

Brazilian Conditional Agenda-Setting Power: Presidential Veto through Legislative Agenda's Appropriation

Rafael Silveira e Silva^{1,2}

¹Doctoral Program in Constitutional Law, Brazilian Institute for Education, Development and Research (IDP), Brasília, Brazil

²Master's Program in Public Administration Control, Serzedello Correa Institute (ISC), Brasília, Brazil

Email: rafael.silva@idp.edu.br

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Abstract

With the recent disputes between the Executive and Legislative Powers regarding the presidential veto power, this authority has been the subject of increasingly frequent attention in Brazil, despite the relevant contributions from the experiences of the United States and other Latin American countries. In Brazil, interesting cases have been observed that indicate the use of vetoes as a way to reset the legislative process, in which the President prevents the approval of the proposal generated in the Legislative branch and presents their own version of the vetoed matter. This is an alternative strategy of the veto power, a variation of the phenomenon known as appropriation of the legislative agenda. Using Qualitative Comparative Analysis (QCA), to establish and verify associations between occurrences of the phenomenon through a configurational view of the attributes for each type of appropriation, this article employs different theoretical perspectives on the veto applied to the U.S. and Latin American cases. It links these perspectives to the observed variation in the use of the presidential veto in Brazil, seeking to analyze the observed cases in light of governability and the preferences expressed between members of Congress and the President. We conclude that, contrary to what the literature predicted, the Brazilian President also exercises a “conditional agenda-setting power”.

Keywords

Veto Power, Conditional Agenda-Setting Power, Appropriation, Agenda, Governability

1. Introduction

In 2006, the President of Brazil proposed the Provisional Measure 284 with the

objective of encouraging the formalization of domestic worker's labor relations. Among other measures, it intended to permit employers to deduct from their annual income tax the contributions paid to the "General Social Security System" (RGPS, *Regime Geral de Previdência Social*) on behalf of their employees. However, Congress was discussing bills that would make it mandatory to include domestic workers in the "Severance-Pay Fund" (FGTS, *Fundo de Garantia por Tempo de Serviço*), a mandatory savings account that serves as a severance indemnity fund. Thus, taking advantage of the practice of introducing amendments with subjects or agenda items unrelated to the originally proposed text, federal deputies (members of the Chamber of Deputies, the lower house of the Brazilian National Congress) managed to approve the mandatory payment of FGTS to domestic workers and, in case of dismissal, the payment of a 40% fine on the accumulated balance in this same fund. The presidential message stated that the amendment had been included as an attempt by Congress to influence that year's election, and consequently, the President vetoed the provision inserted by the Legislature.

Interestingly, one day after the veto, the government presented a bill of law (*Projeto de Lei*, PL 7363/2006) with few modifications compared to the amendment approved by Congress. In this case, only the 40% fine was removed. Although a corrective action by the Executive branch persists, it cannot be denied that the Legislature introduced a new agenda item and that the President, despite the veto, took advantage of the initiative to start an agenda of his own authorship.

This and other veto cases fall under the phenomenon called *Appropriation*, recently studied in Brazil (Araújo & Silva, 2013; Silva & Araújo, 2013; Silva, 2014). *Appropriation* occurs when the Executive Branch bases its own proposals on the projects under consideration in Congress, as well as on the content of debates and other by-products of the ongoing legislative process, incorporating new themes into its legislative agenda and, in some cases, imposing obstacles in the path of the agendas debated in Congress. Moreover, this phenomenon affects projects originating from both the coalition and the opposition.

However, such cases occur less frequently than in other vetoes, for which the President's interest in the matter is not verified. In Brazil, the veto is a prerogative of the President of the Republic, which, given the constraints of the political system, for many years acquired almost imperial aspects, since they were rarely appraised by the National Congress as provided by the Constitution.

This situation was only resolved with the approval of Congress Resolution 1/2013, which obliged Parliament to reestablish deliberations on presidential vetoes. Until then, the practice was a total absence of deliberations on presidential vetoes, creating a gigantic backlog of pending decisions, which gave greater power to the President of the Republic. However, when Parliament wished to vote on vetoes related to the payment of oil royalties to non-producing states of this resource, it faced the great problem it had created. The issue was brought to the Judiciary, and the Supreme Federal Court allowed the backlog of pending floor votes up to that year to be addressed by Congress. However, it determined that,

from its decision onwards, the rites and procedures for vetoes should be resumed, under penalty of unconstitutionality for any deliberations that did not respect the procedure.

Section 2 will present an overview of the perspectives that have been previously considered with regard to the veto and conditional agenda power. It will also demonstrate how the realisation of the veto in Brazil can contribute to the theoretical vision that has been established thus far. Section 3 will describe the analytical model that has been employed, highlighting the principal variables that have been the focus of the research. Section 4 will present the QCA method that has been utilised, while Section 5 will analyse the results.

