



IDEOLOGIES MATTER - ACCESS FOR *LOBBY* IN PUBLIC HEARINGS IN THE 55th LEGISLATURE OF THE CHAMBER OF DEPUTIES

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Abstract: From the perspective of the informational *lobby*, this article investigated the importance of the legislators' ideologies in the access of interest groups to the search for influence in hearings of the Chamber of deputies in the 55th legislature. For this, requests by public hearings made by deputies were analyzed, from which data were extracted in surveys on the invitation profiles of left and right deputies, the distribution of interest groups by committee, the performance of party to party, the dynamics of dispute of requirements, among others. It is concluded that ideologies are relevant, mainly in left and right invitation patterns, although with some contradictions. Audiences, in aggregate, are territories of relative equality between left and right, even though specific audiences have an ideological domain. The President of the Commission ideology does not change the ideological agenda of the hearings.

Keywords: *Lobby*; Interest groups; Brazilian legislature; Chamber of deputies; Ideologies

1 Introduction

Public hearings are spaces of advisory nature, where, ideally, civil society is present to be heard by political decision-makers. In the National Congress, as an accessory to the legislative process, the hearings are maintained as means of obtaining information by deputies. From the *strategic lobby perspective*, between a universe of possibilities, which can encompass actions in state institutions or directly to the electorate, making use of broader communication channels, the presence in a public hearings is one of the tactics adopted for an interest group who to seek to influence those that make decisions (SCHLOZMAN, TIERNEY, 1986; BAUMGARTNER, LEECH, 1998; WRIGHT, 1996). The use of hearings by interest groups has its advantages: the low cost for access to legislators (WRIGHT, 1996), the possibility of increasing advertising on the subject, and reaching stakeholders in society more easily. Santos *et Al* (2017) point out that, in the National Congress, participation in hearings is the *third main lobbying action*, only behind direct contact with parliamentarians and Committees monitoring.

The *lobbying* in Brazil has become professionalized and intensified, even if it presents its complications, such as representation inequality caused by high costs and its obscure side, attributed to the lack of regulation in Brazil (MANCUSO; GOZETTO, 2011). In the legal process, interest groups benefit from their previous relations established with deputies. According to Taglialegna (2006), the activities of interest groups are made by formal and informal institutions. By formal means, the action takes place by "direct participation of pressure groups

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in public hearings promoted by the Congressional Committees" and by formal means, by "personal relations of pressure groups with parliamentarians".

Previous *lobbying* studies have focused on public hearings in the Legislature² which has given special support to its informational aspect (TAGLIALEGNA, 2006) and the differences in performance - and greater success - of certain interest groups on top of others, especially those related to the productive sector representation over the others (MANCUSO, 2004; VIEIRA, 2009; MANCUSO, 2011; SANTOS, 2015; SANTOS ET AL, 2017; CESÁRIO, 2016; TROIANO, 2017). Except for Troiano (2017), there is a gap to be addressed, which is the importance of the Member's ideologies in accessing these representatives which are interesting to the legislative process.

Several other works, starting from theoretical perspectives, also focused on public hearings in the Legislature. Following the key-interpretive deliberative, public hearings were studied, at the local level, by Brélaz (2012) and Zorzal (2017) and, in the National Congress, by Macedo (2018). More specifically, the actors' behaviors involved informational and deliberative dynamics in Science and Technology, Information and Informatics (RESENDE, 2017) and Human Rights (Bacovis) committees were further studied; Santos, 2019), as well as interactive public hearings (BARROS; MONTEIRO; SANTOS, 2018).

The analysis proposed in this article will be based on *the Lobby Informational Theory*, which defends that "interest groups reach influence in the legislative process strategically providing information to change or reinforce the beliefs of legislators about the legislative results, operational policies effects, and the electoral ramifications of their actions" (WRIGHT, 1996, p. 75). According to proponents of the theory, there is a fundamental factor, which is the belief of legislators, which interest groups try to change. In this article, we will use ideology (whether left or right), from the scale developed by Scheefer (2017), to ascertain whether the ideological position affects the choices of deputies in the access of interest groups. Ideology (whether left or right) has proven to be an explanation for the actions of interest groups in the campaign of certain candidates to the detriment of others (MCKAY, 2010). Besides, given the positions before the agendas at the moment, or in a longer period, it is possible to estimate the ideologies of the interest groups (MCKAY, 2008).

We will use a database developed during the National Congress legislature period (2015-2018), extracting from public hearings requirements, made by deputies, together with the respective Committees of the House, access data to the process of influence: the party and the ideological position of the requesting deputy, the category of the invited interest group, the hearing committee and if there was no additional request. From this data, hypotheses will be

² It is appropriate to measure the extent of the use of public hearings beyond the Legislative. At the federal level, there are also studies that discuss the performance of interest groups in audiences in the Executive. (SILVA, 2012; BAIRD, 2016).

tested.

2 Theory of *Lobbying Information*

The National Congress committees are decentralized bodies, which exist ideally to encourage deputies' specialization, as well as a free debate on the issues (ARAÚJO, 2007). Commissions are effective and play a "positive power". During its internal work, its members amend most bills, with new amendments and replacements before it reaches the Plenary of the Chamber (FREITAS, 2016).

From an informational perspective, legislators do not have the necessary amount of information about policies' effects, therefore they need to seek it, in order to reduce uncertainties. The more specialized information the average legislator obtains, the more Congress will be depending on the organizational principle. In an efficient legislative organization, collective goods are given to the Parliament from the informational specialization which will distribute to all parliamentarians, especially those with affinity preferences; and, ultimately, there will be a verification by the decision-making force of the majority (KREHBIEL, 1992). In the words of Santos e Almeida (2005): "The public hearing is the regimental mechanism which mostly focuses on the information collection (alternative the government's collection) about public policies consequences." In addition to the hearings, specific actors have an informational role in the committees. The rapporteurs are fundamental, besides the formalism of the positions, having "power of fact" over the project's content (SANTOS; ALMEIDA, 2005); and parliamentary advice is considered a reduction of uncertainties, automatically qualifying the decisions taken (SANTOS, 2014).

