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Shifts in the relationship between the state and civil society in Brazil's recent democracy

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SHIFTS IN THE RELATIONSHIP BETWEEN THE STATE AND CIVIL
SOCIETY IN BRAZIL'S RECENT DEMOCRACY

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A thesis submitted in partial fulfillment
of the requirements of the University of Westminster
for the degree of Doctor of Philosophy

November 2012

Abstract

This thesis investigates the shifts in the relationship between the state and civil society in Brazil between 1995 and 2010. Following a period when 'civil society' was nearly abandoned as an analytical category, a number of studies from the 1980s onwards have developed links between ideas of democracy and civil society. Seeking to understand the roles played by civil society and their relevance for Brazil's recent democracy, this work proposes an analytical framework that associates a relational approach with the application of analytical tools from Chantal Mouffe's agonistic theory of democracy. The thesis' period of analysis covers the administrations of presidents Fernando Henrique Cardoso and Luiz Inácio Lula da Silva. The main hypothesis examined is that during this period there occurred a shift from an 'apolitical-consensual' to a 'political-conflictual' pattern of relationship between state and civil society.

The work undertaken in this investigation is conveyed through eight sections. Following a brief introduction, Chapter 1 is dedicated to a review of the literature on civil society; it also includes a justification of the use of the relational approach and an introduction to this thesis' main analytical categories. Chapter 2 traces an overview of the historical trajectory of civil society in Brazil and its key characteristics. Chapter 3 explores the discourses and practical measures relating to civil society which have been adopted by the Cardoso and Lula governments. Chapter 4 discusses the literature on participation in Brazil and its formulations on the modes of interaction between the state and civil society. It also explores tenets of Mouffe's agonistic theory and proposes an analytical framework through which the case studies will be interpreted. Chapters 5 and 6 examine the two selected case studies: respectively, the National Council for Health and the 1st National Conference of Communications. The concluding chapter outlines the thesis' main findings.

This thesis intends to expand understanding of the realms of civil society action; the forms of relationship between civil society organisations and the state; and, finally, the projects' potentialities for expanding participation and deepening democracy in Brazil.

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List of Abbreviations

1st Confecom	1st National Conference of Communications
ABERT	*Associação Brasileira de Emissoras de Rádio e Televisão* (Brazilian Association of Radio and Television Broadcasters)
ABONG	*Associação Brasileira de Organizações não Governamentais* (Brazilian Association of Nongovernmental Organisations).
ABRA	*Associação Brasileira de Radiodifusores* (Brazilian Broadcasters' Association)
ABRAÇO	*Associação Brasileira de Radiodifusão Comunitária* (Brazilian Association of Community Radio Broadcasters)
ABRASCO	*Associação Brasileira de Pós-graduação em Saúde Coletiva* (Brazilian Association of Graduate Studies in Public Health)
ARENA	*Aliança Renovadora Nacional* (National Renewal Alliance Party)
BAND	*Rede Bandeirantes*
CEMPRE	*Cadastro Central de Empresas* (Central Business Registers)
CCS	*Conselho da Comunidade Solidária* (Council of the Solidarity Community)
CCSS	Center for civil society studies/Johns Hopkins University
CDES	*Conselho de Desenvolvimento Econômico Social* (Council for Economic and Social Development)
CEBs	*Comunidades eclesiais de base* (basic ecclesiastical communities)
CEBES	*Centro Brasileiro de Estudos da Saúde* (Brazilian Centre of Health Studies)
CEBRAP	*Centro Brasileiro de Análise e Planejamento* (The

	Brazilian Centre for Analysis and Planning)
CEPAL/UN	United Nations Economic Commission for Latin America and the Caribbean
CIS	*Comissões Interinstitucional de Saúde* (Inter-institutional Commissions of Health)
CNP	Johns Hopkins Comparative Nonprofit Sector Project
CNPC	*Comissão Nacional Pró-Conferência de Comunicação* (National Pro-Conference Commission of Communications)
CNS	National Council for Health
CON	National Organising Committee
CONSEA	*Conselho de Segurança Alimentar* (the National Food Security Council)
CS	*Programa Comunidade Solidária* (Solidarity Community Programme)
CUT	*Central Única dos Trabalhadores* (Unified Workers' Central)
FASFIL	*Fundações Privadas e Associações sem Fins Lucrativos* (Private Foundations and Nonprofit Associations)
FENTAS	*Fórum de Entidades Nacionais de Trabalhadores da Saúde* (Forum of the Health Workers National Bodies)
FNDC	*Fórum Nacional pela Democratização da Comunicação* (National Forum for the Democratisation of Communications)
FOSIS	*Fondo de Solidariedade e Inversión Social*
IBASE	*Instituto Brasileiro de Análises Sociais e Econômicas* (Brazilian Institute of Social and Economic Analysis)
IBGE	The Brazilian Institute of Geography and Statistics
ICS	*Instância de Controle Social* (Social Control Authority)
IDB	Inter-American Development Bank
IMF	International Monetary Fund

ISER	*Instituto Superior de Estudos da Religião* (The Higher Institute for Studies of Religion)
MAB	*Movimento Amigos do Bairro*
MARE	Ministry of Federal Administration and State Reform
MDB	*Movimento Democrático Brasileiro* (Brazilian Democratic Movement)
MDS	Ministério do Desenvolvimento Social e Combate à Fome (Ministry of Social Development and Fight against Hunger)
MST	*Movimento sem Terra* (Brazil's Landless Workers Movements – MST)
NGOs	Non-governmental organisations
OSCIPs	*Organizações da sociedade civil de interesse público* (civil society organisations for the public interest)
PMDB	*Partido do Movimento Democrático Brasileiro* (Party of the Brazilian Democratic Movement)
PPA 2004-2007	Multiyear plan for 2004 to 2007
PSOL	*Partido Socialismo e Liberdade* (Socialism and Freedom Party)
PT	*Partido dos Trabalhadores* (Workers' Party)
SBT	*Sistema Brasileiro de Televisão*
SGPE	Secretariat of Strategic Planning and Participation in the Ministry of Health
SUS	Unified Health System
TELEBRASIL	*Associação Brasileira de Telecomunicações* (Brazilian Association of Telecommunications)

Para meus amores, Francisco e Aya

Acknowledgements

To my mother and father-in-law, Heloisa and Ivan, thanks for their constant and caring support. Special thanks to my parents, Massaco and Roberto, this magic combination of enduring patience, love and encouragement.

Finally, to Francisco, my dearest partner of all times, for offering me so much love, wisdom, understanding, good humour and unfailing support. Thank you, Francisco, for sharing your dreams with me and for making the most precious one, our beautiful and full of life daughter Aya, come true. I dedicate this thesis to you two.

Declaration

I declare that all the material contained in this thesis is my own work.

INTRODUCTION

The main subject of this thesis is the shifts in the relationship between the state and civil society in Brazil over the period from 1995 to 2010.

Following a period which saw the near-abandonment of civil society as an analytical category in political theories, events that mainly took place in Latin America and Eastern Europe in the 1980s generated a recrudescence of literature on the concept. These events included popular demonstrations and civic mobilisation towards actions against dictatorial regimes, and prompted a number of investigative studies which began to associate the ideas of democracy and civil society.

In Brazil, these investigations were dedicated to understanding the foundations and implications of the country's democratisation process of the 1970s and 1980s. These resulted in the evolution of differing streams of thought about the process, and within these streams, distinct and in some cases opposing theoretical formulations and normative concepts developed around the idea of civil society.

More than two decades after the ending of Brazil's military regime, it is possible to discern a new political configuration in the country. The governments of president Fernando Henrique Cardoso and Luiz Inácio Lula da Silva, which together comprised 16 years of stable democracy from 1995 to 2010, contributed different understandings and practical measures related to the role of civil society and its relationship with the state.

Taking this context into account, this study began with some general preliminary questions. What is the relevance of civil society in Brazil today? What realms are civil society organisations engaged in today? In what kinds of actions have these organisations been involved in recent times?

It is worth explaining that this investigation does not look to discuss normative definitions of the term civil society. Rather, it is interested in understanding how the concept has been used and interpreted over the last two decades,

more specifically during the period of the recent abovementioned governments.

Both the Cardoso and Lula administrations showed interest in the subject of civil society and put forward a number of initiatives involving the interface between government agencies and civil society organisations. However, the literature that examines these governments suggests marked differences in their ways of understanding the role and kinds of actions envisioned for civil society. Essentially, while Cardoso's government is commonly associated with the tenets of the new public management and the introduction of structural adjustments and state reform measures, Lula's administration is identified with left-wing organisations and social movements as well as with initiatives towards social reforms. These contrasting contexts have provided distinct bases from which to build understandings of what civil society is and how these administrations should relate to it.

Based on a relational analytical approach, this investigation argues that the forms of interconnection and relationships established between the state and civil society are fundamental to understanding the roles and actions adopted by civil society.

As will be further explored, the historical trajectory of Brazil's civil society shows an intricate link between its transactional dynamic with the state and the space that civil society organisations have come to occupy over the decades.

I contend that this same link can be perceived in recent times. The Cardoso and Lula governments' distinct understandings of democracy and the part that civil society might play in the national scene has led to the establishment of distinctive attitudes and measures with regard to civil society organisations. This, in turn, has conditioned the interplay of civil society and government, and thus affected civil society actions.

The subject of inquiry and the hypotheses of this thesis

Taking these arguments into account, **this thesis has chosen to explore as its <u>main subject</u> the shifts in the relationship between the state and civil society in Brazil from 1995 to 2010**.

As will be described in more detail later on, it was found particularly advantageous to focus on the relational context in which civil society is embedded, instead of adopting the more usual substantialist approach typical of this field's literature, which examines the actions of the different bodies in isolation.

In order to explore this subject, this investigation proposes an analytical framework based on Chantal Mouffe's agonistic theory of democracy. I will aim to show in developing this thesis how Mouffe's formulations contribute analytical tools that allow the identification and understanding of where and in which directions shifts and transformations in that relationship occur.

From Mouffe's definition of the political, two analytical categories were created that distinguish between what the literature indicates to be the main current interpretations of civil society roles and forms of interaction with the state. These are referred to in this work as the apolitical-consensual and the political-conflictual approaches. While the details of this debate will be presented early on in this thesis, it should be highlighted straight away that the main difference between these categories is whether or not they conceive civil society actions as having impact in the political realm.

In view of the arguments raised by the literature on the Cardoso and Lula administrations, **the <u>main general hypothesis</u> to be tested is that from 1995 to 2010 a shift from an apolitical-consensual to a more political-conflictual pattern of relationship between the state and civil society took place**.

<u>Two subsidiary hypotheses</u> were formulated in order to explore this thesis' main subject in the specific context of participatory spaces.

The first is that the kinds of participatory space emerging in Brazil are encouraging a shift in the relationship between the state and civil society towards a more political-conflictual pattern. And the second hypothesis is that participatory initiatives contribute to the creation of agonistic public spheres of contestation.

These participatory spaces were envisioned in the Brazilian Federal Constitution of 1988 with the distinctive purpose of building arenas of debate and exchange between participants from state and civil society to define public policy matters.

I argue that a closer examination of the different models and practical outcomes of participatory initiatives can produce a significant contribution to the purposes of this thesis. These spaces receive increasing attention in democracy studies based on two main factors. The first is these spaces' fast and steady expansion over the last two decades, particularly during Lula's government. The second factor is the innovative potential that their advocates claim they hold for promoting democratic transformations. Following on from this, I contend that the examination of these participatory initiatives not only offers a remarkable opportunity for identifying possible transformations in the relationship between the state and civil society during Brazil's recent period of democracy, but also reveals new elements within the debate around the conditions needed to deepen and radicalise democracy in agonistic terms.

Methodology

This investigation will be carried out in two steps.

The first stage gives an analysis of the general political context of the Cardoso and Lula administrations, emphasising a comparison of the discourses used by the two governments, as well as practical measures relating to their interaction with civil society bodies. This comparative analysis will be mainly based on secondary sources, such as these administrations' official documents and data produced by other investigations.

Beginning from this broader depiction of the relational situation at that period, the second stage will focus on the examination of the specific form of interface within the participatory spaces. Two cases will be analysed in the investigation, namely, the National Council for Health (CNS) and the 1st National Conference of Communications (1st Confecom).

For this second part of the empirical work, the two case studies will be examined separately, employing a narrative analysis aiming to reconstruct their trajectories through significant episodes, particularly those involving a degree of conflict between the participants. In elaborating these narratives I will draw from both primary and secondary data. The data sources are essentially official documents produced by government and civil society organisations, news reports, videos from the 1st Confecom, participant observation of CNS meetings, and, to a greater extent, structured interviews with individuals from both government and civil society who participated in these initiatives.

Case selection

With regard to the case studies, it is worth noting that they correspond to two different participatory space formats. The first case, the National Council for Health (CNS), is the oldest of the 40 public policy councils which have been created at federal level since 1937. The second case, that is the 1st National Conference of Communications (1st Confecom), is one of the most recent of over 100 national conferences to be held also at federal level. While a public policy council is defined as a permanent and institutionalised space of deliberation in which previously chosen participants from state and civil society debate and define specific measures for government implementation, the national conference is a process of events, with wider and more open participation, which takes place over a determined time period in order to discuss general guidelines for a specific area of public policy.

The selection of these two case studies was based on three main reasons. Firstly, their different formats allow the exploration of outcomes produced by

distinct participatory designs. Secondly, the almost diametrically opposed historical trajectories of the two fields add distinct contextual elements which can enrich the analysis. While the literature shows that evolutionary path taken by the CNS paralleled the historical struggles for democratisation in the country, the efforts and difficulties faced in the implementation of the 1st Confecom reflect a trajectory characterised by the dearth of open debate in the field. Thirdly, a number of practical, empirical reasons contributed to this decision. After preliminary explorations of these and other potential case studies, the two chosen were those with stronger sources and a greater amount of accessible data.

Structure of the chapters

The work undertaken in this investigation will be conveyed through the following chapter structure. After this brief introduction, Chapter 1 is dedicated to a review of the literature on civil society, and will also include a justification of the use of the relational approach and an introduction to this thesis' main analytical categories. Chapter 2 will trace an overview of the historical trajectory and the key characteristics of civil society in Brazil. Chapter 3 will explore the successive discourses and practical measures adopted by the Cardoso and Lula governments, in order to build an understanding of the general interactional context during this thesis' period of analysis. Chapter 4 will discuss the tenets and connections elaborated in Brazil's participatory literature. It will also develop an exposition of agonistic theory and will subsequently propose an analytical framework for the analysis of the case studies over the succeeding chapters. Chapters 5 and 6 will explore the two cases selected: respectively, the National Council for Health and the 1st National Conference of Communications. Finally, the concluding chapter of this thesis will be dedicated to outlining the main findings and final conclusions of this investigation.

Chapter 1

Different concepts and usages of 'Civil Society': a proposal for a relational approach

1.1. Terminology and usages of 'civil society'

The interpretation of the concept and the role of civil society is a much-debated issue in the political science academic literature, as well as among practitioners. Several lines of interpretation have been taken as the basis for definitions that attempt to represent and explain it in the context of the worldwide phenomena that have emerged since the 1980s that include the processes of democratisation in Eastern Europe and Latin America.

The sources of influence for this concept are diverse and scattered in time, comprising the Greek model of the *polis,* the ideas of Enlightenment thinkers such as Locke, Ferguson and de Tocqueville, and the works of later philosophers including Hegel, Marx and Gramsci.

The foundations of political philosophy threw up several normative disputes related to the elements that should be included in the concept of civil society. Some examples of the topics of discussion in the classical literature are: whether or not civil society has a political character; whether or not economic elements are inherent in the civil society realm; whether civil society and the state should be considered as separate spheres or organically connected entities; and the role of civil society in a wider process of change. Accordingly, civil society can be seen as having a number of different roles, including among others: to instil order; to act as an intermediary between various interests; to promote resistance against antagonistic forces; to develop and disseminate cultural and intellectual patterns; to encourage transformation; and to provide public services.

The recent literature on civil society incorporates the main aspects of the classical debate and adds new issues attuned to emergent contemporary

realities. The term has passed through several formulations which in some cases are intertwined with other interpretations but in other cases represent a clear rupture or divergence with previous lines of thought.

In this sense, it might be considered that the existence of so many ideas and expectations involving this single expression argue its irrelevance or redundancy as an analytical category. Indeed, although significant for the foundation of some prominent political theories in the second half of the nineteenth century, subsequently the use of 'civil society' was gradually put aside, resulting in its near abandonment until the 1980s (Keane, 1998).

Some scholars, who have associated the development of the civil society concept with the formation of the classical liberal tenets, claim that this disappearance is a reflection of the changes through which liberal political thought transitioned in the second half of the nineteenth century. The social and economic transformations of industrial capitalism in that period led to a considerable expansion of the state and its role. This expansion was also undertaken in the civil realm, hitherto understood as exclusively private. Under such circumstances, a civil society realm independent and in opposition to the state could no longer fit in the liberal formulation of that time (Acanda, 2006).

Nonetheless, in the 1980s, events and movements mainly linked to the democratisation processes arising in Latin America and Eastern Europe seemed to provoke a strong re-emergence of the concept of civil society as an analytical tool. From then on new ideas came to be attached to this expression and reconciliatory theories were formulated to accommodate the concept of civil society within the main traditions of contemporary thought.

This first chapter is intended to provide an exploration of the main aspects of the ongoing debate in the contemporary literature concerning the concepts of civil society that have influenced the studies of this field in Latin America and Brazil since the 1980s. It is worth emphasizing, however, that the aim of this

thesis is not to seek out new normative concepts of civil society.[1] Instead, it is interested in exploring the concrete usage and interpretation of the term in Brazil's recent democracy, particularly with regard to civil society's interactions with the state.

This chapter will be divided into four parts including this first introductory one. The next section will discuss the literature produced in the 1980s and the beginning of the 1990s on the democratisation process in Latin America. The third part will explore the main lines of argument developed after the democratisation period to justify the existence and reinvigoration of civil society. Finally, the last section will discuss the analytical approach proposed in this investigation and will introduce the initial hypothesis of this thesis.

1.2. Civil society and the democratisation process in Brazil

The struggle against the military regime in Brazil introduced a multiplicity of collective actors and various experiences of public involvement to the Brazilian scene. Neighbourhood associations, trade union organisations, feminist movements, NGOs advocating for social justice and civil rights are part of this new universe (Coutinho, 1980; Fernandes, 1994; Dagnino, 2002b)[2].

Since the 1970s, scholars conducted investigations in order to arrive at some interpretation of what was taking place in Latin America. The most widely known interpretations of what was happening in the region at that time were probably the theories of transition[3] (Avritzer, 1995).