2. Conditional Agenda-Setting Power and the Micropolitics of Vetoes

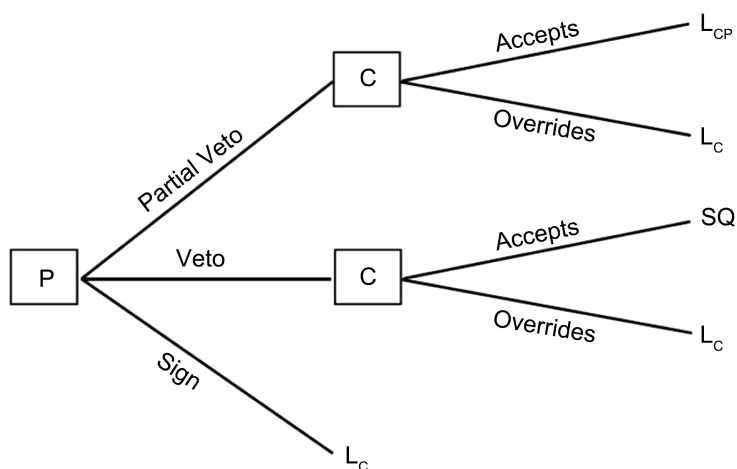
The veto and the appropriation resulting from it represent situations in which the government, for various reasons, cannot shape the text or prevent the approval of a bill drafted in Congress, but the proposal proves to be relevant as an agenda to be properly shaped to the interests of the President. Moreover, in these cases, the veto is almost always applied due to disagreements in form, intensity, or even the target audience, but never due to disagreement about the agenda under discussion. It is also used in view of the timing of the approval of the proposal originated in Parliament and the manifested need for the agenda to be presented by the Executive and guided by the President. Thus, the President vetoes the project approved by Congress and, soon after, presents their project on that issue, restarting the discussions on new bases. It is at this moment that the appropriation of the agenda is formalized.

Regarding the so-called conditional agenda-setting power of *Tsebelis and Alemán (2005)*, it appears to fit well with the dynamics described above. The so-called veto amendment is the exercise of this type of power, through which institutional rules allow the president to “revise” the legislative proposal approved by Congress before proposing the veto, suggesting changes or, in the authors’ words, some “observations.” As the legislative initiative did not come from the President, they end up exercising their agenda-setting power conditioned to what Parliament has approved. The countries whose institutional conditions presented characteristics framed within the scope of conditional agenda-setting power, respecting the variations, were: Bolivia, Chile, Costa Rica, El Salvador, Ecuador, Mexico, Nicaragua, Peru, Uruguay, and Venezuela (*Tsebelis & Alemán, 2005*).

When evaluating the procedures for vetoes in Latin America, *Tsebelis and Alemán (2005)* created categories based on games, classifying Argentina and Brazil in the group of countries that do not have conditional agenda-setting power. This is explained by the fact that the authors based their analysis on the institutional prerogatives of the countries, that is, on the constitutional texts. In this sense, the authors were correct, as this mechanism is not provided for in the Brazilian Constitution. There is only the total and partial veto, with subsequent deliberation by

Congress for the acceptance or rejection of this veto. **Figure 1** illustrates the game developed by Tsebelis and Alemán for these countries.

Based on their chosen methodology, the authors would not be able to verify important nuances and variations existing in both countries. In addition to institutional constraints, other studies have sought to advance on the strategic capacity of presidents based on the veto decision. **Palanza and Sin (2013, 2020)**, for example, when analysing under which conditions vetoes were overridden or not in a multiparty environment in the Argentine Congress, found that the use of the partial veto was more efficient in breaking the resistance of the Legislative branch and that, contrary to common belief, the partisan pluralism of the government's support base increased the chances for movements to override vetoes. Thus, it is observed that the research indicates the possibility of exploring options that go from institutional constraints to understand the use of the veto.



Note. Adapted from Tsebelis and Alemán (2005), in which it is used the following symbols:

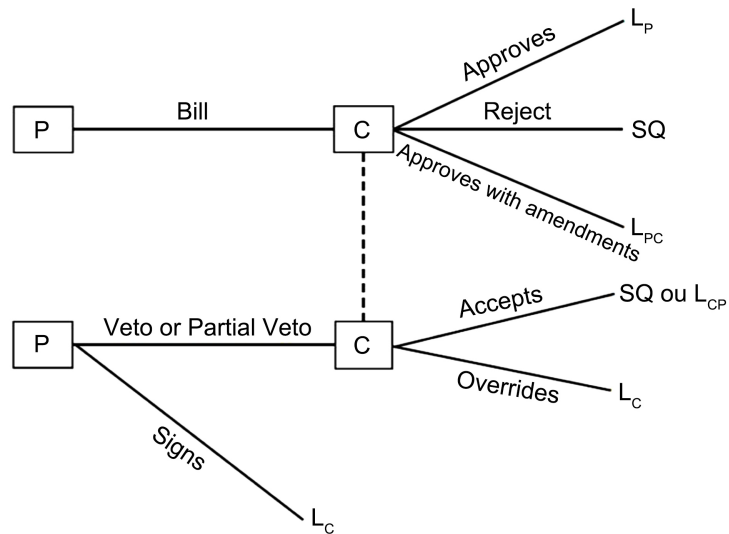
P = President
 C = Congress
 SQ = *Status quo* maintained
 L_C = Congressionally initiated law approved
 L_{CP} = Congressionally initiated law partially vetoed

Figure 1. Veto game (total or partial). Source: adapted from Tsebelis and Alemán (2005).