Furthermore, the analysis of legislative actors as information agents which interrelate in a "closed system", of interest groups can be appointed as external participating actors, bringing new information, positioning themselves, presenting petitions, memorials, or opinions to federal deputies (ZAMPIERI, 2013).

This informational dynamic is well described by the Theory of Informational *lobbying*, in which there is a relationship of approximation between interest groups and legislators. The interest group, carrying the information³, seeks the legislator to influence the public policy in question, according to its interest; on the other hand, the legislator seeks the interest group because he has the essential and costly information to support his decisions and, thus, make better policies, stand out in the legislative career and guarantee re-election (AUSTEN-SMITH, 1992; LEYDEN, 1995; WRIGHT, 1996).

To temporally describe this mutual relationship, Wright (1996) elaborated a continuous elucidative about the influence process intended by the interest group, which from theoretical

³ Dahm & Porteiro (2008) analyzed whether the information being delivered strategically would not result in omissions of important data. The authors concluded that retention is low, and lobbyists tend to seek a path of greater credibility..

divergences, had never been defined accurately. The author cites several definitions, among which the phenomenon with Hansen (1991) is most popular. For this author, access is the "close relationship between members of Congress and *privileged outsiders*" (HANSEN, 1991, p.77). Sectioning in stages to avoid the interposition suggested by previous theories, Wright (1996) represents in the continuous a process that goes from the access of interest groups to legislators to the final moment when it's achieved, which reflects on the effective influence of the group's position on the legislator.

Access is the first of lobbyists' goals in the legislature and can be divided into two parts: positioning and messaging. In the first, lobbyists establish contact with legislators and their assessors, however, without developing their specific agendas. In *the message*, the relevant information is exposed to specific legislation. At this stage are the hearings. *Access is* made to ultimately achieve the legislator's prior belief change by the lobbyist's message - *influence*.

Figure 1 – Continuous access-influence



Source: Wright (1996)

Another denouement of the theory, which will be tested in this article, are the two strategic possibilities of *lobbying* according to beliefs: the *persuasive lobby*, which has as its goals changing previous beliefs of a legislator about a policy, and *the opposing lobby*, which serves to prevent belief changes in the legislators which are already sympathetic to the policy advocated by the interest group. Both occur only in situations of effective need. In other words, when there is a chance of a legislator who is against something, switching his mind to having a favorable opinion about it or when a pro legislator is *lobbying* another group to have the contrary opinion (WRIGHT, 1996). Exploring this discussion, Hojnacki & Kimball (1998) stated that *persuasive lobbying would* be done very particularly in seminal phases of the legislative process, in which the project has a still neutral image, with no established positions against or in favor. Hall & Deardoff (2006) opposed the *idea of persuasive lobbying*, advocated by Wright (1996), Austen-Smith & Wright (1994), Hansen (1991), and others. For them,

(...) direct *lobbying* is typically not a strategy to change legislators' preferences over policy. But yes, it is an attempt to subsidize the legislative resources of members who support the cause of the group (...) - (HALL; DEARDOFF, 2006, p.72).

Therefore, *the lobby* is more of an informational tool than a strategy of persuasion capable of turning opponents' positions. Thus, the resource expenditure of interest groups is rationalized, not seeking to convince parliamentarians with a low probability of exchange of opinion.

Later, Groll and Prummer (2016) reaffirmed the *opposing lobby*, but also supported the *persuasive lobby* thesis. According to the study, much of the effort would be in decision-makers undecided or not biased, as well as in decision-makers already predisposed to follow the lobbyist's positions. This result is consistent with what Figueiredo and Richter (2014) had noticed:

(...) there seems to be a growing consensus in the literature that both allies and marginal legislators on both sides of the issue are targets of lobbying efforts, but convinced enemies are not (...) - (FIGUEIREDO; RICHTER, 2014, P. 167).

Schnakenberg (2017) was yet another to confirm lobbyists' targeting in allied lawmakers and detected yet another phenomenon, not perceived through previous analytical models: interest groups use allied legislators to persuade opposing legislators. Therefore, there may be a transfer of an informational attribution of persuasion, *a priori*, understood as from lobbyist to allied legislator, who would now have the role of converting the vote in his favor.

3 Methodology

In search of understanding the role of ideologies in the access of interest groups to *lobby* in public hearings, from the requirements made by legislators for their realization, the data used are extracted from the invitations made, that is, that expose the relations of legislators of which parties, who have a certain ideology, invite a certain group of interest, of a specific category. It is a way of assuming the "close relationship" indicated by Hansen (1991). In the public hearing, according to the theory, the interest group delivers the content of *its* message explicitly, in order to influence the legislator. It should be emphasized that the dynamics of the audience itself, such as the speakers' exhibitions, legislators' appeals, and the minutes' contents will not be considered⁴, only invitations to the audience. The fundamental question of this article then will be: is the access of interest groups to National Congress public hearings determined by the legislators' beliefs?

The data to be analyzed in this study is extracted from the House of Representatives⁵ official website, respecting the following section: public hearings with the specific purpose of dealing with changes in legislation⁶ that occurred in permanent Committees of the House of Representatives held in the period of the 55th Legislature (From January 2015 to December 2018). For this period, the following aspects shall be considered: 1) the party of the deputy requesting the public hearing; 2) the category of the invited interest group; 3) the party of the President of the Commission at the time of the hearing. The total analysis took place among the

⁴ It is possible, through the Internal Regulation, to assume four phases in the public hearings that took place in the Chamber: 1) initiative, starting from a deputy; 2) approval of the request at an ordinary meeting; 3) the occurrence of the audience, with the guests and deputies present exposing their points; 4) finally, archiving.

