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## **Introduction**

This special issue of *The Journal of Legislative Studies* focuses on the Brazilian parliament's lower chamber, the Chamber of Deputies. Our core concern is with representation, as a central component of the Legislative Branch in Brazil, both in its practical actions and its normative framework. We address the representative function through a dual approach: public policy and relationship between public and institution. As such, the first set of articles relate to the production of public policies in the Brazilian presidentialism context, and the second regards the interaction between citizens and parliament and the new communication and information technologies applied to the Legislative Branch.

Despite its image to the world as a young nation and as a democracy undergoing its consolidation process, Brazil's political history is significant and explanatory of its present. The fragility of representation on different occasions, the institutional ruptures, and the consequent instability of democracy for long periods mold the operation of the Chamber of Deputies.

This introduction aims to provide an overall framework briefly explaining the Brazilian's political system, as well as outlining our theoretical framework, which is then followed by subsequent articles. It also briefly introduces the issue's articles.

### **Brazil: Political History and Democracy**

Brazil is a fairly extensive country (8,5 millions of km<sup>2</sup>, approximately, a little smaller than Europe), boasting a population a little over 200 million people (BRASIL, 2016). Located in the Eastern part of South America, its history is linked to the maritime European explorations of the Renaissance, with its colonization by Portugal. Its population is comprised by Black People (brought as slaves from Africa), white Europeans of several nationalities and indigenous people (FREIRE, 2001). The economy of the country, for the most part of its history, has been based on primary products offered to the external market, and, from the 1930's onward, it developed a manufacturing industries and broadened its fields of action (PRADO, 1970; FURTADO, 2008).

In political terms, Brazilian history gains more significance with the Independence from Portugal, which occurred in 1822. The Chamber of Deputies was created in 1824 by

the first Constitution of Brazil (bestowed by the Emperor, D. Pedro I) and formed a Bicameral National Legislative System, along with the Senate, which continued in activity throughout the Empire and remained during the Republic (established in 1889).

During the Empire, the country was ruled as a constitutional monarchy, which gained parliamentary aspects in the 1840's, when the second regent assumed power, D. Pedro II. During the Empire, Senate was for life and provided the key staffers of the ministry offices. The Chamber of Deputies, on its part, was elected, but the elections were not free, clean, and representative. Usually the Emperor would choose the Office and the elections were performed later, as a pure formal instrument during which many frauds occurred.

With the Republic, Presidentialism was established, the Senate came to be elected and the political organization of the country became a federal affair. Presidentialism is the regime in which the Executive Branch is elected independently from the Legislative Branch. The Executive does not need the formal support of the Legislative Branch to survive; on the other hand, the Legislative Branch cannot be dissolved by acts of the President, it has a fixed term.

The Federal State is a characteristic of the Republic, but the strength of the political decentralization oscillates during all the period. In the beginning of the Republic and during the democratic periods the decentralization is more pronounced; during authoritarian periods it is centralized in the President.

The Brazilian political history of the two most recent centuries has therefore suffered significant changes, many of them institutional ruptures. The institution of the Republic was one of them. The second one was the Vargas period, which, from 1930 to 1945 governed the country under two exception regimes (from 1930 to 1933 and from 1937 to 1945) and also under democratic rules (from 1934 to 1937). The third rupture was the military coup, which established an exception regime between 1964 and 1985. It is important to realize that both exception periods performed several institutional changes, such as political centralization and extinction of preceding parties and political forces.

As elsewhere, the introduction of political participation to the popular masses represented a considerable social and economic change. Along with industrialization and urbanization, reinforced from 1930 onwards, the working class became subjects in their

political and social rights through the hands of the dictator Vargas, who established labor regulations during his dictatorship and structured the political dispute between laborists and conservatives from 1945 onwards, with the institution of democracy. The fall of Vargas in 1945 was not its end, quite the opposite. His actions (he was President again between 1951 and 1954, and committed suicide during the course of his term) and his political image influenced the whole of the democratic period until 1964. In fact, it is only from 1930 onwards that a laborist ideology starts to form (with political parties that represent left ideas, specifically after 1945) in opposition to a more conservative and older ideology. Due to the institutional political fragility (the parties were not strong and the elections were peppered with frauds, for example) the mobilization of the masses happened under what came to be known as *populismo* (WEFFORT, 1980; IANNI, 1978) which is the combination of low institutionalization, personalization of political leaderships and direct contact between leader and people. *Populismo* has been a feature of Brazil since then.