From similar procedural and institutional structures, I seek to observe strategic movements of presidents based on the veto decision. I believe there are opportunities in which the Brazilian President strategically has the ability to shape the discussion scenario of Congress proposals in their favour, creating conditions for the exercise of conditional agenda-setting power. In this sense, the veto as the origin of appropriation fits perfectly into this category, as the President uses their veto power to block certain provisions and then introduces new legislation to modify the original proposal. With appropriation, agenda-setting power is exercised in two stages: when vetoing and when presenting a new bill.

Comparatively to the game-theoretic model proposed by Tsebelis and Alemán

(2005), two forms of expression of the veto game are perceived as the origin of appropriation. The most common form, as illustrated in **Figure 2**, involves the President deciding to totally or partially veto a Congress project and simultaneously initiating a new and parallel legislative game to the decision on the veto. The dotted line only indicates that Parliament does not have prior knowledge about which situation it will subsequently deliberate. In the case of appropriation, the games will be parallel but mutually conditioned, depending on subsequent negotiations.



Note. Created by the author, in which it is used the following symbols:

P = President	L_C = Congressionally initiated law approved
C = Congress	L_{CP} = Congressionally initiated law partially vetoed
SQ = <i>Status quo</i> maintained	L_P = Presidentially initiated law approved
	L_{PC} = Presidentially initiated law approved with congressional amendments

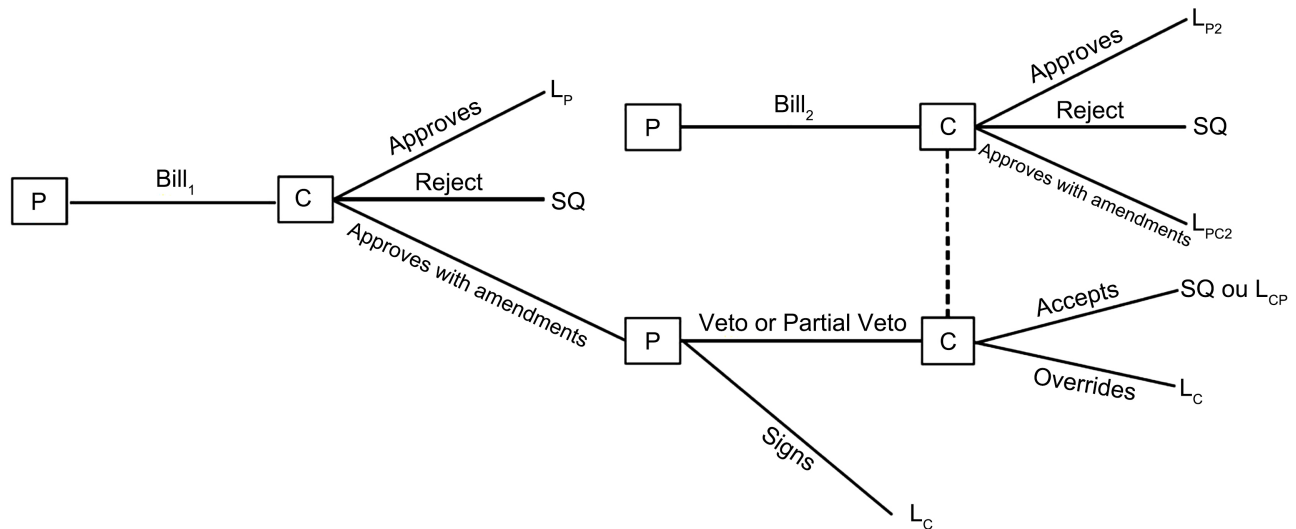
Figure 2. Veto games and subsequent appropriation of the legislative agenda.

The second form of agenda appropriation is more complex, as illustrated in **Figure 3**. In these instances, Congress amends the President's bills, frequently introducing new agenda items or unrelated matters—a practice known as “rider amendments.” This process echoes the example presented at the outset of this paper. These legislative modifications typically prompt a governmental response: the Executive branch vetoes the altered bill and subsequently introduces a new one. This new bill addresses the same topics that were vetoed, but reframes them in a manner more consonant with the Executive's agenda and interests.

The left side of **Figure 3** shows the initial phase of the legislative process, beginning with the first Proposed Legislation. If this bill is approved without modifications, it becomes a Presidentially initiated law approved (L_P). The right side depicts a second Proposed Legislation, which may differ from the first. If approved, this results in another Presidentially Initiated Law approved (L_P).

As observed, the Brazilian conditional agenda-setting power is not directly

granted in constitutional terms but is produced by articulating two constitutional prerogatives in an unorthodox manner.



Note. Created by the author, in which it is used the following symbols:

- P = President
- C = Congress
- SQ = *Status quo* maintained
- LC = Congressionally initiated law approved
- LCP = Congressionally initiated law partially vetoed
- LP = Presidentially initiated law approved
- LPC = Presidentially initiated law approved with congressional amendments

Figure 3. Veto games on presidential bills with appropriation of the legislative agenda.