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[1] Several authors have produced significant contributions to the investigation of the origins of the civil society concept as an analytical tool, as well as the development of normative theories in contemporary times. Some seminal works include those of Keane (1988; 1998), Cohen and Arato (1994) and Bobbio (1988).

[2] According to Dagnino (2002b), the strength of this unified movement against the authoritarian regime contributed to the creation of a misguided interpretation of civil society as a homogeneous entity. Criticism to that interpretation will be further explored in this investigation.

[3] Given its high influence amongst the works produced in the Brazilian literature until the first half of the 1990s, this investigation chose to start from the arguments of the theories of transition as the initial reference to explore the trajectory of the debate on civil society and democracy in Brazil. It is worth noting, though, that alternative and opposing lines of interpretation also emerged and became influential in the course of

The prevailing arguments within theories of transition find their roots in a non-normative perspective on democracy that gives emphasis to the role of political institutions, electoral competition and the negotiation between political elites (Avritzer, 1995; Avritzer and Costa, 2004).

Przeworski (1991), one of the authors engaged in this stream of debate, highlighted a concept of democracy stripped of moral or mandatory aspects. Instead, democracy is conceived as a conflict-solution procedure in which the self-interested political forces "subject their values and interest to the uncertain interplay of democracy and comply with outcomes of the democratic process" (p. 105).

According to the theories of transition, authoritarianism emerges as a period of rupture in the democratic system. This happens when political actors fail to negotiate among themselves at a specific juncture. In this situation, some actors develop the capability to veto the system's results, inhibiting the exercise of free and democratic political coordination. A return to the democratic system can be achieved when the conditions necessary for negotiation are restored and the powers of veto are removed (Avritzer, 1995). This set of arguments was largely accepted in the literature as providing an explanation of the rise and fall of authoritarian regimes in Latin America in the twentieth century.

O'Donnell (1988, 1992) distinguishes two different stages of the transition from military rule to a democratic regime. The 'first transition' consists in the period between the initial signs of a crisis within authoritarian rule and the establishment of a new government elected through an open competition. Due to schisms within the ruling establishment or due to the necessity of seeking broader support, the regime sets up measures that introduce political openings and the recognition of basic civil rights. Following this, the 'second transition' refers to the process of consolidating the new democracy. It starts with the

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the last three decades. Their tenets will be examined either in item 1.2. where their criticism against the theories of transition is discussed or in item 1.3. where their elaborations and proposals are presented.

establishment of a newly elected government and ends with "the effective functioning of a democratic regime" (O'Donnell, 1992, p. 18). According to O'Donnell (1988, 1992), this final phase coincides with Dahl's instrumental definition of a 'poliarchy'[4] or political democracy.

1.2.1. First transition: the breakdown of the military regime

Brazil's first transition is depicted as a long process of negotiation established between the military government and the collective forces of opposition. Despite recognising that civil society had at some level played a relevant role in the resistance against the military regime that ruled the country from 1964 to 1985, authors such as Skidmore (1989) and Stepan (1989) claim that this process was not a product of open and intense contestation. On the contrary, Skidmore (1989) argues that the transition to a representative democracy was in fact a product of the consensus within the moderate factions of both military and opposition elites as regards the opening of the regime.

According to the authors of the theories of transition, Brazil's first transition to democracy was a top-down process, imposed by the countries' elites. Therefore, instead of calling it a real democratisation process, they suggest that it would be better depicted as a liberalisation process, in which the will of the military was ever-present and tolerance was exercised towards the political opposition as a strategy to achieve government majority and political support (Skidmore, 1989; Stepan, 1989).

It is worth mentioning that the electoral system as well as the national congress remained operative over most of the period of the military regime in Brazil, with just a few lacunae. Nevertheless, in practice, from the 1964 *coup d'état* until the end of the 1970s, only two parties were allowed to operate: the

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[4] As reported by O'Donnell (1992), Robert Dahl, in *Poliarchy: Participation and Opposition*, names the following conditions for poliarchy: "all full citizens must have unimpaired opportunities: (1) to formulate their preferences; (2) to signify their preferences to their fellow citizens and the government by individual and collective action; (3) to have their preferences weighed equally in the conduct of the government, that is, weighted with no discrimination because of the content or source of the preferences" (p.51).

Aliança Renovadora Nacional (National Renewal Alliance Party – ARENA) – created by the militaries to support the regime − and the *Movimento Democrático Brasileiro* (Brazilian Democratic Movement − MDB) – standing as a large umbrella under which various opposition groups gathered. Moreover, several political restrictions were imposed during that time, such as the suspension of political rights or the arbitrary imprisonment of civilians and politicians who were perceived to go beyond the space and level of contestation imposed by the ruling government.

Fernando Henrique Cardoso (Cardoso) and Luiz Inácio Lula da Silva (Lula), both future presidents of Brazil, played significant roles at that period.

At the beginning of the military rule, along with other young intellectuals in Brazil, Cardoso was accused of political subversion and sent into exile for nearly four years. During this period, Cardoso consolidated a successful academic career working for prestigious organisations such as the United Nations Economic Commission for Latin America and the Caribbean (CEPAL/UN) and the University of Paris-Nanterre. In 1968, Cardoso returned to Brazil and started to lecture at the University of São Paulo[5]. The military regime forced him, and other lecturers who showed opposition to authoritarian rule, into retirement. This group of academics launched an independent think-thank named *Centro Brasileiro de Análise e Planejamento* (The Brazilian Centre for Analysis and Planning - CEBRAP) in order to conduct social and economic investigations to support democratic initiatives. Over the following years, the bridges built between CEBRAP and the political opposition to the

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[5] Over the course of his academic life, Cardoso produced influential works on democracy, development and social change in the Brazilian society, including *Capitalismo e escravidão no Brasil meridional: o negro na sociedade escravocrata do Rio Grande do Sul* (1962), *Dependency and Development in Latin America* (published in 1969 with Enzo Faletto), and *A construção da democracia* (1993). Notwithstanding the relevance of that vast production, this investigation did not base the analysis of Cardoso's administration on the content of those works. Taking into account that the aim of this thesis is to understand how the idea of civil society was applied in Cardoso's administration, it chose to look at the official documents and official discourses regarding the measures undertaken during the correspondent period. That examination is carried out in Chapter 3.

regime led to Cardoso's becoming an active member of the MDB (Cardoso, 2006a).

In the meantime, Lula came to be one of the most prominent leaders of the trade union movement. His trajectory began in the ABC district – on the outskirts of the city of São Paulo − representing the interests of the region's metalworkers. During the military regime, Lula's leadership in the strikes called in the 1970s and 1980s transformed him into a national figure, acknowledged not only by his co-workers but also among the popular and the elite sectors of the nation. On different occasions, this political recognition also led the military government to subject Lula to persecution and sanctions. Beyond his increasing involvement with politics, his trajectory also involved the establishment of closer links with opposition forces of the time, such as social movements and the Catholic Church (Bourne, 2008).

Cardoso's and Lula's political paths crossed on different occasions during the struggle against the military regime. In the early 1980s, with the breakdown of military rule, new political parties emerged, representing different segments of the opposition. While former MDB leaders, such as Cardoso, established the *Partido do Movimento Democrático Brasileiro* (Party of the Brazilian Democratic Movement - PMDB), the *Partido dos Trabalhadores* (Workers' Party - PT) was launched under the leadership of Lula.

The theories of transition gained acknowledgement for paying close attention to the changes that took pace in the formal political institutions and electoral scenarios. Nevertheless, different scholars argue that these theories fail to recognise the impact of other important aspects in the democratisation process such as the conditions given by the existing social context as well as the social transformations and the democratic innovations promoted by civil society (Weffort, 1992; Dagnino *et al*., 2006b; Avritzer, 1995).

One relevant criticism in this regard comes from Weffort (1992) who contends that

no classic political theory allow us to be so formalist that lead us to believe that a minimum definition of democracy would function in any social context, entirely independent from certain basic social conditions. The political reality of citizens in the state nation requires not only minimum institutional conditions but also minimum social conditions. The latter refers to the individualisation phenomenon - the formation of social individuals - in the modern society (p.26, own translation).

Avritzer (1995), in turn, affirms that the theories of transition limited civil society to the provisional role of strengthening the positions of democratic elites at a period when political competition was outlawed. In doing so, they overlook civil society's capacity to influence the whole social system through introducing new public spaces, actors, agendas and practices.

This sort of criticism propelled debate on new perspectives from where to understand the civil society's actions, as it will be discussed in section 1.2.3.

1.2.2. Second transition: the challenge of democratic consolidation

The early years that followed the breakdown of authoritarian regimes in Latin America did not lead to an optimistic scenario. Socioeconomic constraints, poor policy performance and a legitimacy crisis owing to several cases of corruption and clientelism were some of the obstacles faced by almost all the new Latin American democracies (O'Donnell, 1992). In relation to this situation, the literature on the second transition – the democracy consolidation − set up its analysis by observing the atmosphere of disenchantment that followed the first transition's hopeful climate of moving towards democracy.

The Brazilian scenario at the end of the 1980s and the beginning of the 1990s was not dissimilar. The early death of the first civilian president elected by congress in 1985 to rule the country after the cessation of military rule – president Tancredo Neves −; the repeated cases of corruption in the following governments; and the impeachment process undergone by the first president

to be elected by popular vote since 1964 – president Fernando Collor de Mello – contributed to aggravate this state of disenchantment.

Broader issues came to be addressed in order to examine the limits and possibilities of democratic consolidation. Scholars including O'Donnell (1992) began to suggest that the main issue in the case of Brazil resided not only in resistance to the forces of authoritarianism, but also in the clientelist and patrimonialist[6] historical patterns of political and social relations.

Nevertheless, according to Dagnino *et al.* (2006b), the theories of transition continued to focus on the traditional concept of the state's centrality and on analysis of the political system's institutional design. Because in this analysis representative institutions were conceived as the only possible arena in which democratic construction could take place, the role of civil society was understood as being operative only when representative democracy had been achieved. This elitist view of democracy was unable to perceive the participatory innovations that civil society organisations maintained during the struggle against the military rule.

O'Donnell (2004) recognised years later that the realm of democracy should not be confined to the institutions of the representative democracy's regime. Instead, he claims that the debate around democracy should also involve ethical and moral dimensions such as the conditions through which individuals can achieve the full status of citizenship. This asserts a substantive view of democracy that explores different dimensions of public life. O'Donnell then turned to understand democracy as a 'style of life' in which individuals have full access to political, civil and social rights and come to be competent agents in the political realm (Dagnino *et al.*, 2006b).

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[6] Patrimonialism is a concept commonly found in the literature which look at the dysfunctions of the Brazilian state (Schwartzman, 1988; Costa, 2009). Different authors including Max Weber and Raymundo Faoro examined this phenomenon and proposed distinct definitions. In this investigation, patrimonialism is being used as a general notion of a type of "promiscuous relationship between state agents and private interests which can be manifested as the distribution of government jobs in the spoil system mode, nepotism, mechanisms of favouritism and privileged concessions and corruption practices"(Costa, 2009, p.173).

Despite the above-mentioned reformulations, some authors continued to question the limits of this set of arguments in analysing the role and impact of civil society activities (Dagnino *et al.*, 2006b; Avritzer, 1995). In the midst of the 1990s and at the beginning of the twenty-first century, new theories and events came to light leading to the rejuvenation of the debate around civil society.

1.3. Rejuvenation of the debate and the changing signification of the idea of civil society in Brazil

In the last decades, an increasing number of investigations that not only depict the universe of civil society but also convey its practical relevance have been undertaken in different fields of study in Brazil (Alves, 2002). Concurrently, several terms with corresponding meanings or that denote related fields of analysis are starting to cohabit in an increasingly puzzling scenario. Third sector, non-governmental organisations (NGOs), non-profit organisations, philanthropy, voluntarism, independent sector, social movements, global civil society, uncivil society are just some examples.

Three of those expressions deserve special attention given to their general influence in the literature and the frequency that they were used interchangeably with the term civil society: 'third sector', 'NGOs' and 'social movements'.

The expression 'third sector' was first employed in the 1970s in the United States to designate civil society organisations that provide goods and public services with no profit motive (Smith, 1991 cited in Alves, 2002). As Alves (2002) explains, the roots of the term reside in the classic economic approach that separates society into sectors according to their economic aims. Thus, not-for-profit private organisations should be distinguished from the first sector (market) and the second sector (state). As it will be discussed further in this chapter, in Brazil, there was a widespread use of that terminology under what this investigation is calling the state reform discourse of the 1990s and beginning of the 2000s.

The idea of 'NGO', in turn, was originally conceived by the United Nations (UN) in order to classify non-governmental participants of the UN system (Fernandes, 1994). As stated by Borj (2000), in Brazil and Latin America, the NGOs gained recognition during the military regime. In general, they "gather individuals committed with the democratic opposition, which carry out projects for social intervention or scientific investigations purposes. They operate apart from the state and very often are supported by international sponsors" (Borj, 2000, p. 85, own translation). Alves (2002) argues that in Latin America, NGOs are usually identified as politicised organisations.

Finally, in the case of 'social movement' one should clarify that it has its own trend of development in the Brazilian literature. The proliferation of collective actions in the 1970s and 1980s encouraged the production of important works on the subject. Usually issuing from empirical observation of the context and dynamics of specific movements, this group of literature came to influence the debate on civil society particularly from the perspective of what this investigation is calling the democratic-participatory project[7].

I assert that in order to analyse the new meanings and relevance that civil society has been endowed with in recent times, it is essential to understand the context in which such concepts were developed and how they intermingled

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[7] Doimo (1995) gives an overview of the main lines of interpretation of social movements found in Brazil from the 1970s. They were the structural-autonomist, the cultural-autonomist and the institutional approaches. Despite divergences in some aspects, the first two views – from which scholars such as Francisco de Oliveira and José A. Moisés (first approach) as well as Sílvio Caccia-Bava, Eder Sader and Vera Telles (second approach) took part - had a common foundation in the Marxist thought and work with the assumption that "social movements were subjects capable of provoking the rupture of the capitalist structure. Moreover, they carry the promise of the direct democracy, of the autonomy in relation to the state and of the independence from the political parties" (p.48). The reestablishment of the institutional channels of participation and representation as well as the dearth of radical and deep transformations in the transition to democracy start to raise questions on the institutional impacts of the collective actions. Scholars such as Cardoso (1983; 1988) and Boschi (1987) inaugurate a third approach which underlines the need to deepen the analysis on the relationship between state and civil society as well as on the institutional realm which exert influence and can restrict the collective action. More recently, this literature has been revisited in works such as the ones undertook by Gohn (2007, 2009).

with the idea of civil society. Therefore, investigations on all those concepts will be considered as part of the literature on civil society.

I am arguing as well that it is impossible to give an exhaustive definition of civil society, since its meanings mirror the context and tenets of the political agendas in relation to which the definitions were conceived. This assertion follows the arguments raised by Dagnino (2002b) regarding the inadequacy of explaining the results of encounters between state and civil society based only on structural cleavages. Instead, the author argues for an interpretation that takes into account what she proposes as the different 'political projects' underlined in these relationships.

Dagnino (2002c) gives the following definition to what she understands as a Gramscian-style concept of 'political project': "the set of beliefs, interests, worldviews and representations of how life in society should be. In other words, what directs the political actions of the different subjects." (p. 282, own translation)[8].

In this regard, this investigation chooses to use the distinction made by Dagnino *et al*. (2006b) to identify what they called three main political projects emerging in Latin America in the contemporary epoch: the authoritarian, the neoliberal and the democratic-participatory. These authors argue that one should also take into account the existing heterogeneity in the practices and projects adopted within the state. Particularly in Latin America where coalition governments are necessary to deal with the weak balance of powers, it is not

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[8] This definition was applied in works organised by Dagnino (2002a) and Dagnino *et al*. (2006a) in which different scholars carried out investigations on practical cases of encounters between state and civil society in Brazil and in Latin America and their possible impacts towards the improvement of democracy. One important result pointed out in these works was that the encounters examined were always pervaded by tension and conflict. Dagnino (2002b) claims that one must recognise that conflict is inherent to the constitution of the public interest as well as to democracy itself. Moreover, the author contends that spaces for civil society participation in the formulation of public policy represent democratic improvements. They "publicise conflict" and "deprivatise the decision-making structure of the state", which are favourable conditions to create alternative hegemonies (Dagnino, 2002c, p.300). The role of conflict and arguments for social participation will be discussed in more depth in the final parts of this chapter and in Chapter 4.

unusual to discern in the coexistence within a single government of different political projects. However, I contend that in the case of this thesis's object and timeframe, it is possible to identify the predominant trends.

The following pages aim to describe how civil society is understood within these three types of political project. It is worth mentioning that other scholars have formulated different categories for analysing Latin American countries in post-transition times and the activities of civil society in this context.[9] Common points can be identified among these categories and will be highlighted throughout the text.

1.3.1. The authoritarian project

The authoritarian project has its roots in social authoritarianism, an acknowledged constitutive element in the history and culture of the Latin American countries (Dagnino *et al*., 2006b).

According to this model, the regular functioning of the representative democratic institutions − such as elections and political parties − is prohibited or annulled. Social rights concessions, citizenship expression and civil society participation can only take place if permitted by the state and in order to demonstrate political support for the government. The relationship established between the state and civil society is vertical and permeated by clientelism, repression and co-option (Dagnino *et al.*, 2006b).

The authoritarian project does not recognise the existence of civil society, since the dominant party plays the role of representing all segments of society as well as assuming all government functions (Dagnino *et al.*, 2006b).

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[9] We could mention, for instance, Santos' (2005) definitions of hegemonic and non-hegemonic concepts of democracy; Howell and Pearce's (2002) concepts of mainstream and alternative genealogy of civil society; Bülow and Abers's (2000) views of the distinction between 'state reform' and 'civil society for its own sake'; and Avritzer's (2006) three main models of civil society: preliberal, liberal-democratic and civic-participatory. The main features of these authors' formulations will be considered in the following section, under the discussions of each political project.

Dagnino *et al*. (2006b) identify this sort of political project with the Fujimori and Gutiérrez governments, which held power, respectively, in 1990s Peru and in Ecuador from 2003-5.

1.3.2. The neoliberal political project and the state reform approach

According to Dagnino *et al*. (2006b), the neoliberal project does not issue from the democratic debate. It stems from the attempt to build alternatives with which to face the fragilities identified in the Southern countries' economies and the inability of their governments to promote economic and social development. The redefinition of the role of the state towards managerial reform and a 'new public administration' came to be stressed in international debate as a necessary measure to address these problems.

