
Power to the People?

Lobbying for Labor Rights in Brazil's National Constituent Assembly

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Do interest groups lobby their political friends or their foes? This paper applies Richard Hall and Alan Deardorff's (2006) theory of lobbying as a legislative subsidy to the case of labor rights lobbying in Brazil's 1988 *Assembleia Nacional Constituinte* (ANC), providing a unique case study for examining not only the targets of interest groups but also the ability of lobbying models to explain the interest groups' strategic behavior. This article aims to expand Hall and Deardorff's theoretical model and apply it to the real-world context of Brazil's 1988 National Constituent Assembly. The paper concludes that in the ANC, the pro-labor-rights lobbying efforts targeted both friends and uncommitted foes.

There is a robust literature addressing the targets of interest groups' lobbying tactics. Some studies find that lobbying groups seek to influence opposition legislators (Austen-Smith and Wright 1994). Other studies find that lobbyists target like-minded policymakers (Potters and van Winden 1992; Beyers and Hanegraaff 2017). Because of the conflicting findings on the targets of interest groups, it is difficult to model lobbying. For instance, exchange models approach lobbying as a form of

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trade, concluding that interest groups are agents of exchange who engage in implicit trade with legislators (Austen-Smith 1996). However, in persuasion models, lobbyists employ different tactics to change the legislators' political preferences through information transmission. John Mark Hansen (1991) finds that when politicians are reelection-minded, they often struggle to adopt a position regarding a policy due to the difficulty in identifying the preferences of their electoral base. Interest groups often possess this information, and they can use it to persuade politicians to support their cause.

Hall and Deardorff raise important concerns regarding the ability of either of these models to explain all lobbying instances. Persuasion models often fail to account for differing information from sources other than the lobbyists (Hall and Deardorff 2006). Politicians can acquire information via other means. Many independent institutions, or even the politician's political party, may have valuable information on their electoral base.

Lobbying-as-exchange models fail to explain why lobbyists trade with their friends who agree with their political position. Hall and Deardorff state that "PAC managers give most to legislators who already agree with their group" (2006, 70). In other words, they trade with individuals who need it the least rather than focusing on key indecisive politicians. Such behavior is incompatible with trade, because the interest group trades its financial support for nothing.

Hall and Deardorff provide an alternative theory to address these shortcomings. They approach lobbying as neither exchange nor persuasion but as a legislative subsidy. Their theory of lobbying as a legislative subsidy employs a microeconomic framework in which politicians must allocate their scarce political resources between working on the interest group's proposed policy or on other policies. In summary, they theorize that the lobbyist subsidizes a politician's work by offering different services and labor to the legislator. The subsidy shifts the legislator's budget line to the right, enabling the politician to allocate more time and effort to complete the desired project. One implication of their theory is that lobbyists attempt to subsidize only like-minded politicians.

Given the context of the ANC, Hall and Deardorff's theory explains only part of the pro-labor-rights lobbying activities. A lobbying group known as the *Departamento Intersindical de Assessoria Parlamentar* (DIAP) organized and represented working-class interests. By coordinating lobbying techniques with different groups, the DIAP substantially influenced the Assembly. In Brazil's constitutional moment, as Hall and Deardorff's theory suggests, like-minded politicians benefited considerably from the subsidies provided by the DIAP. These subsidies increased their devotion and dedication to approving pro-labor-rights measures. However, this paper finds that the DIAP also focused its lobbying efforts on its uncommitted opposition. David Austen-Smith and John Wright (1994) suggest that interest groups often lobby uncommitted politicians. During the ANC, the DIAP targeted uncommitted

legislators who were members of a centrist coalition known as the *Centrão*. Because uncommitted legislators had a majority in the Assembly, the DIAP needed to pressure these legislators to approve labor rights. The DIAP's strategies aimed to reduce a politician's willingness to oppose labor rights. This was accomplished by signaling a lack of public support for the anti-labor-rights position and discrediting anti-labor-rights legislators. I term this behavior *lobbying as a legislative disincentive*.

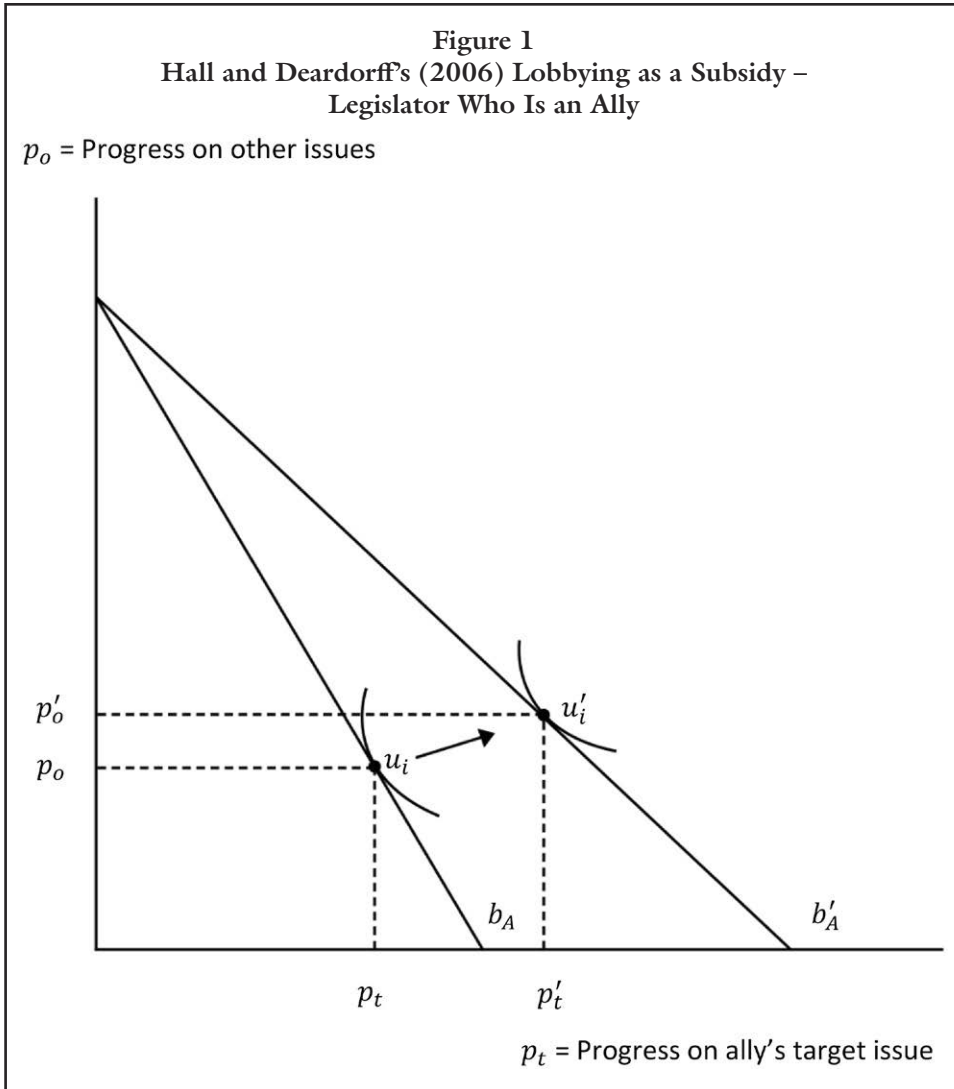
This paper, then, constructs an ideological performance scale to demonstrate how the political parties behaved when voting on labor rights, highlighting some interesting voting patterns that might be linked to the DIAP's lobbying efforts. I find that pro-labor lobbying efforts in the ANC targeted both friends and uncommitted foes. Given that the DIAP lobbied uncommitted politicians in the ANC, Hall and Deardorff's theory of lobbying as a legislative subsidy explains some of the lobbying activities. Thus, I supplement Hall and Deardorff's framework with the concept of legislative disincentives.