The National Congress – Brazil's parliament - has been bicameral since the Enactment of the first Constitution in 1824. The Federal Senate was the prevailing house since it boasted more prerogatives and more influential politicians both during the Empire and Republic. During the Empire, the division of the legislative houses was inspired in the English template of one chamber for the people in general and another for noblemen. During the Republic, following an inspiration from the United States, the Federal Senate starts representing the States of the Federation (PORTO, 2002). During both centuries, we are talking about a strong bicameralism (LLANOS, NOLTE, 2003).

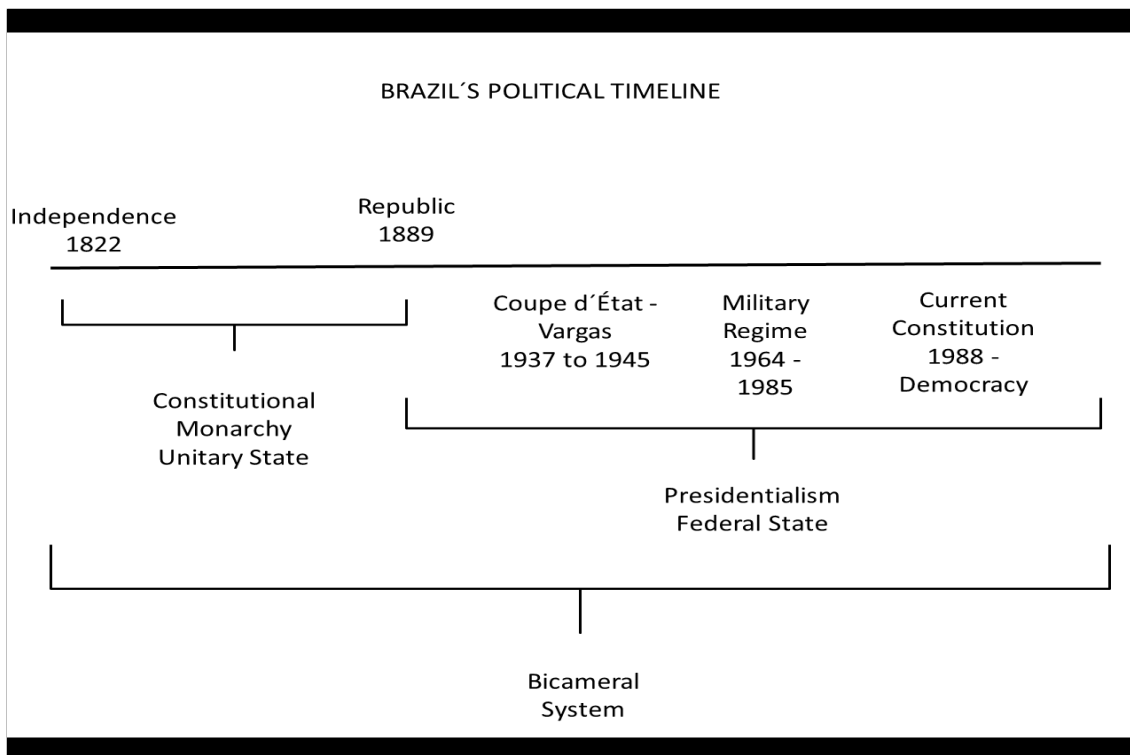
The electoral system applied to the elections for the Lower Chamber encompassed a few forms of majoritarian choice (uninominal and plurinominal districts) since the inception of the Empire until 1932, and from then on a proportional system was enacted (PIRES, 2011). National parties with significance among the electors truly appeared after 1945. Until then, Brazil had the experience of notable parties – with no popular participation – with two main parties during the Empire (conservatives and liberals) and several republican state parties that did not compete amongst themselves from the end of the 19th century until 1930 – were restricted to each state (the dominant ones came from São Paulo and Minas Gerais, the richest and more populated states).