⁵ www.camara.leg.br

⁶ From the Chamber's bylaws, it is possible to extract three types of hearings: on accountability, general topics, or discussion of specific legislation. The choice of only the latter type is due to a greater adequacy to the traditional concept of lobbying, with the objective of influencing public policy in particular.

25 permanent committees of the House of Representatives, in 205 hearings to change legislation and have 1157 guests.

The database built for this article is limited to only one specific type of public hearing: those involving changes in legislation, that is, in the modification of laws or in the creation of new legal systems. Although there are two other types of public hearings (of broader debates or accountability), we chose to the analysis those that aimed at changes in legislation. This option is due to the adequacy to the *Theory of Informational lobbying* in the Legislature because it has a well-defined purpose by interest groups to achieve a specific legal change. Also, the section of Standing Committees does not analyze those in joint and temporary committees. This option is due to the fact that these Committees are permanent and, therefore, constant in the legislature, in addition to the thematic character.

We should point out that there are 25 different Commissions to be analyzed. They vary in comparison to their themes and also in the phase they act in the legislative process. Two Committees should be analyzed with a different focus, CCJC, and CFT because all propositions will be invariably processed in them.

The parties of legislators requesting hearings and/or guests are key data, as they highlight the likely political beliefs of the legislator to take initial initiative to request the hearing and invite the first - often the only ones - invited. Members of 28 different parties were elected to the 55th Legislature; being distributed, with pt (70), PMDB (66); PSDB (54); PSD (37); PP (36); PR (34); PSB (34); PSB (34); PTB (25); DEM (22); PRB (21); PDT (17); SD (15); PSC (12); PROS (11); B PC (10); PPS (10); PV (8); PHS (5); PSOL (5); PTN (4); PMN (4); PRP (3); PEN (2); PSDC (2); PTC (2); PRTB (1); PSL (1); PT of B (1).

Legislators' beliefs will be defined by the ideological positions of legislators⁷, in a condensed way, on the left and right-wing. We will adopt the ideological distinction developed by Scheffer (2018), in which the effective parties' behavior in congressional votes on classic themes (economic intervention, crime, tax burden, labor legislation, public services) and new themes (abortion, marijuana release, same-sex union, affirmative action, environmental issues, moral issues) is considered. The higher the number on the general scale, the more the right is the political party ahead. The reference period is 2011-2015.

⁷ It is a consensus within the attempts to establish ideological classifications of the parties in Congress (BOLOGNESI, BABIRESKI, MACIEL, 2019; SCHEFFER, 2016; TAROUCO, MADEIRA, 2015), that it is difficult to have a clear definition of the multiparty system and the volatility of the party system.

Table 1 - Ideological Scale of Parties in Plenary Votes in the Chamber of Deputies (2011-15)

Parties	General Scale
PSOL	4,1
PT	26,7
PC do B	29,4
PDT	32,4
PPS	33,4
PV	38,5
PSB	41,7
PROS	48,2
PR	55,7
PRB	57,3
PSC	61,1
PTB	61,6
PSDB	62,9
PMDB	63
DEM	63,8
PP	65,4
PSD	65,7
SD	68,5

Source: Scheeffler (2018)

The definition used in this article for an interest group is broad: it includes not only corporations, industries, and hired lobbyists; but also "government institutions, such as cities and foreign governments; public and private institutions such as hospitals and universities, foundations, and philanthropic organizations; and so many other entities that sometimes behave like lobbyists or become somehow active in matters of public interest" (BAUMGARTNER, 1999:28).

For this analysis, we grouped the interest groups as follows:

- 1) Business, adding companies, trade associations, employers' unions
- 2) Professional Associations and Workers' Unions
- 3) State (Executive, Judiciary, Legislative, Public Prosecutor)
- 4) NGOs and Social Movements
- 5) Specialists of *think tanks*, universities, or individuals

About these groups and their distinctions, we can indicate some particularities and previous contributions to their performances, to elucidate their distinctions. Groups representing business interests would be more professionalized (SANTOS *et al*, 2017), more influential, and *sui generis*, because they tend to associate less with others and have more punctual

action. The industry *lobby* is a good example of sophistication and effectiveness (MANCUSO; SANTOS, 2004), and are therefore more effective (CESARIO, 2016).

Different works⁸ confirm what would be a kind of common sense: business groups end up having certain advantages and are more successful. There are, however, constraints, such as the political context of a favorable Congress and the lack or existence of opposing groups of other objectives (HOJNACKI, 2015). The literature rightly shows that business groups are best succeeded when they do not encounter such opposition. Other contextual informational constraints can be considered (VICTOR, 2007).

Trade unions and professional associations also have their particularities, including in Brazil. The unions, marked by “*varguismo*”, had a specific form of corporatist action, but, from the 1970s on, they began to have more pluralistic characteristics (BALBI, 2012). In the 1988 Constitution, aspects of corporatism and pluralism were foreseen, thus forming a hybrid system. Regarding the performance in public hearings and National Congress seminars, there is a centrality of Trade unions with other groups of this kind in the articulation (CESARIO, 2016).

There are differences between Trade unions and professional associations. Trade unions tend to have more members and have more relevance in their individuality, while professional associations serve more specific professional - or occupational groups, and may even be divided by gender, ethnicity, and sexual orientation (SCHLOZMAN, 2010). However, because they are groups that defend specific classes, it was determined that for the purposes of this study, they would be considered jointly.

