazil had seven Constitutions. After Independence in 1822, the Monarchy established the first Constitution in 1824. With the proclamation of the Republic in 1889 came the second Constitution in 1891. Due to the Revolution in 1930, a new Constitution was drafted in 1934. The civilian Dictatorship of Vargas in 1937 implemented the fourth Constitution in the same year. After the democratization, a new Constitution in 1946 was born. In 1964 the military coup imposed the sixth Constitution of 1967. Finally, the last Constitution came in 1988 after the post-military transition period. Because the topic of this paper is related to institutional change in the 20th century, we will analyse most of the Constitutions in this century: The Constitution of 1891 (the most enduring one, which lasted 39 years); the Constitution of 1934; the Constitution of 1937; the Constitution of 1946; and the Constitution of 1967. The last Constitution is not addressed here because of the scope limitations of this paper.
Given that Constitutions are extensive (particularly Brazilian Constitutions), we chose three variables to analyse our data. The first variable is the organization of the Legislative, Executive and Judiciary branches, which means that we will look for attributions and competences from each branch in the five Constitutions. The second variable is federalism, which means that we will analyse how power and attributions are distributed by municipal, state and federal spheres. And the third variable is the representative system by which electoral rules change over periods.

We understand that institutions constrain choices and preferences of individuals, and institutional change impose limitations in the political actors’ action. The main hypothesis of this paper is that institutional change in Brazil occurred by displacement (Mahoney and Thelen, 2009). Thus, historical institutionalism is the chosen method because it helps understand changes and permanence over periods. Even if it does not necessarily take into account ideas, culture and social values, we consider historical institutionalism the best approach to accomplish the objectives of this paper.

4. Brazilian Constitutions and institutional change

This section aims to clarify the institutional change of the formal rules, specifically in five Constitutions implemented through different regimes. We will begin by providing a brief historical context as well as by explaining the three variables which will guide our analysis: organization of power, federalism, and representative system. Finally, we will compare the evolution of those three variables among the five constitutions, using the theoretical framework of Levi (1991), Skocpol (2015), Mahoney and Thelen (2009) to explain institutional change.

4.1. Constitution of 1891

After Independence in 1822, particularly when Dom Pedro I resigned and returned to Portugal, the power was finally organized in Brazil (Fernandes, 1976) and national elites achieved the power (Fardor, 2008). However, since Dom Pedro II assumed power in 1840, regional elites had accepted monarchic interference in states which displeased the groups that claimed commanded politics in their own states. The Monarchy had lost the support of many groups such as military, Catholic Church; and when slavery was abolished in 1888 without compensations, the slaveholders withdrew too. Then, a bloodless military overthrow of the Empire came in 1889. Afterward, Brazil became a Federal Republic with the same electoral rules of the Monarchy: the Law Saraiva of 1881.
a) Power organization

The distribution of competences among the three powers (Legislative, Executive and Judiciary) was contradictory in the Constitution of 1891. First, article 15 explains that the three powers were national sovereignty bodies, as well as harmonic and independent. Nevertheless, when the Constitution defined the attributions of the Legislative Power, which was bicameral with a Senate and a Chamber of Deputies, it established that the elected Legislative Power needed to be approved by the President of the Republic. Beyond the law, in the real world, President Campos Salles implemented the Política dos Governadores (Politics of Governors), as the Legislative Power did not rule. Instead, the Executive Power was the main driver of the government (Cardoso, 2006). As the Judiciary Power was controlled by local elites (Leal, 1975), an absolute impunity reigned in the municipalities. This was known as “bread for my (local boss) friends, a stick for my enemies” (Leal, 1977: 14).

b) Federalism

Contrary to Monarchy, the Constitution of 1891 established greater powers for states and a weak Federal Union. In comparison with Argentina and Mexico, Brazilian Constitution was more decentralized. For example, Brazilian states could get loans abroad and had their state own military forces acting as police. For instance, states like São Paulo and Rio Grande do Sul had more security power than federal forces. By the Constitution of 1891, the Federal Union could have interfered in states only in specific cases. Nonetheless, the common practice was the federal government to intervene only in the weak states. From the standpoint of municipalities, the Constitution ensured autonomy in ‘peculiar interest’, although the latter was never defined (Leal, 1975). In practice, the municipalities lacked both financial and electoral autonomy.

