



## THE ETHICS COUNCIL OF THE CHAMBER OF DEPUTIES: ANALYSIS OF ITS COMPOSITION FROM THE PERSPECTIVE OF LEGISLATIVE STUDIES AND COALIZATION PRESIDENTIALISM

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**Abstract:** The Ethics Council of the Chamber of Deputies is a little explored institute, however, of enormous importance for the Brazilian Legislature. Structured as a Commission, it is possible to analyze it taking as a parameter the legislative studies that seek to understand parliamentary behavior. But was this behavior influenced by Coalition Presidentialism? Is it possible that the conflict between government and opposition is a factor of imbalance, reflecting a political sense in a legal procedure? This article aims to understand the composition of the Ethics Council of the Chamber of Deputies and its functioning as a Commission, to verify the incidence of Coalition Presidentialism in the appointment of full members of the Council by party leaders, and what can be concluded about this. institute increasingly active in the Brazilian political scene

**Keyword:** Ethics Council; Coalitions; Government; Opposition.

### 1 Introduction

The Commission system is fundamental to analyzing the legislative system, be it due to the relationship between the Executive branch and party leaders in its composition, or for the results and consequent impacts on politics. The Chamber of Deputies' Ethics Council is not considered a specialized commission; however, the way members are selected follows the same party standard as that of commissions. Additionally, because it can be a specialized assistance body within the Legislative, it is possible to use the analysis referential on commissions to understand said Council. It should be noted that the ethics council is known for the substantial number of filed proceedings, but historically, it received little attention in the literature of Brazilian Legislative Studies.

This work assumes that party interests are considered in the composition process of the Council: appointment of members by party leaders is subject to receiving the influence of a possible government coalition. Thus, the coalition presidentialism's logic is also expressed through the commissions and Ethics Council.

Therefore, it is important to empirically analyze if there are and which are the openings to manifest the coalition's interests in the structure of the Ethics Council. After all, it is possible for there to be reflections of the grouping that is aligned or not with the Government in

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triggering the Chamber of Deputies' Ethics Council - a body that, despite not having terminate power - since it does not draft laws - exercises internal control over members of the house and can indeed contribute to the loss of a mandate in the most extreme cases.

This article seeks to analyze the Ethics Council based on its structure and composition, considering whether each of its incumbents between the year 2001 and 2018 - which covers the creation of the council, until the last full legislature - belonged to the governing coalition. This analysis will enable the identification of the coalition as a majority of the council, increasing the possibility of seeing this coalition's interests represented throughout the procedures.

## **2 Partisan Behavior and the Chamber of Deputies' Ethics Council**

This article aims to analyze the observable characteristics within the Chamber of Deputies' Ethics Council through its composition. To achieve this, the council must be studied in the light of positive theories that help describe the behavior of parliamentarians, their goals within the commission or in which way they organize themselves to make changes in the *status quo*.

A lot of what is known as legislative organization derives from models formulated in the works of Krehbiel (1991), Mayhew (2004) and Cox and McCubbins (1993). These works, which describe the reality of the US Congress, brought us "positive theories": analyzes of institutions that seek to identify actions of parliamentarians and the consequences of these actions for them and their peers in collectivity. In this sense, three approaches are formulated: 1) distributivist 2) informational and 3) partisan. For obvious reasons, because they describe the reality of a country that is not Brazil, the theories do not perfectly fit our political system. But it is possible to identify a number of similarities. Within this perspective, Mayhew (2004), also in face of the analysis of the North American congress' reality, clarifies that such legislative behavior is aimed at the congressperson's individual search for reelection. After all, parliamentarians are rational political actors, and such rationality encompasses concern with maintaining a political career. Consequently, the role of the parliamentarian involves raising funds directed to their locality, making the center of the model in question address the allocation of these resources to districts and how to achieve this (RUBIATTI, 2019).

To achieve re-election, Mayhew (2004) clarifies that the organization of Congress itself is set up in a way to enable this victory in the parliamentary process, and such feasibility is based on the commission system. Commissions represent thematic divisions and, in our perspective, the theme commission of this work presents characteristics corresponding to the traits highlighted by Mayhew as an exercise of position taking, since the representation of political-partisan disputes within the proceedings for breach of parliamentary decorum shows voters, who have free access to the proceedings in its entirety, the defense of the parliamentarians' political interests and, consequently, as will be discussed below, of the

political party as a whole. In short, what matters in this model is not just raising a certain fund, but mainly its strategic use for electoral benefit.

In the perspective brought by Cox and McCubbins (1993) – partisan model – one can observe the role of party organization in accessing the recourses necessary for the continuity of the parliamentary political career. In this sense, the party's image is seen as a collective asset for all its members, which makes coordinating parliamentarian actions essential, with a view to strengthening the party. In this approach, the party leader's role becomes central: it is he who distributes the benefits and punishments to the party's parliamentarians, seeking to protect the image of the party against individual actions that could harm it. To this end, the Congress' organizational structure would make resources that would boost importance within the legislative process available to party leaders.

Regarding the Ethics Council, due to the way it is composed, the Party aspect is the one that most demands attention. This name comes from the fact that the focus now falls on the figure of political parties. Cox and McCubbins (2007) are responsible for drawing a comparison between political parties and cartels. There are a series of problems to be faced, but they will only be effectively addressed if the organization effectively functioning. For Rubiatti (2019), this approach explains political parties as endogenous creations that guarantee internal and external gains, generating both electoral gains and gains for the Legislative organization. A closer look is taken into the majority party figure, an important aspect for our research, given that the composition of the Ethics Council is based on the proportionality rule.