The following section explains the theoretical framework used in this case study. I then provide a brief historical background, identify the DIAP's targets, consider its strategies, and highlight the ideological inconsistency of some political parties before drawing conclusions in the paper's final section.

Subsidies and Disincentives

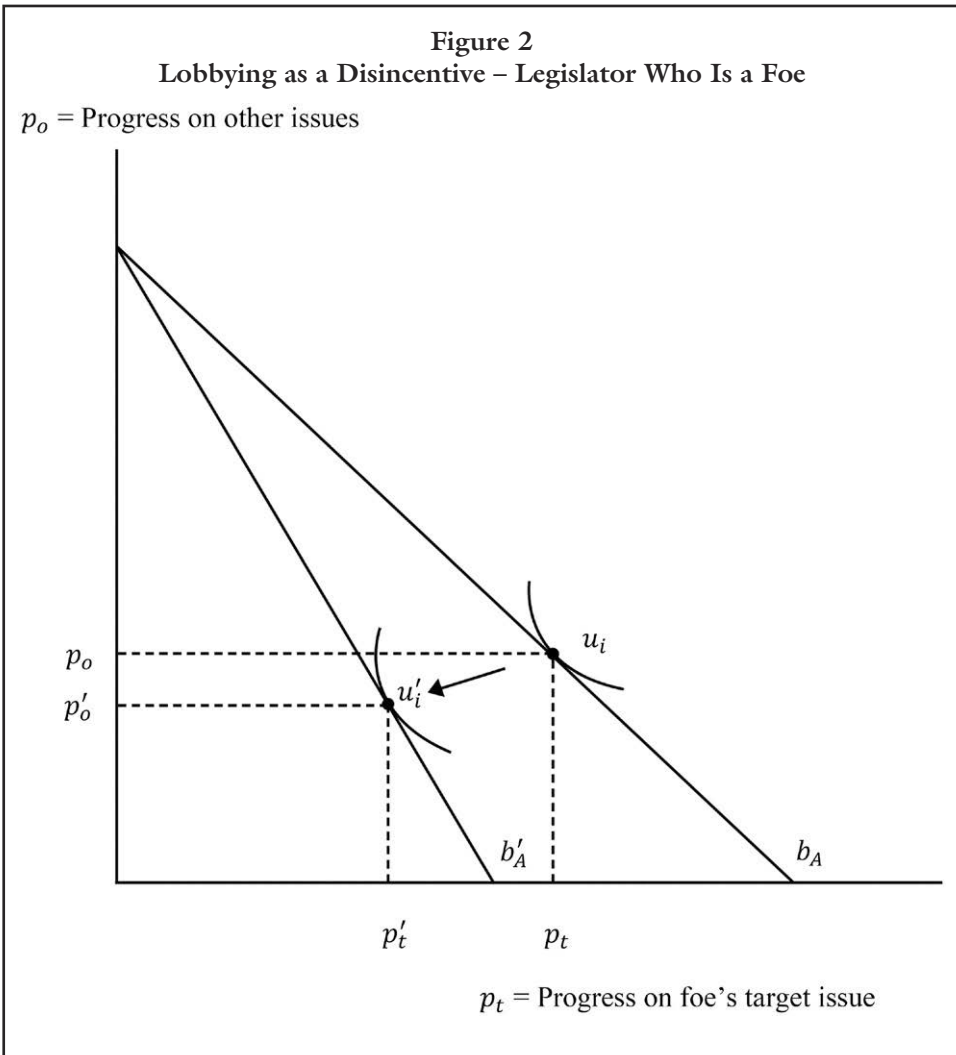
An interest group's purpose is to advance its agenda. Therefore, whether it lobbies its allies or adversaries is contingent on the legislature's composition. If lobbying solely allies is insufficient to enact desired policies, the interest group is compelled to also influence its adversaries. Nevertheless, Hall and Deardorff point out that "direct lobbying, typically is not a strategy for changing legislators' preferences over policies. Nor is it about keeping them from being changed. Rather, it is an attempt to subsidize the legislative resources of members who already support the cause of the group" (2006, 72). They theorize that lobbying predominantly targets not the opposition legislators' utility function but their allies' budget constraints.

Hall and Deardorff's theory of lobbying as a legislative subsidy follows an intuitive microeconomic framework, relying on five basic assumptions: (1) To influence a policy, a legislator must participate and place effort in the legislative process; (2) legislators have scarce resources; (3) legislators are interested in more than one policy; (4) legislators have preferences concerning different issues; (5) lobbyists specialize in different policies (Hall and Deardorff 2006, 72–73). Hall and Deardorff theorize that a lobbyist subsidizes a politician's job by giving the lawmaker various services and labor. In a microeconomic framework, they argue that politicians want to maximize their legislative progress regarding the lobbyist's target issue or other issues. The subsidy causes the legislator's budget line to rotate to the right, enabling the politician to devote additional time and effort to the target issue, as shown in figure 1.