Cameron’s (2000, 2009) insights are applicable to the phenomenon studied here, as the Brazilian Executive inevitably reopens negotiations and bargains when reinitiating the legislative process, both on the new proposal under discussion and on the veto vote. A key observation by Cameron is that the U.S. Executive exerts considerable effort to influence Congress, often attempting to avoid vetoes or using them as threats (veto threats) to modify proposals into more acceptable forms. Guenther and Kernell (2021) aim to provide a detailed account of this strategy, emphasising the utilisation and efficacy of veto rhetoric through the facilitation of information exchanges between the president and the (majority) opposition. These exchanges encompass a series of strategic moves and countermoves, through which presidents and congressmen ascertain the extent to which their political preferences converge in a bill defined in terms of political compromise that is mutually beneficial to both parties. This demonstrates that the U.S. President, like their Brazilian counterpart, employs strategic decisions regarding constitutionally granted powers to influence the withdrawal or modification of legislation under congressional negotiation.

In Brazil, vetoes are frequent and often stem from the Executive’s relative inefficiency in managing bills or amendments introduced by Congress. In cases of appropriation, the veto serves as a catalyst for a new negotiation process. In summary, this contrasts with the United States, where presidential efforts focus on

“pre-veto negotiation”; while in Brazil, particularly in instances of appropriation, the President engages primarily in “post-veto negotiation.”

Table 1 summarizes the different manifestations of the cited authors, added with our proposed model inspired by the Brazilian case.

Table 1. Models of Presidential Veto. Source: created by the author, based on Cameron (2000, 2009), Tsebelis and Alemán (2005), and Guenther and Kernell (2021).

Models	Formal Instruments	Negotiation
<i>Veto Bargaining</i> (Cameron, 2000, 2009)	Veto	Pre-veto negotiation (legislative game restarts at Congress’s initiative)
<i>Veto Threat Bargaining</i> (Guenther & Kernell, 2021)		Informational exchanges (political preferences convergence)
<i>Presidential Conditional Agenda Setting</i> (Tsebelis & Alemán, 2005)	Veto amendment (constitutionally provided fusion of veto and new proposition)	Continuous negotiation (only ends when Legislature votes on amendments presented by the Executive)
<i>Brazilian Presidential Conditional Agenda Setting-Veto with Appropriation</i>	Veto + Proposal of a new bill (“circumstantial fusion”)	Post-veto negotiation (legislative game restarts at Executive’s new bill of law)

Given this scenario, our interest is to understand the strategic nature of conditional agenda-setting power exercise in Brazil, focusing on partisan dynamics and the patterns of agenda appropriation. The following section will present the analytical model, which will then be used as a basis for more detailed research into this type of veto strategy.

3. Analytical Model of Appropriation Originating from Presidential Vetoes

To analyse the dynamics of Brazilian conditional agenda-setting power, we adopt Silva’s (2014) analytical model. This framework is predicated on two investigative axes of appropriation: 1) the President’s motivation for engaging in the phenomenon, which elucidates how policy considerations determine the type of appropriation, and 2) the potential associations among attributes or characteristics of appropriation that offer insights into the Executive’s agenda-setting power and its relationship with Brazilian presidentialism. Moreover, the model is grounded in the principle that appropriation stems from multiple causes, being produced through various pathways or combinations of its attributes.

The principles outlined above prove applicable in examining the vetoes that initiate appropriations. Nevertheless, certain adaptations are necessary, given that veto cases represent complete stages from an informational standpoint (Gilligan & Krehbiel, 1987). These stages fully equip the President to make decisions based

on congressional agents' preferences and behaviours, previously manifested during the approval process of the vetoed bills. **Figure 4** provides a visual summary of this adapted analytical model.

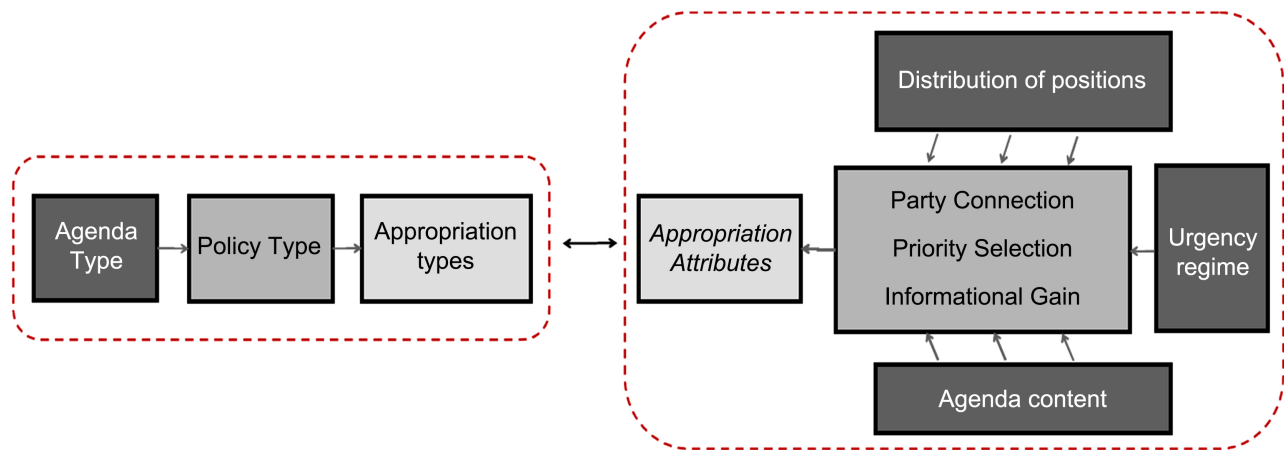


Figure 4. Analytical model. Note: created by the author.