From the party perspective, according to Cox and McCubbins (1993), commissions should be privileged spaces to control the agenda that reaches the plenary. In this sense, the way in which they are organized would be to privilege parliamentarians who showed greater loyalty to the party. Consequently, “staying on a certain committee would be related to a certain capacity of the parliamentarian to bar or approve projects, according to the interests of their party” (Rubiatti, 2019, p. 16).

In this interpretation, the Chamber of Deputies is not the space for congresspeople to act individually. On the contrary, parliamentarians need to adhere to parties if they wish to access to power resources that can ensure political capital with their constituencies. Acting on their own in the Legislative and abandoning the party coalition, be it in the perspective of situation or opposition, is a risk that many parliamentarians do not dare take, given the implications of such decision in their future political survival (FIGUEIREDO and LIMONGI: 1999).

Figueiredo and Limongi (1998) added themes to the coalition presidentialism analysis that diluted the normativity of the discussion. They empirically attested to a reliable index for partisan discipline within the Chamber of Deputies, which confers greater reliability to coalitions. High rates of partisan discipline reinforce the possibility of using predictability to make decisions of the plenary possible. Party leaders, central figures in the scenario of

coalitions, have chances of seeing their recommendations obeyed when there is a considerable rate of party discipline.

Through the figure of party leaders, who detain considerable agenda power, Figueiredo and Limongi (2017) understand that they are the channel used by the coalition to influence the legislative process. It is through them that the coalition can place its projects as priority, interfering in the demands of the opposition and taking advantage of amendments to alter the Executive's proposals. Another key role listed by Figueiredo and Limongi (2017) is to serve as a bridge, a communication channel between the largest caucuses of the Legislative and the Executive, causing negotiations involving the formation of coalitions to be held around political parties. This makes the trajectory of coalition presidentialism recognize the importance of political parties for the stability of the regime.

Thus, Figueiredo and Limongi (2006) looked precisely at the aforementioned reliability, according to the authors, the agenda power placed in the President and party leaders by the Constitution resulted in a high degree of party cohesion, since it became impossible for the individual actions of parliamentarians to influence the legislative process. Therefore, it is through this cohesion that, in joint action, parliamentarians aim to achieve their goals within the Legislative. Cohesion therefore influences in the decision-making process and guarantees stability and coalition. Pointing, once more, to the greater visibility of the political party instead of the figure of the parliamentarian alone.

Based on this reliability, it is concluded that the parliamentarians from the opposition establish actions to veto matters of interest to the President, just as the situation parliamentarians establish actions to support procedures of matters that interest the governing coalition. This indicated that, regardless of ideology, the position of deputies when passing a bill is based on adhesion, by their party, to the president-supporting coalitions or, on the contrary, by adhesion of the party to the government's opposition.

This scenario brings a crucial factor, raised by Mainwaring and Shugart (1997), that was little explored by Abranches (1988), which is the party discipline. Mainwaring and Shugart (1997) point to party discipline as a component capable of guaranteeing stability for democracy, especially in the Brazilian scenario that coexists with the combination of "explosive" factors, such as the combination of presidentialism, multipartisanship and strong federalism.

Party discipline directly influences the importance of party leaders, according to Mainwaring and Shugart (1997). After all, agreements aligned by them can easily get lost in Congress if in an unruly system, showing the president that the support expected by him when putting together his base is not reliable. As a result, presidents would be forced to resort to the alternative pointed out and feared by Abranches (1988): resorting to parliamentarians to build their supports. In the worst scenarios, the insecurity created by the president's lack of trust in their support base due to this unruliness would open space for speakers to resort to

unconstitutional and coup-based alternatives to have their will carried out. Mainwaring and Shugart (1997) understood Brazil as an example of partisan indiscipline and that parliamentarians voted as they pleased. This thesis would be empirically challenged as time went by works like that of Figueiredo and Limongi (1998; 1999), Santos (2003) Freitas (2016), among others point to partisan behavior and a considerable degree of discipline in rollcall voting in the Chamber of Deputies.

If there are disciplined political parties, or even moderately disciplined political parties in the scenario (MAINWARING; SHUGART, 1997) the role and importance of party leaders is enforced, both for Congress and in the eyes of the president. If the political leaders are reliable, the number of people involved in the negotiation process is reduced and with the already known party votes, the predictability and reliability already mentioned is guaranteed.

Rubiatti (2019) points to the prominent presence of party leaders in the analysis of Figueiredo and Limongi (1988), which, due to their prerogatives within the Chamber, coordinated their caucuses in a way to directly interfere in how the coalitions worked. In addition to the devices that allow control over the legislative agenda, party leaders hold a prominent role: serving as a bridge between the Executive and party members, coming from both sides to embellish negotiations between the Executive and Legislative branch in the figure of the party. Considering, based on this construction, that political parties will have an important connection to the Executive, the performance of party leaders exercises a real motivation and incentive for parliamentarians to act in a disciplined manner. Thus, from the distribution of parliamentary prerogatives and the organization of the legislative houses, it is possible to state the central axis of legislative activities is party related (RUBIATTI, 2017).