The main logic of the state reform project can be roughly translated into Przeworski's (1999) statement: "The goal of state reform is to build institutions that give power to the state in order to make it do what it has to do and to prevent it from doing what it has not to do" (p. 39, own translation).

As stated by Spink (1999), the topic of 'reform of the state' turned into "an ample process of reflection about state and society amongst the experts in public administration from institutes of research and multilateral organisations. It incorporated measures towards decentralisation and enactment of municipal legislation and stimulated the debate on the nature of civil society and new forms of social organisation" (p. 155, own translation). As a result, initiatives aiming the strengthening of civil society and the improvement of dialogue with NGOs started to be encouraged by organisations such as the Inter-American Development Bank (IDB) and the World Bank (Spink, 1999).

Bülow and Abers (2000) define this set of arguments as what they called the 'state reform approach'. This view suggests that the transference of public funds to civil society organisations should produce better services and a significant reduction in public expenditure. The root of this statement lies in the

idea that civil society organisations are more flexible, more innovative and less costly than state agencies.

This discourse, which turned out to be very influential in Brazil, when it came to be put into practice was consonant with the formulations of the Washington Consensus and the 'new public management' approach. The former could be generally described as a set of measures prescribed by institutions such as the International Monetary Fund (IMF) and the World Bank in order to promote economic stabilisation and structural adjustments in developing countries facing financial crisis through privatisation and cutbacks in public spending. The latter, in its turn, was embedded in the reform initiatives carried out in countries such as the United States, the United Kingdom, Australia, Sweden and New Zealand (Bresser Pereira, 1999)[10]. These reform programmes – in particular the North-American one of 'reinventing government' − argued that effectiveness, efficacy, efficiency and innovation in public service provision could be attained through administrative decentralisation, the reduction of bureaucracy and the pursuit of client satisfaction (Bülow and Abers, 2000).

In the 1990s, the new public management discourse exerted a significant influence on the national debate on the role civil society organisations should play in their interaction with state agencies as well as on the ideas of partnerships[11] between these entities[12].

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[10] It is worth noting that Luiz Carlos Bresser Pereira, the Minister of Federal Administration and State Reform in Cardoso's government, was one of the main articulators of the introduction of the new public management ideas into the Brazilian administration. He produced different works in tune with that approach. Extracts of them will be examined in Chapter 3 as part of the government's discourse towards the reform measures carried out at that time.

[11] One must call attention to the indiscriminate usage that the term "partnership" received during that period. Based on the experience of the Programa Gestão Pública e Cidadania – launched in 1996 by the Centro de Administração Pública e Governo da Escola de Administração da Fundação Getúlio Vargas (FGV-EAESP) in order to award innovative experiences introduced by local governments -, Spink (2002) proposes a distinction between what he calls the different forms of social links. Accordingly, three levels of engagement could be established between state agencies and civil society organisations. From the lowest to the highest levels of engagement, they are links of communication, links of cooperation and links of collaboration. Among the latter ones, partnerships are the strongest type of link involving not only engaging in a common project but also in sharing common values and building up a

The institutionalism principles and formulations derived from Economics gave the grounds to justify proposals from the neoliberal political project and the formation of a new view of civil society. From this perspective, the emergence of civil society organisations came to be justified as a response to market and state failures in providing public services, in particular services for specific segments of society which have demands distinct from those of the general population (Salamon, 1995).

As suggested by Salamon (1994), four global crises and two revolutionary changes contributed to the unfolding state failure scenario and enforced the strengthening of the nonprofit sector in the 1990s. The crises he envisaged were the crises of the modern welfare state, of development, of the socialist regime and the global environmental crisis. According to Salamon (1994), the frustration with government − resulting from the outcomes of these crises − led citizens to seek their own initiatives, which in turn were boosted by the two revolutionary changes now described. The first was the combination between the expansion of literacy and improvements in the communications resources which facilitated people's interaction and mobilisation. The second revolutionary change, engendered by the global economic growth of the 1960s and 1970s, was the rise of an urban middle class in Latin America, an essential feature for the creation of non-profit organisations.

Various theories embedded in arguments from Economics were also established in order to explain the origin and functioning of civil society organisations. The theory of public goods, for instance, is based upon the notion that state's provision can only reach an average level of satisfaction among citizens. Consequently, civil society organisations arise to supplement

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long term relationship among entities. Spink (2002) argues that contracts between state agencies and civil society organisations for the provision of public services – highly encouraged during Cardoso's government - should not be confused with partnerships in that sense.

[12] More details on how the new public management approach influenced government's social agenda and practical measures regarding the relationship between state agencies and civil society organisations will be discussed in Chapter 3.

services beyond this level. Contract failure theory, in turn, highlights another aspect of the public contract: the trust between the service supplier and the beneficiary. According to this theory, trust is equally or more relevant than the quality and efficiency aspects promoted by the market paradigm. Civil society organisations would thus find their place, since trust is considered as an inherent feature of their existence and their contact with beneficiaries (Hansmann, 1987).

These theories, mainly developed in the North-American context, intended to deal with the practical aspects of public policies and had considerable influence in other regions, such as Latin America, especially in studies related to public administration and public policy.

Taking into account the aims of this investigation, it is worth mentioning another argument that is anchored in the tenets of institutionalism and came to be linked to the concept of civil society: the idea of accountability. Applying the principal-agent model,[13] Przeworski (1999) suggests that in a democratic regime, citizens must be capable of controlling government. Although the opportunity to punish bad governments can only be exercised through elections, citizens can exercise a relatively prospective control of politicians' actions if they have access to information on what politicians are doing. In this regard, politicians whose performance favours the citizens' interests would be liable to be re-elected while failure to please citizens would lead to losing elections.

As Przeworski (1999) asserts, "accountability works in the following way: governments foresee, in advance, the judgments that will be made retrospectively by the citizens. Predicting what electors will think, the government chooses policies and sends messages that, in its evaluation,

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[13] According to Przeworski (1999), within situations in which there are market gaps and individuals have different levels and types of access to information, actors establish among themselves a kind of relationship that the author calls the 'agent x principal' relationship. The main concern faced by the principal is to make the agent - who has its own interests as well as sources and uses of information – execute actions in order to fulfil the principal's interests. In this investigation, the principals would be the citizens and the agent, the state.

citizens will consider positive in the future election" (p. 62, own translation). According to the author, efforts must be made towards increasing citizens' access to information about government activities and improving institutional channels of communication between citizens and government. One can thus affirm that this concept of accountability and social control is confined to the electoral dynamic and to the problems related to informational asymmetry.

Under the state reform perspective, the notion of civil society starts to give way to the newly-coined term 'third sector' which includes in its definition only organisations that have developed the capacity to deliver public goods in response to market and state failure.

In this view, the idea of citizenship has lost its political character and has come to be permeated by an individualist and private perspective of solidarity (Dagnino *et al*., 2006b). Individuals are called to contribute to the struggle against social problems such as poverty or starvation. These individual initiatives are deemed charity or philanthropy rather than being seen as political collective action. New concepts such as 'solidarity participation', 'social responsibility' and 'voluntarism' emerge, anchored at some level to the tenets of the classical liberal literature and formulations concerning the idea of 'social capital'.

Robert Putnam developed the theory of social capital in his work *Making Democracy Work: Civic Traditions in Modern Italy* (1993) in which he describes the results of an investigation carried out on Italian local government. Putnam's research concluded that local government was higher-performing in the North than in the South of the country. The search for an explanation of this finding led to the advent of the notion of social capital in civic associations. Putnam (1993) argued that government performance was strongly related to the level of civic engagement of citizens among themselves and with community issues as a whole. He asserts that individual relations generate bonds of trust that in turn provide the necessary environment for civic engagement. This engagement can be understood as the "people's connection with the life of their communities, not merely with politics" (Putnam, 1995, p.665).

According to Howell and Pearce (2002), Putnam's ideas have had a significant influence on contemporary debate on civil society, particularly among international development agencies. Fukuyama (1996 cited in Howell and Pearce, 2002), for instance, initiated the discussion on the relevance of trust in the economic field and Salamon and Anheier (1999 cited in Howell and Pearce, 2002; John Hopkins University, 2011) conducted an extensive comparative investigation about the main features of third sector organisations around the world, that also included aspects related to their economic and developmental impacts.

In the 1980s, international development agencies started to identify civil society organisations as adequate vehicles with which to address social inequality issues as well as being a key element in social adjustment to the neoliberal reforms taking place in Latin American countries (Howell and Pearce, 2002). These expectations matched some of the aspects of the aforementioned state reform visions, which conceived partnerships with civil society both as an alternative to improving social services provision and as a strategy for building consensus about developmental issues between the state, civil society and market.

Howell and Pearce (2002) raise two main concerns related to the influence of international and multilateral agencies in the discourse of enforcing civil society. The first one concerns the risk of building an ideal tripartite model that ignores pre-existing relationships between civil society and the market and neutralises civil society's capacity to influence discussion on the contours and roles of the state. The second concern refers to the risk of seeing civil society as a mere instrumental tool of programme implementation, which could isolate it from the political realm.

Dagnino *et al*. (2006b) follow this same line of criticism, concluding that the neoliberal project upholds a minimalist view of democracy, which is restricted to the traditional institutions of representative democracy. In so doing, political interlocution with social movements is avoided and the strategy of

partnership[14] is enforced in order to minimize the spaces of conflict. Under this perspective, civil society is understood as essentially apolitical, being reduced to the instrumental role of the so-called third sector organisations (Dagnino *et al*., 2006b; Burity, 2006).

Scholars state that aspects of this type of political project can be found in different policies and programmes implemented in Latin America in the 1980s and 1990s, such as the Pronasol (Programa Nacional de Solidaridad) in Mexico, the *Comunidade Solidária* in Cardoso's government in Brazil and the *Fondo de Solidariedade e Inversión Social* (FOSIS) in Chile (Laurell, 1994; Dagnino *et. al,* 2006b; Almeida, 2006).

1.3.3. The democratic-participatory project and the renewal of Left-wing thinking

Taking into account the criticism levelled against the theories of transition and the neoliberal views of civil society, a number of different proposals, mainly from the Left, have come into view.

Experiences of the struggle against military rule, the quest for conciliatory arguments in relation to democracy and the recognition of the increasing differentiation and complexity of Brazilian society, resulted in the renewal of Left-wing thought towards fresh interpretations that could replace the

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[14]Burity (2006) examines the trajectory of the discourse on networks and partnerships of civil society in Brazil. The author points out that one of the tendencies within this process – which gained strengthen in the 1990s - was the reformulation of the practice of network formation towards a conception of collaboration with the state. This practice consisted basically in an instrumental relationship with the state in which the idea of partnership was central in the discursive logic. Regarding its impacts, Burity (2006) calls attention to the fact that under this type of network civil society organisations were inclined to play pre-defined and subordinate roles subjected to the state's call and rules of function. Moreover, Burity (2006) argues that "there is few recognition over the fact that this logic of partnership – as an operational format of relationship between civil society and state – entails the depolitisation of the relationship and interferes in the internal dynamic of civil society organisations (priorities, forms and rhythms of work as well as direction of their actions)" (p.113, own translation).

traditional categories and orthodoxy of Left-wing political analysis (Coutinho, 1990, 2000; Dagnino, 1998).

Theoretical works produced by different authors worldwide came to exert an influence on the Brazilian Left after the breakdown of the authoritarian regimes. The Brazilian literature agrees though that "for a representative part of the Left, Gramsci served as a solid launching pad from which it became easier to integrate several other influences deemed appropriate to address the new times" (Dagnino, 1998, p. 40).

According to Gramsci's exegetes, civil society occupies a central point in the Italian philosopher's line of thought (Coutinho, 1980, 2000; Bobbio, 1988; Acanda, 2006). And it was through Gramsci's concepts of hegemony and civil society that the Left in Brazil was able to find the bases to explain the social forces that emerged during the democratisation period (Dagnino, 1998).

Different reasons justified the acceptance of Gramsci's analytical categories in Brazil. Gramsci's reformulations of Marxist theory did not represent a traumatic rupture with the previously existing tenets of the Left. Moreover, they opened up a space in which to recognise and analyse the particularities emerging in the history of each society. Finally, Gramsci's key concepts of civil society and hegemony seemed to constitute a valid argument on which to explain the shift from the idea of revolution to the claims to democracy (Dagnino, 1998)[15].

Coutinho[16] (1980, 2000) advocates the concrete value that the political democracy should gain in the Brazilian context. Under the Leftist thought, the

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[15] At this point it is necessary to underline that it is common to find distinct and sometimes contradictory interpretations in the literature on Gramsci's work. In this regard, Dagnino (1998) argues that in Latin America, the interpretation of the Gramscian idea of hegemony evolved along pathways distinct from those it followed in 'advanced capitalist societies' (p. 58). In general terms, in the Brazilian context of the 1970s and 1980s, hegemony came to be understood by the Left as distinct from domination and linked to the ideas of democracy and pluralism (Dagnino, 1998). Civil society in turn started to be envisioned "as an arena of politics and a target of hegemonic efforts, as well as a privileged terrain of intellectual and moral reform and a construction of the collective will" (Dagnino, 1998, p. 41).
.[16] In order to draw a general depiction of the influence of Gramsci's formulations in Brazil, this investigation relies on the works of Carlos Nelson Coutinho which is

democratic renovation goes beyond the claims of the liberal democracy[17]. It involves as well progressive achievements towards "wide and organised incorporation of the great masses into the national political life" in order to promote the inversion of the country's historical trend of transformations from the top[18] (Coutinho, 1980, p.34, own translation).

Civil society – according to Gramsci's elaborations – is a key element in that process of democratic renovation.

As stated by Coutinho (1980), the main innovation in Gramsci's work lies in his broader definition of civil society. Gramsci, contrary to the classic Marxist literature, does not conceive civil society as the body of capitalist economic relationships. Instead, civil society would be a sphere of the superstructure in which the classes struggle to obtain alliances and exert their hegemony (Coutinho, 1980). Gramsci identifies civil society as the group of auto-organisations – organisations with a certain level of autonomy from the state - responsible for the production and diffusion of ideology such as the scholar system, the Church, political parties, trade unions, means of communication and so on (Coutinho, 1980).

Based on that understanding of civil society and acknowledging the increasing complexity of the society and emergence of new political subjects experienced in Brazil in the 1970s, Coutinho (1980) argues that

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probably the main exegete of Gramsci's thought in the Brazilian Left. Coutinho (1980, 1989, 2000) formulated influential arguments towards the use of Gramsci's concept of civil society and the articulation between democracy and socialism.

[17] As suggested by Coutinho (1980), "the link between the socialist democracy and the liberal democracy lies on a relationship of "overrun" (Aufhebug) in which the first eliminates, preserves and raises to a higher level the achievements of the second" (p. 31, own translation).

[18] Coutinho (1980) and other scholars including Luiz Werneck Vianna and Ivan de Otero Ribeiro used the concept of 'Prussian way' to make reference to the style of transformations that the Brazilian society historically followed. As stated by Coutinho (1980), transformations under a 'Prussian way' were transformations promoted "by means of conciliation amongst fractions of the dominant classes. They involve top-down measures which preserve essential characteristics of the primitive relationships of production (latifundium) and reproduce the dependency of the international capitalism" (p.32, own translation).

> the strengthening of civil society opens the concrete possibility of intensifying the struggle towards deepening the political democracy, meaning an organised democracy of the masses which progressively shifts to the bottom the axe of the big decisions which today are undertaken exclusively by the top (p. 36, own translation).

According to Coutinho (1980), strengthening civil society – understood as to broaden the organisation of new collective subjects, respecting their autonomy and diversity, towards the formation of a powerful and unified block[19] - would not only be the assumption to the renovation of democracy but also the condition to transition to socialism.

Another author which deserves special attention in this renewal process of the idea of civil society is Jürgen Habermas. His communicative theory and its concept of the public sphere had more recently exerted a strong influence in the study of civil society in Latin America. These new concepts came into currency within the emergence of an alternative approach to democratic transition theories (Avritzer and Costa, 2004). According to Santos (2005), Habermas's theory nevertheless does not represent a rupture with the proceduralism argument inaugurated by the elitist theories of democracy (which do not recognize content in the democracy concept, only form). However, Habermas does something new in placing proceduralism in the realm of social practices and not as a mere technique with which to define government (Santos, 2005).

Habermas's approach claims that the democracy-building process resides not only in the institutional realm, but also, on a daily basis, in the underpinning of democratic values through social relations and political culture. Accordingly, the process of democratisation relies upon the intersections between the state, political institutions and civil society (Avritzer and Costa, 2004).

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[19] For Coutinho (1980), this process should be conducted through what Gramsci calls the 'war of position' strategy, meaning "the progressive occupation of steady positions within civil society" (p.37). According to the author, acknowledging the Brazilian historical context, this would be the way to guarantee the democratic conquest of the state by the working classes avoiding tragic backslides.

Political legitimisation cannot be endowed only by the will of atomized individuals. On the contrary, it is constructed through a communicational process among individuals that generates opinion formation and a collective will. This process, which takes place within the public sphere, allows inputs from lifeworld[20] to reach and resonate among the political institutions responsible for the decision making process (Avritzer and Costa, 2004). According to this view, civil society has the role of channelling issues, problems and contributions from everyday life into the public sphere. Moreover, civil society maintains and strengthens lifeworld communicative structures and promotes the emergence of new public microspheres (Avritzer and Costa, 2004).

Cohen and Arato – followed later by other scholars[21] – recognise new non-traditional critical ways of communication that are not considered in Habermas' framework. The so-called 'new publics' are generated by the modernisation of the lifeworld and represent new forms of living and patterns of contestation, such as those related to gender and ethnic issues. They believe that while the traditional forms of political sphere such as parliament and conventional media continue to be restricted, these new publics are expanding both in plurality of subjects and in forms of communication. They go further, arguing that these changes will force a transformation in the conventional institutions and operational patterns of the political sphere (Avritzer and Costa, 2004).

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[20] In his communicative theory, Habermas distinguished two levels in modern societies: the lifeworld and the system. While the former is characterized by the realm of human relations in which general background consensus is established (tradition, culture and language) and reason is conducted by values, the latter can be described as the space of power and material relations ruled by instrumental reason (Alves, 2002).

[21] Avritzer and Costa (2004) identify other lines of thinking that take the same paths as Cohen and Arato. Fraser (1992 cited in Avritzer and Costa, 2004), for instance, makes a claim for the recognition of 'subaltern counterpublics' who assert the existence of original biases in the functioning of the public sphere. Gilroy (1993 cited in Avritzer and Costa, 2004) in turn calls attention to 'diasporic publics', which use alternative forms of communication such as music and dance to express their position.

