

laws were passed—twice as many as in 2019 (Bercholz 2021). At the same time, the executive branch used DNUs on a daily basis to regulate the isolation measures required to combat the pandemic and to establish economic contingency measures. For example, it extended the health emergency; regulated economic activities

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enabled to operate; created an emergency family income for people in households without labor income (i.e., payments in three installments); and the Emergency Assistance Program for Work and Production—that is, complimentary salaries paid by the state to people employed in companies. In 2020, 76 DNUs were issued; in 2021, 40. The Bicameral Control Commission of DNU analyzed most of these DNUs. It is important to note that Congress had the power to annul these decrees but decided not to reject any originating in the Fernández administration. However, in 2020, the Senate rejected three DNUs issued in 2018 by former President Mauricio Macri.

For its part, in 2020, Congress passed laws with tax benefits for healthcare workers to enable social-distancing education, implemented tax holidays for SMEs, and established a tax on large fortunes. This “extraordinary contribution” would be paid only once by those who had declared fortunes of more than 200 million pesos—about 12,000 people. The proceeds would be used to sustain the healthcare system.

As the government sought to cushion the impacts of the COVID-19 pandemic, it used the delegated powers granted to it by Congress to renegotiate the debt with private creditors under foreign jurisdiction—a total of 66 billion USD. When the debt payments were postponed, the government requested a new agreement with the IMF to be able to renegotiate the repayment terms of the loan taken in 2018. After an extensive process, Congress did not approve or announce the agreement until 2022.

In the 2021 elections, the presidential party lost its majority in the Senate and its membership in the Chamber of Deputies was reduced. As a result, there was a paralysis in legislative activity, as evidenced by the inability of the legislature to pass most draft bills—only 36 laws were passed in 2022—and the government continued to issue decrees based on necessity and urgency. Nevertheless, in 2022–2023, the Bicameral Control Commission of DNU did not directly control any of those DNUs.

To conclude, there was a legislative decline from 2019 to 2023 in Argentina. Initially, in 2019, the economic crisis and high debt led Congress to transfer power to the executive branch to negotiate with the IMF. Subsequently, in 2020–2021, the legislative delegation was defined by the COVID-19 pandemic and the need to reduce its economic impact and to address the health emergency. Finally, in 2022–2023, the loss of the ruling majority in Congress resulted in a paralysis in legislative work, thereby deepening the decline of the legislative branch.

CONFLICTS OF INTEREST

The author declares that there are no ethical issues or conflicts of interest in this research. ■

NOTES

1. The DNU, a special order issued by the president of Argentina, was established in the Constitution in 1994. Unlike regular decrees, which are used in Argentina for rulemaking, a DNU has the force of law. After the president signs a DNU, it comes into force almost immediately; afterward, the National Congress must examine it
2. GDP, current prices (USD billions).
3. National government gross debt (percentage of GDP).

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THE PHYSICAL PROXIMITY OF THE EXECUTIVE BRANCH TO THE LEGISLATURE: HOW CLOSE IS TOO CLOSE? THE CASE OF AUSTRALIA

Andréa Cullen, *Independent Scholar, Independent Scholars Association of Australia*

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Australia has a parliamentary political system with a majoritarian electoral system for its Commonwealth House of Representatives. This Spotlight article discusses how the physical proximity of the executive branch to the legislature contributes to the former exercising power over the latter. In Australia, the executive branch is housed within the legislature building (Fewtrell 1985) by “deliberate design” (Macintyre 2008, 48). That is, the executive and legislative functions of government are carried out in the same building. Ester (2011, 127) described this accommodation arrangement as “unprecedented” and one “that shows scant regard for ensuring the [legislature’s] constitutional sovereignty is underpinned through physical separation.”