The federalist form enabled the existence of two systems over the whole period: the Politics of Governors and Coronelismo. As mentioned above, in addition to the limitations of the Legislative Power, the Politics of Governors included a support and alliances system, wherein political opposition was almost eliminated. Therefore, only allies assumed elective office, even if opposition had won an election. Although there were several constraints for an opposition which strived to get the public office, if foes of the state won an election, they were forbidden to take the public office. Support and reciprocity system existed among states and their municipalities, namely the Coronelismo. In the cities, the coronel (colonel or local chief) offered the votes (that he controlled from his dependents) to the state government. Under the regime of 1891, Brazil was a rural country and much of the population lived in farms and small towns. Some cities emerged from farms, where the coronel had workers and did favours for people. In exchange, he required their votes. The coronel provided the only support for the rural people, as
it did not exist any public policies for this population. Ergo, the coronel controlled the rural votes and offered them to the federal government. In exchange, the state government allowed the coronel to own the municipality. In the city, he chose the individuals for every public office. In addition, the coronel used the police for personal purposes, such as to persecute his political enemies. The state government overlooked his acts whereas the coronel spurred on deputy and senator victories.

c) Representative system

Indeed, Politics of Governors and Coronelismo did not enable representative system to behave as desirable, because opposition could not compete. Nonetheless, the biggest limitation to Democracy in this period was the fact that the Republic did not change the Saraiva electoral law of 1881. By Saraiva law only literate men could vote, while most Brazilians were illiterate, hence the overwhelming majority was excluded of the right to vote. Moreover, women, homeless, lower rank military and some religious were also not allowed to vote.

To sum up, during the First Republic the Constitution of 1891 established independence of Powers, but Legislative depended on the President. Thus, the power organisation comprised the Executive Power conducting both the Legislative and the Judiciary, as in the municipalities Judiciary Power obeyed the coronel. Federalism was the most decentralized when the states had more power and attributions than the Union, and municipalities had followed the states. Finally, the representative system faced several limitations vis-à-vis the opposition and only a few people participated.

4.2. Constitution of 1934

As seen, only small groups controlled political power within the First Republic. Due to this fact, the Republic gained many opponents among the middle class from big cities, some sectors of the military, and the states elites that not ruled. Even if Brazil had twenty states, in fact the states of São Paulo and Minas Gerais ruled the country. São Paulo and Minas Gerais had an agreement by which in every presidential election one state launched a candidate with the support of the other. In 1930, the President of the Republic was from São Paulo and the candidate to following election should be from Minas Gerais. Nevertheless, the President decided to launch another candidate from his state, so the agreement was broken. In reaction, Minas Gerais helped by the state of Rio Grande do Sul made the Revolution of 1930 to put down the First Republic. The provisional government had Getulio Vargas as commander. The period of the 1930s was significant to the construction of the Brazilian national state.
a) Power organization

Important changes in power organisation took place since 1930, especially in the Judiciary Power. The latter increased significantly with the creation of the Electoral Justice, (which was responsible for running the elections), and the Labour Justice. The Legislative Power also changed, by the Constitution of 1934. Moreover, the exclusive competences of the Legislative required presidential sanction. Therefore, the Executive Power continued operating with more attributions and competences.

b) Federalism

Similarly, the organization among the Union, states and municipalities also changed. Since 1930s, parts of Brazil with less than 300,000 inhabitants could not be transformed into Federal territories, having thus lost their regional autonomy while federal power took control over their territories\(^2\). In contrast with the First Republic, the Union accumulated considerable attributions and competences, such as electoral legislation of the Union, states and municipalities. Furthermore, the Constitution awarded more power to interfere on states, although the supreme court had to allow the intervention.

The municipalities benefited from a better situation since the Constitution enabled them to receive taxes. Moreover, both the municipal councilman and the major could be elected.

c) Representative system

Electoral rules changed in 1934, as more people were allowed to participate in the representative system. For the first time women could vote, but the illiterate and the majority of the population remained prohibited to vote. In addition, men and women who had a job were obliged to vote. Likewise, a great improvement was the creation of the Electoral Justice.

Similarly to the First Republic, the Deputy Chamber represented the people while the Senate represented the states. The Deputy Chamber had universal suffrage, proportional system, equally and directly. In contrast, the vote became secret, and there were representatives of professional associations indirectly elected. The number of deputies depended on the number of population in the states (that could be up to 20); the territories only had two deputies and not senators.

In conclusion, the Executive Power kept more attributions and competences, while the Legislative had the peculiar professional represented. Differently from the First Republic, the Union increased power and municipalities benefited from a better situation. Certainly, a

\(^2\) The state of Acre was transformed in federal territory, and posteriorly other portions became federal territories such as Igucu, Ponta Pora, Roraima and Amapa.
foremost difference concerned the representative system that included more people and improved the Electoral Justice.