Representative democracy as we know it currently came to existence in Brazil only after 1945, when a significant proportion of the citizens started voting (alphabetized men and women had a right to vote) in free, competitive, and relatively clean elections. From 1945 onwards, parties with a nation-wide influence also appear.

The 1964 military coup d'état, was, according to a dominant interpretation (SANTOS, 1986), the peak of a process of polarization and radicalization of political forces between right and left. The right wing position, supported by the military, developed under a mixture of nationalist and internationalist positions. During this period, political freedom was limited, and a somewhat particular template emerged: important politicians had their terms and political rights revoked, some popular movements, political rights and previous parties were suppressed, direct elections for President and Governors were extinguished. On the other hand, elections for the national Legislative Branch and for Executive and parliamentary roles in small towns were maintained, the Congress continued operating most of the time and the creation of two parties, Arena and MDB, was allowed, with the latter being an opposition party.

The overview of this long historical process can be summarized by Figure 1, which presents the main events and characteristics of the Brazilian political system in the last two centuries.

Figure 1: Political Timeline of Brazil



Source: developed by the authors.

The transition to democracy during the 1970's and 1980's of the 20th century was slow (MARENCO, 2007): new parties were allowed to be created from 1979 onwards, censorship was extinguished, political prisoners were granted amnesty and the elections became gradually direct again (Governor in 1982 and President in 1989). A milestone of the democratization was the Enactment of the current Constitution, in 1988, stemming from a Constitution Assembly comprised of a majority that opposed the military regime. The new constitution comprises several democratic principles and values and maintains the federal state and presidentialism<sup>1</sup>.

### The Chamber of Deputies and the Brazilian Political System

Brazil has a presidential political system. Currently, the terms in Brazil comprise four years for all roles, except for the senators, who have an eight-year term.

<sup>1</sup> In 1993, a referendum happened and presidentialism was chosen as the preferred method of government by the majority of Brazilians.

The Chamber of Deputies currently boasts 513 elected representatives in its 27 Federative Units (26 states and a federal district), while the Senate has 81 parliamentarians, three for each unit. Senate Elections happen through a majority system (elections of one and two senators, alternated every four years), and elections for the lower chamber happen by means of an open list proportional system.

Independent electoral coalitions – not controlled by national caucuses – are allowed in each state and for each role, which causes two problems. The first one is a lack of unity and clarity of partisan positions in front of the voters and the second one, for the proportional process, is the election of candidates from minor parties that leverage their coalition with strong parties to achieve the electoral quotient (in Brazil, votes for the coalition are not split amongst the parties: the most voted of the coalition are elected, regardless of their party). In the 2014 elections, for example, 28 parties were able to elect representatives for the Chamber of Deputies, which demonstrates a marked fragmentation.

Each state has a variable minimum number of seats in the Chamber of Deputies, according to its population. However, there is a minimum of 8 (eight) and a maximum of 70 (seventy) deputies established by the Constitution (medium size of 19) for each district/state (each state is an electoral district), which causes malapportionment issues that benefit the smaller, poorer, and less populated states, which are overrepresented.

The Brazilian political system encompasses an almost exclusive combination of key features: presidentialism, federalism, proportional electoral system (for the lower chamber) and multipartisanship. It has been a rule that the largest party is not able to obtain a majority in the Legislative Branch (from the 1990's onwards, none of the parties could form a majoritarian bench, the threshold hovered around 20% of the chairs of the Chamber and is falling – currently under 14%). Thus, it is the president's job to build a multipartisan legislative coalition to support their government program. Therefore, the creation of majorities always demands a significant number of parties. As a major consequence of this there is a huge party fragmentation which hampers the construction of the Govern, affecting specifically the legislative coalition that supports the Executive agenda and weaken the citizen's capacity to identify parties and their position relative to government.