It is possible to understand that joint actions of the Chief Executive and the party leader is responsible for dictating the rhythm of the coalition, as well as the duration itself, in detriment of this analytical path. Using, of course, institutional means such as agenda control and the decision-making process to mutually protect and maintain, this prevents the individual actions of parliamentarians from distorting the path desired by the coalition's interests, attesting to a potentially cooperative relationship that seemed impossible in the original perspective.

Having made these considerations on party behavior within Brazilian Presidentialism, it is now time to point out some elements about the organization of the Ethics Council. Created in 2002, established by Resolution No. 25, in force from October 10 of the previous year through the publication of the Parliamentary Code of Ethics and Decorum, its emergence was based on the need for a body whose actions are geared toward judging parliamentarians: until 2001, this judgment took place in the Commission of Constitution and Justice (CCJ).

A body specialized in the breach of parliamentary decorum that arises amid society's criticism directed towards the political class, it shows that this class itself aimed to reduce the risks of damage and distrust that the "unethical" behavior of peers caused in public opinion.

Therefore, the Ethics Council would be a means to reduce uncertainty, through which the conduct of the parliamentarian will be evaluated in a way to not incur a wrong judgment, further exposing the political class.

With a limited literature and no empirical studies, the understanding of how it works, its composition, recommendations and procedures are a consequence of analyzes of the Chamber's Code of Ethics, Internal Regulation and proceedings processed in the Council that are available for consultation. We will highlight the main points of the process that are essential for your understanding.

According to the provisions of article 7 of the Code of Ethics, the Council is comprised of 21 incumbents and the Board is composed of 21 full members and the same number of alternates. The terms of office are of two years, and end at the inauguration of the next members, or at the end of a legislature. The Council has a president, two vice-presidents, elected by their peers among the incumbents, without the possibility of immediate reelection. The numeric representation of each party or block aims to comply with the principal or party proportionality, so that the Council's composition contemplates all political parties operating in the Chamber of Deputies. At the beginning of the legislature, the party leader shall communicate to the President of the Chamber the names of the deputies who will represent the party or bloc in the Council.

Once appointed to the Council, the deputy has a mandate of two years, and can only be replaced in case of resignation, death, or loss of mandate as a parliamentarian. There is also the possibility of losing a mandate if the parliamentarian misses five consecutive meetings or one third interspersed, except in the case of force majeure, formally presented in writing to the president of the council. The member parliamentarian will also be removed if there are disciplinary proceedings against them, and will remain removed until the final decision on their case.

The President of the Council has all the attributions of a Commission President, provided for in article 41 of the Chamber's Standing Rules. As an example, they can convene and preside commission meetings, elect rapporteurs, and substitutes, and even control the debates that take place in sessions, warning about tone of voice and impairing someone's speech. The President centralizes the direction of the sessions, playing a role that cannot be played by any other member of the Council. On the other hand, the President's participation in votes is restricted to tie breaking.

The accused shall be notified by the council and can present their defense within 10 days, while investigating the complaint, the council has 15 days, extendable for another 15, to perform the diligences it deems necessary. At the end of this term, the report will present one of the four consequences provided for in the Code of Ethics: filing in case of rejection; application of the sanctions provided for in the Code if the complaint is accepted, proposition of a less

serious sanction or a more serious sanction to the Board.

In the event of a more serious sanction, a new term for defense is granted to the respondent, as well as for new diligences to clarify the facts. The final opinion approved by the Council shall be forwarded to the President of the Council to the Board so it can be included in the agenda for future consideration of the Chamber's plenary.

In cases of suspension of prerogatives and suspension of mandates, the term for judgment is sixty business days, at most. In cases involving loss of mandate, there is a longer period of ninety business days. If procedures are not completed, the proceeding will be highlighted in the Commissions agenda, being processed with priority.

Representation against a parliamentarian is initially the responsibility of political parties, the Chamber's Directing Board and in cases of milder complaints, even ordinary citizens. The representation is received by the Chamber of Deputy's Directing Board (when the board is not the author), who is responsible for instituting the appraisal procedure. There will be a position at the end regarding the evidence of authorship, considered sufficient or not for the continuation of the procedure, or even in favor of the ineptitude of the petition, with this being a technical evaluation that does not address merit, where the analysis covers whether the petition meets the formal requirements for consideration. If there are indications and no ineptitude is found, the Board will forward the petition to the Ethics Council to begin analysis of the conduct and only the procedures involving requests for suspension of prerogatives to the most serious penalties continue for consideration by the Council.

Once the process is initiated, the President shall choose a deputy, among a list of three names defined by a draw, as rapporteur. However, the deputy chosen cannot belong to the same party or bloc of the respondent, nor can they have been born in the same State, or be from the same party as the respondent. If there is an impediment or the rapporteur withdraws, it is up to the President to appoint a substitute rapporteur.

Paragraph 7 or article 7 establishes that if there is a petition filed against a member of the council, with unequivocal proof of the accusation, this member must be removed from their role for the duration of the proceedings. The Code of Ethics, however, does not mention this replacement, which raises questions regarding the use of alternates: can alternates from the same party or bloc (who could act representing the interests of the removed parliamentarian) replace the deputy removed, or should the alternate be from a different party or bloc (entering the procedures driven by the interests of the party itself and, thus, act)?