Santos (2005), in his seminal study *Reinventing Emancipation: Toward New Manifestos,* sought to highlight alternatives to the elitist model of democracy towards the idea of 'widening the democratic canon' through participatory democracy (p. 62). Democracy in this project is understood as the "entire process through which unequal power relations are replaced by relations of shared authority" (p. 62). In this sense, democracy cannot be restricted to the political realm, but must be exercised in all realms in which forms of power reside.[22] Moreover, Santos (2005) claims that enhancing democracy also means deepening complementarities between participatory and representative democracies. However, this reality can only be possible if political society accepts the need to widen participation by means of the devolution of decision-making prerogatives (Santos, 2005).

Santos' research also takes into account the role social movements have come to play in promoting discussion about the re-signification of democratic practices. As already noted by other scholars, the engagement of social movements in Latin American democratisation processes strengthened their role in questioning the meaning of democracy as well as in encouraging innovation in participatory practices (Santos, 2005).

Dagnino *et al.*'s (2006b) arguments issue from the same principles stated by Santos (2005). They also assert the existence of an alternative project to the neoliberal one. The democratic-participatory project, as they call it, seeks democratic radicalisation and complementarity among participatory and representative models of democracy. Looking at experiences such as participatory budgeting[23] and public policy councils in Brazil, these authors

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[22] According to Santos (2005), "[t]hese correspond to six main structure-agency time-spaces: household-place, workplace, community-place, marketplace, citizen-place, and world-place" (p. 62).

[23] Participatory budgeting is an experience first set up in the municipality of Porto Alegre by the Workers' Party administration in which citizens can take part in discussions about the distribution of public goods. The participants define their internal rules on the dynamic of the discussions and mechanisms of inequality rectification are previewed. In the end, there is a stage of deliberation with the public administration in which the decision about the allocation of the resources combines general and technical criteria. As pointed out by Santos and Avritzer (2005), between

argue that participation should embrace the sharing of the state's decision-making powers with civil society. In this sense, civil society is conceived as a "…constitutive realm of politics, in which the debate about divergent interests and the construction of provisory consensus can be built in order to form the public interest" (Dagnino *et al.*, 2006b, p. 51). This line of thinking recognises civil society's inherent heterogeneity and, thus, admits within it a larger range of organisations and initiatives than are accepted in the neoliberal approach.

This view also incorporates concepts of social control and social accountability discussed by the neoliberal project. However, one may affirm that the participatory project's interpretation of these issues goes beyond the formulation of the neoliberal project (Dagnino et al., 2006b). Peruzzotti and Smulovitz (2000) start from the same point as Przeworski (1999): the deficiency of the electoral system in promoting regular control of government. Nevertheless, taking into account the fragility of both horizontal and vertical existing mechanisms of accountability,[24] these authors unfold a new array of possibilities relating to civil society's vertical mechanisms of accountability − what they call 'societal accountability'. They suggest that with this form of accountability, citizens and civil society organisations cannot only monitor and expose governmental misconduct, but can also play broader roles such as raising new issues about the government's agenda or enforcing the protection of rights and citizenship by compelling the horizontal agencies of accountability to take action (Peruzzotti and Smulovitz, 2000). According to the authors,

> Societal accountability is a nonelectoral, yet vertical mechanism of control that rests on the actions of a multiple array of citizens' associations and movements and on the media, actions that aim at

1997 and 2000, 140 municipal administrations in Brazil, governed by different political parties, adopted some version of participatory budgeting.
[24] Making reference to Guillermo O'Donnell's work, Peruzzotti and Smulovitz (2000) state that: "accountability has two dimensions: horizontal and vertical. The horizontal dimension is largely concerned with the effective operation of the system of checks and balances and with due process in governmental decision-making. The vertical dimension focuses instead on elections and other mechanisms that citizens use to control their government. There is widespread consensus in most scholarly literature on Latin American democracies that governmental accountability in both dimensions is sadly lacking" (p. 148).

exposing governmental wrongdoing, bringing new issues onto the public agenda, or activating the operation of horizontal agencies. It employs both institutional and noninstitutional tools. The activation of legal actions or claims before oversight agencies are examples of some of the available institutional resources; social mobilizations and media exposés illustrate some of the noninstitutional ones. To be effective, societal accountability requires an organized civil society able to exert influence on the political system and on public bureaucracies (Peruzzotti and Smulovitz, 2000, p. 150).

Regarding new formulations developed around the notion of civil society in the recent literature, one additional proposal should be mentioned. Following the same trend of thought found in Santos (2005) and Dagnino *et al.* (2006b), Howell and Pearce (2002) put forward an alternative normative concept of civil society to challenge what they call the 'mainstream perspective'[25] that can be identified in its main aspects with the tenets of what, in this investigation, has been called the neoliberal project.

The authors argue for an alternative form of conceiving civil society, which accepts the existence of distinct cultural backgrounds. Its starting point is the emphasis on kinship and community values rather than on conducts that stress individual freedoms − the grounds of the liberal thought. This alternative perspective rejects the mainstream consensus that ignores conflict and power aspects as intrinsic to all kinds of social relations. Instead, it defends the need for an autonomous sphere of contestation and opposition in which social change can be conceived. Hence, in this understanding, civil society has the role of enabling "critical voices to occupy an intellectual space where an alternative set of values and propositions on how societies ought to develop

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[25] The basis of the 'mainstream perspective' can be identified in the transition to an industrial society in Western countries and is composed of several aspects that can be roughly summarised as: 1) the rise of the self-determining individual; 2) the rule of law as a condition of civil society's functioning; 3) the re-emergence of political virtue against the negative outcomes of the division of labour; 4) the increasing relevance of public opinion and accountability owing to the recognition of the role of the public sphere in the democratisation process; 5) the idea of civil society as an arena in which universality can be achieved as well as complete equilibrium and consensus and; 6) social capital as a key element in enhancing democracy (Howell and Pearce, 2002).

and change can be put forward, challenging those that would otherwise dominate" (Howell and Pearce, 2002, p.36).

It is evident that the democratic-participatory line of thinking brings to light key points of distinction between contemporary interpretations about the role of civil society. It challenges the emphasis in mainstream thinking about consensus and civil society's operational tasks. In their place, it calls attention to the power and conflict dynamics existing in society and brings to the fore the political role that civil society can play.

In this sense, it can be contended that these arguments put forward by the participatory literature share common ground with Chantal Mouffe's formulations towards an agonistic mode of democracy. According to this theory, power is an innate element of social relations and, therefore, political confrontation must be acknowledged as a constitutive condition of democracy (Mouffe, 2005). In this regard, the emphasis given by liberal democracy to rational consensus and to the negation of antagonism in fact threatens democracy, since it does not give space to the expression of dissonant voices and to conflict. This condition forces conflict to be displaced from the political realm to the moral realm, resulting in the emergence of confrontations embedded in "essentialist forms of identification or non-negotiable moral values" such as the right-wing populism and terrorism (Mouffe, 2005, p. 30).

Mouffe (2005a) suggests "consensus is needed on the institutions constitutive of democracy and on the 'ethico-political' values informing the political association – liberty and equality for all – but there will always be disagreement concerning their meaning and the way they should be implemented. In a pluralist democracy such disagreements are not only legitimate but also necessary" (p.31).

Thus, Mouffe (2005a) argues for an agonistic confrontation in which adversaries − and not enemies − dispute in conditions in which power relations can be challenged and distinct alternatives could emerge and be confronted.

As will be explained in the next section, this investigation maintains that agonistic theory brings us a new analytical perspective with which to differentiate the multiple notions of civil society existing in the contemporary literature.

Before engaging in this discussion, one final consideration must be adduced in relation to the democratic-participatory project. It is worth noting that, despite the wide expectations of transformation raised by this literature, its authors agree to recognise that this political project also faces its own difficulties and challenges.

One relevant aspect that should be acknowledged in this regard is the implications of the coexistence and eventual entanglement between different political projects. Dagnino (2002c), in this sense, points out the dilemmas emerged from what she calls "perverse confluence". The scholar uses this term to depict the process which took place in Brazil in the 1990s of a confluence between the participatory and the neoliberal projects towards the idea of promoting "an active and propositional civil society" (Dagnino, 2002c, p. 289, own translation). On the one hand, this general conception justified the establishment of several instrumental interplays between state and civil society entities. On the other hand, it concealed distinct understandings on the attributes of civil society as well as the opposing and even antagonistic proposals existing within the different projects[26]. As stated by Dagnino (2002c), "[t]his perverse confluence suggests that civil society participation today operates in a minefield, where what is at stake is the advance or retreat of these projects" (p.289).

Other challenges should be take into consideration when one examines the viability of the democratic-participatory project own proposals. Dagnino *et al.* (2006b), for instance, underscore the hindrances relating to the scarcity of resources available for the sort of activities envisioned by the participatory

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[26] Dagnino (2002c) calls attention to the fact that civil society is also permeated and defined by the distinct political projects in dispute. Thus, one should recognise its internal heterogeneity.

project. In addition, they point out the existence of internal debate among the authors in the field on the real viability of a comprehensive implementation of this project within the current global order. Santos and Avritzer (2005), in turn, argue that given that the democratic-participatory project challenges hegemonic interests, the initiatives towards its implementation are constantly subjected to risks of co-option and attempts to integrate protagonists in the institutional context. These aspects will be discussed in detail in the last three chapters of this thesis, which will examine the challenges and potentialities of participatory initiatives of fostering the deepening of democracy.

1.4. The research analytical framework

1.4.1. The analytical categories: apolitical-consensual and political-conflictual views of civil society

I argue that the examination of the literature review on civil society under the formulations of Mouffe's agonistic theory has raised one key aspect that can be used to differentiate the several existing understandings of the roles and actions of civil society in Brazil. This is related to the type and nature of relationship that civil society establishes with the state. I contend that two different patterns are identifiable in the contemporary literature: what this investigation is calling an 'apolitical-consensual' and a 'political-conflictual' view of civil society.

An apolitical-consensual view is represented in the idea that civil society can play a relevant role in providing social cohesion and rational consensus building within the private realm. Civil society, in this sense, is deemed as an arena separated from the state and market, in which new forms of integration and solidarity among individuals are generated. The strong division between civil society, market and state leads to civil society's essential separation from political and economic matters. In this context of consensus building, civil society is encouraged to establish partnerships with the state and market in

order to play roles in residual fields, particularly in terms of providing public services in non-exclusive state areas.

The political-conflictual view, on the other hand, conceives civil society as a realm of challenge and contestation, composed by multiple and heterogenic positions. Civil society, by this approach, should constitute the space where prevailing values can be questioned and opposed and is therefore conceived as essentially political. Heterogeneity, cultural diversity and non-traditional forms of the public sphere are inherent elements in the concept. The advocacy role, the capacity to gain a hearing for divergent voices and the sharing of decision-making power are commonly emphasized in the relationship of this version of civil society with the state.

1.4.2. Reflections on the problems of the substantialist approach and arguments for a relational approach

The literature review on civil society also revealed that most of the studies produced in the area, particularly in the case of the theories of transition and the neoliberal political project, issue from assumptions grounded in a substantialist perspective of the social world.

By a substantialist perspective, reference is made to the concept elaborated by Emirbayer (1997) whereby streams of thought, such as the theories of rational choice and normative conformity, in their attempt to explain the constitution of social phenomena, adopt the premise that social entities are preformed, stable and constituted by pre-existing attributes.

Stemming from this departure point, the rational choice paradigm claims for the existence of a substantive rationality in individuals' choice behaviour. Carrying a steady and coherent set of preferences when facing a range of alternatives, individuals' choices are guided by their search for maximisation of interests (Emirbayer, 1997). That is to say, individuals always choose the alternative that represents the highest utility. This paradigm assumes that, in order to make a decision, individuals hold perfect information on the existing

options and on other individuals' interest and possible reactions. Taking into account this information, individuals perform a calculation to assess which option should maximise their interest under the given conditions (Knoke, 1990).

The normative conformity approach, in turn, rejects the argument that the primary driving force for human action is utility-maximisation. However, it continues to share with the rational choice paradigm the same assumptions about self-action[27] and the stability of social entities. The difference is that instead of claiming that individuals' aspirations are oriented towards utilities such as wealth, power or material conditions, the normative theory argues that individuals' behaviour is guided by their will to conform to prescribed norms and values constituted in a social system (Emirbayer, 1997). Accordingly, individuals assimilate and internalise norms through a process of social learning and imitation in which standard patterns of values and behaviours are constantly required in their interaction with other individuals. Facing continuous positive and negative sanctions, individuals are pressured to conform to norms and to avoid deviation (Knoke, 1990).

Therefore, in accordance with Emirbayer (1997), while the rational choice approach holds that the primary source of actions is the individual, the normative theory adopts other 'durable and coherent entities' as its explanatory category, namely, the norms producers, such as 'groups, nations, culture and other reified substances' (p. 285). But again, both share the assumption that social entities are pre-formed, holding pre-defined attributes and the self-action feature.

Despite the enduring prominence of substantialist tenets in political studies, growing criticism has been levelled against them in recent decades.

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[27] Based on John Dewey and Arthur F. Bentley work, Emirbayer (1997) depicts the self-action as the perspective that conceives "things… as acting under their own powers (Dewey and Bentley, 1949, p. 108), independently of all other substances" (p. 283).

In the case of rational choice theory, a considerable part of this censure is related to its unrealistic assumptions about human actions and conduct as well as its universalist ambitions to explain all kinds of human behaviour (Green and Shapiro, 1994). Correspondingly, there have been criticisms of the utilitarian view whereby individuals take decisions in an atomized and undersocialised fashion (Granovetter, 1985 cited in Knoke, 1990). As stated by Knoke (1990), this understanding leads to rational choice theory's failure to explain an essential aspect of any social investigation, that is, the intricate effects of social structures and social relationships upon the individual's choices and general behaviour (Knoke, 1990).

With respect to normative theory, besides the general criticism against the self-action assumption, a further deficiency of this line of thinking has been highlighted. It is based on its problems with explaining how and where the normative processes occur, taking into account concrete entities and existing relationships (Knoke, 1990). In other words, there is a shortcoming in understanding the process through which norms are formed, adopted, transformed and substituted, as well as a limitation in determining the external factors which affect these events. Moreover, it is worth noting the emphasis given by normative theories to explaining consensus, by contrast with dearth of explanations given for conflict and the impacts of deviation (Knoke, 1990).

Taking into consideration the deficiencies of the substantialist approach, I argue that there is an alternative analytical perspective more suitable to the aims of this investigation. It is what Emirbayer (1997) calls the relational approach.

The relational approach can be identified as an analytical perspective developed by theoretical and empirical works conducted in different fields of knowledge such as sociology, philosophy, anthropology, politics, physics and mathematics. More recently, a number of scholars have begun to explore and systematize the common general grounds of this analytical approach, as well as the advantages and challenges in applying it.

In contrast with the substantialist view, the relational approach claims the primacy of contextuality and process against stability and substance in understanding the nature and the formation of social reality. This perspective argues that social entities are not self-subsistent and predefined. They are, instead, a product of the relations in which they are embedded and thus cannot be analysed separately from these (Emirbayer, 1997).

The starting point of an inquiry thus is not the individual nor their strategies or the norms that they comply with. The unit of inquiry, instead, turns out to be the transactional context in which individuals are embedded (Emirbayer, 1997).

Accordingly, the interplays between entities affect the flow of material goods, ideas, information and power and, as a consequence, determine the constitution of distinct social situations (Marques, 2006). Therefore, the whole relational field and individuals' positions are not randomly determined. They are defined by the limits and possibilities supplied by former trajectories (Silva, 2007). That is to say that their relations and positions "constrain choices, give differentiated access to goods and instruments of power, make some alliances or conflicts more or less probable and, finally, can shape the results of a social product" (Marques, 2006, p. 19, own translation).

Acknowledging these assumptions, I contend that this investigation can benefit from the adoption of this relational perspective in different ways. Firstly, I argue that it provides an approach to finding explanations for how and in which circumstances and relational conditions civil society organisations adopt a conflictual or a consensual position in relation to the state. Secondly, the relational approach can inform us of the effects that interactions between individuals within civil society and the state can produce in different fields, which goes from the definition and enforcement of democratic values, to the formation of disputes in the political arena, to the implementation of practical measures in relation to public policies. Moreover, it can provide us with elements to identify the key actors in these fields and points of conflict or alliance. Finally, it can contribute to the investigation of how networks among

these actors function, as well as to comprehending public space in a wider view, which is not restricted to the dichotomy between normative ideas of state and civil society.

Applying this analytical perspective, this thesis therefore contends that understanding the role and relevance of civil society in Brazil's recent democracy will be better achieved by means of an examination of the interactional dynamics developed between civil society and the state.

1.4.3 The main hypothesis

Issuing from this analytical framework, this thesis's initial hypothesis is that, from 1995 to 2010, Cardoso and Lula governments established different patterns of relationship with civil society. Acknowledging the presidents' backgrounds and trajectories and those of their political parties, it is anticipated that under Cardoso's government a more apolitical-consensual relationship would have been set up, while under Lula's government a closer link to the political-conflictual pattern will be found.

In order to build a broader understanding of the realm of Brazilian civil society, the next Chapter will explore its main aspects as well as the historical trajectory of its relationship with the state.

Chapter 2

Main characteristics of Brazilian civil society and the trajectory of its relationship with the state

Introduction

In order to explore the sorts of relationship established between state and civil society in Brazil since 1995, as well as the shifting movements that characterised that period, it can be argued that it is essential to gain a general understanding of the context and conditions that prevailed in the years leading up to that time. As highlighted by the relational approach, past trajectories delineate the limits and possibilities of the interactional field. Thus, this chapter will start with a brief depiction of the early stages of civil society actions in Brazil and the relationship between civil society and the state in Brazil's history.

Moreover, in order to build a clearer view of the background to the subject of this thesis, information has been assembled on major aspects of the context within which Brazilian civil society organisations now operate. Therefore, among other characteristics, data on the activities these organisations are involved in, the sort of funding they have access to, and how long they have been in operation will be reviewed in the second section of this chapter.

The chapter will conclude with an examination of patterns of change to these aspects during the period of analysis of this thesis. By this means, it is proposed that it will be possible to identify trends in relation to the interplays set up between the Cardoso and Lula administrations and civil society organisations.

Before introducing the first part of this chapter, some consideration needs to be given to the sources of data used in the current analysis.

The last two decades have seen the first investigations into the extent and characteristics of civil society in Brazil. The first data to be discussed in the

academic literature were probably the figures collected and analysed by the Johns Hopkins Comparative Nonprofit Sector Project (CNP). According to its own description, the project intends to "analyze the scope, structure, financing, and role of the private nonprofit sector in a cross-section of countries around the world" (CCSS, 2010a). The project began in 1990 with 13 countries and at present works with data from more than 40 countries.