The States, understand that any representative of any public institution belongs to any of the three Powers (Executive, Legislative, and Judiciary), in addition to the Public Prosecutor's Office. This includes State Ministers, municipalities members, deputies, senators, judges, prosecutors, among others. As is evident in Figueiredo (2020), state representatives are invariably called to the hearings to discuss their topics.

NGOs and social movements are similar for being non-profit and defending collective property. Although IBGE points out that these entities grow year by year, Santos (2014) shows that comparing 1983 and 1984, the period of the beginning of re-democratization, with 2011 and 2012, there was no increase in the number of these entities working in the National Congress⁹. This may indicate the difficulty of financing *lobbying* practice, which requires significant resources.

⁸ To name just a few classics: Schattschneider (1960); Olson (1965) and Lindblom (1975). Gilens; Page (2014) defined this chain of theories as “Biased Pluralism”. They seek to answer the question “who governs American democracy?” The answer is that they are interest groups, but with a clear advantage in business interest groups.

⁹ The survey of Fasfil (Private Non-Profit Foundations) used by the author as a reference, considering the historical series from 2010, also including 2013 and 2016, records, in fact, a drop in the number of local units of private foundations and non-profit associations. (<https://www.ibge.gov.br/estatisticas/economicas/outras-estatisticas-economicas/9023-as-fundacoes-privadas-e-associacoes-sem-fins-lucrativos-no-brasil.html?edicao=24159&t=series-historicas>).

Finally, we have the *stricto sensu specialists*. In a broader sense, every representative of an interest group who meets a legislator to interfere with his decision is an expert. However, if we restrict, for analysis purposes, staying with those representatives who have as their activity-end to obtain technical and specialized knowledge, we will be with individual specialists, or with those who belong to research centers, universities, or *think tanks*.

The first hypothesis to be tested will be: "ideological preferences determine legislators' invitation preferences to certain categories of interest groups." This hypothesis comes from the conception of two types of *lobbying*, based on the legislators' beliefs: one for reinforcing beliefs and the others for changing beliefs (WRIGHT, 1996). The most common thesis is that of the *lobby* for strengthening beliefs, from the approximation of interest groups and legislators the same preferences (HOJNACKI; KIMBALL, 1998; HALL; DEARDOFF, 2006; FIGUEIREDO; FIGUEIREDO; RICHTER, 2014; GROLL; PRUMMER, 2016; SCHNAKENBERG, 2016). For the test, behavior profiles of left and right legislators will be searched, considering the proportion of initiatives per audience and invitation to the category of interest group. After this, ideological positions and your preferences for invitations by certain interest groups will be considered. Finally, party-to-party and commission-by-committee distribution will be made.

The second hypothesis to be tested will be: "public hearings are mounted without other parliamentarians' contestation". This hypothesis arises from the conception before the Informational Legislature Theory, in which public hearings would be infertile grounds for serious debate, and would be a space for confirmation of the theses defended by the Commission that convenes it (FARNSWORTH, 1961; BAUER ET AL, 1972; DENZAU; MANGER, 1986). The test of this hypothesis may shed light on the informational hearing character, and also an elucidation for doubt as to whether interest groups seek legislators for reinforcement or belief changes. For the test of this hypothesis, the focus will be on the requirements made by legislators for new participants' invitation, focusing on the "contestation" aspect. If a party of contrary ideology has made an invitation that goes away to the previous one for the hearing's constitution, the hearing will be defined as "contested". The analysis will be done in general and commissioned by the committee.

And finally, the third hypothesis is: "in the face of the strategic position of the President of the Commission, his ideological position affects the approval of party requirements in favor of his preferences". This hypothesis arises from the formal role of the Committee Chairs in approving applications, corroborated by the agenda power they have (AGUIAR, 2013); in addition to the evidence taken from Troiano (2017), that the action of business groups is associated with key positions (rapporteurs, committee chair, and applicant) are occupied by right-wing legislators. This hypothesis will be tested by observing the ideological positions of the parties of the presidents of Committees in general and seek to identify if there is an effect on the definition of the guests for the Committees.

4 Ideology in Access to Audiences

It is possible to elucidate the weight of Legislator's political inclinations in the access of interest groups to public hearings in committees from: descriptive surveys of certain relations of right and left proportions, the total number of legislators in the House compared to initiatives made by public hearings, the mapping of behavior profiles in invitations by interest groups and more detailed distinctions party by party and committee to committee.

Taking as reference the ideological scale of Scheeffer (2018), there is a disproportion of legislators from left and right parties in the 55th legislature of the House. Of the 513 federal legislators, 323 can be considered right-wing, 167 left-wing, and the rest could not be classified. In this overview, the ratio (right/left) is approximately 1.934. Therefore, there are practically 2 (two) right-wing legislators to 1 (one) left. However, in the proportion among legislators responsible for the first request for an invitation to public hearings, there is a greater balance: of the 205 hearings, there were 111 at the initiative of a right-wing legislator, 84 left-wing, and the rest (10) were not classified; then, a proportion (right-left) of 1.321, revealing a condition of greater relative equality compared to the general proportion of the National Congress (Chart 2).

Table 2 - Legislators in the House and legislators with public hearing initiative

	Right	Left	Proportion
			(Right/Left)
Legislators in the House	323	167	1,934
Public Hearing Initiatives	111	84	1,321

Source: own production, 2020.

By establishing a relative behavior profile of left and right legislators, it is possible to conclude that left-wing legislators are more likely to take public hearing initiatives that address legislative change than right-wing legislators. Each right-wing legislator had, on average, 0.344 initiative, while each left-wing legislator had, on average, 0.503 (Chart 3) In terms of proportionality, in public hearings held with a view to legislative changes, the initiative to propose hearings and invitations balance (111 to 84) more than expected, the House being a disproportionate ideological space.