The hegemonic interpretation in Brazil today is that our presidentialist system is similar to the parliamentary system in the sense that a government coalition is formed,

headed by the President of the Republic, and this coalition supports the legislative presidential agenda and exerts ministry (the Presidential Office). In this system, we treat it as a coalition presidentialism (ABRANCHES, 1988; POWER, 2015; BRAGA e GUIMARÃES, 2015), which historically has presented significant levels of discipline inside the Legislature and success of the Executive Branch in leading the government agenda (FIGUEIREDO, LIMONGI, 2001).

The current Brazilian Constitution created rules in which the prerogatives of the President of the Republic were maintained, with minor changes, regarding budgeting and public administration (prerogatives that were expanded during the previous military regime). In the current democratic ruling, only the President is capable of proposing the budget and of creating or extinguishing public administration offices. The legislators have a small margin to change the budget, through the expansion of revenue predictions, but they are able to only minimally influence the actions of the Executive Branch. As a consequence, deputies depend on the presidential power to develop their political careers, and the President can control them managing a sort of favors and opportunities.

The agenda of the Legislative Branch is strongly controlled by the Executive Branch, who has effective power in defining political debate on each moment. The President of the Republic is able to put forth Temporary Measures (Medidas Provisórias), which are immediately effective decrees that the Legislature has to assess within a fixed deadline. The assessment of Temporary Measures by the Legislature is imposed, subject to the penalty of impairment of the assessment of other matters while they are not assessed. Law Projects urgently requested by the President of the Republic also block legislative agenda; however, they are not immediately effective and have to be approved by the Legislative Branch. The President of the Republic is also able to present Proposals for Amendment of the Constitution, which are important, since the Brazilian Carta Magna is very ample and regulates many activities. Since 1988, the President of the Republic has broadly enjoyed these prerogatives.

Amongst the variety of organizational and institutional formats of legislatures all over the world, Brazil is probably among the ones with considerable financial and human resources (GUIMARÃES et al., 2015) and among those with medium legislative prerogatives and activities. There is therefore some discrepancy between the large size and

complex structure of the Chamber of Deputies and its limited effective power over national politics and the making of public policies.

The Brazilian Parliament is a huge organization that integrates the classical political roles of a parliament, that is, legislate, enforce and represent<sup>2</sup>, with a number of support or concurrent activities besides the political ones. The Brazilian parliament is among those with the larger infrastructures (like the United States' one), standing out in its high ratio between employees/parliamentarians<sup>3</sup>. Along with the assessment of matters and parliamentary debates, are a few differentiating characteristics when compared to the international scene, such as, the extensive structures for interaction and communication with society (both with traditional and digital media), and the large physical, logistic, and support staff available for parliamentarians (with staff and space allocated for the political offices of the house, for the partisan leaderships, and also for the individual offices<sup>4</sup>).

The Chamber of Deputies has a floor space of approximately 150.000 square meters. On the days with the most flow, 20.000 to 30.000 citizens pass through it (MEDEIROS et al., 2011) and it has approximately 15.000 employees<sup>5</sup>. It has an approximate annual budget of R\$ 5 billion (2016). Both the Lower Chamber and the Federal Senate have, each, a structure with a Library, Security Services, Legislative TV, Legislative Radio, News Agency, Technical Advisors, and an extensive managerial structure geared towards the administration of spaces, property, finances, and personnel.

## The Theoretical Framework

Twenty-five years ago the discussion of the Brazilian Political Science revolved around the governability of the political system – the concept of "coalition presidentialism" created by Abranches (1988) to define the Brazilian political system in action is the best example of this concern. An answer for the persistent and important question posed by Juan Linz (1994): to know whether presidentialist systems as the Brazilian one were governable.

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<sup>2</sup> Legislate, Enforce and Represent is the motto present in the Constitution of 1988.

<sup>3</sup> There are about 30 employees for each parliamentarian in the Chamber of Deputies.

<sup>4</sup> Each deputy has an office with equipment (computers, desks, telephones, etc.) and employees chosen by themselves, but paid by the institution, to perform their activities. Among the resources that are available are airline tickets, funds for keeping an office in their states, allowances for correspondence, reimbursement for fuel, etc.

