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**The competence of the national congress in Brazil to
decide on policy domains marked by a high degree
of technical complexity**

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Abstract. The competence of the Legislative Power has legitimacy on several bases. The representativeness of Congresspeople, for what purpose they were elected. The competence of Congress concerning its legal system. The institution's technical capacity to understand and decide on the matter. Moreover, the relationship between the Legislative and Executive Powers. All these aspects are essential; however, no single answer works for all countries. Thus, what is investigated in this research is whether, in Brazil, the decision on matters of a technical nature is better taken by the Legislative Power. Or whether these decisions are best resolved within the Executive, where specialists in the field are located. The conclusion is that the Brazilian Parliament works in a unique way but allows a partnership between the Legislative and Executive branches to promote effective governance. Currently, this partnership requires the Executive to relinquish one of its inherent powers, as several technical issues are being addressed within the Legislative Branch. Notwithstanding, that is not the best way to undertake those concerns that demand expertise.

Keywords. Congress; Competence; Technical expertise; Political representation.

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1. Introduction

The competence of the Legislative branch is on the country's constitution, however, no standard text, even a minimalist one, manages to leave in its letter the extent of this competence. In other words, there is talk of the matter, but there is no provision as to how much the law should establish about such content. In this way, what is wanted is to investigate if, in Brazil, the decision regarding subjects of a technical nature is suited for the Legislative Power. Or if these decisions are best resolved within the scope of the Executive, where specialists in the field are located.

This study is then divided into three parts. In the first section, an analysis will be made on representation, and what is demanded of the elected congressperson in the face of his constituents. The second section presents an analysis of Congress and its competencies. Finally, the Brazilian Congress and its specific characteristics are examined in the last section.

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2. Representation

A necessary condition of any proper representative government is that its own political representatives are legitimate (Rehfeld, 2005). Nonetheless, this is not enough to determine the role of the representative, or if he acts properly. This performance must be established from a close look at the nature of this representation, establishing who is represented and with which fulcrum.

2.1. Political representatives and their constituents

The constituencies under consideration here are the groups of citizens who select a representative(s) according to specific electoral rules (e.g., “majority rule” or “proportional voting”), the so-called voters (Rehfeld, 2005). In this sense, it is necessary to know the voter turnout to establish the representation's grade from the representative. Several factors influence voter turnout such as smaller population sizes and closer elections tend to result in higher turnout rates. Additionally, a more stable population can positively impact attendance rates due to greater social pressure and lower information costs. Furthermore, campaign spending has a positive correlation with turnout. Institutional procedures governing elections, such as compulsory voting, easier registration procedures, simultaneous elections, and proportional representation, can significantly increase turnout (Geys, 2006). This study focuses on the Brazilian Chamber of Deputies where voting is mandatory and registration procedures are straightforward. The Deputies' elections are held jointly with Senators and the President. The system utilizes proportional representation with an open list and statewide electoral districts (Rehfeld 2005; Geys 2006). So, voter turnout is high, consequently, representativeness performs in the name of the whole society.

The legislature's representativeness definition is often evaluated based on the social and ethnic makeup of the country and the level of political professionalism. However, if from one side, the ethnic makeup of each country varies a lot from the other side, career politicians dominate modern legislatures, leading to skepticism and a lack of identification among voters (Loewenberg, 2010). The disbelief is exacerbated because representatives have an incomprehensible role, not understood by the rest of the society, as they are not only special pleaders and judges, but also agents of their locality and governors of the nation. It is their duty to uphold local and national interests, as they govern the entire nation. While this dual task may be challenging, it is neither practical nor theoretically impossible (Pitkin, 1967).

In Brazil, deputies reflect on this paradox. They are legitimate representatives since turnout is almost one hundred percent at the polls, without citizens identifying themselves or understanding their role. Thus, Congress is extremely far from the average citizen.