Table 3 - Average initiatives per legislator from an ideological position

-	Right	Left	Total
Number of legislators	323	167	490
Number of initiatives	111	84	195
Average initiatives per legislator	0,344	0,503	0,398

Source: own production, 2020.

From these surveys exposed in the tables above, we can detect an "equalizing effect" of public hearings in the House. As much as more right-wing legislators have been elected than left-wing legislators in the context of the hearings, this is not so clearly seen in the aggregate of initiatives. A possible explanation is the strategic choice of the interest groups themselves and legislators who associate themselves with an ideological vision to participate or not in public hearings because they see in them the possibility or not for real influence. As Baird (2016) demonstrates, the process of influence can be done in many stages and the public hearing can be just one of the tactics used to achieve the ultimate goal of influencing a decision.¹⁰ Moreover, in the face of the "equalizing effect" detected, audiences can be seen as a tactic of interesting influence for ideological minorities, who will find speech space in these spaces, after all, regimentally, audiences are guided by principles of equality, contradictory and plurality.¹¹

There were 1,157 invitations by legislators to interest groups, divided into five different categories. The survey below shows that right-wing parties make 64% of invitations to groups in The Enterprise, while left-wing parties make 34%. Regarding left-wing legislators, we can say that they have a greater predilection for NGOs and Social Movements (54%). There is balance in the other groups: in requirements for representatives of professional associations and labor unions, there are 49.6% for the left and 48.5% for the right; for the State, 47.3% for the left and 51% for the right; and finally, in the call of experts, we have 47.7% on the left and 51.4% on the right. (Table 4).

It is noteworthy the relevant presence of several types of interest groups: Business (196), Professional Associations and Trade Unions (257), State (403), NGOs and Social Movements (170) and Specialists (110). Above all, because they are from civil society, not just representatives of the State. By way of comparison, when audiences were studied by Zorzal (2007), in the state of Espírito Santo, the author investigated a much larger presence of government participants, linked to the public machine, and the smallest of representatives of civil society, in what Romão (2011) denotes of "greater participation of political society in relation to civil", common to many participatory institutions. It is possible to say that, in the case of house hearings, there is a plural representation of civil society.

¹⁰ Santos et al (2017) points out a series of other possible tactics to be used in the Legislative: direct contact with parliamentarians, monitoring of committee meetings, contacts with committee advisors, visits to parliamentarians' offices, contact with other groups for actions articulated, monitoring of plenary meetings, contact with leaders, monitoring of benches and front and contacts with advice on legislation.

¹¹ It is important to note that public hearings arise in the wake of the emergence of participatory mechanisms within Brazilian society (AVRITZER; SANTOS, 2002), and these follow certain aspirational ideals: equality, mutual respect, absence of coercive power, use of reason, search for consensus and clarify conflicts, orientation for the common good, publicity, accountability and sincerity (BATCHINGER *et al*, 2018).

Table 4 – Invitations to interest groups, by an ideological position

			Ideological Position of the Claimant Legislator		
			Left	Right	Total
Interest Group Category	Business	Nº	68	128	196
		%	34,0%	64,0%	100%
	Professional Associations and Trade Unions	Nº	130	127	257
		%	49,6%	48,5%	98,4%
	State	Nº	194	209	403
		%	47,3%	51,0%	98,3%
	NGOs and social movements	Nº	94	76	170
		%	54,0%	43,7%	97,7%
	Experts	Nº	53	57	110
		%	47,7%	51,4%	99,1%

Source: own production, 2020.

Again, if we seek a 'profile' in the legislators' behavior on the left and right wings, we will have the proportional relationship presented in Chart 8. From this relationship, we can conclude that except for the strong inclination of a right-wing legislator to invite representatives of the Enterprise, in the other categories there is a balance between legislators of left and right. (Table 5).

Table 5 – Right/left ratio in invitations to interest group category

Interest Group	Proportion R/L
Business	1,882
Professional Association/ Trade Unions	0,976
State	0,941
NGOs and Social Movements	0,787
Experts	1,075

Source: own production, 2020.

Therefore, it is possible to conclude that there is indeed a greater predisposition of left-wing legislators to request public hearings. Also, there are preferences for invitations by certain categories of interest groups, mainly by NGOs and Social Movements. On the other hand, right-wing legislators, in the two surveys made just above, are more inclined to the invitation of groups linked to the Enterprise. This difference in behavior between legislators in the two ideological positions further confirms the hypothesis that ideological positions explain invitations by certain interest groups.

To raise the analysis' level of detail, the behavior of the political parties individually concerning the requirements was evaluated. (Table 6). If we ignore preferences for state

organizations, for their 'neutral' content, for the virtually invariable presence in public hearings¹², we can identify that the *preferential choice (+)* or *greater rejection (-)* of left or left parties may have coherences and also contradictions.