The first axis is predicated on the premise that each instance of appropriation encompasses a set of motivations, which can be aligned with common objectives. The prevalence of this phenomenon suggests that the option to introduce one's own bill is significant for the president, as it positions them in the public eye as the legitimate originator and steward of a specific agenda. [Silva \(2014\)](#) proposed two mutually exclusive categories for classifying *appropriation cases*, considering both the objective of addressing social issues as a core governmental function and the impact of legislative initiatives on public opinion. The underlying logic is to incorporate the political cost-benefit analysis of the proposed measures into these categories.

The first category of appropriation, termed *positive agenda*, encompasses situations that garner the President's attention due to their heightened potential for political gain. The Executive's interest manifests in obtaining "credit claiming", whereby policies enable government members to capitalize on public attention or visibility. This expression coined by [Mayhew \(1974\)](#), is commonly attributed to strategies employed by legislators to enhance their re-election prospects. We have adapted it to indicate the potential for ensuring positive visibility of both the announcement and subsequent implementation of a measure. This adaptation incorporates the concept of position taking, which, in this study, refers to the public dissemination of Executive actions during the President's term of office.

Another manifestation of positive agenda cases is the practice of "blame avoidance" ([Weaver, 1986](#); [Hinterleitner, 2017](#)), indicating a strategic interest in presenting policies that can counterbalance unpopular decisions (such as tax increases) or mitigate issues that might compromise the government's image (e.g., corruption allegations).

The inverse situation is attributed to cases classified *as risk control*. This involves

a threat to the government-defended status quo, or instances where the change proposed in Parliament contradicts the President's intentions. The risk control category can also be characterized as an action to control populist impulses manifested in Parliament, especially on topics sensitive to the state's fiscal and administrative balance. Successive governments spare no effort to control these, despite the great insistence shown by members of the Congress in presenting differentiated alternatives. This category includes, for example, minimum wage adjustments, social security benefit increases, and matters linked to the federative balance of tax collection sharing or other revenues (more recently, oil and gas royalties).

Following the definition of categories, the second axis of the methodology, which establishes the attributes of appropriation, is delineated into three perspectives: *informational gain*, *party connection*, and *priority setting*.

The concept of *informational gain* pertains to the substantive aspect of the "appropriated" agenda, specifically addressing how information supporting the Executive's strategic alternatives is processed. In veto cases, a comprehensive set of data on political agents' positions is available (including legislative procedures, opinions, votes, and amendments). This information provides the president with strategic advantages in crafting subsequent legislative initiatives, based on how similar the Congress preferences are to the set of Executive's preferences (Fong, 2020). Consequently, within the analytical framework of informational gain, this study will employ only the variable indicative of the preference divergence between Executive proposals, as developed by Silva (2014), termed "preference."

Regarding the second analytical axis, *party connection*, the primary focus is on identifying party participation in dual roles: as appropriation agents and as supporters of projects subject to this phenomenon. Silva (2014) sought to elucidate the internal dynamics of the government coalition and its interactions with opposition parties, aiming to reveal the President's strategic positioning in decisions to initiate appropriation. In the present study, the partisan dimension assumes more pronounced characteristics, as the veto action—serving as the initial step towards appropriation—places the President in an inherent position of conflict with Congress. From the perspective of party connection, *two key attributes* warrant consideration.

The *first attribute*, termed *Minister from the President's Party*, pertains to the party affiliation of the Executive branch head, indicating both presidential influence and the degree of party representation in appropriation processes. This attribute is operationalized as a dummy variable, where a value of 1 indicates that the Executive's proposition constituting the appropriation was signed by a minister from the President's party, while a value of 0 signifies that it was presented by ministers from other parties.

The *second attribute* reflects the relationship with the counterpart of the phenomenon, specifically the author or rapporteur of the bill that was part of the congressional agenda and subsequently subjected to appropriation. This attribute,

designated as *Convergence*, was developed to assess the party alignment of these political actors with the government's support coalition. The level of convergence positively correlates with the party's prominence within the coalition, and it is operationalized on a scale from 0 to 3, where 0 indicates authorship by opposition legislators, and 3 signifies that the author of the bill subjected to appropriation belonged to the President's party.

The final perspective examines the Presidency's calibration of opportunities presented by the congressional agenda, focusing on the government's prioritization in veto decisions and subsequent appropriation actions. This analytical axis investigates the selective deployment of presidential prerogatives, particularly through the processing speed of proposals introduced to replace vetoed legislation. Such focus is warranted as the control over processing speed and voting schedules constitutes a significant aspect of presidential agenda power (Döring, 1995). Moreover, varying priorities result in differential treatment of government agendas simultaneously progressing through Congress, effectively creating a "hierarchicalized" governmental agenda (Diniz, 2005).

Briefly discussing the Brazilian case, the President has several legislative initiative options. Bills can be presented 1) in normal or ordinary rhythm, 2) through a request for constitutional urgency, or 3) via provisional measures. While any government bill significantly impacts congressional work, high-priority items naturally dominate legislative discussions. These three facets of appropriation priority following a veto are consolidated into an attribute termed *Urgency*, which varies on a scale from 0 (normal processing rhythm) to 2 (when provisional measures are used).