They conclude that lobbyists avoid lobbying uncommitted legislators and focus their lobbying tactics on legislators committed to their cause (Potters and van Winden 1992; Hall and Deardorff 2006; Beyers and Hanegraaff 2017). However, this implication is inconsistent with studies that find interest groups lobbying uncommitted and opposition politicians (Austen-Smith and Wright 1994). Depending on an assembly's composition, if political allies do not hold a majority, lobbyists might be forced to lobby uncommitted or opposition legislators to advance their agenda. To explain this lobbying behavior, this paper shows that it is also possible to lobby uncommitted legislators by shifting their budget line to the left rather than the right. This leftward shift results from a legislative disincentive.

A legislative disincentive is anything that can decrease the resources available to a legislator to progress a policy the legislator favors. This paper argues that political capital is a legislative resource. Following Richard French's (2011) derivation, political capital directly relates to opinion and policy. Therefore, a disincentive is associated with a decrease in the popularity of a specific policy. If the lobbyist signals to a politician that a policy is unpopular, the politician will have less political capital available to work toward that policy. In this case, figure 2 shows the legislator's budget line rotating to the left. Hence, the legislator has fewer resources to progress the target policy. The concept of a legislative disincentive implies that it is possible to influence uncommitted opposition legislators (Austen-Smith and Wright 1994).



A legislative subsidy is any resource provided by an interest group to lawmakers to help them work on a policy. Legislative subsidies include, for example, policy information, meeting planning, supplying larger physical locations to hold larger meetings, political intelligence, staging popular events with the voting base, and providing more personnel. In this approach, an interest group may assist lawmakers in their work, increasing the legislators' productivity. A legislative disincentive does the opposite. In a democracy, interest groups do not demolish a legislator's office or harm the legislator's staff; however, they might generate public pressure that makes the legislator's job less appealing. Legislative disincentives include campaigning against a politician's endorsed legislation, paying for political advertisements opposing the plan, organizing rallies, and even distributing harmful information about the legislator. If special interest groups impose a political penalty for advancing a policy, legislators will be disinclined to engage in such a project. This paper provides a real-world application of both a legislative subsidy and a legislative disincentive in the context of Brazil's 1988 National Constituent Assembly.

A Brief Constitutional History of Brazil

In 1943, President Getúlio Vargas issued the *Consolidação das Leis do Trabalho* (CLT; Luz and Santin 2010). The CLT created new labor rights, such as the maximum limit of forty-eight hours of work per week and the federal minimum wage. The *Carta del Lavoro*, a labor charter promulgated by the Grand Council of Fascism in Mussolini's Italy, influenced the CLT. It was not a copy of it, but, according to Arion Sayão Romita, it is "undeniable the influence that Italian corporate law exercised (and continues to exercise, with respect to union organization) on Brazilian labor law. This influence is broad and comprehensive, spreading across all segments of labor law in Brazil" (2013, 1307). The CLT's content was discussed and reviewed again in 1988.

In 1964, a coup d'état removed President João Goulart, instituting a military regime (Da Silva 2014). After years of political suppression and failed economic policies, the popularity of the military regime was damaged, leading to its gradual decline. In 1985, Tancredo Neves was indirectly elected president of Brazil, becoming the first civilian president since 1964 (Alves 2019). However, Neves became unwell and died before taking office (Palha 2011). In 1986, President José Sarney, Neves's vice president and successor, sent an amendment to the Congress calling for a Constituent Assembly. The Congress approved the amendment, establishing the 1988 National Constituent Assembly.

Before the ANC, the Brazilian military dictatorship practiced continuous political arrests and persecutions (Da Costa 2019). Although authoritarian (Montambeault 2018; Santiago 2020), the military slowly eased the political suppression, allowing the reestablishment of democracy. Due to the history of

the military regime, the new constitution sought to prevent another authoritarian regime. Enacted in October 1988, the new Brazilian constitution was created to modify an existing economic and political system (Couto 1998) and “has now been in place for more than 30 years, greatly exceeding the average 17-year lifespan of such legal documents” (do Valle 2020, 425).

Although the ANC's members were not specifically elected to draft the constitution, they were entrusted with its writing. They were typical career politicians, senators and representatives elected in the 1982 and 1986 general elections. Notably, twenty-three senators from 1982 were “bionic” senators, meaning they were appointed during the military regime (Souza 2001). The ratification of a constitutional amendment was based on simple majority rule. During the ANC, there were 593 legislators: 81 senators and 512 representatives. This total includes the *suplentes* who were substitutes for representatives and senators. Initially, without the *suplentes*, there were 559 legislators: 72 senators and 487 representatives.

Table 1 shows that, of the 559 elected members of the National Assembly, approximately 55 percent were members of the centrist party *Partido do Movimento Democrático Brasileiro* (PMDB) and 24 percent were members of the center-right party *Partido da Frente Liberal* (PFL). Additionally, 9 percent of ANC's members were left-leaning party members, and 12 percent were members of minor center-right parties. In the Senate, of the 72 senators, 15 were members of the PFL, and 45 were members of the PMDB. Most of the uncommitted legislators comprising the *Centrão* were members of the PMDB and PFL.

The ANC voted on the ratification and expansion of the CLT (Costa 2015). Some labor rights already existed in the previous CLT. Nevertheless, the ANC expanded some of these laws and added some brand-new labor rights to the constitution. For instance, the previous CLT established a forty-eight hours per week

Table 1
Brazil's National Constituent Assembly Party Distribution in 1987

Party	Seats	Percentage
PMDB	305	54.6
PFL	134	24.0
PDS	37	6.6
PDT	26	4.7
PTB	19	3.4
PT	16	2.9
PL	7	1.3
PDC	6	1.1
Others	9	1.6

Source: Mainwaring and Pérez Liñán (1997, 457)

work limit, but the ANC changed the limit to forty-four hours per week. The right to strike, 120 days of maternity leave, paternity leave, and proportional prior notice¹ were other new labor rights introduced in the ANC. Other labor rights, such as the minimum wage and paid vacations, were already established. However, they required reapproval from the Assembly.

The DIAP was founded in 1983 to represent the working class (F. Carvalho 2009). It was the most organized and active lobbying group in the ANC (Farhat 2007). The American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) was the direct inspiration for the formation of the DIAP (Costa 2016). The AFL-CIO represents the American working-class political interests (Minchin 2017) by supporting labor rights such as the minimum wage and social security. For instance, Lucas Costa writes, “[T]he workers’ lobbying, especially that of DIAP, was identified by the press and constituents as one of the most powerful and well-organized. Even before work started on the Constituent Assembly, DIAP was already appointed as the ‘command’ of the unions’ lobbying” (2016, 777).