Table 6 – Invitations to interest group categories, by party

			Interest Group Categories				
			Business	Assoc. Professionals/ Trade Unions	State	NGOs and Social Movements	Experts
Claimant's Party	PSOL	Nº	3	3	10	13	3
		%	9,4% (-)	9,4% (-)	31,3%	40,6% (+)	9,4% (-)
	PT	Nº	14	35	62	27	25
		%	8,6% (-)	21,5% (+)	38,0%	16,6%	15,3%
	PCdoB	Nº	0	6	8	3	1
		%	0,0% (-)	33,3% (+)	44,4%	16,7%	5,6%
	PDT	Nº	13	47	36	17	9
		%	10,7%	38,5% (+)	29,5%	13,9%	7,4% (-)
	PPS	Nº	0	2	4	2	1
		%	0,0% (-)	22,2% (+)	44,4%	22,2% (+)	11,1%
	PV	Nº	17	3	14	5	9
		%	35,4% (+)	6,3% (-)	29,2%	10,4%	18,8%
	PSB	Nº	18	17	45	20	5
		%	17,1%	16,2%	42,9%	19,0% (+)	4,8% (-)
	PROS	Nº	3	17	15	7	0
		%	7,1%	40,5% (+)	35,7%	16,7%	0,0% (-)
	PR	Nº	10	13	16	2	2
		%	23,3%	30,2% (+)	37,2%	4,7% (-)	4,7% (-)
	PRB	Nº	6	7	17	4	4
		%	15,8%	18,4% (+)	44,7%	10,5% (-)	10,5%
	PSC	Nº	7	2	0	1	1
		%	63,6% (+)	18,2%	0,0%	9,1% (-)	9,1% (-)
	PTB	Nº	1	10	9	4	4
		%	3,6% (-)	35,7% (+)	32,1%	14,3%	14,3%
	PSDB	Nº	32	30	59	10	18
		%	21,5% (+)	20,1%	39,6%	6,7% (-)	12,1%
	PMDB	Nº	19	7	31	15	6
		%	24,4% (+)	9,0%	39,7%	19,2%	7,7% (-)
	DEM	Nº	7	25	24	27	8
		%	7,7% (-)	27,5%	26,4%	29,7% (+)	8,8%
	PP	Nº	20	10	15	1	7
		%	37,7% (+)	18,9%	28,3%	1,9% (-)	13,2%
	PSD	Nº	12	4	23	7	5
		%	23,5% (+)	7,8%	45,1%	13,7%	9,8%

¹² As noted in Table 6, with the exception of the PSC, which did not invite any State representative, all other parties invited at least 26.4% (DEM) State representatives.

SD	Nº	14	19	15	5	2
	%	25,5%	34,5% (+)	27,3%	9,1%	3,6% (-)
PHS	Nº	1	1	2	2	0
	%	16,7%	16,7%	33,3%	33,3% (+)	0,0% (-)
PMN	Nº	2	0	3	2	1
	%	25,0% (+)	0,0% (-)	37,5%	25,0% (+)	12,5%
PTdoB	Nº	1	4	2	0	0
	%	14,3%	57,1% (+)	28,6%	0,0% (-)	0,0% (-)

Source: own production, 2020.

From the perspective of *preferential choice*, in general, left-wing parties invite more among the categories Professional Associations and Trade Unions (PT, PC do B, PDT, PPS, PROS) and NGOs and Social Movements (PSOL, PSB). The contradiction between parties of this ideological position lies in the preference of the PV for inviting among the business. Among right-wing parties, it is more common for business groups (PSC, PSDB, PMDB, PP, PSD), but the parties close to the cut between left and right of the ideological scale, PR and PRB, and labor parties (PTB and SD), prefer to invite professional associations or unions. The most unusual behavior is the DEM, which has a marked preference for NGOs and Movements, very close to Professional Associations and Trade Unions. One possible explanation is that, according to Scheefer (2018), the party has changed its inclination: from the position of the main right-wing party to a party closer to the center.

From the perspective of *greater rejection*, complementary to the preferential choice, we see among the left-wing parties greater rejection of inviting business groups (PSOL, PT, PC do B, PPS), also being able to highlight the rejection among experts (PSOL, PDT, PSB, PROS). The great contradictions are again caused by the PV, and also by the PSOL, which do not invite much between Professional Associations and Trade Unions. This rejection of the PSOL can be explained by the radical inclination of the party in favor of NGOs and Social Movements. On the other hand, legislators of right-wing parties tend not to invite much between NGOs and Social Movements (PR, PRB, PSC, PSDB, PP, PSD), as well as Specialists (PR, PRB, PSC, PMDB, SD). DEM and PTB tend not to call so many representatives of business interests. Again revealing a seemingly contradictory behavior of the DEM.

In general, therefore, there is a confirmation of the thesis of approximation of interest groups and legislators with the same preferences (HOJNACKI; KIMBALL, 1998; HALL; DEARDOFF, 2006; FIGUEIREDO; FIGUEIREDO; RICHTER, 2014; GROLL; PRUMMER, 2016; SCHNAKENBERG, 2016)¹³, to the detriment of an approximation of opposites to an attempt at influence, even if there are apparently contradictory

¹³ The coherence between parties and invited interest groups can also be investigated as a "replication of the party game in the participatory sphere" (COELHO; FAVARETO, 2008), where parties end up emphasizing better related groups, to the detriment of others disadvantaged groups and political connections.

behaviors on the part of the PV, DEM, and PSOL, without considering, of course, a more careful examination of other important variables, such as party programs and the content of the audiences to which the parties made the invitations.

The artifice of requiring public hearings, but presents greater inflection on the right when we analyze in detail commission by commission¹⁴. When we consider the ten committees with the highest number of hearings with a view to legislative changes that have occurred, it is more common for most of the requirements to come from right-wing legislators within the committees (Chart 7).

Table 7 – Ideological position of the applicant, on commission

Commission	Left	Right	Unclassified	Right-Left Ratio
CAPADR	6	8	0	1,334
CCTCI	7	2	1	0,286
CCJC	10	12	2	1,200
CDU	3	7	0	2,334
CDEICS	11	14	0	1,273
CEDU	7	11	0	1,571
CFT	5	6	0	1,200
CSPCCO	4	4	0	1
CSSF	10	11	5	1,1
CAPADR	6	8	0	1,334

Source: own production, 2020.

It is important to point out that these data per committee should be relativized because they consider a much smaller sample of hearings than aggregate data, but it is interesting to note, in addition to the aforementioned relative superiority of requirements from right-wing legislators in virtually all committees, the exception of the CCTCI and the CSPCCO, also the most significant differences: the CCTCI, as the only committee dominated by initiatives by hearings from the left, and the CDU, CRISP and CVT, proportionally much more dominated by the right. These data give us clues about the preferences of legislators - other than interest groups - about their strategic choices, in which committees act to win their interests, but inconclusively.