After receiving the petition, the Council's procedure follows what is provided for in article 13. Upon receiving it, the Plenary of the Council assesses whether the representation is inept or if it lacks grounds. If that is not the case, a copy of the petition is sent to the accused Deputy to provide, within 10 days, the defense elements established in the same article (written defense, witnesses, etc.). If the Council understands that the complaint is inept and lacks

grounds, the rapporteur will make a pronouncement on this matter in the name of the Council, emphasizing that the provisions herein are only valid for representations made by political parties, excluding, therefore, those presented by the Board. The announcement of ineptitude or lack of grounds is terminative, meaning it ends the claim of the party that filed the complaint, except if an appeal is filed to the Chamber's Plenary, under the terms of the Internal Regulation.

After the Council's deliberation - a roll-call vote by supermajority - the opinion may be approved, carrying the signature of the President of the Council, then being valid as the Council's final position and not only that of the rapporteur who issued it. But there is also the possibility of rejecting the opinion issued by the rapporteur. This rejection, provided for in item V of article 14 understands that, if the original opinion issued by the rapporteur is rejected, the appointment of a new rapporteur is mandatory, with this rapporteur being responsible for preparing a new opinion.

The new rapporteur should preferably be one of the members that rejected the original opinion, with the appointment being made by the President of the Council. When the rapporteur delivers the opinion, whether it is the original or the opinion of the winning vote, the judgment phase is considered concluded. Emphasis is brought to the fact that opinions addressing penalties such as suspension or loss of office may conclude that the request is groundless and should consequently be dismissed, but may also conclude for its sufficiency and propose the resolution.

When the course of the disciplinary process is finalized, a period of five days is offered for the accused parliamentarian to file an appeal before the Commission of Constitution and Justice. Filing the appeal has a suspensive effect. Finally, the process is sent to the Board to be published and distributed so that it is included in the agenda of the day, pursuant to item VIII.

### **3 Methodology**

To analyze the Ethics Council, the Chamber's Code of Ethics was first analyzed to understand how it works, as well as its pre- and post-procedural structures, obtained through the Chamber of Deputies' website, emphasizing the composition and procedure, in addition to the Chamber's Standing Rules, to which the Code refers in some procedural descriptions. Next came the analysis and data collection regarding all incumbents of the Council, based on the processing records publicly available on the Chamber's website. A time-frame analysis was carried out from 2001 to 2018, covering the creation of the Ethics Council to the last full Legislature.

Given that this article aims to outline a political-social profile of the members of the Ethics Council, the categories to be highlighted were searched in the literature on member selection and committee composition (SANTOS, 2002; MULLER, 2005; LEMOS, 2008;



LEMOS; RANINCHESKI, 2008, ARAÚJO, 2017; BUSANELLO; REHBEIN, 2017; PERLIN, 2019; FERREIRA, 2019, PEREIRA, 2019; SOUZA AND SILVA, 2019) namely: 1) party membership; 2) coalition participation; 3) regional representation; 4) gender representation; 5) number of terms in the Chamber of Deputies; 6) previous experience in elective and non-elective positions; 7) education; 8) declared professions; 9) length of stay on the Council. It is possible to analyze the characteristics of the members selected for the Ethics Council based on these data, both in terms of party issues and expertise (endogenous and exogenous) and their sociodemographic profile.

#### 4 Results and Discussion

A first point to be highlighted about the composition of the ethics council is the party distribution of its incumbent seats. This occupation of the Council is characterized by a considerable diversity of parties, such is the reality of the Brazilian Legislative since its redemocratization, representing the partisan and ideological heterogeneity of the Chamber of Deputies itself. Thus, the Council reflects on this diversity throughout its history, which is decisive for less represented parties to join groups with intermediary representation - compared to parties that traditionally have greater representation - to coordinate their goals as a basis for representing their interests. Isolated actions of parties with such a low percentage of occupation have less chances of achieving effective results.

**Table 1** – Party occupation of the Ethics Council

<b>Party</b>	<b>2001-2002</b>	<b>2003-2006</b>	<b>2007-2010</b>	<b>2011-2014</b>	<b>2015-2018</b>
PSDB	29.4	17.2	11.5	9.2	9.8
DEM/PFL	17.6	17.2	16.1	6.7	4.9
PMDB	11.8	12.9	13.7	10	10.6
PP/PPB	11.8	11.8	6.9	10.8	8.1
PT	11.8	17.2	14.9	15	10.6
PTB		5.4	6.9	5.8	5.7
PPS		5.4	8	0.8	3.2
PV				7.5	1.6
PDT	5.9	4.3	6.9	8.3	4.9
PL/PR	5.9	1.1	5.7	6.7	9.8
PCdoB		2.2		3.3	
PSB	5.9	5.4	5.7	7.5	4.9
PSC			1.2	5	2.4
PRB					4.9
SD				2.5	6.5
PSD					5.7
PSOL			1.2	0.8	
PEN					1.6
PHS					1.6
PSDC					1.6
PMN			1.2		1.6

Source: Prepared based on the data from the Chamber of Deputies, 2021.

As can be seen, with the change of legislatures, there is also a change in the order of parties with greater occupation of the Council. If between 2001-2002, PSDB was the party with the largest number of representatives, this begins to change in the following legislature, when first place begins to be shared between PSDB, PFL/DEM and PT. In the following legislatures, other parties hold the largest number of incumbents: PFL/DEM (2007-2010), PT (2011-2014) and PT and PMDB in (2015-2018). It is important to emphasize that both coalition and opposition parties occupied this position during the period analyzed.