Provisional measures have immediate effect, pending only confirmation or potential modifications by the Legislature. Their discussion process is summary and takes precedence over all others, imposing differentiated conditionalities. Theoretically, it would be simpler for the President to channel all legislative proposals through provisional measures. However, empirical evidence does not support this practice. Consequently, further analysis is necessary to elucidate the use of varied legislative instruments in presenting propositions subjected to appropriation.

4. Comparative Analysis

The proposed analytical model allows *appropriation* to be explained by different combinations of attributes, grouping them into similar categories. This means that this type of construction admits that there is no ideal format for each type of phenomenon, which is consistent with its complexity. To meet the assumptions of the model and perform the empirical test, the comparative analysis tool known as *Qualitative Comparative Analysis* (QCA) was used (Ragin, 1987, 2000). The methodological option was to establish and verify the associations between the occurrences of the phenomenon through a configurational view of the attributes for each *type of appropriation*. This choice is based on what Rihoux and Ragin (2009) called "multiple conjunctural causality," applicable to phenomena highly

dependent on the simultaneous action of multiple causes, and causal heterogeneity. Thus, QCA is in harmony with appropriation insofar as it does not support its answers based on a single attribute, but rather on the relationships and complementarities between the selected attributes.

Furthermore, the method allows for a simultaneous analysis of multiple cases, which is uncommon in traditional case studies. In this research, the *fuzzy-set QCA* was applied, as this method indicates that relevant objects may have variations in participation in a given set of solutions (Thiem, 2022).

There is a wide variety of analytical tools for applying QCA. However, Ragin and Fiss's (2008) concern for determining the most relevant attributes in the explanatory structure of the object of study is noteworthy. In this sense, Fiss's (2011) definition of *centrality* was adopted to highlight the causal relationships between attributes and the types of appropriation for the best theorizing capacity. Fiss (2011) suggests that *core* attributes are those that indicate a strong causal relationship with the result and through which the solutions are grouped. In contrast, *peripheral* attributes have a relatively weaker but complementary causal relationship in the solution.

Table 2 summarizes the graphical notation of Ragin and Fiss (2008) and Fiss (2011) to simplify the understanding of the results generated by the QCA minimization algorithms.

Table 2. Notation of configurations (QCA-generated solutions).

Symbol	Role in configuration	Analytical interpretation of attributes
●	<i>Core</i>	Close preference; Direct action of a Minister from the President's party; High party convergence
•	<i>Peripheral</i>	
⊗	<i>Core</i>	Distant preference; Action of a minister from another party in the government coalition; Low party convergence
⊗	<i>Peripheral</i>	
No symbol	-	Comparative model did not find consistency for a causal relationship with the type of appropriation.

5. Results and Discussion

The selection process spanned the years 1995 to 2022, covering administrations from President Fernando Henrique Cardoso to President Jair Bolsonaro. During this period, 34 cases of conditional agenda power were identified, characterized by presidential vetoes followed by appropriation of the legislative agenda. While this represents a typical small-n sample, the methodological approach allows for effective comparison and categorization of the observed cases.

The resulting configurations from the application of the QCA were classified according to the type of appropriation. This section will present the solutions

produced from the configurational model.

5.1. Appropriations by Positive Agenda Conveyed by Veto

This analysis focuses on these appropriations, through which the Executive branch attempts to transform legislative setbacks into political gains. Such manoeuvres often aim to create opportunities for positive visibility in the pursuit of law-making and policy generation. **Table 3** presents a summary of the configurations derived from the QCA simplification algorithms¹.

Table 3. Configurations of appropriations by positive agenda conveyed by veto.

Analytical Axes and Attributes	Solutions			
	1a	1b	1c	2
Informational gain				
<i>Preferences</i>	●	●	●	
Priority selection				
<i>Urgence</i>	●	⊗		⊗
Party Connection				
<i>Minister from President's party</i>			●	●
<i>Party Convergence</i>	●	⊗		●
<i>Consistency</i>	0.93	0.83	0.84	0.88
<i>Raw coverage</i>	0.34	0.27	0.75	0.31
<i>Unique coverage</i>	0.03	0.03	0.24	0.02
<i>Overhall solution consistency</i>			0.84	
<i>Overhall solution coverage</i>			0.87	

Note: Created by the author based on research data.

The analysis of the data yielded four potential solutions that, in combination, accounted for 87% of the cases with a consistency of 84% (in QCA, the minimum acceptable consistency is 75%), indicating that these configurations adequately explain the phenomenon from the perspective of the positive agenda. Notably, the presence or absence of certain attributes was consistent across all categories, suggesting their modulatory effect on agenda primacy.

The first three solutions cluster into a single family, in which there is a common explanatory axis: the close alignment of *Preference* characterized between the vetoed project and the new project introduced by the President.

Solution 1a, in addition to the previously mentioned characteristics, exhibits

¹The *fsQCA software* was utilized for this analysis. For more information about this tool, visit fuzzy set Qualitative Comparative Analysis website.

high levels of *Urgency* and *Party Convergence*. This configuration suggests that the Executive branch, despite exercising its veto power, implemented the appropriation through collaborative efforts with its support base, particularly engaging the key parties within the coalition. This strategy was balanced against the clearly defined necessity to swiftly reintroduce the matter of interest into the legislative game.