5 Public Hearing spree

Legislators have a bias in their invitations to public hearings. When they idealize through their first application the theme addressed there and the guests who seek to have gifts, there is an

¹⁴ The commissions considered were those that had the most public hearings dealing with legislative change in the period 2015 to 2015: CSSF (26), CDEICS (25), CCJC (24), CEDU (18), CTASP (17), CAPADR (14), CVT (13), CFT (11), CCTCI (10), CDU (10), CSPCCO (8).

inclination to their preferences. Therefore, it is interesting to analyze the reaction of the opposition to this fact. Another concept that arises then is that of "contestation", as opposed to the idea that hearings would be only space for confirmation of the theses defended by the Commission that convenes it (FARNSWORTH, 1961; BAUER ET AL, 1972; DENZAU & MANGER, 1986) and *lobbying* as an informational subsidy to legislators' decisions, without necessarily interfering with a more drastic change of position (HALL; DEARDOFF, 2006).

We have established two categories for the hearings: 'contested' or 'uncontested'. The first concerns those where another application is proposed from a legislator who is ideologically opposed to the proposing legislature. This would at least indicate the intention of making an opposition of ideas during the hearing conceived by a parliamentarian of a different ideology. The second category concerns hearings which continue without an application submitted by a legislator of the party ideologically opposed to the tenderer. So in this situation, there is a great possibility for the public hearing to happen without a clear contrast of the positions of the guests.

The survey identified that of the 205 hearings, 16.1% filed disputes, that is, applications proposing other guests in addition to those provided by the applicant. On the other hand, 80.5% of the hearings retain the guests of the first application submitted by the requesting legislature (Table 8).

Table 8 - Public hearings contested or not or unclassified

	Nº	%
Contested	165	16,1
Uncontested	33	80,5
Not classified	7	3,4
Total	205	100,0

Source: own production, 2020.

Audiences have a predominance of their ideological spectrum in their conception through the requirement. From this, we can conclude that there is a field in its orientation with regard to the meth and guests, and a precondition for reinforcing a bias. Not, however, means that the mastery of the results of influence occur¹⁵. There are other possible *lobbying* tactics that can be used. Moreover, the divergence and confrontation with the opinions of the guests are not only due to other guests but also by legislators during the debates¹⁶. Thus, another dimension of the challenge is the plural presence of legislators at the hearings and their use of their speaking time.

Another relevant information that can be presented from the data is the Committees with

¹⁵ It is worth remembering that a lobbying strategy can encompass a series of other actions (BAIRD, 2016; SANTOS et al, 2017), in addition to the already complicated difficulty of measuring its results (BAUMGARTNER, 1999), in the case of public hearings, it is even bigger. For public hearings are consultative and have no binding effect on any decision directly.

¹⁶ It is a regimental prerogative to ask the deputies, bringing questions or addenda to the speeches of the guests

hearings for changes in the most 'contested' or 'uncontested' legislation (Table 9).

Table 9 – Application disputes, by committee

Commission	Unchallenged	Challenged	Unclassified	Contestation Index
CAPADR	12	2	0	0,167
CCTCI	8	2	0	0,25
CCJC	14	9	1	0,60
CDU	8	2	0	0,25
CDEICS	22	2	1	0,087
CEDU	16	2	0	0,125
CFT	8	3	0	0,375
CSPCCO	5	2	0	0,40
CSSF	21	3	2	0,130
CTASP	16	1	0	0,063
CVT	11	2	0	0,182

Source: own production, 2020.

By establishing an index of "contested" hearings divided by the "unchallenged", we can have a clearer view of which Committees usually have more contested hearings. Again, the Committees were considered to have more hearings dealing with legislative change than the average. The hearings contested by parties not classified on the ideological scale were classified as unclassified; or that had initiatives of legislators of these parties and, *posteriori*, contested.

There are, therefore, three Commissions that stand out for the higher index of contestation. The two Committees, CCJC (0.6) and CFT (0.375) have in common that all draft legislative changes must go through them and the finishing character. For these reasons, these Committees of "thematic neutrality" end up being a special target of strategies of influence of the most varied interest groups and for receiving high participation of left and right-wing parliamentarians. Their Commissions are, therefore, strategic and disputed spaces, where the presence of guests linked to different ideological positions will be present more markedly. The CSPCCO (0.4), which deals with issues of public security and organized crime, had a prominent role in the period from 2015 to 2018, mainly after the change of approach in public security policy, from the Government Michel Temer. Along with this change came heated debates in hearings.

We can point to the above data as further evidence that there is a movement of "strengthening of beliefs" in the hearings because if interest groups, other than legislators of a certain ideological position, do not seek to interfere in a public hearing of contrary ideological position, there is no effort to "change of belief". This contest behavior turns out to be present in thematically 'neutral' committees, or as a sporadic event. Vieira (2009) had already identified, in the CDU, an analogous dynamic, in which groups with different points of view avoided participating in an "effective deliberation" in a specific hearing, preferring to use their space to

target decision-makers without receiving confrontation. The absence of deliberation is also consistent with Macedo's findings (2018):

(...) the hearings would not have a deliberative character in the sense of informational exchanges regarding bills or other types of proposals. Project analysis consumes only 20% of audiences. (...) the hearings are more focused on the supervision of the Executive and the exploration of new issues (in 2013) (...) - (MACEDO, 2018, p.120).