4.3. Constitution of 1937

After the Constitution of 1934, the National Congress elected Getulio Vargas as President and the following election would occur in 1938. However, using a supposed ‘communist threat’ to Brazil, Vargas planned a coup to establish a dictatorship since 1936 with the help of some key politicians, and 17 out of 20 states supported unanimously the coup. Thus, in November 1937, Vargas presented the new Constitution of the civilian Dictatorship, known as *Estado Novo*. The population approved Vargas’ government given that for the first time people would receive social rights, although not yet political and civilian rights. This marked the footprint of the Brazilian citizenship (Carvalho, 2009).

a) Power organization

During this period, Vargas wanted to build a strong central government and a social welfare state for urban workers (Skidmore, 2009). The Executive Power concentrated most competences, such as the borders of the national territory, defence, armed forces, police, security of borders, national education, federal finances, all forms of communications, transportation, among others. The Legislative Power was exercised by the National Parliament with the collaboration of the National Economy Council. Even if the Parliament continued working under a bicameral form, the Constitution change the names of the Deputy Chamber and the Federal Council. Although the Constitution established the relations among the three powers, it also gave the President the right to put down the parliament. In fact, the President was the ‘supreme authority’ with power to indicate the next candidate to the presidency, to point the members of the National Council and to declare the state of emergency.

b) Federalism

In the Constitution the federative form was kept. In practice, the Union concentrated all powers, while federal states and municipalities lost revenues and attributions. Each state implemented a system of *interventorias*. Basically, all municipalities were controlled by an *interventor* and each state was controlled by Vargas. In addition, states not able to collect sufficient taxes during three consecutive years would be transformed into federal territories.

c) Representative system

*Estado Novo* was the only period in Brazilian history without elections. In the states, Vargas pointed *interventores*, non-elected governors; and in each municipality the *interventor* pointed a major.
4.4. Constitution of 1946

The civilian dictatorship ended in 1945 (Skidmore, 2010). Vargas was removed from the presidency by a military coup. Finally, the democratization process in 1945 brought more institutional changes. Democracy from 1945 to 1964 was an unsteady period in such a way that only two presidents achieved to finish their mandate. General Eurico G. Dutra was elected in the first transparent election that took place in 1945 and completed his mandate (Bethel, 2000). In 1950, Vargas was elected under a very complex situation that culminated with his suicide in 1954. During the following period Juscelino Kubitschek was elected and skillfully completed his mandate. Then came Janio Quadros, who resigned in 1960.

a) Power organization

In contrast with the Dictatorship of 1937, the democratic Constitution of 1946 enabled the Legislative power to remain bicameral and to have a Deputy Chamber, as well as a Senate. Each state needed to have at least seven deputies, while territories only had one. Even though the Executive power kept strong competences, the Legislative power could limit the President’s actions. In fact, between 1945 and 1964, Legislative and Executive Powers struggled frequently.

b) Federalism

Brazil remained a Federation, named United States of Brazil since 1891, then with the Constitution of 1946 sought a more equilibrate federalism. States, territories and the Federal District (the federal capital) formed the Union. Its attributions and competences were more distributed, although states and municipalities gained others in turn.

c) Representative system

Finally, elections returned to Brazil in all three levels. All men and women were obliged to vote, except for the illiterate, homeless, those who did not speak Portuguese\(^3\), and lower militaries. Municipalities could elect their council members and mayor. Nonetheless, the Constitution allowed governors to appoint the capital’s mayors (the same situation in some cities considered of ‘exceptional importance to security’ by the National Security Council. In regards to other relevant characteristics, for the first time Brazil had national parties, which made elections competitive. However, the Communist Party was still considered illegal.

Essentially, the democratic background was improved. The Executive Power continued to be strong, although restricted by the Legislative Power. The Union divided its competences with states and municipalities in a more well-balanced federalism. Furthermore, the return of

\(^3\) Excluding the native inhabitants, as many different ethnics did not speak the national language.
elections and competition among parties help to understand why the representative system was feasible.