The formation of *ad hoc* coalitions is also prominently featured in *Solution 1b*. This strategy primarily targets the opposition, as evidenced by the presence of low *Party Convergence*. It was designed to induce support for the Executive's proposition, effectively blocking opposition actions while simultaneously reinforcing the coalition favouring the President's initiative. This solution also suggests that the formation of *ad hoc* coalitions applies to low-priority projects, indicating that the government's primary interest lies in demarcating its territory within the congressional agenda, without necessarily expending political capital to expedite the process. The application of the veto provided a broad spectrum of information, albeit insufficient to significantly elevate interest in the matter. While information guides decision-making, it does not solely determine government priorities (Silva, 2014).

Finally, *Solution 1c*, among all configurations, presented the widest range of possibilities and encompassed all other solutions. This configuration reveals that the proximity between preferences and the centralizing action of the President's party are sufficient factors to determine both the veto and appropriation.

Solution 2, characterized by low *Urgency* and a significant presence of *Party Convergence* associated with the attribute *Minister from the President's Party*, exemplifies a typical case of appropriation as an accommodation of interests within the coalition. Many presidential proposals are primarily characterized as negotiation instruments for this purpose. These proposals are not accompanied by resources to expedite the process and are often allowed to proceed according to the National Congress's own timing (Diniz, 2005).

In conclusion, the results demonstrate that the appropriation of a positive agenda through the veto indicates a conditional agenda setting that reflects the President's diverse motivations. These motivations encompass a spectrum of actions, from an urgent and immediate reaction aimed at maintaining the cohesion of the government coalition to a less robust response designed to introduce an element of complexity to the voting agenda, thereby reducing the impetus for Congress to overturn the veto.

5.2. Appropriations by Risk Control Conveyed through the Veto

Turning to the analysis of *appropriations* classified in the *risk control category*, it is noteworthy that these situations originating from vetoes are the most intuitive, as they aim to control the impulses of legislators. These are cases where the government believes that the mere interposition of a veto is insufficient to cool the majority of Congress. Consequently, the President anticipates the veto analysis by

simultaneously presenting a new bill on that policy topic.

As shown in **Table 4**, although only one configuration was presented, the consistency and coverage indices were above the recommended standards (consistency = 0.75). The result confirms that not only the nature of the policy but also the significant difference between the preferences of the Executive and Congress were decisive in characterizing this type of appropriation.

Table 4. Configurations of appropriations by risk control conveyed through the veto.

Analytical Axes and Attributes	Solution
Informational gain	
<i>Preferences</i>	⊗
Priority selection	
<i>Urgence</i>	
Party Connection	
<i>Minister from President's party</i>	●
<i>Party Convergence</i>	⊗
<i>Consistency</i>	0.84
<i>Raw coverage</i>	0.70
<i>Unique coverage</i>	0.70
<i>Overhall solution consistency</i>	0.84
<i>Overhall solution coverage</i>	0.70

Note: Created by the author based on research data.

As anticipated, the *Preference* attribute proved to be low, consistent with the nature of the policy and the antagonistic behaviour of political agents. The *Minister from the President's Party* attribute demonstrates a concentration of decision-making power in the hands of the Executive chief. This is particularly evident because appropriations in this category address issues that impact society and government management, for which the President appoints individuals from their own party. Furthermore, these phenomena typically represent blocking actions against projects initially sponsored by the opposition.

It is also noteworthy that this solution presented lower coverage than that of *appropriations for positive agenda*, although it maintained a good standard of consistency.

In contrast to the process of appropriation by positive agenda, it was evident that a more standardised approach was employed in the context of appropriation by risk control. This observation suggests that the veto was complemented by the presentation of proposals that were predominantly drafted by ministries under the control of the President's political party. This strategy was likely employed

with the intention of overcoming proposals put forth by the opposition that were perceived to be contrary to the interests of the executive branch. This indicates that the risk was initiated outside of the government and had to be managed not only by the veto, but also by the complementary action of presenting a new legislative proposal. The conditional agenda-setting power was employed to mitigate any potential damage to the interests of the President of the Republic.

6. Conditional Agenda-Setting Power: Different Scenarios

Given the selected cases, this represented a significantly different environment. During Dilma Rousseff's first term (2011-2014), a period in which two crucial events were identified. This aspect can be explained by the fact that it was a particularly delicate moment for President Rousseff, who was already witnessing the erosion of her party coalition and a marked decline in popularity.

The first event was the large popular protests of June 2013, which expressed discontent with the political class, the precariousness of public services, and the government's focus on expenditures considered superfluous (such as those for stadiums for the 2014 FIFA World Cup Brazil). At this juncture, Rousseff's government experienced a significant drop in popularity.

The second event, stemming from the first, was generated by Congress's attempt to break from its inertia in systematically postponing decisions on presidential vetoes. With the approval of the Resolution 1/2013, Parliament resumed the consideration of vetoes, breaking a long cycle in which presidential vetoes were, in practice, given as approved. This decision introduced a new circumstance for the President of the Republic, where the monthly agenda for veto consideration meant more work for the government to navigate the situation. It also required the government to make greater use of its conditional agenda-setting power.

For example, President Cardoso was never pressured to the point of having to use conditional agenda-setting power for risk control, nor did he have preferences so closely aligned with those of members of Congress. A partially similar scenario was also observed during Luís Inácio Lula da Silva's first term, due to corruption accusations involving government members. The space for dialogue diminished, compelling the Executive, even when adopting the congressional agenda, to navigate it carefully to avoid compromising interests and to seek optimal negotiations with the Legislature.