The physical proximity of the executive branch to the legislature has tangible and intangible effects on the Australian Parliament's ability to carry out its legislative and scrutiny functions. The tangible effects include the ability of the executive branch to leverage its significant physical presence to exert undue pressure, especially on backbenchers. The intangible effects include creating a prevailing and dominant culture of the executive branch, which overshadows the legislature. The accommodation of the executive branch in the building over an extended period normalizes its presence and influence. It uses its appropriation of space in the building to exert influence and power as a normalized way of operating.

This article discusses how this arrangement encourages and empowers the executive branch to behave in ways that would be considered unconventional or unconscionable. Specifically, I address the question of how the physical proximity of the executive branch to the legislature influenced the dynamics of legislative-executive relations in Australia in 2019–2024, following general elections held in May 2019 and May 2022 to elect members to the 46th (July 2, 2019, to April 11, 2022) and 47th (July 26, 2022, to present) Parliaments of Australia, respectively.

The 46th Parliament Session

The Coalition of the Liberal and National Parties controlled the Lower House during that convocation of the Parliament. Examples of the tangible effects of the physical proximity being used by the executive branch include reported instances of it determining the terms of engagement with backbenchers. On these occasions, the executive branch used its physical presence and ease of access to exert pressure and influence on backbenchers, collectively and individually. Notable examples include (1) the treasurer approaching a member in their office to guarantee support of the government in motions of confidence and votes on appropriation bills on the floor of the House; (2) live texting of the conversation taking place through a closed door to a mainstream news outlet; and (3) the summoning and escorting of backbenchers who were contemplating crossing party lines and voting with the other side on important votes to meetings with the prime minister in the executive wing (Karp 2021; Tingle and Elton 2021).

There are two key examples of intangible effects during the 46th Parliament. First was “the secret appointments to ministries.”

have been made under S64 of the Constitution, the principles of responsible government are fundamentally undermined” (Grattan 2022). Furthermore, it was observed that the undermining was not dependent on whether the prime minister exercised any or all of the additional powers but rather on the action of the appointments and their secrecy.

Second was the formation of a “National Cabinet.” The 46th Parliament was witness to the unfolding COVID-19 pandemic and its trajectory. The direction and coordination of Australia's response was managed through the formation of a National Cabinet—a committee of first ministers of the Commonwealth, states, and territories. It was established by the prime minister on a footing mirroring a “war cabinet,” except that it did not include the Federal Opposition Leader. Its establishment was regarded as a new frontier for the exercise of unchecked executive action and power in that “the National Cabinet emerged to occupy a new space for executive action, operating without accountability linkages back to any legislature” (Mills 2020, 9). Also, it did not meet the traditional requirements of a Cabinet (despite being referred to as one), and it materialized devoid of any sound governance structure (Mills 2020; Murphy 2020).

The 47th Parliament Session

The Labor Party has control of the Lower House during the 47th Parliament, which is still current at the time of writing. Intangible effects of the physical proximity have been prevalent during this Parliament. For example, shortly after the Parliament commenced, Prime Minister Anthony Albanese exercised his discretion under the Members of Parliament (Staff) Act of 1984 to reduce the personal staff allocations to each of the newly expanded 16-member crossbench from four to one. Affected crossbenchers and political commentators argued that this was an attack on democracy and that a reduced office would make it significantly more difficult for crossbenchers to properly scrutinize legislation and hold the government to account (Coorey 2022; Madden 2022).

The new government stated that it would respect Parliament, its scrutiny, and its legislative role. In an address to the National Press Club in 2023, Leader of the House Tony Burke proclaimed that the government would be reticent to use guillotine motions that shut down debate. Yet, in March 2024, the Lower House rammed through legislation without any robust scrutiny. This action markedly reduced the role of the legislature; furthermore,

The physical proximity of the executive branch to the legislature can influence the dynamics of legislative-executive relations.

In 2022, it was revealed that Australia's Prime Minister Scott Morrison appointed himself to five ministerial portfolios in 2020–2021 while in office. The appointments were not announced, the prime minister did not inform the Cabinet, and most of the ministers already in these portfolios were unaware. This executive exercise of power was considered unchartered territory.