Another point to be emphasized in table 1 is the number of parties that get a seat on the Ethics Council, which varies from 8 at the beginning of the period to 19 in the last legislature. This considerable number of parties reinforces the image of a plural Council, where several party forces obtain representation, thus representing the party plurality present in the plenary.

It is important to note that there is also a growth in the number of parties with representation in the Chamber within the period analyzed, growing from 19 in 2003 to 28 in 2015. It is also worth noting that, even following the rule of proportional distribution of Seats in the Council, there are possible differences between this composition and the composition of the plenary, either due to purely mathematical reasons, or because of the practice of forming party blocs to appoint members. Thus, despite having a plural characteristic, it is not possible to state that there is a precise correspondence between the Council and the plenary of the Chamber of Deputies based on these data.

**Table 2 – NEP: Plenary and Ethics Council**

	<b>1998-2002</b>	<b>2003-2006</b>	<b>2007-2010</b>	<b>2011-2014</b>	<b>2015-2018</b>
<b>Ethics Council</b>	5.9	7.7	9.2	11.4	13.9
<b>Plenary</b>	7.2	8.4	9.2	10.2	13.3

Source: Prepared based on Rubiatti (2015) and the data from the Chamber of Deputies, 2021.

However, the number of parties alone cannot lead us to a precise view on the partisan dispersion of this representation. For this reason, table 2 shows the Effective Number of Parties<sup>3</sup> (ENP) in the Commission and in the plenary of the Chamber. From this information, one can see there is a strong resemblance between the ENPs of the Plenary and the Council, pointing to a considerable correspondence between the partisan fragmentation of both.

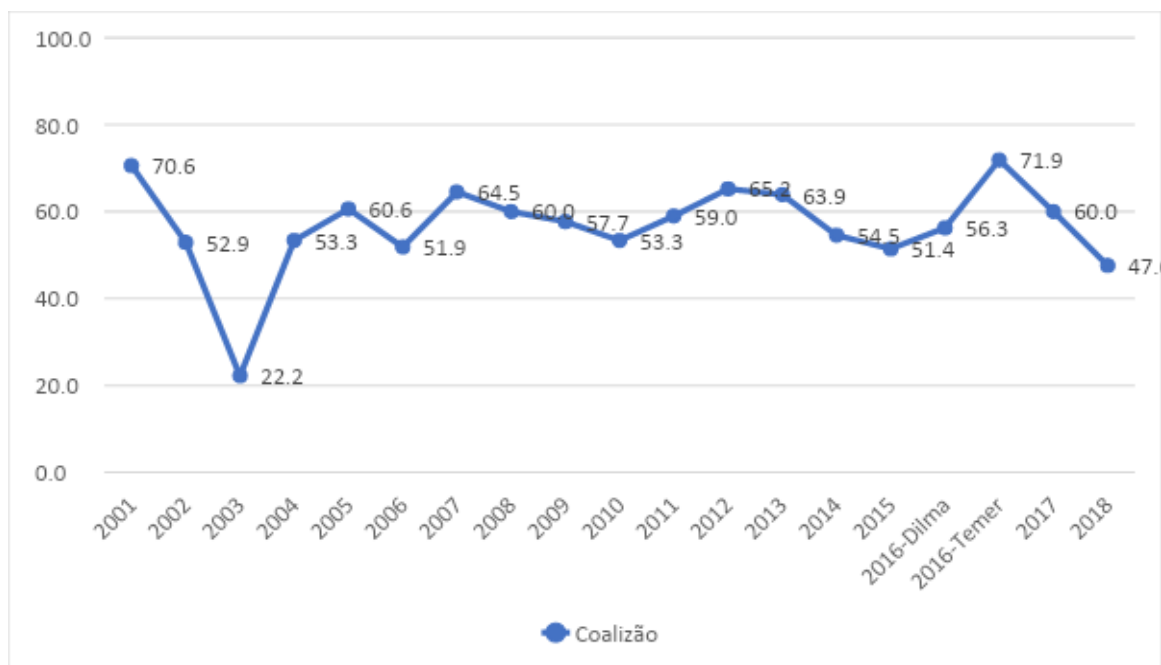
However, as pointed out by Figueiredo and Limongi (2004, p. 54),

<sup>3</sup>Formulated by Laakso and Taagepera (1979), the ENP is an index that allows one to observe the seat dispersion between parties. For Nicolau (2011, p. 105) this index allows “measurement of the units (parties) and their relative weight in a given population (electorate or Legislative).” The ENP is calculated based on the following mathematical expression:  $ENP = 1/\sum P_i^2$  where  $P_i$  is the proportion of the party’s seats (or votes)  $i$ .

there is no doubt that the Brazilian party system is fragmented, and that the electoral legislation creates incentives for the deputies to pursue particular objectives. Nonetheless, considered individually, legislators do not have access to the means necessary to influence legislation and public policies. They can only do so as members of parties that come together in two large groups: situation and opposition.

Thus, it becomes necessary to analyze the composition of the Council based on the situation and opposition axis. For this purpose, we use information on the different coalitions in the period provided by the *CEBRAP Legislative Database*. Chart 1 shows this distribution.

**Chart 1** – Coalition participation in the composition of the Ethics Council



Source: Chamber of Deputies (2001-2018).