The results of the comparative analysis predominantly stem from situations where the president held extensive control over their coalition, and the parties occupying the presidencies of the Chamber of Deputies and the Senate were also part of the support base. This scenario was indicative of a rather moderate use of conditional agenda-setting power. **Figure 5** clearly shows that in recent years, the veto as a vehicle for appropriation has experienced a considerable increase.

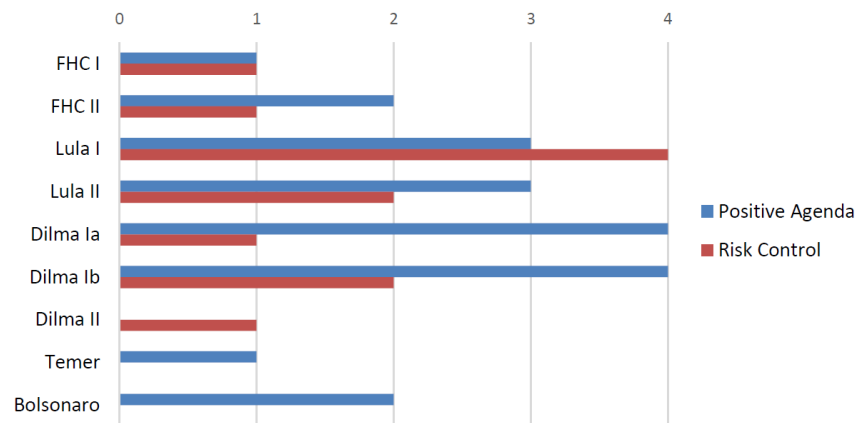


Figure 5. Number of veto cases made through the appropriation agenda, by presidential mandate (1995-2022).

Figure 5 indicates that, even before Rousseff's tumultuous period, the profile of the first term strongly suggests that there were already signs of deterioration in the government's support coalition. When comparing other presidents, in all terms where there were greater difficulties in forming majorities to support the government, there was also a need for greater use of conditional agenda-setting power.

It is evident that the utilisation of conditional agenda-setting power in Brazil encompasses not only aspects of opportunity, but also of damage control. The more efficacious the management of the government coalition, the greater the probability of favourable agenda-setting occurrences in the exercise of the veto. When veto events resulting from risk control become more prevalent, this can serve as an intriguing indication of governability issues.

7. Conclusion

This article reflects an ongoing research agenda. However, it is clear that the phenomenon of *appropriation* conveyed through the presidential veto constitutes, undoubtedly for Brazil, a clear manifestation of the conditional agenda-setting power described by Tsebelis and Alemán (2005). Based on the evidence presented, we contend that the Brazilian case can be considered a subcategory of conditional agenda-setting power.

Considering micropolitical aspects, based on the logic of strategic action and focused on the nature of presidential interest policy, this research aimed to advance the understanding of the characteristics of this conditional agenda-setting power and some of its determinants. As Silva (2014) expressed, "the content of the agenda implies the way of articulating the agenda-setting power itself" (p. 125).

The characteristics and actions involving each veto in pursuit of appropriation are diverse. They can range from a situation where the government wishes to be the author of certain legislation, establishing its condition as the conductor of

“good policy” or a “positive agenda,” to the need to present something in place of what was vetoed to appease dissatisfied members of Congress (a dual approach of pressure and persuasion). The government may act in good faith to present a proposition that truly offers a better quality text than that approved by legislators. However, it becomes evident that this could have been done throughout the legislative process, avoiding a restart from the veto. The government restarts the legislative process on vetoed matters, establishing new terms for proposals, generally considering the information acquired during the legislative process of the vetoed projects.

The phenomenon is a creative expression of the President’s agenda-setting power. The veto accentuates agenda centralization in the hands of the President. Thus, regarding policy formation and presentation, the data and analyses show the possibility of Presidential agenda-setting power being exercised with the President’s party as the main beneficiary, to the detriment of other base and opposition parties. In addition to increasing their possibilities of building majorities in Congress and amalgamating agendas between powers, the President and their party also enable the acquisition of “authorship” of many policies already under discussion in Parliament. More than any other political actor, the president manages to capitalize on public disclosure of their actions and correlate them with social benefits.

Preliminary results point to the characteristics of the last 30 years. Despite finding patterns, the research encountered a changing scenario. The study suggests the need to make the analysis dynamic by incorporating new periods and scenarios, especially comparative ones. The dominant profile of the selected cases was of well-controlled coalitions. In more recent scenarios, this reality is already challenged. This implies the continuity of research on the observation of cases of conditional agenda-setting power and its interpretation regarding the management of heterogeneous and multiparty coalitions (would weak coalitions imply greater use of conditional agenda-setting power?).

Beyond this, the next challenges lie in understanding how Brazilian conditional agenda-setting power influences the results desired by presidents. It is also important to determine whether it is possible to identify a profile of this power for each head of the Executive branch. Furthermore, future research should focus on introducing new interpretations and variables. These additions will improve the understanding of the veto as a vehicle for agenda appropriation and as a third explanatory path in comparative studies.

Conflicts of Interest

The author declares no conflicts of interest regarding the publication of this paper.

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