The Brazilian case study was undertaken in collaboration with the *Instituto Superior de Estudos da Religião* (The Higher Institute for Studies of Religion – ISER) under the coordination of Leilah Landim. It comprised two separate phases. The first consisted of a historical, legal and political review of the 'nonprofit sector' in Brazil, while the second phase focused on the economic aspects of activities carried out by nonprofit organisations.

There have been no few criticisms of the limitations of this ambitious project. A major concern is with regard to the criteria selected to define the scope of the research. In general terms, the project uses five main criteria to define a nonprofit organisation. In order to be included in the research database, the organisation must be (1) to some extent institutionalised; (2) institutionally separate from government; (3) self-governing, equipped to control their own activities, and having their own internal governance procedures; as well as (4) no profits generated by the organisation being returned to the owners or directors; and (5) involving some meaningful degree of voluntary participation (CCSS, 2010b).

The project's focus on operational and structural aspects is criticised in a section of the literature, which contends that this definition is strongly based on the North-American context and is not necessarily adequate to interpret other realities such as the Brazilian one (Alves, 2002). As will be discussed further on, some scholars argue that civic initiatives in Brazil are not necessarily conducted by structured and institutionalised organisations. On the contrary, they indicate that other types of non-formal arrangement, such as the traditional exercise of mutual assistance and charitable actions are equally influential in this realm (Fernandes, 1994; Borj, 2000).

Despite the controversy around the CNP data, the literature recognises that it is the only investigation in existence which attempted to span the entire country in the 1990s.[28] It should also be noted that this factor made the CNP's research the main basis for later investigations which aimed to outline the profile of civil society organisations in the whole country.

In 2002, the federal government, in collaboration with two main civil society umbrella bodies,[29] finally issued the results of research which aimed to give an updated depiction of the country's nonprofit sector. The investigation, conducted by the Brazilian Institute of Geography and Statistics (IBGE), worked with limited data from 1996 and a more complete range of figures from 2002.

Although coining a new terminology – namely, *Fundações Privadas e Associações sem Fins Lucrativos* (Private Foundations and Nonprofit Associations − FASFIL), the IBGE research in fact adopted the same set of criteria and looked at most of the same aspects previously explored by the Johns Hopkins CNP Project. In spite of this, there are only limited possibilities of comparison between the results of the two investigations, given that different sources of data were used. While the Johns Hopkins Project used data from the 1991 nationwide Population Census and the 1995 micro-census (CCSS, 2010b), the FASFIL research is based on figures from the *Cadastro Central de Empresas* (Central Business Registers - CEMPRE) (IBGE, 2005).[30]

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[28] It is worth noting that studies dedicated to investigating particular local contexts were also produced in the 1990s. One example is the investigation carried out by Santos (1992) on the civil society organisations of the cities of São Paulo and Rio de Janeiro.

[29] The two entities were the *Associação Brasileira de Organizações Não Governamentais* (Brazilian Association of Non-Governmental Organizations - ABONG) and the *Grupo de Institutos, Fundações e Empresas* (Group of Institutes, Foundations and Enterprises – GIFE).

[30] The CEMPRE is a database on the country's economic activity. Its source is the IBGE annual research on the organisations in the field of industry, commerce and service and the RAIS (Annual Report on Social Information) of the Ministry of Labour and Employment. For more information see <http://www.ibge.gov.br/home/estatistica/economia/cadastroempresa/default.shtm>.

In 2005, a new edition of the FASFIL research was published, making it possible to identify what changes and eventual trends had emerged in the three-year interval between the IBGE investigations.

It is worth noting that the periods in which the FASFIL investigations were carried out are particularly relevant for this research since they coincide with part of the terms held by the Cardoso and Lula governments.

Taking into account such considerations, it must be borne in mind that the main data used in the following pages have mostly been extracted from one of the three aforementioned investigations, that is, the CNP, the FASFIL 2002 and the FASFIL 2005. Even though these investigations chose to use the 'nonprofit' nomenclature, I argue that these projects' justifications of the components of this term are undoubtedly founded on different notions of civil society, which have been discussed in Chapter 1. In view of this, the expressions 'civil society', FASFIL and 'nonprofit' will be used interchangeably in this chapter, although a number of observations on the restrictedness or inadequacy of the defining criteria adopted by each project will be introduced in the course of examining the data.

2.1. Early stages of Brazilian civil society: the emergence of civil society and its complex relationship with the state and the Church

Before beginning to analyse the data on Brazilian civil society over the time frame set by this study, it is pertinent to examine its main historical roots and trajectories. Although there are no data available on the numbers of civil society organisations in Brazil prior to the 1970s, a comprehensive historical overview was conducted in the CNP research, illustrating the initial stages of civil society in the country. Regarding the period which comprised the democratisation process, several works were produced in the Brazilian literature to explore actions undertaken by civil society at that time. Based on some of those investigations, a brief summary of the main points of this historical background will be outlined in the following pages.

As Landim (1993) underscores in the CNP report, the early formation of civil society in Brazil was closely connected with the country's colonial past, which was in turn based on two main institutions, namely the plantation system of colonisation and the strong connection between the Roman Catholic Church and the colonial government.

The plantation system,[31] being governed according to the norms of patriarchy, contributed to the increasing significance of personal ties between freemen and landlords. This led to the formation of a clientelist system, marked by vertical relationships that were based on reciprocal exchanges of loyalty in return for personal favours (Landim, 1993).

The other main influence on individuals' lives at that period was the religious sphere, in particular the rituals and institutions of the Catholic Church, such as baptism, marriage, confraternities and religious fraternal organisations. This Catholic framework formed the conditions for citizenship and social recognition of the individual, as well as giving shape to public life. The organisations of the Catholic Church assumed a wide range of functions, ranging from schools, civil registry[32] and medical assistance societies, to leisure centres, mutual aid societies and conflict resolution mechanisms (Ribeiro de Oliveira, 1985 cited in Landim, 1993).

'Popular Catholicism' also played a relevant role in enforcing philanthropic and voluntary initiatives with regard to the provision of social services, such as financial and medical emergency aid in local communities, as well as assistance to individuals in deprived conditions (Landim, 1993). This tradition was responsible for the creation of the *Santas Casas* (Holy Houses), a group of hospitals, shelters and asylums which are still very influential up to the present day.

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[31] According to Fausto (2001), the plantation system was mainly characterised by large agricultural properties in which a single product was cultivated, based on slave labour, for the export market.

[32] The function of civil registry corresponds to the public registration of the main facts of an individual's life, including their birth, marriage and death.

The influence of the Church over public life continued to gather pace up to the proclamation of the Brazilian republic in 1889, which introduced a separation between Church and State and the end of the period of Catholicism as the official State religion.

Both this new constitutional context and the intensification of immigration contributed to the waning of the Catholic Church's influence and the proliferation of initiatives promoted by other religious groups. Emphasis can be placed on the creation of schools and universities by different Protestant religions, as well as on work with marginalised groups carried out by the Spiritualists and Afro-Brazilian religious organisations (Landim, 1993).

It is worth noting that the first organisations engaged in some form of political mobilisation only began to emerge during the course of the 19th century. From among these can be highlighted the Masonic lodges formed at the beginning of the century, as well as the abolitionist movement, labour unions and other interest groups formed in urban industrial centres towards the end of the century (Landim, 1993).

The growth of these organisations over the 20th century did not proceed unattended by any state reaction. The 1930s was marked by a strategy of 'controlled inclusion', in which the Vargas government[33] set up diverse authoritarian and paternalistic measures in order to control the expression of social demands (Oxhorn, 1995). The increasing militancy of the trade unions on the one hand brought about the concession of universal social security for workers in the formal sector, but, on the other hand, also gave rise to the imposition of regulation and control over these organisations, with measures such as the prohibition of strikes, vertical structures enforced on unions, and

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[33] The 1930 Revolution, conducted by the government of president Getúlio Vargas, put urban working class organisations into the state's own corporative top-down structures. During that period, until the end of the Vargas era in 1945, social rights were conceded but repression was still in force on a broader scale. Listening to and considering a number of society's demands provided government with popular diffuse support.

the creation of a compulsory tax corresponding with union dues (Landim, 1993; Fausto, 2001).

The current legal bases for regulating the functioning of private nonprofit organisations were also set up during Vargas' government, through the model of *Declaração de Utilidade Pública* (Public Utility Status). This legal framework[34] recognised the organisations' public utility status and created the conditions for allowing them to receive government funding and to claim tax exemptions. In fact these funding tools were used at this period as a way of supporting specific organisations, such as Catholic organisations, given that religious groups were considered at that time as the means of upholding the social order. In the meantime, both right and left-wing political organisations, such as the *Ação Integralista Brasileira* (Brazilian Integralist Action), the *União Feminina Brasileira* (Women's Union of Brazil) and the *Sociedade Amigos da Rússia* (Friends of Russia Society) experienced the repression of the authoritarian regime (Landim, 1993).

From the 1930s up to the military coup of 1964, a diversification in Brazil's civil society could be observed, with the emergence of organisations dedicated to activities such as the promotion of civil rights, development and advocacy, which came to join the more traditional ones that were mainly linked to the Catholic Church[35]. As Landim (1993) argues "they were permeated by the ideological debates and political forces in confrontation at the time, but generally acting either through or in collaboration with government agencies" (p.6).

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[34] Law number 91 of 1935 and Decree number 50,517 of 1961.
[35] It is worth noting that the Catholic Church kept playing a crucial role in the trajectory of significant sections of civil society. As put by Sader (1988) while some groups, such as the workers movement, developed their struggles and strategies grounded on their own power - in that case, their relevance for the productive process -, other parts of the society such as the housewives, slum-dwellers and informal workers did not have economic or legal power to exert their influence. This situation was exacerbated during the military regime. That was in the Church that those groups found a powerful institution to support their causes.

The military regime that burst onto the scene in 1964 inaugurated different trends in the relationship between the state and civil society.

The areas of health, education, and social care were centralised and came to function under the logic of publicly funded services delivered by private providers. This strategy supported the creation of for-profit healthcare organisations as well as private schools and universities. It is believed that as a consequence, while the number of these for-profit enterprises increased over that period, there was stagnation in the figures for non-profit organisations relating to these fields. The lack of government supervision and public control of both non-profit and for-profit service delivery organisations no doubt contributed to cases of mismanagement and impropriety, which continue to be an issue in the contemporary debate on the formal relationships between state and civil society in public service provision.

The rise of the military dictatorship was, however, extremely relevant to the proliferation of civil society organisations engaged with political mobilisation. The military repression met with confrontation from a number of different sections of civil society, including trade unions, neighbourhood associations, sections of the Catholic Church and a flourishing group of non-governmental organisations (NGOs). The following paragraphs will discuss the trajectory of some of these cases[36].

In the mid-1970s, the Catholic Church was one of the pioneering and strongest representatives of the opposition. This period is marked by changes in the military dictatorship's power which led to what was then known as the *distenção*[37] ('decompression') of the regime. These changes also touched the Catholic Church, which recognised the need to review its fundamental stance

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[36] One should call attention to the fact that there are several investigations carried out about the collective actions which sprout during the Brazilian democratisation process. Some additional examples which are referred to in other parts of this investigation were the works produced by Cardoso (1983, 1988), Boschi (1987), Sader (1988), Jacobi (1993), Doimo (1995) and Scherer-Warren (1987, 1996).

[37] The expression '*distenção*' is identified with the gradual and controlled opening up of military rule undertaken under President Ernesto Geisel's government in the second half of the 1970s.

regarding the relationship with the community and its patterns of action against the regime's excesses. As a result, public demonstrations advocating human rights protection and campaigns against torture were organised by sections of the Church in conjunction with new and longer-established secular social movements. Moreover, the *comunidades eclesiais de base* (basic ecclesiastical communities − CEBs),[38] oriented by the tenets of *Teologia da Libertação* (liberation theology) – which advocated for human emancipation from any kind of oppression, including the oppression exercised by man against man − came to emerge as a catalyst for popular mobilisation.

The rising discontent with the insufficient military strategy of *distenção* started to push for a real opening up of the regime (Della Casa, 1989). At the end of the 1970s and at the beginning of the 1980s, new movements came to join the opposition against authoritarian rule.

The upsurge of neighbourhood associations during this period is highlighted by the literature as a concrete demonstration of the struggle by urban populations for democracy and citizenship. Mainwaring (1989) discussed the limits of exploring the impact of this kind of movement in the democratisation process. He states that the heterogeneity of such associations' realities, actions and demands makes generalisation impossible. However, he also argues that evidence contributed by case studies can lead to revealing conclusions about these organisations' relevance.[39] Mainwaring (1989) points out that these organisations were not only striving to advocate for better living conditions, but also for broader collective banners such as socioeconomic justice and popular participation. Even though the level of efficiency would need to be discussed in each case, Mainwaring (1989) concluded that the existence of neighbourhood organisations could promote changes in the pattern of relationships between

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[38] In the 1980s, approximately 80,000 CEBs were created. According to Della Casa (1989) "…from the Church's point of view, the CEBs have become as much an 'alternative' form of cultic organization as they are 'schools' for educating the exploited in their inalienable human rights" (p.144).

[39] Mainwaring's (1989) study was focused on the case of the *Movimento Amigos do Bairro* (MAB) of the city of Nova Iguaçu, one of the poorest regions in the state of Rio de Janeiro.

society and local and central government[40]. The growing demands and organised demonstrations around material needs had increased government responsiveness and introduced new mechanisms of dialogue between government and society.

Diniz (1982) has investigated the trajectory of interaction between political society – in particular the MDB political party − and the neighbourhood, shantytown and religious associations in the state of Rio de Janeiro. The author underlines two different patterns of relationship established at the end of the 1970s. On the one hand, Diniz (ibid.) points out the strengthening of what she calls a 'communitarian politics' in which the states governors' parliamentary allies built close links with these grassroots organisations in order to take their demands to the executive agencies, in exchange for electoral fidelity to the governors' political group. In this clientelist-style relationship with society, the representative role of members of parliament is assessed through their capacity to intermediate between the demands of a specific community (neighbourhood, religious group, etc.) and the executive power. On the other hand, Diniz (*ibid*.) suggests that a different pattern of interaction unfolded as a result of the organisations' disagreement with the government's use of clientelist mechanisms. The increase of competition among political parties, the multiplication of these grassroots movements and the improvement of their ability to gain a platform for popular demands came to fortify these organisations' efforts at autonomy and to challenge the clientelist traditions of their relationship with the state.

Taking into account its relevance to the background of President Lula as well as the relational ties of his government, it is worth mentioning the paths taken by one additional form of social organisation at that period, the trade unions.

The trajectory of the labour movement in Brazil is historically recognised as characterised by the strong influence exerted by the state over workers'

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[40] Jacobi (1993) reaches similar conclusions in his investigation about urban movements struggling for better provision of health and sanitation services in the city of São Paulo during the mid-1970s and beginning of the1980s.

organisations. Since the Vargas era, these organisations were subjected to the government's 'controlled inclusion' strategy, in which trade unions were manoeuvred as a tool with which to control resistance against the rule (Oxhorn, 1995).

However, in the 1970s, a new form of relationship started to surface. The large-scale strikes headed by union leaders such as Lula went beyond a pay rise demand − which, in itself, was already an affronting act. They called for union autonomy, collective bargaining between workers and employees and plant-level union representation. In addition, and most significantly for the understanding of the unfolding political process, the unions started to exhort democratisation and economic development in tandem with the improvement of the general population's standard of living. The adoption of this wider perspective earned sympathy from popular quarters, who perceived themselves as sharing similar conditions of life and struggles (Keck, 1989).

The unions' new stance changed the patterns of labour relations from a vertical-state configuration towards the practice of direct negotiation between unions and employers. Keck (1989) calls attention to the fact that these achievements can be interpreted as a fundamental element in challenging the core of the historical Brazilian exclusionary system. According to the author, these new practices recognised legitimate conflict and made a space for impersonal confrontation between actors. Such aspects were unusual in Brazil's extremely stratified society, renowned for the premium placed on cordiality and consensus. These new conditions favoured a process of class formation in which identity could no longer be defined by the state's mandate, but was rather worked out through horizontal relations among individuals (Keck, 1989).

In addition, it can be noted that despite having their own agendas, these social movements also developed a significant level of interaction between

themselves when common issues were identified[41]. It was not unusual, for instance, that a neighbourhood association would be set up with funds raised by the church. There were also frequent demonstrations of support for trade union movements organised by grassroots associations and the Church. During the final stage of the authoritarian regime, different segments of society became engaged in the struggle for democracy. As described in Chapter 1, it was in this context that a new wave of ideas about civil society emerged in Brazil.

2.2. Main figures of the Brazilian civil society in recent times

Considering the relational assumptions and arguments raised in Chapter 1, one must account the limitations of data which will be shown in the following pages.

As asserted in the former chapter, this investigation argues that civil society is not a homogeneous and stable entity with innate characteristics. Criteria adopted in the CNP and FASFIL researches do not capture a significant part of civil society actions, which are the activities carried out by non-formal arrangements. Therefore, one must clarify that this investigation is not using the following data as to define civil society.

However, it contends that two main reasons justify the examination of this set of data, particularly the part originated from the FASFIL investigation. Firstly, as this data was produced in crucial moments of Cardoso's and Lula's administrations and as there are no other rival researches on the subject, one can consider the following set of data as a good representation of what was probably the mainstream understanding of the scope of civil society's actions at those periods. Secondly, taking into account its sources – in the case of the FASFIL investigation, two major federal research institutions (IBGE and IPEA)

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[41] Different works depict in detail that forms of interaction including the investigations carried out by Sader (1988) and Jacobi (1993) on the dynamics of workers and urban movements in the city of São Paulo.

and two active and influential civil society umbrellas bodies (ABONG and GIFFE) -, one can assume that this data translates not only the view but also the basis for the actions carried out by significant sections of government and civil society in their interplay.

2.2.1. The size of the body and general patterns of growth

The CNP investigation, in its first attempts to measure Brazilian civil society in 1991, reported a figure of 219,000 organisations. This estimate was based on the *Secretaria da Receita Federal* (Secretariat of the Federal Revenue) dataset for private organisations exempted from income tax in March 1991 (Landim, 1993).