Counterpressure was also present in the ANC. Different private organizations, such as the Federation of Industries of the State of São Paulo (FIESP), and isolated politicians formed the pro-market lobby. The FIESP was the only federation invited to the public hearings and introduced as a representative of business interests (Costa and Troiano 2016). Additionally, the pro-market lobby had much more financial power than the workers’ lobby. Nevertheless, they lacked a centralized organization, such as the DIAP, capable of unifying their interests and creating an efficient mechanism of collective pressure (Costa 2015; Costa and Troiano 2016).

The Target

Because the objective of an interest group is to progress its political agenda, it made sense for the DIAP to lobby both its friends and foes. The DIAP’s allies in the ANC included the members of left-wing parties such as the *Partido Democrático Trabalhista* (PDT), *Partido Comunista Brasileiro* (PCB), *Partido dos Trabalhadores* (PT), *Partido Comunista do Brasil* (PC do B), and part of the PMDB (Costa 2016). The left-leaning parties comprised approximately 9 percent of the ANC (Mainwaring and Pérez Liñán 1997). Accordingly, the DIAP did not exclusively target its political friends. Because the DIAP’s goal was to pass labor market regulations, it would also need to lobby unfriendly politicians. Regarding the DIAP opposition, an issue known as the *Enigma do Centrão*, the Big Center Enigma, applies. Unlike the left-wing political parties, the less progressive politicians were neither united nor

1. Before terminating employment, the employer must notify the employee in advance. The notice must be delivered at least thirty days before the decision takes effect. The period between notification and dismissal is proportional to the employee’s length of tenure with the organization.

particularly outspoken. The non-left-wing political forces were distributed among different parties such as the *Partido Democrático Social* (PDS), PFL, *Partido Trabalhista Brasileiro* (PTB), and the PMDB (Gomes 2006).

The PMDB was the most powerful party, with members aligned across the political spectrum. However, most of the PMDB's members had no clear political ideology on the right–left political spectrum. The PMDB could be described as a catch-all party (Kirchheimer 2012) with nationalist and populist inclinations (Campos 2019). The PMDB is the successor of the *Movimento Democrático Brasileiro* (MDB), a controlled-opposition party during the military dictatorship. During the military regime, there were only two political parties: the *Aliança Renovadora Nacional* (ARENA), representing the government, and the MDB, representing the opposition. In 1979, 73 percent of the PFL's and 24 percent of the PMDB's legislators were former ARENA members (Munhoz 2011). The PFL was a center-right party with a slightly pro-market attitude, and it was the second-largest party in the ANC. However, like the PMDB, the PFL and other center-right parties could also be classified as catch-all parties (Mainwaring and Pérez Liñán 1997).

The Centrão Enigma

Political scientists have referred to these characteristics of the nonprogressive parties as the *Centrão Enigma*. This enigma relates to the difficulty in identifying the beliefs and organization of the centrist catch-all parties (Marcelino, Braga, and Costa 2010). The PMDB and PFL represented around 83 percent of the Senate and 79 percent of the ANC. Through extensive work measuring the ideological disciplines of the parties in the Brazilian Congress, Scott Mainwaring and Aníbal Pérez Liñán constructed a “left–right scale, ranging from –10 to 10, where –10 is the farthest left position, and 10 is the farthest right” (1997, 466). Mainwaring and Pérez Liñán also created a relative discipline scale ranging from 0 to 100. The relative discipline scale measured the loyalties of the Brazilian political parties to their political ideology, with a high relative discipline indicating a high loyalty level.

Mainwaring and Pérez Liñán's (1997) scale measurement is based on two other scales created by Kinzo (1990). The scale of conservatism measures the positions of these parties on social and property rights, and the scale of opposition to the financial system measures their opposition to private banking (Kinzo 1990). Both of Kinzo's scales range from 0 to 10.

Kinzo's conservatism scale measures the performance of legislators on eleven specific votes.² A value of 10 indicates that a legislator voted for (1) to (4) and

2. “(1) Amendment of the *Centrão* about property rights; (2) Employment guarantee; (3) Right to strike; (4) Substitution of the *Centrão* on the Title VII (project on different laws regarding the economy);

against (5) to (11). The party value is the average of its legislators' scores. Kinzo's opposition to the financial system scale measures the performance of legislators on the vote of five other amendments.³ A value of 10 indicates that a legislator voted for all these amendments.

Mainwaring and Pérez Liñán's (1997) ideological scale for each party equals Kinzo's (1990) values on the conservatism scale minus its values on the opposition to the financial system scale. Mainwaring and Pérez Liñán found that the left-leaning parties were the most ideologically disciplined. The PMDB ideological score of -1.7 indicates that, on average, their politicians leaned to the left of the political spectrum. The PFL's ideological score of 5.8 indicates that, on average, their politicians leaned more strongly to the right of the political spectrum. Table 2 shows that the PFL and PMDB had a significantly lower discipline rate than the left-leaning parties, indicating that they held no strong ideological positions. Although ideologically to the right, the relative discipline scale does not suggest that the PFL was a committed political opposition to the unions.⁴ The PFL relative discipline score of 76.6 indicates that its members often voted against their political principles. At most, the PFL was an uncommitted party with a right-wing inclination.

Table 2
Mainwaring and Pérez Liñán's (1997) Left-Right Party Scores and Loyalty

Party	Ideological Score	Relative Discipline
PT	-9.5	98.5
PDT	-9.0	83.6
PMDB	-1.7	65.7
PTB	0.1	72.2
PDC	2.8	79.6
PL	4.4	73.5
PDS	4.9	77.4
PFL	5.8	76.6

Source: Mainwaring and Pérez Liñán (1997, 468)

(5) Employment stability; (6) Addition of 33 percent of vacation wages; (7) Paternity leave of eight days; (8) Maximum of six hours of work per day; (9) Unified union system (It prohibits the formation of multiple unions for the same sector in the same territorial area); (10) Land reform; (11) Expropriation of productive property" (Kinzo 1990, 129).

3. "(1) Limit of 12 percent per year of real interest rates for credit operations; (2) Nationalization of banks; (3) Gradual nationalization of banks; (4) Application of federal resources exclusively to public-owned banks; (5) Opposition to oligopoly in the financial system" (Kinzo 1990, 131-32).

4. The relative discipline score reveals how often legislators voted against their political party's majority. For instance, a score of 98.5 shows that a legislator was aligned with the party 98.5 percent of the time. Hence, this legislator voted against the political party 1.5 percent of the time.