Regarding the proportion of the governing coalition, it only lacked majority of the Council at specific moments in the political scenario: in 2003 and 2018. In the first case, it is the beginning of the Lula (PT) administration and, at that time, the coalition itself was in minority in the plenary: parties like the PMDB had not formalized their entry into the coalition, but already showed support for the government. However, because they were not officially part of the coalition, it was not included in the chart above. The year 2018 was the end of the Temer (MDB) administration. In this case, the drop in the coalition's participation may be related to the electoral calendar itself. Added to this are the corruption scandals, revealed by the already notorious proceedings against Temer himself, as well as the turbulent political scenario of an approaching election, bringing with it a polarization both for the population and for the political parties, which began to undergo a realignment.

On the other hand, 2016, the Temer administration, empowered through an

impeachment proceeding due more to the articulation of the PMDB party than the legal basis of the proceedings, presented the highest prevalence rate of the coalition ever recorded, with 71.9%.

**Table 3** – Regional representation of the Ethics Council

	<b>2001-2002</b>	<b>2003-2006</b>	<b>2007-2010</b>	<b>2011-2014</b>	<b>2015-2018</b>	<b>Total for the period</b>	<b>Representation in the plenary per region</b>
<b>Southeast</b>	35.3	41.9	34.5	25.8	22.8	30.6	34.9
<b>Northeast</b>	29.4	30.1	25.3	33.3	39	32.4	29.4
<b>South</b>	11.8	10.8	16.1	16.7	12.2	13.8	15
<b>North</b>	11.8	9.7	14.9	22.5	21.1	17.3	12.7
<b>Midwest</b>	11.8	7.5	9.2	1.7	4.9	5.9	8

Source Prepared based on the data from the Chamber of Deputies, 2021.

Throughout the Council's trajectory, 63% of its members were parliamentarians from the Southeast and Northeast regions, 31.1% is the total of the South and North regions and only 5.9% were from the Midwest region, numbers that compare to those found in the plenary. Since the Ethics Council is a commission that does not address budget issues, bills or any other factor that can generate gains or losses to a given region, it is understood that such a major difference is due solely to the geographic proportions that affect the Chamber itself.

The appointment of party leaders is aimed at parliamentarians who can, once their loyalty to the party is proven, represent the interest of the party within the Council if the opportunity to influence in the deliberation arises, either in favor or against a defendant, according to the determination of the caucus. Therefore, there is no space in this setting to seek regionalized gains, given that the subject is exclusively legal, and appointments are made in the name of the party, regardless of the region.

**Table 4** – Gender distribution in the Ethics Council

	<b>2001-2002</b>	<b>2003-2006</b>	<b>2007-2010</b>	<b>2011-2014</b>	<b>2015-2018</b>	<b>total for the period</b>
<b>Male</b>	94.1	88.2	92	97.5	96.7	94.1
<b>Female</b>	5.9	11.8	8	2.5	3.3	5.9

Source: Prepared based on the data from the Chamber of Deputies, 2021.

Table 4 shows another feature observed within the Chamber's reality, which is an under-representation of women, regarding key positions as presidents and vice-presidents of commissions. Given the Council is formed by appointments made by party leaders, such under-representation is reflected with an even greater difference. Although it is not the central theme of this research, the issue of gender can once again be seen as a component of the Brazilian Legislative, showing gender as an analysis category of social relations and capable of explaining the inequalities between men and women (Busanello and Rehbein, 2017).

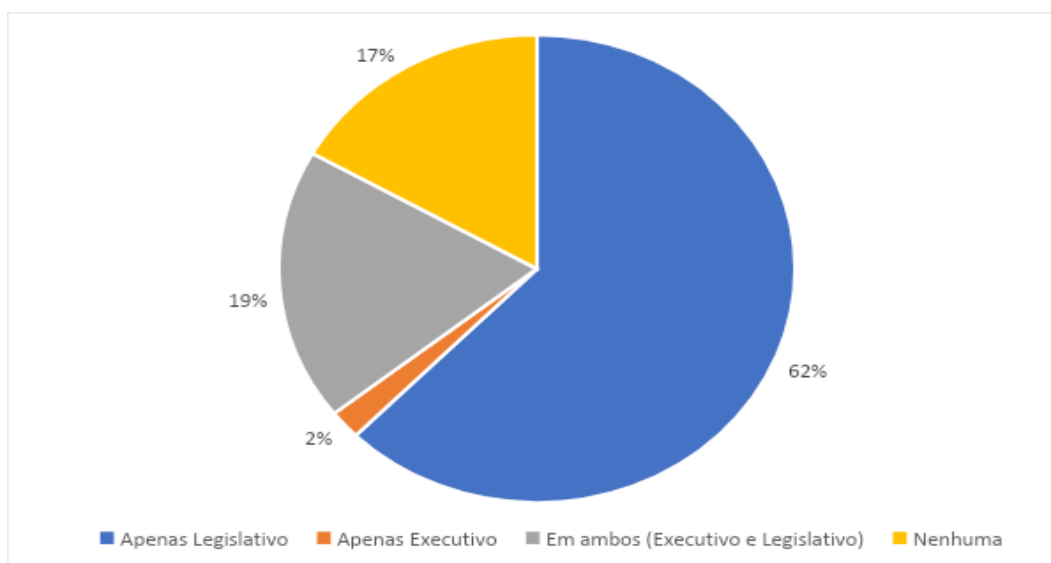
**Table 5** – Number of Mandates in the Chamber of Deputies of the Ethics Council Incumbents

	Percentage
First	40.3
Second	25.8
Third	13.4
Forth	10.3
Fifth	6.3
Over 5 mandates	3.9

Source: Prepared based on the data from the Chamber of Deputies, 2021.