2.2. The role of a legislator

Legislators have a disturbing role that involves balancing multiple responsibilities. They must represent their local community while also governing the nation. Notwithstanding, it is not necessarily their duty to aggregate the preferences of their constituents as there may not always be a clear majority preference on any given issue. Instead, legislators should focus on working tirelessly to understand and address the diverse needs of their constituents and strive towards creating a brighter future for all (Ekins, 2012).

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Moreover, It involves making something present in some sense that is not present in fact (Loewenberg, 2010). Then, although any constituent did not express it, the focus should be the sum of every citizen's desire.

Pitkin (1967) distinguished between the use of representation to mean popular authorization of authority and accountability. She explored the controversy between those who believed a representative was a delegate of his constituents and those who believed he was a trustee obliged to use his own judgment. Furthermore, none of the three major ideas - substitution, taking care of, and acting as a subordinate - can be a satisfactory equivalent of the idea of representing (Pitkin, 1967) because the task is too complex to be summarized in one single idea.

Among the representative's roles is that of determining the best public policy. Notwithstanding, deciding between policies can be challenging due to multiple reasons that cause uncertainty. People have different preferences and desires, making it difficult to determine what is best for everyone even if we know the outcomes of different policies. Yet, there is rarely a consensus about the effects of political decisions. Then, finding the ideal policy requires conscientious consideration and concert (Backus & Little, 2020).

While going against their constituents' wishes may be necessary for certain situations, it is abnormal and requires explanation or justification (Pitkin, 1967). It is not enough for the representative to say that their constituents would approve if they knew all the information (Pitkin, 1967). To maintain their legitimacy, as the representatives cannot act in their private interest, they must convince their voters about the necessity of the policy. Therefore, it can be challenging for a representative to accurately reflect the views of their constituents, even if they feel it is their duty to do so (Mezey, 2008). In these cases, representatives may need to rely on their judgment rather than the less informed views of their constituents (Mezey, 2008) and try to persuade them concerning the results of the policy.

Enthusiastic advocates of democracy criticize representative systems because they introduce an intermediary between the people and decision-making, which may act against the wishes or interests of the people (Mezey, 2008). In this regard, Pitkin (1967) explains three distinct senses of representation: descriptive, symbolic, and active. Descriptive representation refers to the composition of a legislature and how closely it mirrors the population in terms of social class, occupation, race, ethnicity, and gender. Symbolic representation refers to how the community sees itself reflected in the legislature as an institution. Lastly, active representation is about acting on behalf of others as an agent would.

Going further, representatives have a weighty responsibility to govern the nation and equally serve the interests of local and national communities. Achieving this requires a blend of practical and theoretical approaches (Loewenberg, 2010). While descriptive representation is important, it does not necessarily mean that they will be good representatives regarding their actions (Pitkin, 1967). The symbolic effect is relevant in other aspects such as equity and representation in politics (Phillips, 1998). The argument for a more equitable distribution of representative positions is rooted in the idea that who is holding these positions is significant as a symbolic value, so it is vital to include groups that have historically been excluded or silenced. Additionally, changing the composition of elected assemblies can have compelling policy

implications, making it necessary to consider the potential consequences of such changes (Phillips, 1998).

It is not enough for the parliamentarian to be a legitimate representative, to symbolize a representative, or to function as a representative. The representative must be all of this.

2.3. The importance of representative's skill and knowledge

Putting one's affairs in the hands of a professional requires careful consideration and repetition at regular intervals because the representatives, without accountability, act according to their own experience rather than the desires of their constituents (Pitkin, 1967). The voter must be informed about the ability of his representative to decide on matters that concern the citizens who elected him; in doing so, must control its representativeness regarding the next legislature.

Notwithstanding, a representative's reelection does not guarantee their mandate's effectiveness; it simply indicates that voters perceive them to perform well (Pitkin, 1967). Hereof, political actors have diverse tools to use voters' perceptions to forge their interests (Arceneaux, 2017). Thus, the development of governmental institutions is closely tied to how the constituencies view the relative abilities and capacities of representatives and those they represent (Pitkin, 1967). Control is a fundamental tool for government institutions to develop in a transparent and democratic manner, however, in the face of possible manipulations by those elected to remain in office, institutions may remain fragile, unable to conduct their functions.