The Committed Friends

The committed friends of the DIAP were the left-leaning political parties like PC do B, PCB, PT, PDT, and the progressive wing of the PMDB. Their high discipline score indicates their commitment, as observed in table 2. It is possible to conclude that they were DIAP's friends, given that the left-leaning parties signed a document pledging to help the DIAP promote its agenda (Costa 2016). In the 1988 *Quem foi Quem na Constituinte* (who was who in the Constituent Assembly), the DIAP claimed that these political parties formally participated in the articulation efforts to defend labor rights.

Because of the open cooperation between lobbying groups and different political parties, it is easy to identify the DIAP's friends. For instance, many political parties had a formal representation in the DIAP's meetings. According to the DIAP (1988, 23), during the meetings, Jorge Hage and Mário Lima represented the PMDB, Paulo Paim the PT, Carlos Alberto de Oliveira the PDT, Augusto de Carvalho the PCB, and Edmilson Valentim the PC do B. In addition to these formal members of the meetings, other legislators were present, including Florisceno Paixão from the PDT, and João Paulo from the PT. More legislators were involved; however, these parties' formal representation in the DIAP meetings shows they were collaborating. Additionally, the DIAP (1988) claims that these legislators were responsible for nonpartisan articulation favoring labor rights.

The Uncommitted Foes

The left-leaning parties were extremely organized and ideologically strong, whereas the center-right parties were not. Curiously, the DIAP classified the *Centrão* as a right-wing group, even claiming that its leaders were "from the extreme-right" (DIAP 1988, 25). Therefore, the DIAP considered the *Centrão* their foes. Nevertheless, due to the *Centrão Enigma*, it is difficult to identify every member of this group. Daniel Marcelino, Sérgio Braga, and Luiz Domingos Costa closely analyzed 587 of the 593 legislators, concluding that the *Centrão* comprised approximately 53.3 percent of the ANC. The PMDB comprised 42.8 percent of the *Centrão* and the PFL 36.4 percent; the other 20.8 percent consisted of center-right parties like the *Partido Liberal* (PL), *Partido Democrata Cristão* (PDC), PDS, and PTB (Marcelino, Braga, and Costa 2010).

Not all members of these parties were members of the *Centrão*. For instance, 82 percent of the PFL members were also *Centrão* members, and only 42 percent of the PMDB members were also *Centrão* members (Marcelino, Braga, and Costa 2010). The PFL was the most right-wing party; however, it could still be classified as an uncommitted party due to its relative discipline score. The low relative discipline score indicated to the DIAP that the PFL's legislators, some of the PMDB's politicians, and members of other center-right parties were a winnable battleground and not a strong

political force against their cause. The DIAP saw the *Centrão* as their right-wing foes. However, Mainwaring and Pérez Liñán's (1997) scale shows that no political party was consistently right-wing. Thus, neither the PFL nor any other center-right party appears to have been strongly opposed to the unions' interests. Perhaps, compared to the political context of other countries, such as the United States, the Brazilian center-right political parties could even be classified as center-left parties.

According to the DIAP (1988), the right to strike and the limit of forty hours of work per week (previously forty-eight hours) were the two amendments on which the *Centrão* concentrated most of its opposition. The *Centrão*'s opposition led these two labor rights to a second round. Conversely, many other labor rights were adopted with little resistance. Consequently, I categorize the members of the *Centrão* as uncommitted foes. From the unions' perspective, it was optimal to focus on politicians with a low relative party discipline because it indicates that they were more likely to change their minds. As mentioned previously, the PFL and PMDB indiscipline indicated to the DIAP that they were a winnable battleground. Additionally, since the *Centrão* comprised approximately 53.3 percent of the ANC, the DIAP needed to focus its lobbying efforts on this group.

The DIAP's Strategic Behavior

The DIAP lobbying focused on both their committed friends and uncommitted foes using two strategies. The first strategy was to provide left-leaning legislators, their committed friends, with legislative subsidies. Subsidizing like-minded legislators could help them advance their agenda. The lobbyists provided friendly politicians with staffing support, information, office space, and political strategies. The DIAP had partnerships with different think tanks producing policy studies related to labor rights. These studies were delivered to representatives, helping promote the workers' cause.

The second strategy was to impose a legislative disincentive on the *Centrão*, the uncommitted foes. By organizing public demonstrations for labor rights, the DIAP created an environment of popular support, making opposing labor rights more costly. Additionally, through the monthly publications of the *Jornal do DIAP* and the *Boletim Informativo*, they could track and highlight the voting record of every representative. Consequently, the unions could impose political pressure on specific legislators who were not supporting their cause (Costa 2016). Popular pressure is a disincentive because politicians must allocate more political resources to defend their position. Unpopular and controversial policies are difficult to advance.

Subsidizing the Committed Friends

The DIAP's first strategy worked as a subsidy. Costa writes that "the DIAP convinced the PC do B, PCB, PT, and PDT to adhere to a document in which they pledged to fight for their program" (2016, 777). These political parties were like-minded

politicians and an integral part of the efforts to approve labor rights. For instance, members of these parties often participated in meetings held by the DIAP in the Nationalist Parliamentary Front Room (Costa 2016). The DIAP and left-wing parties worked together, sharing resources. In the National Assembly, they distributed and circulated studies on different labor rights regulations. However, the DIAP rarely published a study they had sponsored and produced. Many think tanks, some associated with credible academic institutions, produced research articles on labor rights (Costa 2016).

One of the leading think tanks was the *Centro de Estudos e Acompanhamento da Constituinte* at the University of Brasília (CEAC/UnB). The CEAC produced innumerable dissertations, books, and academic articles on labor rights and other popular causes. The University of Brasília was not the only academic institution studying the ANC. The CEAC worked with the DIAP and many other prestigious institutions (Correio Braziliense 1988).⁵ For instance, the Federal University of Minas Gerais had its own CEAC, which included thirteen higher education institutions from Minas Gerais. Other institutions such as the *Departamento Intersindical de Estatística e Estudos Socioeconômicos* (DIEESE), and the *Sociedade Brasileira para o Progresso da Ciência* (SBPC; Bueno 2018), were also involved in the Brazilian constitutional moment. These complex networks were crucial to the dynamics in the ANC, due to their influence on many constitutional decisions.

The studies, policy recommendations, the DIAP's staffing, and the meetings held by the DIAP in the Nationalist Parliamentary Front Room are examples of subsidies on the legislative work of left-wing legislators. These subsidies expedited the progress toward labor rights by expanding the budget of a legislator. In terms of Hall and Deardorff's theory, figure 1 shows the legislator's budget line rotating to the right, allowing them to allocate more of their resources toward working for labor rights and progressing toward the desired policies.