The Solicitor-General found that this unprecedented exercise of executive power, although not illegal, to “the extent that the public and the Parliament are not informed of appointments that

the government was unable to adequately explain why the bill was urgent (Worthington 2024).

In 2023, the government introduced a requirement for stakeholders who were seeking input into proposed government legislation to sign nondisclosure agreements. This coincided with the government proposing to change workplace-relations laws. The requirement was used again in 2024 related to changes to the National Disability Insurance Scheme and the introduction of fuel-efficiency standards (Worthington 2024).

Conclusion

The physical proximity of the executive branch to the legislature can influence the dynamics of legislative–executive relations. When the executive branch is housed within the legislature building—as is the case in the Parliament of the Commonwealth of Australia—such proximity enables it to exert undue influence and undermine a legislature’s ability to carry out its legislative and scrutiny functions in tangible and intangible ways.

In assessing the influence of the physical proximity of the executive branch to the legislature during the past five years in the Australian Parliament and its overall effect on legislative–executive relations as compared to prior years, it is clear that the executive branch continues to dominate the policy process in the country.

However, regarding the magnitude of this dominance, the effects of physical proximity on legislative–executive relations have intensified during the tenure of the past two sessions of the parliaments compared with the previous one. That is, the executive branch has used the physical proximity in a more emboldened way to influence the legislative and scrutiny functions of the Australian Parliament. This physical proximity of the executive branch to the legislature and sharing the building weakens the legislature’s mastery of its own precinct. The legislature building and its precinct should be the exclusive domain of the legislature.

CONFLICTS OF INTEREST

The author declares that there are no ethical issues or conflicts of interest in this research. ■

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THE DISRUPTIVE EFFECTS OF POLARIZATION ON THE LAW-MAKING PROCESS

David Jágr, *Faculty of Social Sciences, Charles University, Prague, CZ*
 Zdenka Mansfeldová, *Institute of Sociology of the Czech Academy of Sciences, Prague, CZ*

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Krastev (2020) predicted that the world would change significantly after the COVID-19 pandemic. The world probably has not changed to the extent that he estimated. However, society and politics remain divided. An example of extreme political polarization at the elite level is legislative–executive relations in the Czech Republic. This country is a consolidated parliamentary democracy in Central Europe, consisting of a bicameral legislature, the Chamber of Deputies, and the Senate. This Spotlight article focuses only on the lower house of parliament—the Chamber of Deputies (hereinafter, the Chamber)—to which the government is accountable.

A distinctive feature of the Czech political landscape is that since the 2021 electoral cycle, the parliamentary opposition is constituted solely by populist movements. Furthermore, the Left is absent from the parliament. As a result, the division between the parties is no longer based on a clear Left–Right ideological framework. Instead, there is a strong populist–antipopulist elite polarization, which also is manifested in the disruptive effects on the law-making process. This article makes a significant empirical contribution to the field by focusing on a previously under-researched aspect of the Czech political environment, which has the potential to impede the functioning of the entire political system.

A comparison of the distribution of political power in Czech politics before and after the COVID-19 pandemic reveals the change in the position of the most powerful political party: the populist movement Action of Dissatisfied Citizens (ANO) led by billionaire Andrej Babiš. Although ANO had control over the government and held the post of prime minister from 2017 to 2021, it became the main opposition party after the 2021 parliamentary election. The transition from “populists in government” to “populists in opposition” created a unique political constellation—after 2021, the parliamentary opposition consisted of only populist parties: the ANO party and the radical populist Freedom and Direct Democracy (SPD). At the same time, the former opposition parties created an ideologically heterogeneous coalition with a majority of 108 of 200 seats in the Chamber.¹

Furthermore, the number of parliamentary parties was reduced from nine to seven after the 2021 election. Representatives of the Left, who participated directly (i.e., Social Democrats) and indirectly (i.e., Communists) in the previous government, departed the parliament. With this disappearance of the Left from Czech politics, the formerly dominant socioeconomic cleavage also disappeared and has been replaced by an antagonism between