<sup>5</sup> The number oscillates due to constant appointments and discharges. Cf:

<http://www2.camara.leg.br/transparencia/recursos-humanos/quadro-remuneratorio>

A series of works based on the neo-institutionalism of the Rational Choice, supported by empirical research and dialogue with the literature of legislative studies, both national and non-Brazilian and spearheaded by the works of Argelina Figueiredo and Fernando Limongi (FIGUEIREDO and LIMONGI, 1995, 1997, 2001, 2008) (LIMONGI and FIGUEIREDO, 1998) (FIGUEIREDO, LIMONGI, VALENTE, 1999), demonstrated that Brazil, indeed, was governable. The Legislative Branch hasn't prevent the approval of a government program conducted by the Executive Branch, but has cooperated with it. The explanation is that the President of the Republic count on important legislative resources to conduct the government program within the legislature, and the distribution of roles in the Office and of budgetary resources amongst the parties solidify the coalition. Still, the centralized decision-making structure of the Legislative Branch, centered in the President of the Chamber of Deputies, the President of the Federal Senate and the partisan leaderships, helps the negotiations of the Executive Branch, since it is restricted to just a few actors.

This explanation has been submitted to academic criticisms in theoretical and empirical terms that question the enforcement's capacity of the political institutions to guarantee stability and success to presidents (RENNÓ, 2006) (PALERMO, 2000). But the three president elected from 1994 onwards, which not only performed their terms but were also reelected (four-year terms with the possibility of a reelection), demonstrated that the system was governable. The destitution of the President Dilma Rousseff in 2016, through an impeachment, brought new issues to the academic world. Although it is clear she has lost considerable legislative support, there is a core issue regarding the role of rules and institutions in determining the problems and the personal management characteristics of President Dilma. This debate is still open and will not be the focus of this collection.

The literature of legislative studies came to development with the intention to understand and criticize how governability happens in Brazil, how the Executive and Legislative Branches interact in assembling a government coalition. It has pursued to answer questions like what would be the Legislature's role in the development of public policies, its degree of responsivity to electors and the strategies for parliamentary activity. In other terms, it has questioned the quality of this democracy under the perspective of

power sharing, of the construction of a public agenda, of dialogue between politicians and society, that is, the intermingling of the Legislature with the quality of democracy in Brazil.

We can see the Legislative Branch in Brazil is a consequence of the national political development, in which the institutional ruptures, the fragility of democracy, and the discontinuity in electoral representation hinder its role as a political agent due to a lack of democratic transparency, culture, and values, besides the instability of the partisan political scenario. On the other hand, Legislature is also a cause of the same scenario of limited democratic development, since its action might help develop democratic elements in Brazil, such as the debate and transparency of public policies. In reference to promote transparency and public debate, we could question the legislature's dedication and efficiency.

In theoretical terms, the classic work by N. Polsby about Legislatures (1975) provides the key framework for this issue's analysis of the representative linkage facilitated by the Brazilian Chamber of Deputies. Although there are other typologies for Legislatures (MEZEY, 1979; PACKENHAM, 1970; NORTON, 1984; BLONDEL, 1970; MORGENSTERN, NACIF, 2002), Polsby's work enlightens the issue of the role of the Legislative Branch in the decision-making process and in political communication, which supports the theme of the articles presented here. Besides that, Polsby's reflection relates the roles performed by the legislature with its organizational structure, which, in the Brazilian case, is very relevant, since, as previously stated, it is unusually large when compared to the international experience.