Disincentivizing the Uncommitted Foes

The DIAP's second strategy functioned as a disincentive. They focused on accountability and political pressure. This strategy was a coordinated action between the DIAP and unions to increase the political pressure on the *Centrão*. The technique was to "inform the workers' unions and society giving an account of the projects in course in the National Congress" (F. Carvalho 2009, 35) by providing information about the parliamentary performance.

5. Other institutions such as the Federal University of Rio de Janeiro, the Federal University of Maranhão, the Federal University of Santa Maria, the Federal University of Minas Gerais, the Federal University of Amazonas, the Federal University of Mato Grosso do Sul, the Federal University of Santa Catarina, the Federal University of Uberlândia, the University of São Paulo, and the University of Campinas were also involved in Brazil's constitutional moment.

The *Jornal do DIAP* and the *Boletim Informativo* provided information on whether a legislator was for or against workers' interests. The AFL-CIO inspired the DIAP with the voting accounts' publications (Costa 2015). The DIAP distributed these journals monthly inside the Assembly to over 7,600 labor organizations and the press, reaching a broad and diverse range of people (DIAP 1988). The visibility in the *Jornal do DIAP* and *Boletim Informativo* made it politically costly to organize any project promoting the deregulation of labor markets. Another mechanism used by the DIAP was the publication of the work *Quem foi Quem na Constituinte*, which gave, at the end of the ANC, a final score for the performance of the legislators. The DIAP claims in the *Quem foi Quem na Constituinte* that many legislators were concerned about their scores, especially those who were candidates in the mayoral elections of November 1988. The DIAP's claim that the politicians were concerned about their scores is credible. In Luiz Carvalho's (2017) interviews, high-profile politicians such as José Serra and Roberto Jefferson directly mentioned their DIAP scores. Before the elections of 1986, a similar publication by the DIAP called *Quem é Quem* was published. Hence, the legislators were aware of the DIAP grading and performance monitoring system. In this case, the DIAP's publication operates as a disincentive because it decreases the willingness of a *Centrão* politician to oppose labor rights, particularly if it could harm the politician's electoral performance.

Punctual publications in the *Jornal do DIAP* provided the data and information to the unions, later becoming the famous work *Quem foi Quem na Constituinte*. These reports provided clear transparency on how each representative voted. The DIAP was an official organization inside the ANC. Hence, it did not, at least officially, support any type of political pressure on the representatives. Additionally, the DIAP claimed that it performed no "ideological patrol" (F. Carvalho 2009, 35) and that every perspective was respected.

However, the ANC member José Serra argues that the DIAP was conducting an ideological patrol in the ANC:

DIAP's role was terrible. It was a patrol, supposedly of a union-labor nature. I got 3.7 because I voted against the national mining monopoly. It was one of the questions. It was crazy business. The corporate issue is a serious problem that Brazil has: confusing corporations with people. The DIAP lobby had great influence on the ANC. My position always drew attention, because I arrived there as a guy on the left, which I considered myself to be, but with different views on the tax issue, the property issue, things like that. (qtd. in L. Carvalho 2017, 193)

José Serra protested his DIAP score and stated that the DIAP had considerable influence on the ANC, supporting the grading as an important disincentive mechanism.

The CEAC and other groups organized the National Day of Mobilization and Collection of Signatures (F. Carvalho 2009, 35), celebrated all over Brazil with

public acts, debates, rallies, and shows. More than fifty entities and union movements joined these campaigns to support popular amendments (O Globo 1987). Such events created a perception of popular support for labor rights. It is also noteworthy that the principle of charity was not a common practice in the ANC. As Murillo de Aragão states, “[T]he use of counter-information, understood as the disclosure of facts that weakened opponents without necessarily seeking to exalt the quality of the agent’s arguments was used efficiently” (1996, 157). After the DIAP released the information about the representatives’ perspective on labor rights, the unions started applying political pressure.

The pressure was continuous even after the ratification of the constitution. After the official release of the DIAP’s *Quem foi Quem na Constituinte*, unions had the necessary information to increase the political pressure on representatives. A period of adjustments and revision occurred in the first years following the ratification of the constitution. Unions accused representatives of being “traitors of the motherland” if they opposed some labor rights. For instance, de Aragão (1996) mentions that a legislator, in anonymity, stated that he supported all proposals to reduce market regulations but he did not vote for these proposals since it would negatively impact his relationship with voters. This representative feared that the unions’ distribution of pamphlets claiming he was a traitor would harm his political career. Therefore, the unions’ lobbying did not change the legislator’s preference but limited his ability and resources to work toward his preferred policy.

Roberto Jefferson, a well-known member of the *Centrão*, highlighted a similar disincentive structure. When asked about the left-wing pressure, Jefferson mentioned the intense pressure of the labor unions and press:

The press, along with the university movement, all embarked on the left-wing thesis. I got 10 in the first vote of the DIAP and 9 in the second. I just wasn’t in favor of expropriating the land. And I was bullied like I was a right-wing guy. The *Central Única dos Trabalhadores* (CUT) spray-painted my name on the pole as a traitor to the people. My children had problems in schools, high-level schools, of middle class, “traitor of the people,” and the press reverberated. I got into these posters. (qtd. in L. Carvalho 2017, 485–86)

Jefferson highlighted the extreme pressure the politicians faced when voting on labor rights topics. In the same interview, he mentioned that the *Centrão* took a long time to organize itself because “those labels (traitor of the people) were a burden to all of us” (qtd. in L. Carvalho 2017, 486). This clearly demonstrates the disincentive, which rotates the budget line of the politician to the left since it was politically costly to organize opposition to the unions. The *Centrão* organization faced significant pushback.

Jefferson was also asked why so many left-leaning projects were approved. He responded that “people spat in our faces, threw coins in our faces. This within

Congress. On the street, you were threatened. At Brasília airport, I had several problems with these union representations of the CUT” (qtd. in L. Carvalho 2017, 490). The cost was too high to oppose some agendas, and the politicians reacted to it. For instance, to protest the publication of his name in the unions’ journals as an enemy of the workers, the *Centrão* member Jayme Paliarin placed a plastic potty on the ANC’s floor containing a note addressed to the labor leader Jair Meneghelli (L. Carvalho 2017). This demonstrates that politicians were concerned with the unions’ publications and were unwilling to accept the anti-labor-rights label.