The first edition of the FASFIL research, however, indicated a total number of 107,332 nonprofit organisations noted in the CEMPRE for 1996. It can be argued that this figure suggests a marked decline in comparison with the CNP figures for 1991. However, as explained in the introduction of this chapter, the CNP and the FASFIL investigations used distinct sources of data. Moreover, some of the definitional criteria for a nonprofit organisation were interpreted differently by the two research teams. In the FASFIL research, for instance, the interpretation adopted led to the exclusion of a whole class of trade union organisations.[42] These two factors have thus resulted in the delineation of two different organisational realms, thus making impracticable to undertake any direct analytical comparisons between the CNP and FASFIL figures. Therefore, in this section, only the figures collected in the two FASFIL investigations will be compared.

As shown in Table 1, in 2002 the FASFIL research identified 275,895 organisations, indicating an increase of 157% from the figures found for 1996

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[42] Landim (2005) argues that the contingencies of the Brazilian context which restricted the formal autonomy of trade unions (one of the defining criteria of nonprofit organisations) should not be a reason to exclude this set of organisations from the FASFIL realm, although it was used as such. On the contrary, the relevance of the trade unions' participation in crucial moments of the country's history, particularly in the democratisation period, made them an essential part of the trajectory of Brazil's civil society.

(IBGE, 2002). In 2005, the numbers continued to rise, reaching a total of 338,162 FASFIL organisations, an increase of 215.06% when compared to 1996 and 22.57% in contrast with 2002 (IBGE, 2005).

Table 1 – FASFIL organisations: total numbers and percentage of variation (1996 - 2005)

Total number of FASFIL orgs			Percentage of variation		
1996	2002	2005	1996-2002	2002-2005	1996-2005
107,332	275,895	338,162	157.05%	22.57%	215.06%

Source: Author's analysis of IBGE data (2005)

The addition to these percentages of the figures corresponding to trade union organisations would result in a total number of 293,258 in 2002 and 357,715 organisations in 2005, representing a growth of 21.98% in this 3-year period, a variation similar to the one shown in Table 1 for the same period[43] (IBGE, 2002; IBGE, 2005).

The CNP collected economic data as a way of measuring the dimension of the nonprofit realm in the countries they researched. It estimated that in 1995 Brazilian nonprofit organisations together operated expenditure of approximately U$10.6 billion − corresponding to 1.5% of the country's gross domestic product; and mobilised the equivalent of 1.2 million full-time employees − 2.5% of the total employment rate in the country, including paid and volunteer work.[44] These figures can be considered low if contrasted with the average for the countries examined in the CPN research, although equivalent to the average for the Latin American countries. Nevertheless, the

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[43] Unfortunately, there are only limited data for 1996 in the FASFIL investigations. Therefore, it has not been possible to identify the number of trade union organisations to add to the total, as was possible for the years 2002 and 2005.

[44] According to Landim *et al.* (1999) "an estimated 16 percent of the Brazilian population reports contributing their time to nonprofit organizations. This translates into another 139,216 full-time equivalent employees, which boosts the total number of full-time equivalent employees of nonprofit organizations in Brazil to nearly 1.2 million, or 2.5 percent of total employment in the country" (p.395).

absolute figures for Brazil were the highest from among the Latin American countries and were greater than the numbers of most of the European countries in the study, which is to be expected due to the size of Brazil's population and economy.[45]

Finally, focusing on the increase in employment figures, the CNP investigation also pointed to a growth trend for Brazil's nonprofit sector. The investigation indicates a rise of 44% in the jobs created in the nonprofit sector between 1991 to 1995, corresponding to more than twice the country's overall growth in employment for the same period (Landim *et al*., 1999).

Borj (2000) points out two main problems regarding the interpretation of this sort of quantitative data. Firstly, they do not reflect the purposes, values and conducts that encourage these organisations' actions. In other words, the examination of these data does not allow one to distinguish, for instance, organisations which are engaged with democratic values from the ones that can exacerbate excluding, xenophobic or destructive actions (such as some religious groups and football hooliganism organisations). Secondly, as mentioned before, they usually disregard informal associations which play a very significant role in the Brazilian context. In fact, acknowledging the sources and methods of data collection of the CNP and FASFIL investigations, one must agree that these are some of the main limitations of the figures presented above.

2.2.2. Areas of dominance

Taking into account the data collected by the CNP, in Brazil in1995, the fields which had a greater involvement of nonprofit organisations were education (44.4%), professional associations (12.4%) and health (12.2%) as demonstrated in Chart 1 below.

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[45] The size of Brazil's population was estimated to be approximately 159 million people in 1995 and 190 million at the last population count, in 2010 (IBGE, 2010). According to the World Bank (2011), Brazil had the 7th highest Gross Domestic Product (GDP) in 2010.

Chart 1 - Percentage of organisations by field of work in 1995, according to CNP study
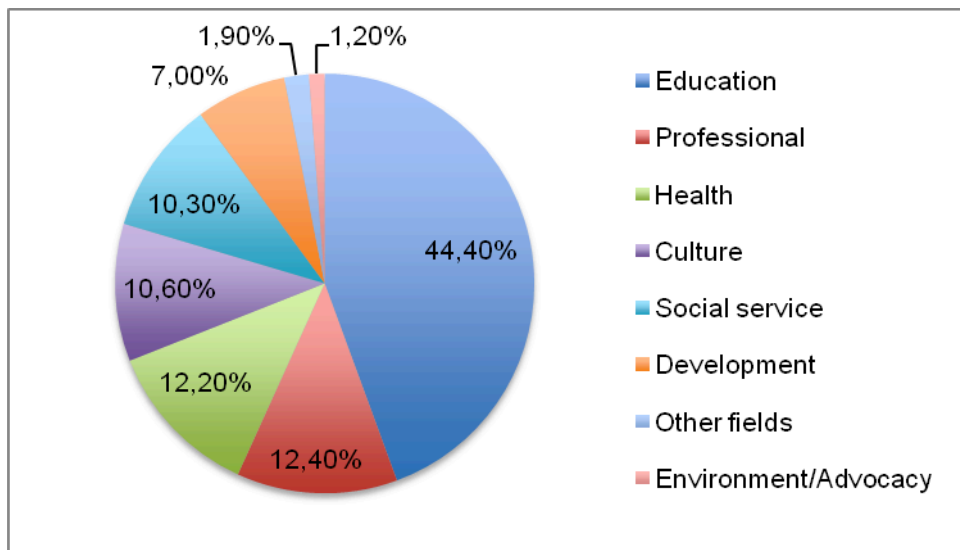
Source: Author's analysis based on Landim *et al.* (1999)

Two main particularities of the Brazilian context can explain this picture. Firstly, the traditional influence of the Catholic Church and other religious groups in both educational and health domains and, secondly, the historical role that professional associations and trade unions[46] played during Brazil's democratisation process. According to Landim *et al.* (1999), these two aspects were reflected, in different periods, by an increase in the numbers of organisations dedicated to these sorts of initiatives.

Chart 2 below, which illustrates the results of the FASFIL research for the year 2005, may suggest drastic shifts in the scenario traced by the CNP investigation back in 1995. However, as already explained, although some relevant changes did in fact take place, the figures for these two investigations are not directly comparable, as they had distinct sources of information and definitional criteria. Nevertheless, I contend that the examination of the differences between the categories and criteria used in the two datasets is useful because it can reveal the specific deficiencies of both investigations. By

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[46] It is worth mentioning again that, different from the FASFIL research, the figures for trade unions were computed in the CNP investigation.

so doing, it is possible to build a more precise idea of what the figures really represent.

Chart 2 – Percentage of organisations by field of work in 2005, according to FASFIL study
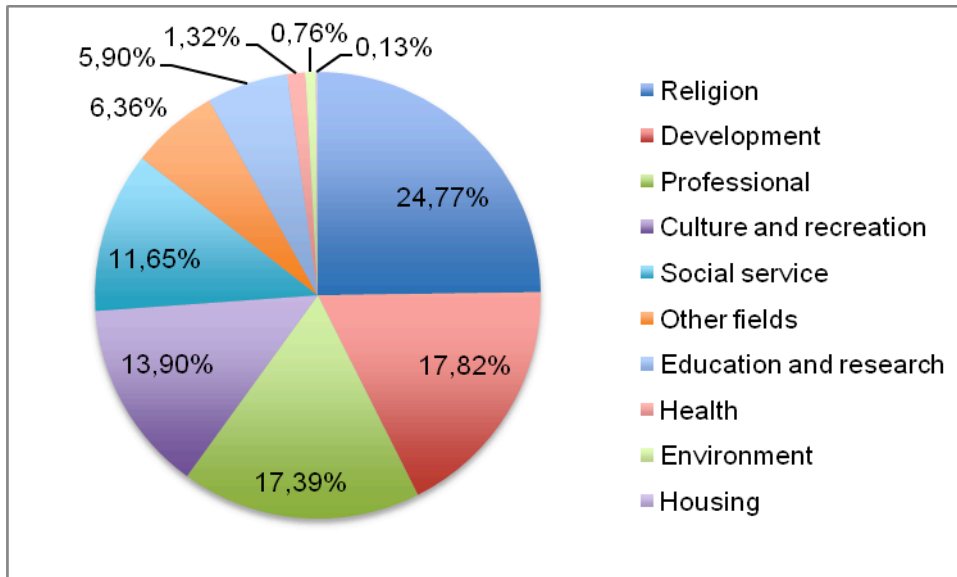
Source: Author's analysis based on IBGE (2005)

From Chart 2, showing the results form the FASFIL research, it can be seen that compared with the CNP investigation, additional categories were included and others were grouped differently. The most pertinent difference is undoubtedly due to the creation of the 'religion'[47] category in the FASFIL investigation. By this means, many of the organisations supported by religious groups to promote educational and health[48] activities have come to be

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[47] One must point out that despite creating the religion category, the FASFIL investigation does not take into consideration the differences of beliefs and practices existing within that category. Therefore, as shown in Appendices 1 and 2, organisations from different religious origins are accounted together as they were one unified group.

[48] It is worth noting that figures related to the health area do not express the real political relevance of the field. Acknowledging the criterion adopted by the CNP and the FASFIL investigations as well as information shown in Appendices 1 and 2, only organisations engaged in direct provision of health services were accounted as part of that field. Therefore, important advocacy movements – which are largely recognised as historical key actors not only for the improvement of health but also for strengthening democracy and public participation in the country (Jacobi, 1993; Doimo, 1995) - were not represented in these figures. Chapter 5 of this thesis will address

included in the religion category. This in turn has led to a significant reduction in the weight of the educational and health categories within the FASFIL break down of organisations.

It is also worth noting that figures for trade unions were not computed in the FASFIL research as they were in the CNP investigation. Had they been added to the 'professional' category, a significant change would have been visible in the order of prominence for categories listed in Chart 2. The religious group would remain at first place with a slight lower percentage of 23.42%, but the professional group would jump from the third to the second position, with 21.9% of the total organisations. The development group then would fall to the third place with a percentage of 16.85%.

In general terms, it can be argued that, in continuity with the history of the sectors as described above, both religious groups and professional organisations continue to represent significant components in the current context of Brazilian civil society. A new trend that must, however, be underlined is the expansion of organisations committed to developmental activities and the protection of rights. These recent movements will be analysed in more depth in section 3.

2.2.3. Sources of funding

A controversial field of analysis in civil society studies concerns the issue of the sources of funding that support the functioning of these organisations. Acknowledging that civil society organisations are intrinsically dependent on external funding, discussions about their level of autonomy and capacity for maintaining it are constantly raised.[49]

In the Brazilian case, this is probably an area with a paucity of accessible data and, consequently, almost no research has been produced. In fact, the only

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the issue of the leading role played by the health movement in Brazil and will outline the trajectory of the Sanitarian Movement.

[49] Different aspects of this debate are addressed in the works of scholars such as Howell and Pearce (2002) and Cunill Grau (1996).

investigation providing figures for the entire body of civil society organisations in the country is the CNP research. Unfortunately, because the FASFIL research did not look at the Federal Revenue dataset, it cannot make a contribution to this specific discussion.

According to the CNP findings reproduced in Chart 3 below, in 1995, a substantial part of the income from Brazil's nonprofit organisations (73.8%) originated from the fees and charges paid by these organisations' beneficiaries. Public sector funding came in second, accounting for 15.5% of the sector's income; and private philanthropy – either from individuals or corporations – was responsible for the smallest proportion, at 10.5%. The percentage of incomes deriving from public sector and fees sources reflects the general picture found in Latin America countries and distinguishes them from the overall average for countries in the CNP research.

Chart 3 - Sources of nonprofit sector cash revenue in Brazil, Latin America, and the average of the 22 countries in the CNP research in1995
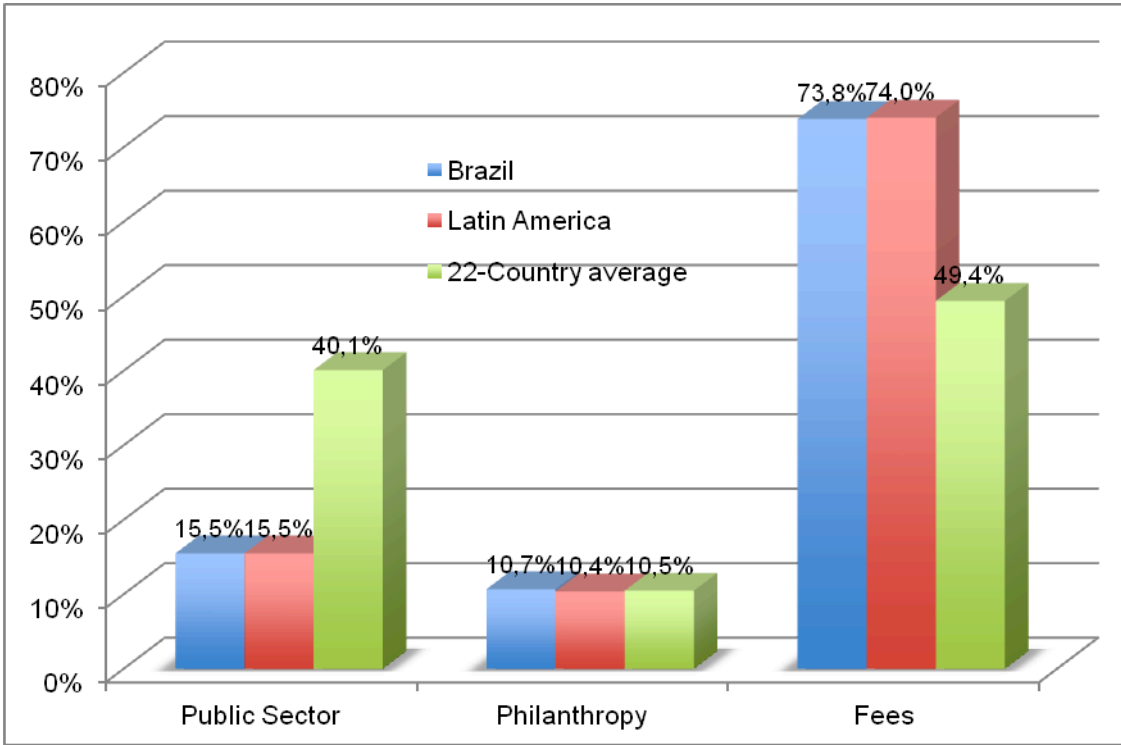
Source: Landim *et al.,* 1999, p.406

In fact, if the contributions raised by religious congregations in the philanthropy category are included, the significance of this source moves up to 17% and, if the estimated value of volunteers is factored in, the percentage reaches 26.1%. However, as can be seen from Chart 4, these new tallies do not alter the fact that fees and charges account for the major source of these organisations' income, while the public sector made only a minor financial contribution in the field in 1995 (Landim *et al.,* 1999).

Chart 4 - Sources of nonprofit revenue in Brazil, factoring in the contributions of volunteers and religious congregations in 1995
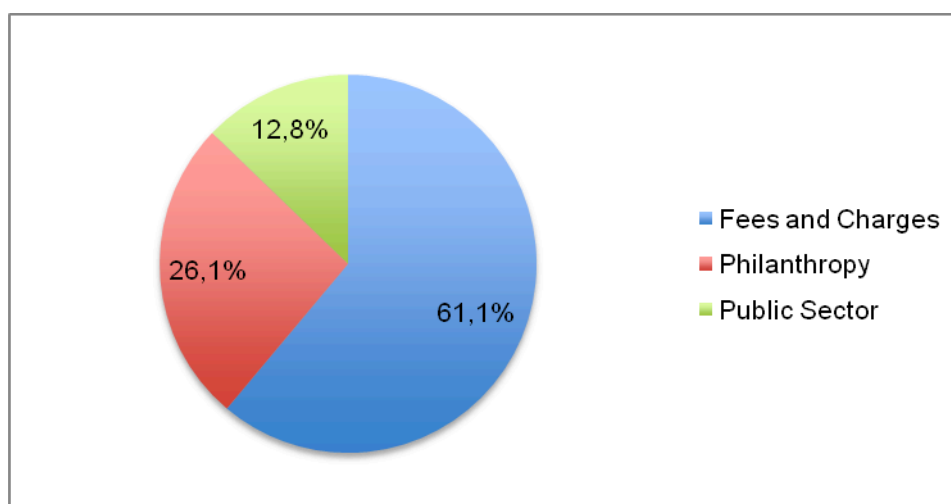
Source: Landim *et al.,* 1999, p.405

In spite of the general features identified in 1995 and highlighted above, the CNP research calls attention to the fact that these patterns varied considerably accordingly to the field of work. As is to be expected, fees and charges were the dominant funding sources in the case of professional, health and educational organisations, while private funding prevailed in the social services and environmental fields.[50] These findings suggest that each field may have a distinctive pattern of funding.

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[50] In the case of organisations working with social services, their main source of funding is argued to come from individual contributions, while corporate giving would be responsible for the greater part of environmental organisations' income (Landim *et al.,* 1999).

In fact, specific investigations such as one which was exclusively focused on social services organisations, also carried out by IBGE, highlight a degree of deviation from the scenario depicted above. This investigation[51] pointed out that when asked for their main source of funding, 59.5% of these organisations cited private funding, while 32.6% indicated public funding and 5.1% another source. These figures suggest the greater contribution made by public funds in support of these initiatives, in contrast with the scenario depicted in Charts 3 and 4 – particularly if one considers that the 'private' category in the IBGE research included both 'philanthropic' donations and 'fees and charges' of the CNP investigation.

The IBGE investigation of social services organisations does not provide data on the quantity of resource contributed by each source of funding. However, additional findings have led to the conclusion that, at least in recent years, public funding has come to hold considerable importance in the field. The investigation reported, for instance, that as well as 91.98% of the examined organisations receiving some kind of private funds, 91.9% reported receiving some source of public funding, either from state, federal or municipal levels (IBGE, 2006). These figures are shown in Chart 5 below.