Polsby presents a *continuum* with extremes defined as Transformative and Arena legislatures. The first one is exemplified by the USA Congress and the second one by the United Kingdom parliament (both examples based on the author's experience up until the 1970's)<sup>6</sup>. The Transformative legislature is one that includes the following characteristics: extension and depth in its policy-making actions, enacts its decisions in front of the public, and in a distinguished moment of the action of the Executive Branch, and also encompasses a complex organizational structure. The Arena legislature is the one that does not influence much independently in the development of public policies, but shows clearly to the voters

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<sup>6</sup> It is not the goal of this compilation to discuss if the current configuration of the North-American Congress or of the British Parliament still allows for their classification according to Polsby in the extremes. Our point here is the validity of the model in analyzing the Brazilian Congress.

who is the government, who is the opposition, and the responsibilities of the government in the performance of public policies, economy, etc. In this perspective, the debate performed in the Parliament informs the public opinion and acts as an educational element for the Nation, is strategic to the political actors of the society – since it allows for the identification of the acting political forces – and it also influences the political debate. In order to keep transparency and accountability of the actors, it has a simpler and more intelligible organizational structure.

According to Polsby (1975), transformative legislatures are allegedly more subject to the pressures of the structures and the internal subcultural rules in its actions, while the arena legislatures converse with society in the pattern government-opposition, or, according to Cox (1987), holding the office responsible for the governing action, both in legislative activities and in the implementation of public policies.

The articles of this issue take into consideration, therefore, that the Brazilian Legislative Branch needs to be treated as a very large organizational structure where the number of employees, the volume of the expenses and the diversity of activities performed are significant. We believe these characteristics influence its policy-making and political communication activities. The extent to which this structure allows for acting in the development of public policies is more directly addressed in the first section of articles of the volume. Whereas the second section of the volume concerns several structures related to communication (traditional and digital media) and the contact strategies of the Brazilian Parliament with society, indicating activities that are more related to the arena-type legislatures.

Hence, a question about the Brazilian Congress comes forth. On one hand, it presents an extensive management structure that privileges the activities of communication and interaction with society, as well as a broad commission system<sup>7</sup> and support structures for the deputies, such as offices and partisan leaderships. On the other hand, its political prerogatives and responsibilities concerning governing activities are, at most, average, if compared to the United States Congress. This would, then, be a transformative legislature, as posed by Polsby (1975), or an arena legislature?

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<sup>7</sup> The Chamber of Deputies currently has 25 permanent commissions, which are responsible for most of the stream of proposals, plus several temporary (*ad hoc*) commissions.

The legislatures of presidentialist systems, a group to which Brazil belongs — except for the USA —, are allegedly distinguished by their lesser capacity to influence the government decisions (MORGENSTERN, NACIF, 2002), a result of the lower number of institutional prerogatives, of fewer political responsibilities, of the political dynamics of the countries themselves, in which the Executive Branch is the core element.

Then, another question remains: why is the Chamber of Deputies very large, in structural terms, but does not perform great policy-making or political communication activities in the traditional terms of an arena legislature, as defined by Polsby?

A possible interpretation for the size and organizational complexity of the Brazilian Congress rests in a question: are the activities performed by the Legislative Branch, allegedly, especially those related to the involvement and disclaiming of information, an attempt to compensate for the insufficient political communication actions put forth by the partisan and electoral systems of Brazil? The great number of structures and parallel roles in the Chamber of Deputies for supporting the legislators, would allegedly serve to address democratic and representation needs not addressed through the usual avenue of partisan and electoral actions? Despite the need for a sophisticated organizational structure (GRIFFITH, LESTON-BANDEIRA, 2012), the activities performed by the offices and services of the Chamber of Deputies might imply an improvement in the relationship between the parliamentarians and their voters, bringing the society and the parliament closer and collaborating to the actualization of representation.

Thus, the large organizational structure of the Legislative Branch is useful not only to compensate for the loss of power of the Parliament in the legislating roles of policy-making, but also to set new assignments for the parliamentary organization, including the symbolic representation posed by Pitkin (PITKIN, 1967; LESTON-BANDEIRA, 2012). A second improvement would be the support of political careers in a broad sense, by emphasizing the communication of parliamentary activities and the insertion of the representatives in the political field, that is, in the political elite of the country. After all, as Polsby himself admits, Parliaments also have the role of keeping the legitimacy of the system and of recruiting new leaderships.

The first four articles in this issue deal with the legislative role of the Brazilian legislature, especially in regards to the Executive Branch; while the last two focus on the

representative role and on the aspects – contact with citizens and political engagement, for instance – of Brazilian Parliament that could bring it closer to concept of arena, according to Polsby's theories.