It would be unfair for an ordinary and fallible representative with no special knowledge or abilities to ignore the wishes of their constituents (Pitkin, 1967). The representatives should act reasonably considering all groups within their constituency (Mezey, 2008), even more so if the congressperson does not have any solid arguments to justify a decision that goes against those wishes. Unfair electoral democracies do not encompass government accountability and responsiveness (Arceneaux, 2017), thereof a make-believe game is played, where the election, although there is manipulation, ratifies the decisions of the rulers. To Arceneaux (2017), maintaining the rule of law is crucial for ensuring social control of the representative by those he represents. Through the rule of law, people make their representatives accountable.

The government can gain trust by being accountable and transparent (OECD, 2009). To achieve this, it is important to implement policies, laws, rules, and guidelines tailored to each country's socio-political and administrative context (OECD, 2009), and voters must have access to information that can influence their judgment (OECD, 2009). The people must know if the representatives are achieving the objectives they should perform, even more, if the congressperson's knowledge is sufficient to carry out his role, analyzes that may not have been well done at the time of the election.

2.4. The representants decisions' legitimacy

The legitimacy of political representatives is a precondition for the enactment of legitimate law (Rehfeld, 2005), and to make legitimate law, a careful balance of distinct factors is required (Häikiö, 2007). Both substantive and procedural components need to be considered for decisions to be truly consistent (Häikiö, 2007). Relying solely on the opinion of constituents or the

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expertise of representatives is not an effective way to solve intermediate-range political problems (Pitkin, 1967). Decision-makers often make disastrous choices that result in wasting resources, unwinnable wars, and damaged economies (Backus & Little, 2020). Without having the necessary knowledge to decide which is the best possible option, or to identify a bad alternative, the Legislative Power does not have the best position to decide on the course to follow, then the importance of the substantive component.

According to Pitkin (1967), representation is essential where decisions are not arbitrary choices and where interest is involved. However, it is not required when looking for scientifically accurate answers or where no value system, judgment, or decision-making is involved. Rather, with the complexity of the modern legislative agenda, legislators may need to rely more on specialists (Ekins, 2012). Pitkin (1967) also argues that if political issues are considered arbitrary or irrational choices, it is not reasonable for representatives to make decisions on their own without acknowledging the opinions of those they represent. The absence of a better choice makes all the options valid, then it is not up to the representative to erratically choose what will be faced by everyone.

Häikiö (2007) argues that the basis of expertise is trust. Thereof, it can be challenging to determine the ideal course of action when it comes to policymaking due to varying levels of competence and heterogeneous preferences (Backus & Little, 2020), which do not leave space for confidence. Rather, when it comes to technical problem-solving, the expert scientist should not be a representative of any group, and their sole focus should be finding solutions to complex issues (Pitkin, 1967). Although Backus & Little (2020) suggest that representatives have several ways to learn about political issues, including consulting experts employed by the government, that is not sufficient to solve the problem of confidence because it is not possible to the voters to control the decision.

Consequently, representatives can efficiently address not all issues. Thus, problems that involve technical knowledge and require intricate solutions may not be suited for public policy decisions made by Congress.

3. Congress's competence

In a democratic regime, there is the ascendancy of the people in government policies and activities (Addink, 2019). Although this dominium is a form of control, without proper government accountability or constitutional protection of individual liberties against democratic power, there is a risk of the "tyranny of the majority" oppressing dissident individuals. One form of accountability implemented in modern democracies is separating governmental functions to prevent an imbalance in political power. Three Institutions take each one a part of the Governmental duty, besides assuming control of the other two. Arceneaux (2017) argues that institutions play a critical role in the fight for democracy and provide a window into a country's history and culture. Examining institutional offices can help understand who has power and who does not. The legitimacy of these institutions also reveals the potential for political instability.