In addition to this direct pressure, as de Aragão mentions, during the revision process, the workers’ lobbying also involved “sending correspondence, maintaining contacts, holding events inside and outside the Congress, using propaganda material, and editing publications” (1996, 157). These actions created a perception of popular support for the union’s agenda. De Aragão also claims that “workers’ unions were efficient in using television advertising as an instrument to create an impression that the review of already approved labor rights lacked clear popular support” (157). Promoting an unpopular policy is politically expensive. Thus, when unions communicate to a politician that the anti-labor-rights agenda is unpopular, the politicians are disincentivized to promote the anti-labor project. The cases mentioned in this section show that the politicians did not change their opinion on labor rights but were disincentivized to oppose it due to its political cost. In this case, their utility function does not change, and the budget line rotates to the left, as shown in figure 2. Consequently, the legislator has fewer resources available to progress anti-labor-rights policies.

Labor Rights Performance

In this section, I create a new ideological scale that measures the performance of seventy-two senators on labor rights during the ANC. I also examine voting patterns on four labor-rights amendments.⁶ Although Mainwaring and Pérez Liñán’s (1997) scale includes some labor-rights-related votes, it is an overall ideological scale of all senators and representatives. Hence, it does not represent the overall ideology of the seventy-two senators in the ANC. I use Mainwaring and Pérez Liñán’s data to provide the parties’ overall ideological scores only for the senators, allowing a comparison of their overall ideological scores and their Labor Rights Ideological Scale. I focus on the senators’ voting behavior because they are high-profile politicians in their parties’ leadership. Therefore, in theory, they represent the party ideals better than the average legislator.

I assess the discrepancies between the voting performance of the senators in the new Senate Labor Rights Ideological Scale and their overall performance found in Mainwaring and Pérez Liñán’s ideological scale. Although the discrepancies are

6. The DIAP’s data have been used in previous works, and the voting account remains consistent with reality. Check DIAP 1988, *Quem foi Quem na Constituinte*, for more details.

insufficient to suggest a direct causal relationship between the DIAP's lobbying efforts and the behavior of the *Centrão*, they provide additional stylized facts consistent with the theory of lobbying as a legislative disincentive.

The Senate Labor Rights Ideological Scale

A minimum quorum of 280 legislators was required to approve or revoke a constitutional topic. For instance, there must be 280 votes of approval or 280 votes of denial; otherwise, the amendment would move to a second round. Including the second rounds, a total of twenty voting sessions on labor rights were recorded by the DIAP.⁷

To better understand the ideological performance, this paper creates a labor rights ideological scale ranging from -10 to 10 points. Table 3 shows the Senate Labor Rights Ideological Scale. This scale is based on the ANC labor rights voting record of all seventy-two senators on twenty labor rights.

In the Senate Labor Rights Ideological Scale, a "yes" vote gives -0.5 point, and a "no" vote gives 0.5 point. Mainwaring and Pérez Liñán's scale observes a different number of votes than the Senate Labor Rights Ideological Scale. Hence, the twenty votes were weighted to match Mainwaring and Pérez Liñán's -10 to 10 scale. Abstention and absence give zero points. The scale identifies where each senator falls on the political spectrum. A negative number indicates that the senator mainly leaned toward "yes," indicating a voting behavior favoring labor market regulations.

Table 3
Senate Labor Rights Ideological Scale

Political Party	Labor Rights Score	Standard Deviation
PSB	-10.0	-
PL	-9.0	-
PDT*	-8.0	1.4
PMDB*	-3.7	4.1
PDC	-2.0	-
PTB	-1.5	-
PFL*	0.4	2.3
PMB	1.0	-
PDS*	2.1	4.8
Senate	-2.6	4.4

*Parties with 2 or more senators

7. These votes were concerned with (1) stability, (2) forty hours, (3) six-hour shift, (4) real minimum wage, (5) expiration/five years, (6) vacation at $\frac{1}{3}$ of the salary, (7) wage floor, (8) right to strike, (9) prior notice/thirty days minimum, (10) factory commission, (11) stability 2nd round, (12) forty hours 2nd round, (13) six-hour shift 2nd round, (14) expiration/five years 2nd round, (15) right to strike 2nd round, (16) proportional prior notice, (17) stability of union's leaders, (18) union as substitution of parties, (19) participation in the bodies, (20) the self-applicability of social rights (DIAP 1988).

A positive number indicates that the senator voted mainly “no,” indicating a voting record against labor market regulations.

Labor Rights Performance versus General Performance

Table 3 shows that the PFL’s average ideological score for labor rights was 0.4, and the PMDB’s average labor rights ideological score was –3.7. If the DIAP’s lobbying effort was occurring, it should be possible to observe some difference between the *Centrão*’s voting performance on labor rights and their general voting performance. Hence, I compare the Senate Labor Rights Ideological Scale with Mainwaring and Pérez Liñán’s overall ideological scale.

Table 4 shows Mainwaring and Pérez Liñán’s (1997) general scale for the Senate, which measures the overall performance of the same seventy-two senators measured in the Labor Rights Ideological Scale.

The PMDB senators performed more to the left on the labor rights scale than on Mainwaring and Pérez Liñán’s scale, moving from –1.5 to –3.7. However, the difference was smaller than for the PFL, which moved from 5.2 to 0.4. Without running robust statistical tests, it is impossible to identify how much of this difference is due to lobbying. However, this difference is consistent with the lobbying theory presented in this paper. The composition of the PFL and the PMDB differed. Over 80 percent of the PFL was composed of members of the *Centrão*, whereas around 42 percent of the PMDB was composed of members of the *Centrão*. Therefore, if the DIAP overwhelmingly pressured the *Centrão*, the PFL would suffer a greater shock to its performance than the PMDB.

It is possible to visualize the clear PFL voting performance difference in a graph by showing the overall ideological and labor rights scores of the PFL’s senators.

Table 4
Mainwaring and Pérez Liñán’s (1997) Senate Overall Ideological Scale

Political Party	Mainwaring and Pérez Liñán’s (1997) Score	Standard Deviation
PSB	–10.0	–
PDT*	–9.0	0
PMDB*	–1.5	0.3
PTB	0.1	–
PDC	2.8	–
PDS*	3.6	0
PL	4.4	–
PFL*	5.2	0.4
PMB	5.8	–
Senate	0.2	3.8