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[51] The starting point for this investigation was the FASFIL dataset. However, additional data was collected through a national survey conducted with approximately 17,000 social service organisations. For more information look at IBGE (2006).

Chart 5 - Percentage of social service organisations reporting being in receipt of each source of funding in 2006
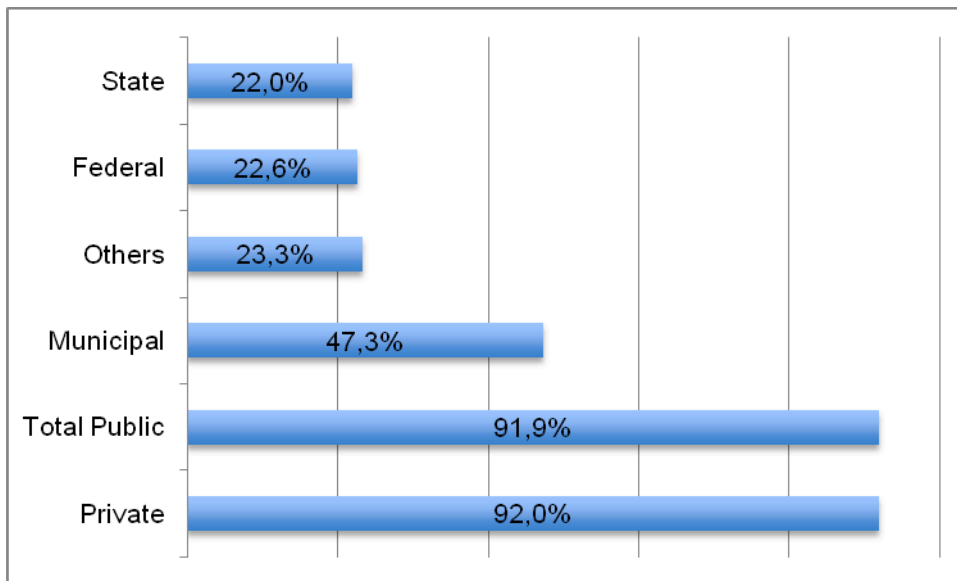
Source: Author's analysis based on IBGE (2006)

Unfortunately the dearth of data on funding sources does not allow further examination of what could be an important basis for improving understanding of the conditions of interaction between civil society organisations, state agencies and the private sector. However, as will be seen in subsequent sections, the combined analysis of the available data can contribute to raising awareness of additional considerations regarding patterns of behaviour within the distinct fields of civil society actions.

2.2.4. Geographic distribution and duration

The chart below represents the geographic distribution through Brazil's five regions of the 338,162 FASFIL organisations identified in 2005.

Chart 6 - FASFIL Geographic distribution in 2005
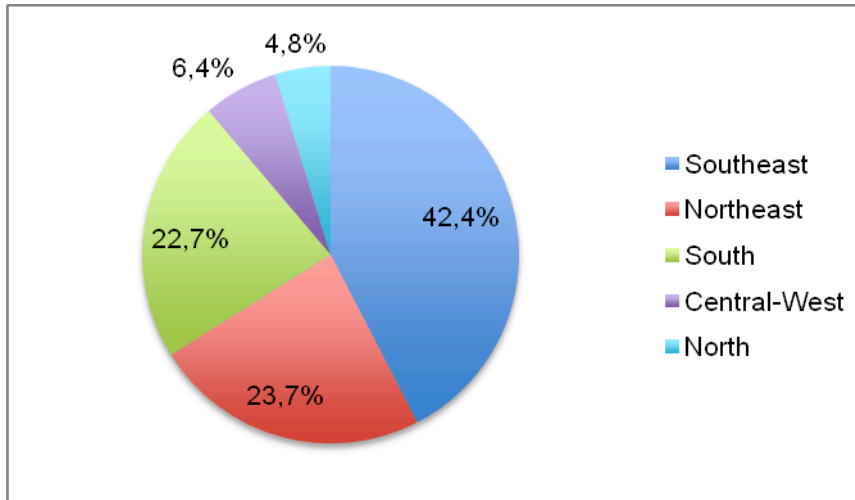
Source: Author's analysis based on IBGE (2005)

It can be contended that, in general terms, the percentage of organisations in the Southeast, Northeast and Central-West regions correspond roughly to the percentage of Brazil's population hosted by each of these regions. While a significant proportion (42.6%) of the country's population is concentrated in the Southeast region, just over a quarter (27.7%) is in the Northeast and only 7.1% is in the Central-West of the country (IBGE, 2005).

The divergence between the number of FASFIL organisations and population distribution is, however, significant in the South and the North regions. In spite of the fact that 22.7% of the FASFIL were in the South, only 14.6% of the population lived in the region in 2005. In the North, the distinction goes in the other direction; the region hosted 8% of the country's population but had only 4.8% of the FASFIL that year (IBGE, 2005).

These differences in the South and North regions may stem from aspects such as operational limitations and the level of access to human and financial resources, given that the North is the most remote and deprived part of the country and the South has the highest figures in indicators such as education and income.

According to the FASFIL research, in 2005, the average duration of these organisations was 12.3 years. However, as can be seen from Appendix 1, of the more than 338,000 FASFIL operating in 2005, only 44,347 (13.1%) were

launched earlier than the 1980s, in contrast to the 140,261 (41.5%) organisations set up during the 1990s and the 89,166 (26,3%) launched at the beginning of the 2000s. This indicates that most of the FASFILs are new organisations created subsequent to the 1990s.

Chart 7 below shows that the group of 44,347 FASFILs in operation for over 30 years is mainly composed of organisations dedicated to the following fields of work: religion (38.24%), culture and recreation (20.77%), social services (14.38%) and education (8.21%), which are in fact identified by the literature as the more traditional areas of civil society actions in Brazil, alongside health organisations[52]. The findings of the research also underscore that 81% of these more senior organisations are in the Southeast or the Southern regions of the country (IBGE, 2005).

Chart 7 – Composition of the group of FASFIL organisations in operation for more than 30 years

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[52] As suggested by Jacobi (1993), social movements which do not reach a high level of institutionalisation are inclined to stop their mobilisation at the precise moment that they achieve their specific goal. Acknowledging that data shown in this subsection accounts only organisations which are still in operation, not considering thus organisations which were extinguished during the period of analysis, one can conclude that information on the impact of such kind of social mobilisations with more specific aims and short-time duration are missing from the dataset and consequently from the depiction presented above.
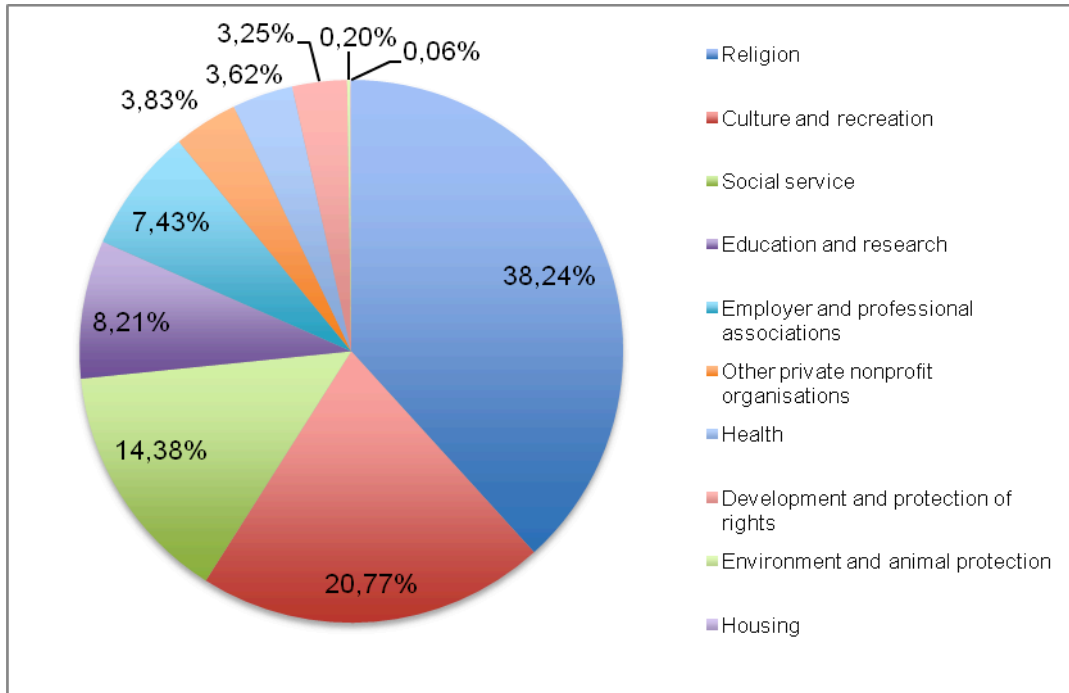
Source: Author's analysis based on IBGE (2005)

The composition of the newest organisations, created between1991 and 2005, is illustrated in Chart 8 below.

Chart 8 – Composition of the group of FASFIL organisations established after 1991
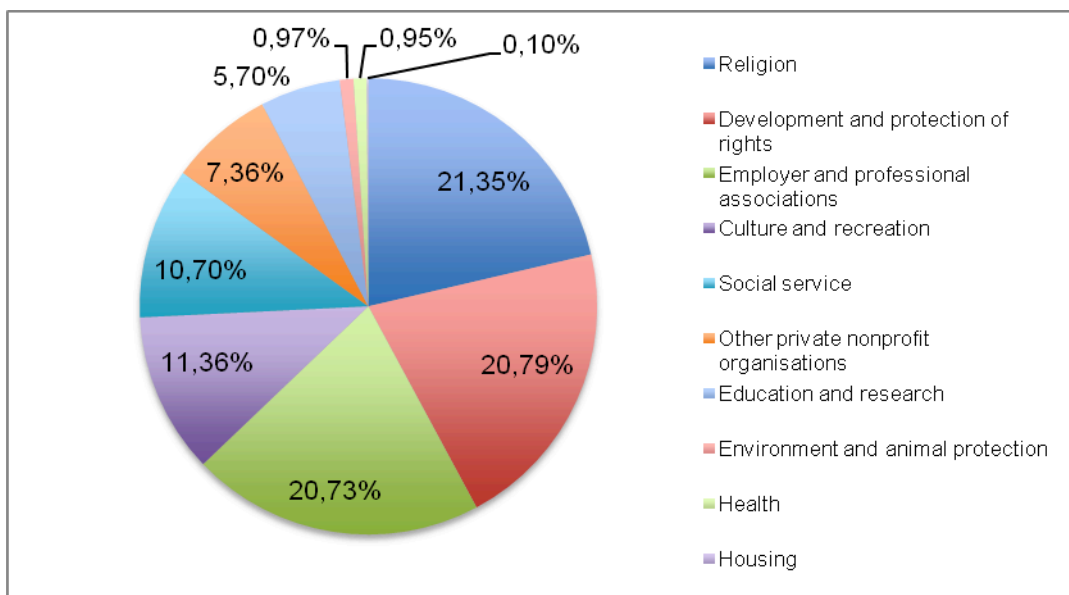
Source: Author's analysis based on IBGE (2005)

In spite of the fact that religious organisations remain the most prominent segment, a significant section of the youngest organisations emerged in other fields, particularly the developmental and professional ones. These two areas usurped second and third positions, taking the place occupied by cultural and social service organisations in the breakdown of older organisations shown in Chart 7.

In order to understand these new trends in the composition of civil society, as well as to raise preliminary considerations about possible shifts that could have occurred during the Cardoso or Lula governments, the last part of this chapter will analyse the figures presented in this section in conjunction with data on the rate of growth for each field of civil society.

2.3. Main patterns of change in Brazil's civil society and reflections on the impacts of the Cardoso and Lula governments

As shown above in Table 1, the aggregate figures for the FASFIL research pointed to a general rate of growth of 215.1% in the body of civil society organisations from 1996 to 2005.

Looking at the detailed data for each field of work in Table 2 below, it is possible to assert that this general growth trend applies to all cases. However, when examining the specific variation for each area, different patterns of increase are found.

Table 2 – FASFIL organisations: total number and percentage of variation in each field of work (1996, 2002 and 2005)

Fields of work	Number of FASFIL organisations			Variation (%)		
	1996	2002	2005	1996-2002	2002-2005	1996-2005
Environment	389	1591	2562	309.00%	61.03%	558.61%
Dvpt. & protection of rights	11214	45161	60259	302.72%	33.43%	437.36%
Professional associations	12660	44581	58796	252.14%	31.89%	364.42%

Housing	144	322	456	123.61%	41.61%	216.67%
Social service	13953	32249	39395	131.13%	22.16%	182.34%
Culture and recreation	17422	37539	46999	115.47%	25.20%	169.77%
Religion	32035	70446	83775	119.90%	18.92%	161.51%
Education and research	8175	17493	19940	113.98%	13.99%	143.91%
Others	8903	22715	21516	155.14%	-5.28%[53]	141.67%
Health	2437	3798	4464	55.85%	17.54%	83.18%
TOTAL	107332	275895	338162	157.05%	22.57%	215.06%

Source: Author's analysis based on IBGE (2005)

The areas with an above average increase for the period between 1996 to 2005 were the environmental, developmental, professional and housing organisations. It is worth emphasising the marked rise in the number of organisations in the new fields of environment (558.61%) and development (437.36%), as well as the steady growth of the traditional group of professional associations. In this latter case, it can be argued that the percentage of variation may be even higher than the 364.42% reported above, which does not include the figure for trade unions.

Chart 9 below illustrates the general composition of the body of civil society at the three points − 1996, 2002 and 2005 − when data were collected by the FASFIL investigations.

Chart 9 – Composition of the body of FASFIL in 1996, 2002 and 2005

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[53] The FASFIL research shows that this rate of decrease corresponds in great measure to improvements in the quality of the data for the 2005 edition of the research. In that year, the research team obtained access to a more accurate dataset for organisations, which contributed to a more qualified classification and to a reduction in the number of organisations in this category.
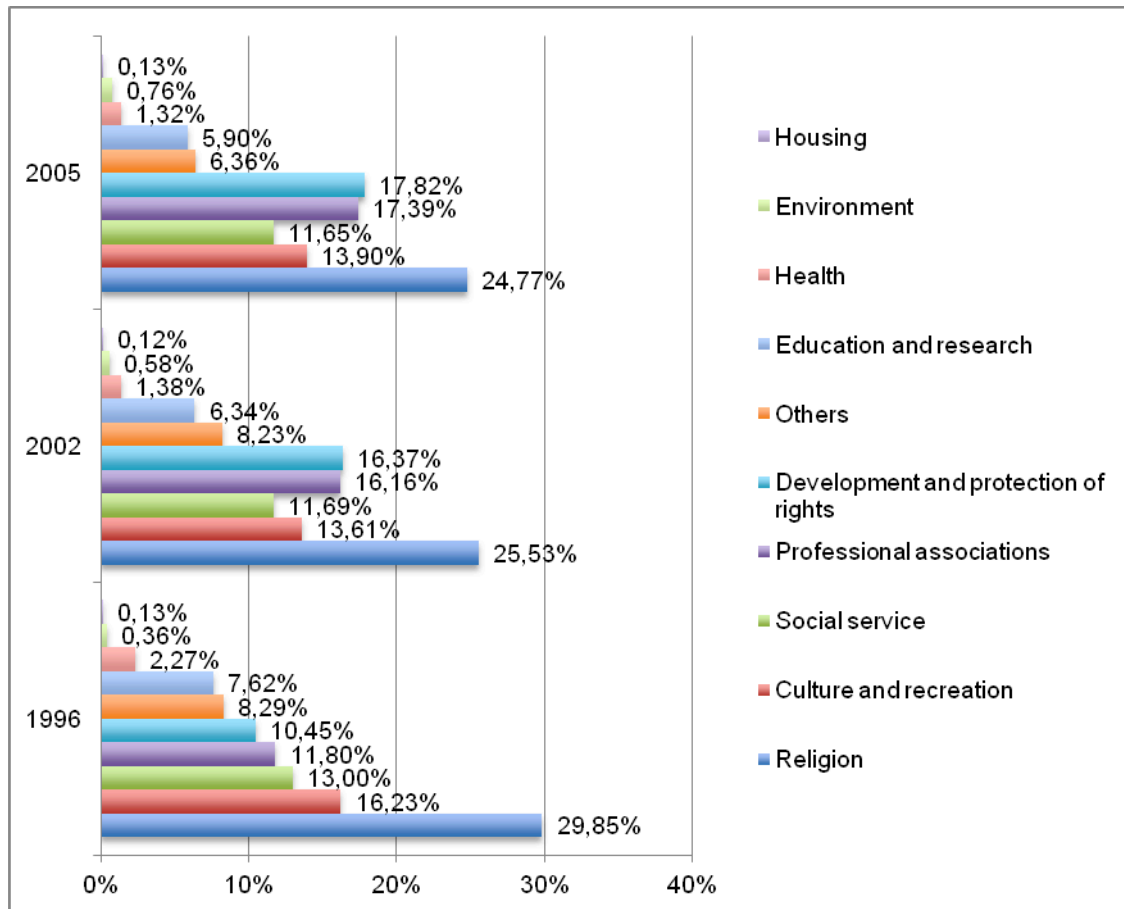
Source: Author's analysis based on IBGE (2005)

The figures above corroborate the findings on the figures for Table 2, with regard to the gradual increase in the significance of developmental and professional organisations. While in 1996, the former group represented 10.45% of the total FASFIL organisations, by 2005, it was already the second largest field, corresponding to 17.82% of the total. A similar pattern can be found in the case of the professional associations, which in 1996 made up 11.8% of the total but by 2005 had come to represent 17.39% of the FASFIL body.

Chart 9 also shows us that although religious organisations continued to be the most prominent group from 1996 to 2005, their significance declined in the course of those 9 years. As will be discussed below, this in fact seems to be a general trend among the traditional categories of organisation, except for the case of the professional group.

Appendix 2 shows the detailed data for the subcategories which made up the general fields presented in Table 2 and Chart 9. Those more comprehensive figures are relevant as they can reveal the specific subfields which are experiencing marked increases or decreases and are thus causing a greater impact on the general rate of growth for the whole field.

Regarding the highest levels of increase, some of the most remarkable examples are found for organisations in rural areas, such as the peasants' associations, which increased nearly 690% from 1996 to 2002, and the organisations dedicated to rural development, which had a rate of 556.18% for the same period. Another relevant subgroup experiencing strong expansion is the local organisations such as neighbourhood associations (457.76%) and community centres (455.61%). Also deserving of attention are the increases in the figures for organisations concerned with jobs and training (468.5%) and protection of rights (309.13%). One particularity must be pointed out in the case of the cultural subfields. A marked distinction can be observed between the growth rates of the subgroups "culture and art" (317.6%) and "sports and recreation" (132%) over the 9 year period. It can be argued that they in fact represent two different types of organisations. While the former comprises initiatives related to new conceptions of art and culture, the latter has a closer link with more traditional ideas of recreational activities.