The Legislative branch

The Legislative branch is an institution from an indirect democratic country that acts as a single entity to create fair and just laws. The legislature

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must work together to form reasoned decisions to ensure that the laws they create are understood and interpreted correctly (Ekins, 2012). Besides, Arceneaux (2017) states that in a modern democracy, the legislature serves four distinct functions: representation, lawmaking, oversight, and education. Ekins (2012) also argues that the institution's rationale is rooted in its capacity to change the law for good reasons, making it an integral part of any good polity.

According to Arceneaux (2017), in democracies, the legislative institution is referred to as either Parliament or Congress. Parliaments focus on the formation and preservation of the government, it does not enter the lawmaking process until the end, when a vote is taken, while Congress takes the field at the very beginning of lawmaking. Members of parliament are accountable to their party leadership while members of Congress answer to their constituencies. Mainly, conflict is structured along party lines in parliaments while in congresses, representatives are just as likely to negotiate with their leaders.

According to Polsby (1975), legislatures around the world are facing a shift toward professionalization. Although this change is not always enough when legislatures in emerging or fragile democracies face challenges (Mezey, 2020), the Legislature acts increasingly detailed in the conception of the rule of law, while another institution deals with the execution of laws (Arceneaux, 2017). As far as open and specialized regimes are concerned, there is a challenge for regulation, as contradictory imperatives are embedded at the heart of a central legislative task (Polsby, 1975). The contradiction is revealed in the limit between what is the conception of law and what is its regulation. Where does the dividing line remain between one power and another.

As seen before, the connection between Congress and society is critical and relies on how well the legislative body corresponds with the public (Arceneaux, 2017). However, is not always easy for the representative to combine the wishes of those who voted for him with the constraints of the political process (Polsby, 1975). The role of party discipline in representative democracies is one point because a cohesive national party program can be demanded. Then, accountability remains a crucial aspect of democratic governance (Arceneaux, 2017), and there is no clear solution to settle the disagreement over the locus of accountability in political systems (Polsby, 1975). That is if it lies at the individual and district level (elections) or at the collective and party level. Political systems often use their constitutional rules to resolve this issue.

The study of legislatures can be divided into two categories: arenas and transformative legislatures (Polsby, 1975). When studying arenas, external forces have the most impact on legislative outcomes. When studying transformative legislatures, internal structure and subcultural norms are the most decisive variables (Polsby, 1975). There is a continuum of differences among legislatures from actively transformative to mere arenas for deliberation (Loewenberg, 2010), notwithstanding, the relationship between arenas and transformative legislatures is not well understood (Polsby, 1975).

The more transformative the legislature becomes, the broader the coalition of the ruling parliamentary group that organizes the legislature (Polsby, 1975). In this situation, partisan influence on the organization and legislative procedure contribute to the potential for collective action, with the gap between the political preferences of individual legislators and those of their

party being resolved in the face of each electoral system (Loewenberg, 2010). Also, the legislature can be more transformative when the management of legislative parties is less centralized and hierarchical and when the composition of legislative majorities on successive specific issues is less fixed and assured (Polsby, 1975). Like in Brazil.

The effectiveness of the legislature will be reflected in the quality of the democratic system. Therefore, after studying de Congress, its types, and conformation, it is worth understanding the function of this institution in determining a public policy.

The Legislative and the public policies

Legislatures have a central function in creating laws and representing society (Arceneaux, 2017). The Legitimacy of the rule refers to the probability of obedience occurring in a population (Polsby, 1975), so in a democratic regime, the process of lawmaking is just as important as the law itself (Arceneaux, 2017). And, as Polsby (1975) argues, to gain a full understanding of legislative outputs, it is important to identify who proposed what to the legislature and how relevant it is.

The construction of a public policy passes through legislative production, so a deeper comprehension of the process of making public policies in a nation by legislative production is essential (Gomes, 2013). The policymaking capacity of legislatures influences the development and implementation of public policy. Hence, the opportunities for legislatures to influence policy are broad and encompass an array of statutory and non-statutory tools (Bolton & Thrower, 2021).

Having learned among the functions of the Legislative branch how it arrives at a public policy, one reaches the understanding point of how it is successfully done. In this way, public policy is part of a larger government goal, the effective enforcement of the decisions taken.