*Parties with 2 or more senators

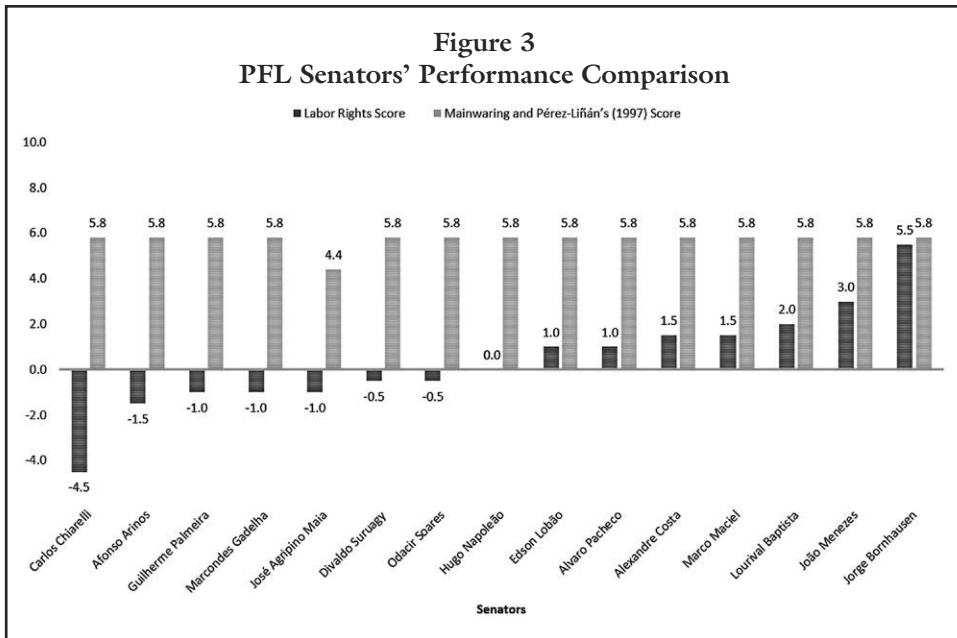


Figure 3 demonstrates a distinction in the voting patterns of the PFL's members. Their senators have a high variance when voting on labor rights, and a tendency to vote further to the left. Their performance on Mainwaring and Pérez Liñán's scale is far more constant, and closely mimics the voting distribution of a political party. However, there is considerably less consistency when voting on labor rights. This may be attributable to lobbying. Agents react differently to disincentives, potentially resulting in more variation in a political party's voting pattern.

Voting Abnormalities

The voting behavior of the PFL and PMDB contains some abnormalities. The PFL's senators had many absences, with 47 percent of their senators not voting on the minimum wage. Additionally, when voting on the maximum limit of hours worked, 27 percent of their senators who voted "no" in the first round did not attend to vote in the second round. It is unlikely that the senators were simply missing the sessions due to a lack of interest in the matter. The behavior suggests a coordinated political action rather than indifference (Marcelino, Braga, and, Costa 2010). This pattern may have been a direct response from the senators to the political pressure of the DIAP.

The PMDB voting pattern is also of interest. Only 7 percent of the PMDB's senators voted "no" for the minimum wage; 23 percent were absent, and 70 percent voted "yes." When voting on paid vacation, none of their senators voted "no": 24 percent were absent, 4 percent abstained, and 72 percent voted "yes." Overall,

the PMDB's senators had a strong pro-labor-rights voting pattern. However, when voting on the maximum limit of hours worked, some of their senators changed their vote. Around 16 percent of the PMDB's senators who voted "no" in the first round did not attend to vote in the second round. Additionally, 13 percent of the senators changed their vote from "yes" to "no." This was an important deviation from the expectations given that there was a movement against labor rights.

Although it is impossible to demonstrate a direct relationship between the DIAP's lobbying techniques and the PMDB and PFL's ideological inconsistencies, this study forms a strong case for a further inquiry on this specific event. The PFL's performance is more abnormal than the PMDB's. A potential explanation for this is that over 80 percent of the PFL were *Centrão* members, whereas approximately 42 percent of the PMDB were *Centrão* members. Consequently, if the DIAP heavily pressured the *Centrão*, the PFL's performance would suffer a greater shock than the PMDB's. However, I do not assert that the voting abnormalities discussed in this section are a direct outcome of the DIAP's pressure; rather, they are stylized facts supporting the theory of lobbying as a legislative disincentive. Future studies may add to this literature by examining the degree to which the DIAP's lobbying influenced the politicians' conduct during the ANC.

Conclusion

This article presents a unique case study for investigating not only the goal of interest groups but also the ability of Hall and Deardorff's (2006) theory of lobbying as a legislative subsidy to explain the strategic conduct of interest groups in the ANC. Regarding labor rights, the DIAP was tasked with representing working-class interests. The article demonstrates that the DIAP not only subsidized its political supporters but also disincentivized its uncommitted adversaries. From the DIAP's standpoint, lobbying the *Centrão* was necessary because they comprised a majority of the ANC.

The DIAP used two distinct lobbying techniques. The first method was offering subsidies to left-leaning politicians, in accordance with Hall and Deardorff's view of lobbying as a form of legislative subsidy (2006). However, the second tactic did not entirely conform to Hall and Deardorff's thesis, because it was directed against opposition politicians. Thus, Hall and Deardorff's theory of lobbying as a form of legislative subsidy accounts for a portion of the lobbying activities in the ANC. To address this problem, I extended Hall and Deardorff's framework by introducing the notion of a legislative disincentive and delving into the concept of political capital as a legislative resource. I then constructed an ideological performance scale to indicate how various political parties voted on labor issues, revealing some tendencies that may be connected to the DIAP's lobbying techniques. The ideological discrepancy between the performances of the PMDB and PFL on Mainwaring and Pérez Liñán's

(1997) scale and their performance on the Senate Labor Rights Ideological Scale demonstrates the need to further examine the lawmakers' conduct in the ANC.

The case of labor rights lobbying in the ANC demonstrates that lobbying is not a static activity but an adaptable behavior. The DIAP lobbied both devoted friends and uncommitted foes, demonstrating that lobbying is more than a subsidy to a sympathetic politician, as Hall and Deardorff's (2006) theory suggests. Lobbying also serves as a legislative disincentive. Whether interest groups will lobby their friends or enemies is determined by the composition of an assembly. Hall and Deardorff's theory is an excellent intuitive tool for explaining lobbying; however, it can only describe the DIAP's lobbying efforts concerning friends. Including the concept of a legislative disincentive is critical for increasing the explanatory power of Hall and Deardorff's theory, enabling it to formally describe the DIAP's lobbying actions.

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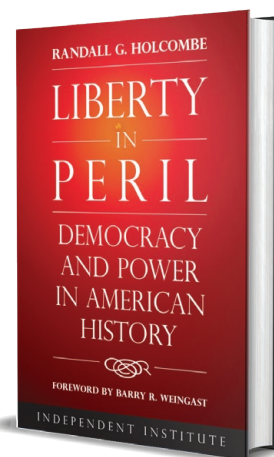
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