4.5. Constitution of 1967

In 1964, the military coup changed rules once more. Differently from others Latin American military dictatorships, “Brazilian officers had a strong legalist streak and wanted legitimacy” (Skidmore, 1999: 160). This concern could be noticed in the Constitution implemented by the dictatorship. In fact, the Military Regime introduced authoritarian mechanisms through seventeenth Institutional Acts (IA) and the Constitution of 67 legally confirmed the fourth IA. The Military Regime claimed to be a Democracy under legal terms.

a) Power organization

The first peculiar fact about the Military Regime is that the Legislative Power was not put down during the whole period. However, military restricted the opposition, especially when candidates supported by the government did not win. For example, the senador biônico or ‘bionic senators’ were indirectly elected by an electoral council, which provided thus the military with the majority on the Senate. The attributions of the Legislative Power slightly differ from 1946. The most significant difference concerns the Executive: the President was indirectly elected. Although article 6 states that Legislative, Executive and Judiciary powers were independent, the Executive power subdued Legislative and established limits to its autonomy.

b) Federalism

Brazil remained a Federation as per the Constitution, although the Union increased considerably its attributions and competences. Article 8 (about the legal attributions of the Union) is extremely vast, and the states’ attributions most seem like restrictions, instead of rights. Likewise, municipalities lost revenue and competences.

c) Representative system

Constitution of 1967 did not change the obligations of voting and for voting. A major modification included is a semi-parliamentary presidential election, introduced by a council formed by the National Congress with deputies appointed by states’ Assemblies with the approval from governors. Furthermore, elections took place inside the Executive and Legislative at all three levels: municipal, federal, and, sometimes, at the state level.

Constitution of 1967 did not alter electoral rules. The institutional acts I, II, III, and other amendments to Constitution remained stable. The first official act made by the Military Junta established indirect elections to the presidency, suspension of the Constitution of 1946,
and suspended political rights to individuals considered as a threat by the military\(^4\). In 1965, election for governors occurred and the military were concerned because in five states the opposition close to former President João Goulart won. As result, in the same year, the IA - II abolished all parties and established only two parties: the National Renewal Alliance, with support from the government; and the Brazilian Democratic Movement (opposition to the military rule). Moreover, the President could intervene on states and put down the National Congress without authorization from any judicial or political body. In 1966, IA - III indirectly allowed elections to governors. However, a National Congress was directly elected.

To sum up, the Military Regime (1964-1988) was a difficult period with many limitations to civilian and political rights. Although the Constitution is apparently similar to others, the seventeenth institutional act imposed many restrictions to Brazilians. The Executive limited the Legislative; and the Union increased its power over the states and the municipalities. Finally, even though elections took place, they were not competitive.

### 4.6. Brazilian Constitutions

Despite all changes, it is worth to highlight that the Legislative Power in Brazil was continually subjugated by the Executive. In the First Republic, Legislative was absolutely subdued by the Executive who controlled elections to the Chamber of Deputies and to the Senate. Like the Constitution of 1981, in the Constitution of 1934 the Legislative needed the sanction of the President. The 1934 Legislative was exercised by the Chamber of Deputies with the collaboration of the Senate. This Constitution also improved Electoral and Labour Justice, since elections were not the competence of the private power, *coroneis*; and the population had social rights. With the democratization, the Legislative gained competences and the possibility of exercising veto on the Executive, which resulted in a struggle between powers. With the coup of 1964, the Executive continued to be elected by the population. Military governments created a sort of limitations in order to control the political system. The whole institutional changes in power organization can be seen in table 1.

As regards federalism, although the five Constitutions claimed to be Federalist, the practice was different. During the First Republic federalism was heavily unbalanced, as some states had more power than the Union. The constitution of 1934 was implemented by two conflicting forces. As a result, federalism continued, although the Union gained many competences and the municipalities’ situation improved (with their own revenue and the possibility of election). With the authoritarian Constitution of 1937, federalist rules were kept,

\(^4\) Four hundred two names were considered as a threat to national stability.
although in practice federalism was abolished given that local forces were understood as dangerous for the nation (Abrucio, 1998). For instance, Vargas publicly burned states’ flags to show that only the national interest matters. With the democratization, a more balanced federalism was set. Based on the Constitution of 1967, once more a dictatorship gave more power to the Union and limited state and municipalities’ competences and rights, as table 2 shows.

**Table 1.** Executive, Legislative, Judiciary Power Organization

<table>
<thead>
<tr>
<th>Law</th>
<th>1891</th>
<th>1934</th>
<th>1937</th>
<th>1946</th>
<th>1967</th>
</tr>
</thead>
<tbody>
<tr>
<td>-Legislative needed</td>
<td>-Judiciary: Labour and Electoral Justice</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>sanction of President</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Summarize</td>
<td>Legislative subdue</td>
<td>Legislative subdue</td>
<td>Executive strong, Legislative closed</td>
<td>Greater balance between Legislative and Executive</td>
<td>Legislative subdue</td>
</tr>
</tbody>
</table>