4. Governance

In accordance with Addink (2019), governance involves the development of rules, processes, and behaviors that enable interests to be articulated and societal power to be exercised. The rule of law, democracy, and good governance are the key components of the modern state's structure. These components determine the position of the governmental institutions and the citizens (Addink, 2019), being the Executive branch responsible for implementing public policies while legislatures are responsible for creating laws (King, 1975). Ultimately, it is relevant to state that good governance is a norm for the government and a citizen's right (Addink, 2019). Then, each branch must do its work properly for the state to perform its duty well.

The term "separation of institutions" can be used to refer to the mode of separation of powers, having in mind that institutions have a crucial role to play in influencing human interaction by establishing the rules and protocols the citizens must adhere to (Arceneaux, 2017). Separating the institutions, good governance can be broken down into three categories: principles of good legislation for the legislator, principles of good administration for the administration, and principles of good judicial procedures for the judiciary (Addink, 2019), although each branch of government does not exclusively perform one function (King, 1975).

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The concept of separation of powers involves keeping the legislature, executive, and judiciary distinct and not giving any of them excessive power (Addink, 2019). Thus, according to King (1975), good governance encompasses adequacy, transparency, participation, effectiveness, responsibility, and economic, social, and cultural human rights as key elements.

As good governance involves much more than just laws and rules (King, 1975), it is necessary to think about the relationship between the Law and its execution, being the administrative law an important form of control to governance. Addink (2019) reflects on two levels of development in the present idea of administrative law: objective legal structuring by law and subjective individual legal positions. Both levels are critical to understanding the rule of law. While proper administration is more about decision-making, administrative discretionary powers, and judicial control (Addink, 2019), the subjective legal position. The legislative capacity in defining administration law, the objective legal structuring, has two distinct domains: resource capacity and policymaking capacity (Bolton & Thrower, 2021).

Arceneaux (2017) reflects on the realm of administrative law, and the essentiality of prioritizing the protection of citizens' civil rights against the government. Therefore, there is an increasing need to recognize the instrumental side of administrative law, which focuses on the effectiveness of legal tools employed by administrative authorities. Also, compliance and enforcement of the law have become more important, and Congress has various nonpunitive means of checking up on government agencies, including regular reports and public hearings (Arceneaux, 2017).

Effective governance requires that each branch of government fulfills its functions while also ensuring that no branch oversteps its authority. This highlights the relationship between the branches and how far each can go in fulfilling its function.

The Executive branch in face of the Congress

According to Ishiyama (2020), executive power has been growing in various regions, leading to a concerning trend of national legislatures losing their ability to check that power, as the Congress capacity has a direct impact on its ability to produce constraints on the executive (Bolton & Thrower, 2021). Moreover, dissatisfaction with democracy is increasing and the most disliked institution were legislatures (Ishiyama, 2020). This frustration has led to the attraction of "strong men" who offer simpler solutions. Ultimately, Mezey (2020) argues that the globalization of public policy issues has only heightened the tendency of a leading role of presidents.

The center of the discussion is about capacity, which plays a moderating role in the relationship between interbranch policy disagreement and legislative actions that limit executive power (Bolton & Thrower, 2021). In countries with a presidential or semi-presidential system, legislatures are particularly vulnerable (Mezey, 2020). However, when legislative capacity is high, executives are more likely to align with the preferences of the legislature (Bolton & Thrower, 2021).

In presidential systems, the president holds the executive power of the nation and makes all executive decisions (Mezey, 2020). Congress's ability to investigate and publicize executive violations is essential for establishing constraints that limit unilateralism (Bolton & Thrower, 2021). Despite the strong hand used by the President, the legislature plays a significant role in confining executive power (Bolton & Thrower, 2021). This is particularly

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important given that executives tend to conduct their business behind closed doors (King, 1975). As it is impossible to oversee all the actions of the various actors that are present in the Executive branch.