The Council is mostly comprised of recently elected parliamentarians, which leads to the conclusion that the Ethics Council does not prioritize expertise exclusively in the most recurrent form, which would be the parliamentarians experience in the legislative house itself. The criterion for a parliamentarian to add expertise to the proceedings being processed by the Council seems to be more technical, with parliamentarians who compensate their lack of experience in the Chamber with college degrees, technical qualification, and academic knowledge. However, it is worth observing that the Chamber of Deputies itself undergoes significant renewal at each electoral cycle. Therefore, the number of possible house nominations available to leaders with a high number of mandates cannot be significantly low. Thus, other information should be considered when addressing the expertise of Council members. One of these pieces of information is experience in other elective positions.

**Chart 2** – Previous Experience in Elective Positions

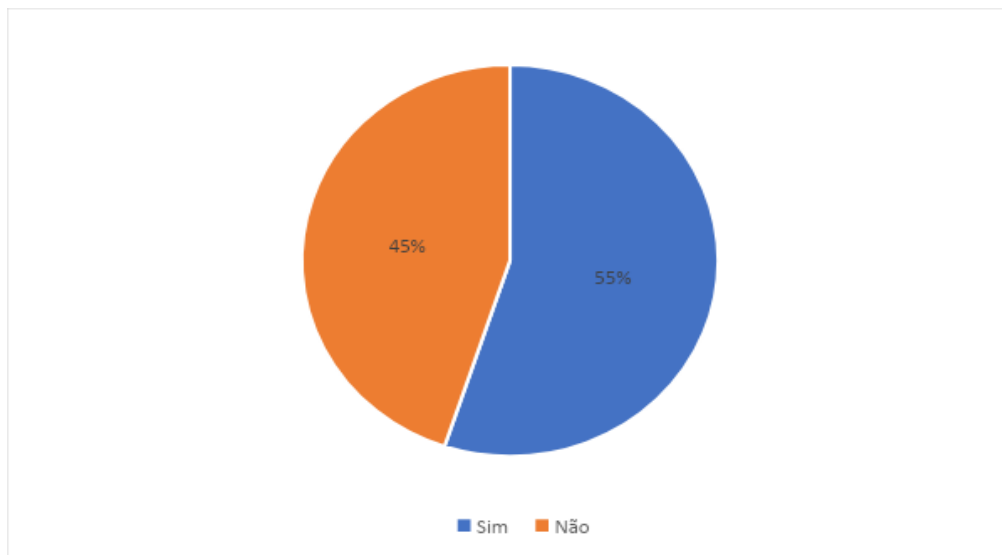


Source: Prepared based on the data from the Chamber of Deputies, 2021.

-Only Legislative -Only Executive -Both -None

Chart 2 shows that 83% of the parliamentarians that are part of the Council have previous experience in elective positions, mostly in the Legislative, but also in the Executive branch, or both. Although the predominant members of the council are those with up to 2 mandates, the Council's composition points to a small rate of members without any experience in the Legislative or Executive branch. Thus, the selection process of the council's members considers a political expertise that can make the Council's actions predictable.

**Chart 3 – Previous experience in non-elective public positions**

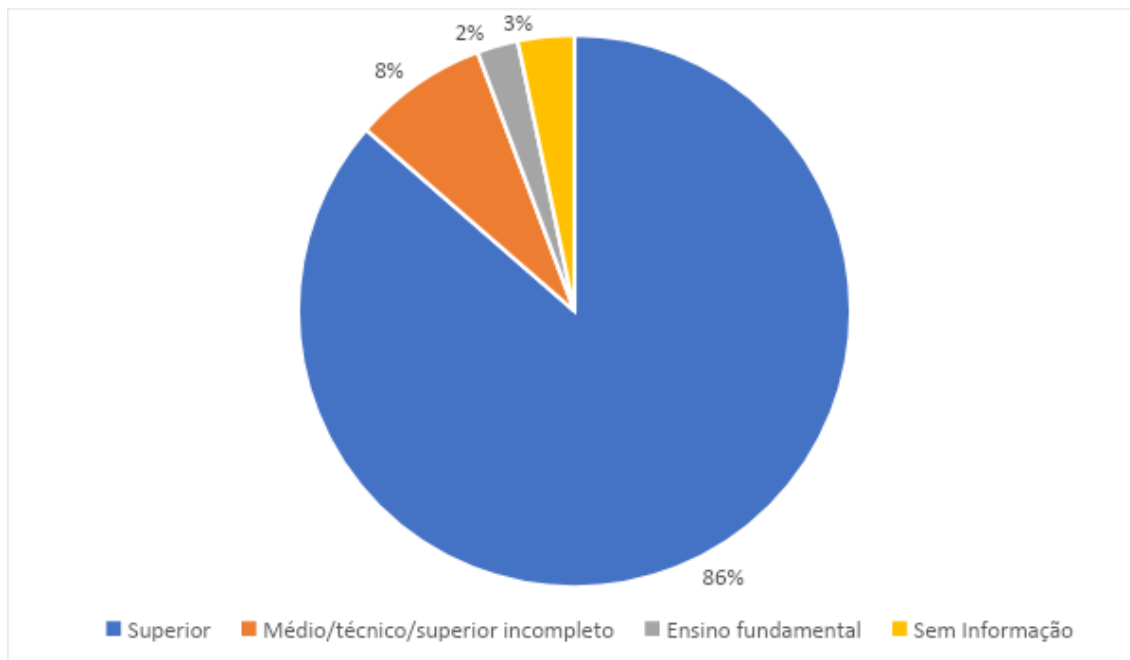


Source: Prepared based on the data from the Chamber of Deputies, 2021.