As a consideration of the conclusions regarding the analyzed contestation dynamics, two other lines of reasoning can be taken. The first is: in addition to the interpretation of the "challenge" proposed in this analysis, there is also the possibility, although less likely, of the initial requirements being made in a balanced manner¹⁷, respecting the different views and groups, there is no need for a new requirement, which would lead to a debate about the strength of regimental rules as an effective of deliberative principles.¹⁷ The second is: actors part of the *lobbying* process can recognize public hearings as low-effectiveness influence tactics within a larger strategy of influence and, therefore, do not spend their resources trying to change the beliefs of legislators already inclined in one direction. As we know, the resources spent in the *lobby* are high (MANCUSO; GOZETTO, 2011) and, especially groups linked to the Business, are very professionalized (Santos *et al*, 2017), leading to the actions being taken with the calculation of effectiveness, and as we know, the positional change in the face of the theme is a rare case among decision-makers.

6 Influence of the President of the Commission on The Requests by Hearing

The President of the Commission is a key position. According to Aguiar (2013), he is responsible for controlling the agenda of ordinary meetings, withdrawing from the agenda *ex officio* propositions, appoints contrary rapporteurs, and leads the vote on the proposition. Troaino (2017) pointed to a dynamic of rapprochement between business groups and right-wing parties to achieve success in their practice of influence over projects. It should be pointed out that once on the agenda, the vote of the committee in favor of the committee takes place only *pro forma*, but according to Macedo (2018), there is the proximity between the Presidency of the Commission and the party of the requesting deputy, and commonly, requests for hearing on stronger complaints against the Government are rejected.

As concerns to ideological positions, there is a predominance of right-wing Commission Presidents at the hearings surveyed, reflecting the majority of right-wing parties in that Legislature. The Committees were chaired at 81% by right-wing legislators, while 17.6% on the left (Table 10). Given the absolute balance between the requirements accepted by left and right-

¹⁷ It is a regimental assumption, expressed in under subsection 1 of Article 256: "In the event that there are defenders and opponents in relation to the subject matter under examination, the Commission will proceed in a way that allows the hearing of the different currents of opinion".

wing legislators, it can be said that the ideological position of a President of the Commission does not affect the balance of hearings.

Table 10 - Ideological position of the Chairman of the hearing committee

Ideological position of the President of the Commission	Nº	%
Left	36	17,6
Right	166	81,0
Non-classifiable	3	1,5
Total	205	100,0

Source: own production, 2020.

There are some possibilities to explain this aspect of the indifference of those who chair the Commission in incorporating hearings into an 'ideological agenda'. One explanation would be the President's low-interest *lobby* in being politically uneasy about a low-effectiveness lobbying and information transfer mechanism. Another would be the simple greater interest of the left, in relation to the right, in using the public hearing to direct its positions to legislators. As the data on initiatives by audiences, there is an 'equalizing effect' provoked by the audiences, in addition to the regimental framework conducive to plurality and equality, which favors minorities, therefore, for the left and their closest interest groups, the audience may represent a strategic opportunity to bring to light their views and create compensation for their numerical disadvantage in elected in the House.

7 Conclusion

This article aimed at investigating the importance of legislators ideological beliefs as a determinant of the access of interest groups to public hearings of the House of Representatives, it was possible, from the descriptive presentation of data, to detect behavior patterns in the invitations of left and right legislators, to reveal details about the dynamics of dispute in propositions by new public hearings and to resolve the importance of the President of the Commission as a definer of an ideological agenda.

The theoretical premise that there is an approximation of "equals", concerning the ideologies of interest groups and legislators (MCKAY, 2008; 2010), as well as, the aim at promoting beliefs reinforcement (HOJNACKI; KIMBALL, 1998; HALL; DEARDOFF, 2006; FIGUEIREDO; FIGUEIREDO; RICHTER, 2014; GROLL; PRUMMER, 2016; SCHNAKENBERG, 2016), were confirmed with caveats through the requirements analysis. There is a greater rapprochement between left-wing legislators with NGOs and Social Movements, as well as right-wing legislators with the Business. On the other hand, there is requirements' equality in the other categories considered. The notable contradictions are in the party-by-party analysis, which shows the DEM possessing typical behavior of a left-wing party,

while PV has a strong approach with the Business and the PSOL, which avoids inviting Professional Associations and Trade Unions.

The 'challenge' of the initial requests for public hearings was demonstrated as an unusual dynamic, with the exception of three committees: the CCJC, the CFT, and the CSPCCO. If there is a greater emphasis on the first two, because they are terminative committees, that is, of different importance from the other and a 'neutral' character, for all projects to pass through them regardless of any political decision.

Finally, it has been concluded that the agenda of public committee hearings is not affected by the ideological position of the President of the Commission, which, even though the vast majority of the right-wing (81%), there isn't greater inclination towards the acceptance of left-wing audiences. On the contrary, it is more of a confirmation of an 'equalizing effect' of public hearings, from the ideological point of view.

A general conclusion, confirmed by all hypotheses, sheds light on the strategic choices chosen by the different groups in dispute. We know that the groups of the Business, more linked to the Right, have a series of competitive advantages over others, having greater effectiveness in their strategies (MANCUSO, 2004; TAGLIAGNA, 2006; MANCUSO, 2011; SANTOS, 2015; SANTOS ET AL, 2017; CESÁRIO, 2016; TROIANO, 2017). Therefore, the public hearing can be seen, by its principles of equality, transparency, and contradictory as a tactic used by minority groups and with fewer resources as a way to find speech space to achieve influence. While groups and legislators linked to the Enterprise do not use all their numeric potential to make use of these spaces, perhaps preferring other more effective and less transparent influence tactics.

Some questions elucidated by this study, however, need more careful examination. Due to the empirical study maintaining the focus on the application and access, other dynamics of an audience end up not being analyzed, such as the presence or not of guests, deputies performance, and representatives of interest groups in the hearings themselves, as well as the scope of the effects desired by the lobby or not. These analyses would be better done by studying individual cases, not in aggregate, as was the objective of this article.

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