As seen, the first domain of legislative capacity is the ability for policymaking (Bolton & Thrower, 2021), considering effective oversight is still a challenge as legislators are typically policy generalists while bureaucrats are subject matter experts (Mezey, 2020). The chief executive possesses the authority to utilize their access to information and resource databases within the Executive branch as policy instruments to promote their own interests and have the sufficient institutional capacity to pursue their preferences through unilateral directives (Bolton & Thrower, 2021).

Theories of separation of powers are more normative than empirical in nature (King, 1975), as the fundamental basis of power distribution in a government founded on the principle of separate but shared powers is the legislative capacity (Bolton & Thrower, 2021). Then, it is important to have additional protection in place to maintain the constitutional separation of powers (Cass, 2017), on account that, although the Executive may be more prepared to make some decisions of a technical nature, this fact does not diminish the role of the legislature in making public policies (King, 1975). Again, there is the question of the limit of competence, notwithstanding here it is clear that it is up to the Legislative Power to control the perfect regulation by public agents in the execution of the law so that there is no distortion of what was outlined as public policy. The attempt to meddle in managing public policy weakens the legislature, as the branch does not have the necessary expertise to do so.

The regulatory authority must be delegated to agencies when policy issues are of a complex nature (Lee, 2016), still when regulations are unclear, the administration gains discretionary power (Addink, 2019). As discretion refers to the amount of freedom that an executive actor has in implementing policy (Bolton & Thrower, 2021), to be oversight by the Legislative branch, the regulatory decisions must be guided by political values such as efficiency, effectiveness, and equity (Lee, 2016). Then, the control over discretionary acts is based on compliance with these values.

The Executive is better equipped to decide technical and specific issues related to public policy. However, Congress controls the Executive's actions when making public policy and oversees the integrated policy. Each power has its well-determined function. Therefore, good governance cannot be achieved if one power claims a role that does not belong to it out of fear of the other's excessive actions.

5. Brazil's parliamentary competence

The Brazilian political system is complex. The president must build a multi-partisan legislative coalition to support its government program (Riker, 1975). Because the government system is a presidential one, legislators cannot remove presidents they do not like and do not have the means to create their own legislative proposals. This makes them reactive rather than initiative-taking or originitive (Morgenstern, 2002), or more arena type than transformative type in Polsby's (1975) classification.

In accordance with Weyland (2002), in Brazil, politicians primarily focus on patronage rather than policy, thus pork-barrel programs and control over

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appointive jobs are essential to legislative majorities (Ames, 2002). This is an important feature that defines the relationship between the Executive and Legislative branches in the country.

Brazil has struggled to establish a stable and effective democracy, none the less, clientelism and patrimonialism remain deeply entrenched in the country's political culture (De João Braga *et al.*, 2018). Elections, which happen for all roles every four years, except for senators who serve for eight years (Bernardes *et al.*, 2018a), have often functioned more as a means of social control than as a truly democratic instrument for the formation of representative bodies (Pinto, 2018).

To better understand the competence of the Brazilian legislature, it is necessary to discuss how politics in the country works today, about the Brazilian Congress under these circumstances, and, putting together what has been seen so far in this work, the relationship between the Executive and Legislative branches.

Politics in Brazil today

The Legislative branch in Brazil has historically played a secondary role in public policymaking when compared to the dominant Executive branch, due to the conservative profile of Congress and the extensive constitution which limits discretion in lawmaking (Pinto, 2018). However, the return to democracy in 1988 led to a more collaborative relationship between the branches and important proposals from the Legislative branch have been included in policies, leading to incremental advances (de Barros Correia Gomes & Chaves de Rezende Martins, 2016), moreover passing laws can still be effective in driving policies and having an impact on society (Schneider & de Marques, 2016).

Despite the progress made after the return to democracy, the chief executive has a range of powers granted by the 1988 Constitution (Amorim, 2000), and its greatest power lies in editing provisional measures because of their immediate validity (de Barros Correia Gomes & Chaves de Rezende Martins, 2016).