Yes, No

Finally, there is also the issue of occupying non-elective government positions. Even if in a balanced way, there is also a predominance of parliamentarians with experience in non-elective positions, which indicates that even if the parliamentarians have never experienced an election, they had contact with government through other means, such as commissioned positions. Therefore, parliamentarians who already held non-elective positions carry with them certain experience and contact with the public apparatus. Finally, it should be emphasized that 11.6% of parliamentarians that were part of the Council in the period did not have previous experience in elective or non-elective positions, and were also in their first term in the Chamber. Thus, it is possible to state that members of the Ethics Council have a certain degree of expertise that was acquired in their own political journey, even if they carry little experience in occupying a mandate in the legislative house itself.

**Chart 4 – Education level of the Ethics council incumbents**



Source: Prepared based on the data from the Chamber of Deputies, 2021.

-Higher -high school/associate degree/uncompleted higher education -elementary school -no information

When addressing education, 86% of the Council was made up of educated parliamentarians. Thus, the goal of parliamentarian leaders to appoint members that not only represent the interests of their caucuses, but can also perform a good technical role throughout the process: a parliamentarian’s bad technical performance can harm the appreciation of their opinion if they are rapporteur, making way for another member, who may have different interests, to prepare the opinion that will be final once accepted by the other members, resulting in a double blow to the party and the situation or opposition they represent.

**Table 6 - declared professions of the Ethics Council incumbents**

Profession	Percentage
<b>Lawyer</b>	21.8
Teacher	13.0
Farmer/Cattle breeder	6.7
Businessperson	6.7
Administrator	5.9
Engineer	5.4
Public servant	4.6
Physician	4.6
Communicator	2.9
Chief of police/Policeman	2.9
Accountant	2.5
Economist	2.1
Public Prosecutor/Appellate Prosecutor	2.1
Others	16.3
No information	2.5

Source: Chamber of Deputies (2001-2018).

Table 6 shows that most of the Council’s members are lawyers. This is understandable given the Council’s legal character, which has a determined procedural rite and often encounters documents, within the complaints, with structures like court petitions. As well as the reasons and defenses of the parliamentarians, also carried out by lawyers. The Council’s legal structure, regardless of the public character of its procedures or intentions when deciding, confers this commission very particular characteristics within the Legislative, which ends up excluding parliamentarians that lack a college degree or those with less access to information.

**Table 7** – length of stay in the Ethics Council

<b>Time</b>	<b>Percentage</b>
Up to 2 years old	50.3
From 3 to 4 years	36.1
From 5 to 6 years	8.4
From 7 to 8	0.7
From 9 to 10 years	2.6
From 11 to 12 years	1.9

Source: Chamber of Deputies (2001-2018).

The Code of Ethics prohibits immediate re-election, which explains the fact that most parliamentarians have their permanence restricted to the regimental time. The percentage of parliamentarians who remained for more than two years is due to the non-prohibition by the regiment of a new appointment, if it does not come immediately after the end of the legislature fulfilled.

This data corroborates with what was shown in Table 4, since 86.4% of the Ethics Council hold the position for up to four years. Given that the Council is mostly formed by parliamentarians in their first and second terms, the drop in the number of parliamentarians elected for longer that comprise the Council also follows the decrease in lengths of stay that are higher than two terms. Thus, creating endogenous expertise ends up being limited by the very rules that govern the ethics council.

## 5 Conclusion

This article presents the analysis of a seldomly studied institute, but that represents, in its core, a good opportunity to understand the Brazilian Legislative and the commission systems, mainly regarding the correspondence of positive theories to our political scenario. The Ethics Council is not officially considered a commission, but the procedures of the Code by which it is governed, in addition to the characteristics of its composition and the proven incidence of the governing coalition throughout its existence point to a concern of parliamentarians at the base of the administration about obtaining a majority that can act representing their interests in a procedure that, in more serious cases, can bring consequences



both to the image of the parliamentarian and even to their mandate.

The data presented help draw a profile of the parliamentarians that make up the Ethics Council. Based on references in the literature on legislative organization, it was concluded that:

- 1) The heterogeneity and plurality present in the Chamber of Deputies is reflected in the Council since its creation.
- 2) The governing coalitions have always formed a majority in the Council, except when realigning or dismantling, due to the beginning of the Lula administration and the end of the Temer administration.
- 3) The expertise aimed at by the Council comes predominantly from the previous experiences of parliamentarians in the Legislative or Executive branches, as well as in their respective professions, with emphasis on the convenient profession of lawyer. The development of endogenous expertise is limited by the Council's own rules (prohibition to immediately reappoint members).
- 4) Female parliamentarians have an exceptionally low representation, indicating that parliamentary leaders preferably appoint men to be part of the Commission.

Thus, this work sought to contribute to Legislative Studies by analyzing this body of the Chamber of Deputies which, despite having important internal control roles, receives little attention in the literature. However, it is still necessary to complement the analyzes about the Council: does this occupation by the coalition affect the results of the Council? What kind of complaints and reports are presented there? In short, this work opens a research agenda that is directed towards the actions of the council itself, thus allowing the analysis of the internal control roles it may come to exercise.

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