Source: author

**Table 2.** Federalism: Union, States and Municipalities

<table>
<thead>
<tr>
<th>Law</th>
<th>1891</th>
<th>1934</th>
<th>1937</th>
<th>1946</th>
<th>1967</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federative form</td>
<td>Federative form</td>
<td>Federative form</td>
<td>Federative form</td>
<td>Federative form</td>
<td>Federative form</td>
</tr>
<tr>
<td>Summarize</td>
<td>Unbalanced Federalism. States had more power</td>
<td>States had less power, Union and municipalities gained competences</td>
<td>No federalism</td>
<td>Balanced Federalism</td>
<td>Union more power, autonomy restricted</td>
</tr>
</tbody>
</table>

Source: author

**Table 3.** Representative system

<table>
<thead>
<tr>
<th>Law</th>
<th>1891</th>
<th>1934</th>
<th>1937</th>
<th>1946</th>
<th>1967</th>
</tr>
</thead>
<tbody>
<tr>
<td>Same of Saraiva Law of 1881</td>
<td>-Men and women who had job were obliged to vote -secret vote</td>
<td>No elections</td>
<td>- Men and women are obliged to vote - National parties - Competitive elections</td>
<td>-Men and women are obliged to vote - Only two parties allowed - President and governors indirectly elected</td>
<td></td>
</tr>
<tr>
<td>Summarize</td>
<td>Majority excluded</td>
<td>More open, but majority excluded because illiterate people could not vote</td>
<td>Whole population excluded</td>
<td>More open, but a significant part was excluded because of illiteracy and non-speakers of Portuguese did not vote</td>
<td>Elections with several limitations - Illiterate and non-speakers of Portuguese did not vote</td>
</tr>
</tbody>
</table>

Source: author
The Brazilian representative system in the 20th century is a history of increasingly popular participation. During the times of the Constitution of 1891 only 5,7% of the population could vote (Love, 1982). In the whole century only the Constitution of 1937 provided a legal framework to prevent elections, while in the other periods elections took place, more openly in 1934 and 1946, and in a more restrictive way in the First Republic and Military Dictatorship. The two authoritarian governments of 1937 and 1967 created restrictions for states. Only with the democratic Constitution of 1988 women, men and illiterate could vote. See table 3.

Considering the aforementioned, our hypothesis that Brazilian institutional change occurred by displacement is confirmed. According to Mahoney and Thelen (2009), displacement is a type of institutional change characterised by a complete removal of old rules and the implementation of new ones. Institutional changes caused by Revolutions (according to Skopcol, 2009) are not regular in Brazil. In fact, Brazilian institutional change could be understood as a displacement of all Constitutions. Conversion – i.e. the capacity of the individual to explore institutional contradictions – happened within some periods. As for layering – which is when little changes accumulate and provoke a massive modification – it happened after the Military coup, when the institutional acts were amendments that changed the whole Constitution of 1946 and established a new one. The other form of institutional change, drift (Mayhoney and Thelen, 2009; Levi, 1991), involves civil society acting. Nonetheless, in a country where the state has a strong protagonism, drift is difficult to find in the period exposed.

5. Conclusion

Although the Constitution of 1891 gave way to more than 40 years of decentralization, in the 20th century Brazil experienced a clear centralization process, especially after the Vargas Era (1930-1945), also confirmed by the Military Dictatorship (1964-1988). Federalism was extreme during the First Republic, but it was absent in the dictatorship period, when the Union controlled states and municipalities; and it was more balanced in 1934-1937 and in 1945-1964, when states and municipalities elected their representatives and had their own revenue.

An Executive Power with more competences and driving the Legislative Power was the pattern since the First Republic until the Vargas Era, Democracy and Military Regime. The difference occurred in 1934-1937 and in 1945-1964, when the Legislative had more attributions and veto power, especially in 1946. With a stronger Executive Power, Brazil was often driven by personalized politics concentrated on a charismatic President, such as Vargas, known as the ‘father of poor’, as well as Juscelino Kubitschek and João Goulart. Another characteristic was the restriction of opposition. In other words, candidates supported by the government had better conditions than opposition candidates. Although all candidates were negatively affected
by such government politics, the left-wing ones were particularly restricted. For example, for a long time, the Communist Party was considered illegal. The fear of the left was always source of restrictions and support to dictatorships in 1937 and in 1964. However, the abolition of the opposition was not an exclusive characteristic of the Military Regime. In fact, it was constantly used by the First Republic, the Dictatorship of Vargas and even used throughout the Democratic period of 1945-1964.
References


https://doi.org/10.1093/acprof:oso/9780199286652.001.0001


https://doi.org/10.1017/CBO9780511759802