The Brazilian Congress

As noted by Gomes (2013) the Brazilian Congress is reactive to the President's agenda powers when formulating public policy, and implementing a government agenda hinges on the President's strategic decisions to form a coalition by distributing positions in the ministries to representatives of parties with seats in the legislative houses (Gomes, 2013). This created the concept of "governismo" when politicians coordinate themselves with the current government, regardless of previous political allegiances (Samuels, 2002), which makes possible presidential proposals so seldom emerge unscathed from Congress (Ames, 2002).

On the other hand, Legislative careers in Brazil typically involve seeking better opportunities in the Executive (De João Braga *et al.*, 2018). This search for opportunities gives the ability of presidents to build majorities to support policy initiatives (Amorim, 2000). Furthermore, parliamentarians act in ways that minimize future risks resulting from their decisions on public policies (Gomes, 2013), as many politicians view Congress as a stepping stone to more highly prized executive positions (Weyland, 2002). In fact, both houses of Congress have been primarily focused on expanding the privileges of their members rather than defining public policies (Pinto, 2018).

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The lack of representativeness in Brazil is a consequence of a fundamental problem related to democracy and representation (Bernardes *et al.*, 2018b) since the structure of the Brazilian Congress hinders citizens' perception of the forces responsible for governing the country (De João Braga *et al.*, 2018). The "blame" ends up falling on the government.

Despite having characteristics of both a transformative parliament and an arena-type parliament, the Brazilian Congress suffers from the distortion of its prerogatives, lack of representativeness, and patrimonialism inherent in Brazilian politics. In this sense, now it is necessary to analyze how this institution relates to the Executive branch to define the limits of its competence regarding the public policies it formulates.

The relationship between the Brazilian Executive and Legislative branches

On one hand, the means of legislative initiative and acceleration of the legislative process are significant ways for the Executive Branch to define public policies (de Barros Correia Gomes & Chaves de Rezende Martins, 2016). And, on another hand, the formation of government coalitions is generally incorporated into the electoral coalition (Gomes, 2013). In these circumstances, the room left over for parliamentarians is the possibility of rejecting or amending proposals coming from the Executive.

The Brazilian political system combines presidentialism, federalism, a proportional electoral system for the lower chamber, and multipartisanship (Bernardes *et al.*, 2018a). The president must build a multipartisan legislative coalition to support their government program (Bernardes *et al.*, 2018a), making the government's ability to act not hindered by the Legislative Power (Figueiredo & Limongi, 1999). Then, the exceptional legislative powers in the hands of the Executive can lead to cooperation between the two powers (Gomes, 2013).

The legislative body in Brazil is large and costly, performing representation and governability activities at a mediocre level of effectiveness (De João Braga *et al.*, 2018). The low representativeness and governability could be mitigated if the legislature better used its power of accountability with the president. As the system is designed to provide the Executive with the necessary conditions for governance in coalition presidentialism, effective governance would be ensured by granting the Executive a substantial degree of institutional flexibility to steer the agenda and pass timely laws (Gomes, 2013). When, the success of delegation largely depends on the tools available to the Legislature to prevent the Executive from misusing the powers delegated to it for its own benefit (Figueiredo & Limongi, 1999).

The way in which the Brazilian parliament operates is unique, but it allows for a partnership between the Legislative and Executive branches to promote effective governance. This partnership does not require the Executive Branch to relinquish its inherent powers. Instead, it would entail the Executive handling technical regulations while the Legislative branch maintains oversight and regulatory checks.

6. Conclusion

Representatives may not always be able to adequately address all issues, particularly those that involve technical expertise and intricate solutions that are not suitable for public policy decisions made by Congress. In such cases, executive agents are better equipped to make informed decisions on technical

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matters related to public policy. However, Congress maintains control over the Executive's actions when making public policy and oversees the integration of policies. Each branch has its own defined function, and effective governance cannot be achieved if either branch encroaches on the other's role out of fear of excessive actions. In this work, the conclusion is that the Brazilian Parliament performs in a unique way but allows a partnership between the Legislative and Executive branches to promote effective governance. Currently, this partnership requires the Executive to relinquish one of its inherent powers, as several technical issues are being addressed within the Legislative Branch.

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