In the first article, Guimarães, Braga, and Miranda<sup>8</sup> explain the historical process of institutionalization of the Chamber of Deputies, where the institutional ruptures are the core explaining element of the institution's trajectory. The legislative careers and the organization and internal operations of the Chamber of Deputies are assessed as elements that stimulate or hinder an improved performance regarding transparency and policy-making of the institution.

The second article, by Pinto, brings focus on the roles and functions of the Brazilian Legislature in a historical and sociological perspective. It presents the changes experienced by the Chamber after the 1988 Constitution and shows how continuity in the process has affected the institution. The author demonstrates that the Legislative Branch continues to play a secondary role when compared to the Executive Branch, a position which it has been forced to share with other political actors.

The subsequent article by Martins and Gomes explores some case studies about the production of laws regarding two key social issues - education and health -, in order to analyze in detail the legislative process and the contribution of the Legislature to public policies. On education, the study presents a content analysis of the legislative proposals of parliamentarians and three case studies that discuss policy definitions of funding and quality assessment covering the period of two Presidents from opposing parties (Fernando Henrique Cardoso and Luís Inácio Lula da Silva, 1995-2010). On health, the article analyzes legislative proposals that resulted in rules for funding. The article suggests that the Congress in Brazil has an important role in defining public policies in these two areas, acting either as a transforming agent or an arena for debates.

In the same way, the next article, by Schneider and Marques, discusses the behavior of the Legislature regarding environmental bills from a perspective that takes the roles of the Executive Branch in the Brazilian legislative process into account. Common sense in Brazil tends to consider bills proposed by the Executive as initiatives to protect the

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<sup>8</sup> The authors of all the articles are employees at the Chamber of Deputies and faculties at the MA in Legislative Affairs of the Chamber of Deputies, except for Ana A. B. Marques, who is associated to the Legislative Chamber of the Federal District.

environment, whilst the legislative bias would be to relax legal restrictions to the use of natural resources, thus relegating to Congress the burden of a “grey” or negative agenda. The article examines all of the environmental bills presented in the Lower House (Chamber of Deputies), and the Upper House (Senate), their goals and approval rate, in order to compare the roles and partialities of the Executive and Legislative Branches in drafting Brazilian Environmental acts.

The second part of this issue includes two chapters that focus on the relationship between the Brazilian Legislature and society. Barros, Bernardes and Rodrigues examine how new technologies are employed by the Brazilian Chamber of Deputies to stimulate experiences of engagement with the Parliament, more specifically in the period ranging from the late 1990s to the early 2000s, when the information and publicizing system of the House was redesigned, with the advent of new media. The article is theoretically affiliated with engagement and democracy, and assesses how the interactive actions happening now at the Brazilian Parliament can "shape" the Branch as a transformative or arena institution, according to Polsby's (1975) definition.

Specifically regarding digital platforms and technologies, Faria and Rodrigues then present a critical analysis of initiatives for the Open Parliament Policy. Since this policy encompasses two combined fronts, they discuss two sets of practices, one facing the channels of participation in the legislative process, and another focusing on experiences of Transparency 2.0 (or collaborative transparency). The analysis is theoretically embedded in the discussion about the importance of participation in the current representative systems. In the end, open parliamentary politics are criticized from the perspective of Polsby (1975), assessing the extent to which such mechanisms are close or far from the arena or transformative types of Parliament.

Other than considering the Brazilian Parliament as an Arena or Transformative institution, the articles aim to stimulate a debate about the extent and role of parliaments in presidential systems and countries with heterogeneous and complex political contexts, represented by extreme diversity of interests, beliefs, and social and economic conditions for its populations.

The volume allows us to conclude that the Chamber of Deputies has recently tried to become more active in its relationship with the citizens and in the development of public

policies. However, its influence over public policies is still not key. The Chamber of Deputies has also sought to equip itself with services and technologies to reach out to citizens. However, this is a movement that appears to be largely stimulated by the administrative body of the institution, being only partially embraced by actual parliamentarians.

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