On the other hand, the segments showing the lowest levels of increase can be summed up as the more traditional organisations. As already discussed, there is an exception to this generalisation, in the form of the professional organisations, which are among those with the highest rates of growth. But otherwise, the generalisation applies equally to health and educational organisations, which represent the lowest growth rates, in the first case reaching only 83.18% and in the second 143.91% for the period of 1996 to 2005. It also applies to the religious, cultural and social service organisations, also ranking below the average growth of 215.06%. As Appendix 2 illustrates, the subfields with the lowest rates in the 9 year period are the hospitals with an increase of only 31.05%, sport and recreation initiatives (132.03%) and some

of the formal educational activities such as secondary education (43.22%) and pre-school education (126.91%). The case of professional education, which attained only a 51.01% increase between 1996 to 2005, will be discussed in more detail below, given the uneven pattern of increase throughout this period.

While acknowledging the general picture so far depicted in this chapter, it is now important to underscore certain considerations that arose from the examination and comparison of data from the specific years of 1996, 2002 and 2005. It is worth noting that these years are particularly relevant for the purpose of this investigation, given that 1996 corresponds to the beginning of the Cardoso government, while 2002 represents the ending of Cardoso's two mandates and 2005 was the third year of the first Lula administration.

In general terms, one may argue that the data from 1996 shows that the context of the time exhibited some of the features depicted by Landim (1995) with regard to the early ages of civil society. As could be observed from Chart 9, traditional organisations such as religious and social service groups were still the most prominent types. However, the data also reflect the products of the democratisation process, such as the emergence of organisations engaged with new and in some senses more political fields, such as the protection of rights and environmental issues.

Nevertheless, the figures from 2002 presented in Table 2 and Chart 9 indicate some clear shifts from the 1996 scenario. They show the decline of the presence of most of the traditional groups on the one hand and the rise in the absolute and relative numbers of organisations dedicated to new fields of work on the other. It can be asked whether these shifts were not at some level caused by government initiatives undertaken during Cardoso's two administrations. As will be discussed in more detail in the next chapter, a specific programme and a new legal framework regulating the function of civil society organisations and their operational partnerships with the state were set up during this period.

Finally, the general figures shown in Table 2 and Chart 9 do not suggest striking differences in the patterns of growth and dominance in the body of civil society between 2002 to 2005. Probably the only relevant distinction is the decline in overall rate of growth experienced in most areas at this period. The detailed data shown in Appendix 2 also indicate no relevant shifts. Apart from the fluctuating patterns in the numbers of organisations dedicated to professional education – while in 2002 there was a decline of 17.57%, in 2005 the numbers rose by 83.2% − the other subgroup figures varied in basically similar directions and intensity throughout this three year period. Those data may suggest that the trends traced for the Cardoso period of government remained unchanged at the beginning of Lula's first administration. Unfortunately, there are no data available in the FASFIL or other investigations for the five subsequent years of Lula's government. However, this initial finding raises questions related to the differences and similarities of the goals and results of the initiatives created in the field during the Cardoso and Lula regimes. The next chapter of this thesis will aim to address these enquiries.

Final considerations

From the picture drawn in this chapter, it is possible to affirm that the body of Brazil's civil society is heterogeneous and multifarious, and that pertinent shifts in its composition have been taken place over the last three decades.

The early stages of civil society were marked by the strong influence exercised by both Church and state. At that period, the main initiatives undertaken by civil society organisations were related to service provision in fields such as health, social services and education. Their functioning was basically fully supported by funds coming from the Church and the state, making autonomous civil society initiatives virtually unrealisable.

Civil society organisations engaged with political issues started to appear in the 19th century, though the real watershed for the emergence of more political-conflictual patterns of relationship with the state took place during the country's democratisation process of the 1970s and 1980s.

Examination of the quantitative data produced by the CNP and FASFIL investigations has contributed to an overall picture of the body of civil society organisations in the period which followed the democratisation process, particularly from 1995 to 2005.

To sum up, the evidence indicates two broad sets of organisations which could be differentiated given their distinct purposes, fields of action and forms of functioning. The first is a traditional group of organisations, with decades or even centuries of existence, not uncommonly created with the support of government or religious groups and, in the majority of cases, dedicated to activities such as education, health and social assistance. The second is a group of newer organisations, created in great part during or after the democratisation period, and involved with emerging subjects such as development, protection of rights and environment.

With the recent situation in view, it is worth noting that all groups of organisations have continued to grow in numbers. However, when examining the information in more detail, dissimilar patterns of increase were identified. In general terms, one may argue that a relative decline in the presence of traditional organisations can be identified, by contrast with the steady increase in new organisations. The only exception is found in the case of organisations involved with professional issues. In spite of their long-established existence, which might be considered to place them within the group of traditional organisations, they exhibited patterns of increase even higher than for organisations involved with new issues. This may suggest that some kind of shift has taken place in their organisational purpose or modes of functioning, an aspect that will be looked at in the next chapter.

The comparison between the data collected by the FASFIL investigations during Cardoso's two mandates and Lula's first administration – from 1996 to 2005 − has raised a number of issues relevant to the subject of this thesis. The general figures for the nine year period certainly indicate a gradual and steady movement towards increasing the numbers of organisations which could be considered as having the potential to establish a political-conflictual pattern of

relationship with the state, namely the newer organisations involved with political issues. Nevertheless, the continuous influence of the traditional organisations in the field, as well as the few differences in the patterns found during Cardoso's and Lula's administrations, raise questions that can contribute to test this thesis' main hypothesis. Why did there not emerge a more significant pattern of change between the two governments' data? Were there any significant differences between the purposes and outcomes of the initiatives and policies implemented by the Cardoso and Lula governments? What influence can be attributed to apolitical-consensual and political-conflictual views within the two governments? How did the different sections of civil society respond to the initiatives ultimately set up by the two governments to enforce or to shift the trends in their relationships? These are some of the aspects which will be looked at in the next chapter.

Chapter 3

A discussion on Brazil's democracy and civil society in recent times: Cardoso's and Lula's social agendas and formal relationships with civil society

Introduction

The first chapter of this thesis has discussed the different ideas of civil society that have arisen in Brazil, particularly since the 1980s. It can be taken from the literature review that different contemporary concepts of civil society were shaped in Brazil alongside the emergence and intensification of the debate on new models of democracy.

Following on from this, this third chapter will seek to look at the effects of this debate and of these new formulations for the 16 year period of the Cardoso and Lula administrations, which is the focus of this thesis.[54] In other words, it intends to explore views on democracy and civil society adopted by recent Brazilian governments. Moreover, this chapter aims to investigate how these concepts impacted the practical actions taken by these two governments. The aim is, by this means, to increase understanding about whether and how the dynamics and interactions between state and civil society changed over that 16 year period.

As shown in Chapter 2, the available data on the main features of civil society organisations operating during Cardoso's administration and the initial 3 years of Lula's government do not point to there being any striking differences in the general trends between the two administrations.

I argue that this broad picture, described in Chapter 2, prompts a closer examination of the two governments' discourses and practical actions concerning their relationship with civil society.

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[54] Both Cardoso and Lula ruled for two mandates of 4 years. The former governed the country from 1995 to 2002 and the latter, from 2003 to 2010.

In order to test the hypothesis of this thesis, I contend that is essential to look at how the apolitical-consensual and the political-conflictual understandings of civil society were employed by the two governments. By the same token, I argue that it will be equally revealing to identify ultimate differences in the purposes and outcomes of the practical measures they have implemented, as well as the responses of the different sections of civil society to these initiatives.

Accordingly, this chapter will be dedicated to examining the discourse associated with the two governments' social agendas and contrasting this with the initiatives and policies of the Cardoso and Lula administrations. The main sources of data used in this chapter are as follows: government regulations and guideline documents; speeches made by the presidents and their key representatives; official documents related to initiatives and policies involving civil society participation; and secondary sources produced by other studies.

3.1. Cardoso's government (1995-1998 and 1999-2002)

As introduced in Chapter 1, the debate on the redefinition of the state's roles and the public management discourse, which had come to prominence in developed countries from the 1980s, began to penetrate Latin America at the beginning of the 1990s.

In 1995 there was a favourable context in Brazil for these new ideas. In his first year of government, president-elect Fernando Henrique Cardoso launched the key initial measures of a major managerial reform known as the *Plano Diretor da Reforma do Aparelho do Estado* (Plan for Reform of State Apparatus).[55] At

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[55]   The Plan's implementation demanded modifications in the Federal Constitution which originated Constitutional Amendment number 19 of 1998, comprised of the guidelines for the new functioning of the federal public administration. In 1999 the Ministry of Federal Administration and State Reform (MARE) was dissolved and the conduct of reform in the federal agencies and at the local level was designated to the Ministry of Planning and Management. The former MARE minister, Bresser Pereira, later pointed out that this change was one of the reasons for the slowing of the tempo of reform (Bresser Pereira, 2006).

the time, it was particularly emphasised that this represented the first managerial reform introduced to a developing country.

According to Minister Bresser Pereira, the head of the then newly-created Ministry of Federal Administration and State Reform (MARE) and the leader of that process during Cardoso's first term, the reform had the following two central goals: "in the short term, to facilitate the fiscal adjustment, particularly at state and municipal levels and, in the middle run, to make public administration more efficient, modern and focused on responding to citizen's demands" (Bresser Pereira, 1999, p. 257, own translation).

It is worth noting that during Cardoso's two mandates, Brazil suffered the impacts of two international financial crises − the Asian and Russian crises −, which led to the signing, in 1999, of a fiscal package with the International Monetary Fund (IMF). The agreement consisted of a severe fiscal adjustment to be achieved mainly through increasing the primary surplus and through budgetary cuts in several areas, including social policies (Del Porto, 2006; Hall, 2006). One of the main strategies adopted by the Brazilian government to deal with the emerging constraints in the social field was to seek financial support from the World Bank and the Inter-American Development Bank (IDB) (Brazil, 1999).

The reform plan conceived four different sectors within state, namely the 'strategic nucleus', the 'state-exclusive activities', the 'non-exclusive or competitive services' and the 'production of goods or services for the market'. While the first was composed of activities under the responsibility of government head officers, the distinction between the other three sectors lay in the type and level of state intervention. In this regard, the domain designated to civil society organisations rested within the category of 'non-exclusive or competitive services'. Because they had public relevance, these services could be financially supported by the state; but they were not subject to its direct execution (Bresser Pereira, 1999). At that time, the whole body of civil society organisations came to be identified with what was then referred as the '*setor público não-estatal*' (public non-statist sector) or 'third sector' (Alves, 2002).

This new role for the third sector corresponded with the discourse generated by bilateral and multilateral donors with regard to the suitability of civil society organisations for targeting social impacts produced by the structural adjustments (Howell and Pearce, 2002). Thus, at that time, new ideas and terminology − such as governance, accountability, solidarity, sustainable development, social capital, partnerships – issuing from this international debate surfaced within the guidelines of the Brazilian federal government (Almeida, 2006).

3.1.1. The discourse of Cardoso's social agenda

The main strategy of Cardoso's social agenda for his first and most of his second term of office was launched in March 1996. The programme was defined and coordinated under Vilmar Farias – the president's special advisor for social issues – with the collaboration of the heads of the various branches of government dealing with social issues (Tiezzi, 2004; Draibe, 2003).

Beginning with an analysis of the constraints identified in the first 14 months of Cardoso's administration, particularly in the economic field, the document *Uma estratégia de desenvolvimento social* (A strategy for social development) outlined three main fields of action. Firstly, from a medium and long term perspective, the reform of social services with universal coverage was proposed – namely, education, health care, social security, pensions, housing, sanitation, employment and social assistance. The reformulation of these sectors was considered an essential condition for the implementation of the global strategy. The second line of action consisted in 45 strategic programmes[56] selected from the above-mentioned sectors to be prioritised due to their capacity to produce short-term results in critical areas, such as land reform and infant mortality. Finally, the third core measure corresponded to the federal government's main programme to counter poverty and starvation, the

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[56] The full list of 45 programmes can be found at <http://www.planalto.gov.br/publi_04/COLECAO/ESTRA5.HTM>

Programa Comunidade Solidária (Solidarity Community Programme - CS) (Draibe, 2003).

In relation to the first two sets of initiatives – universal services and strategic programmes, the participation of civil society organisations resided mainly in two areas: partnerships with state agencies for the provision of public services; and involvement in public policy management councils − participatory mechanisms dedicated to discussing the formulation and monitoring of public policies.[57] While, as will be explained further on, the provision of public services was a role explicitly encouraged by Cardoso's government, participatory initiatives are identified in the literature as a historical trend stemming from civil society's mobilisation for further direct participation in the course of the democratisation process (Abers and Keck, 2008; Luchmann, 2008).[58]

Based on the findings of earlier investigations,[59] it can be argued that the main features of Cardoso's discourse on the role of civil society are to be found in statements about the third field of action, namely the *Programa Comunidade Solidária*, which was specifically shaped to deal with the dialogue between government and civil society.

Programa Comunidade Solidária - CS

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[57] Details on the model and outcomes of public policy management councils will be discussed in Chapter 4, which will explore the literature on participatory experiments in Brazil. One of these councils, namely the National Council for Health, is one of this thesis' case studies and will be looked at in Chapter 5.

[58] This mobilisation – in great part led by the well-organised and cohesive healthcare movement – culminated in the creation of mandatory statements in the 1988 Federal Constitution which made these participatory mechanisms a necessary condition for the implementation of public policies at the three levels of government. In general, these councils have a proportional formation, with the same number of representatives from state agencies and civil society organisations, and deal with issues concerning the processes of social policy formulation, implementation and monitoring. As explained in note 4, these participatory initiatives will be the subject of analysis in the following chapters.

[59] Examples include the investigations conducted by Alves (2002), Almeida (2006) and Ferrarezi (2007).

In the section dedicated to explaining the reasons for the *Comunidade Solidária*'s creation at the document *A strategy for social development*, it is stated that:

> …[t]he magnitude of the underlying social problems, the noticeable crises of the State and the Public Administration as well as the renewed strengthening of civil society are features which, together, suggest the limits of state action and the need to build and reinforce new public spaces. Moreover, they reveal the urgency of encouraging new forms of mobilisation and partnerships between different levels of government and state agencies (federal government, states, municipalities, public companies, universities) as well as among government and the multiple and diverse forms of civil society organisations (private enterprises, trade union organisations, voluntary organisations – such as NGOs, churches, social movements, and others) (Planalto, 1996, own translation).

This extract is an example of the link that existed between the discourse of state reform and the Cardoso government's view of the role of civil society. Recognising the fragilities of federal government in confronting Brazil's major social problems, the text concludes that the answer lies in identifying co-responsible or substitute actors to take on former federal government tasks. Using strategies of decentralisation, partnerships and new forms of articulation, the federal government located these actors in local government and civil society organisations.

According to the official documents, the *Programa Comunidade Solidária* was originally inspired by two initiatives implemented prior to Cardoso's administration. The first one was the *Ação da Cidadania Contra a Fome, a miséria e pela Vida* (Citizenship action against hunger, poverty and for life - *Ação da Cidadania)*, a public campaign headed by the sociologist Herbert José de Sousa – a renowned activist within the human rights movement, better known as Betinho. The *Ação da Cidadania* unites, since 1993, sections of civil society, private companies and political society to undertake collective actions against hunger and poverty. The second initiative was the *Conselho de Segurança Alimentar* (the National Food Security Council – CONSEA) also set up in 1993, under the previous government, led by president Itamar Franco, as a result of a proposal by the Worker's Party - PT. Representatives from both

the state and civil society – the latter were suggested by the *Ação da Cidadania* − constituted the CONSEA.

The *Programa Comunidade Solidária* was launched via Decree number 1366 of 1995 and was initially composed of two main lines of activity. The first was carried out by the General-Secretariat of the Programme, which was in charge of the inter and intra-governmental coordination of social policy. The second involved initiatives taking place under the *Conselho da Comunidade Solidária* (Council of the Solidarity Community - CCS) which was mainly responsible for dialogue between government and civil society, as well as for *Programas Inovadores* (Innovative Programmes) - which were supported by the federal government in order to encourage innovations in social development through partnerships with civil society organisations (Del Porto, 2006).

The *Conselho da Comunidade Solidária* came to take the place of the CONSEA, which would be re-established years later by Lula's government. The CCS had a hybrid constitution, formed by government officials and civil society representatives nominated by the president and coordinated by the First Lady, Ruth Cardoso.

As claimed by the Council's promoters,

> Under the CONSEA, the representatives of civil society were nominated by civil society entities. In contrast, the *Conselho da Comunidade Solidária* chose to apply the criterion of legitimacy rather than representativeness. Thus, individuals celebrated for their involvement with the promotion of citizenship and development – such as social entrepreneurs, businessmen, scholars, and spiritual leaders from different religions and from the cultural world - were invited to take up seats on the Council (Cardoso *et al*., 2002 cited in Almeida, 2006, p.109, own translation).

Following a turbulent beginning which involved the withdrawal of two prominent civil society representatives − Betinho and Jorge Eduardo Durão[60] − due to their disagreement with the council's main lines of action, in 1996 the

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[60] Durão was the president of the Federação dos Órgãos de Assistência Social e Educacional (Federation of the Entities of Social Assistance and Education – FASE).

council adopted a model of functioning called the 'Rounds of Political Interlocution' (Ferrarezi, 2007). Following the definition of themes for dialogue, the council selected the participants from among the most prominent personalities in the field who were then invited to the meetings. These participants were responsible for identifying the main problems in the field and for making proposals about how to solve them. Their views were collated together, in order to identify a consensus. Finally, efforts were initiated towards transforming these consensuses into practical measures (Conselho da Comunidade Solidária, 2002).

As stated in the documents produced by the CCS, the main targets of the Political Interlocutions were:

> [t]o contribute to building a strategic agreement or understanding about society and the state's social actions towards the struggle against poverty and social exclusion as well as the promotion of social and sustainable development. Its specific aims reside in encouraging solutions; in speeding up, monitoring and implementing measures; and in contributing to remove obstacles and to surpass deadlocks that compromise, delay or detract from the effectiveness of the actions that must be undertaken (Conselho da Comunidade Solidária, 2002, p. 11, own translation).

The formal relationship between the state and civil society – or the 'third sector' as it was referred to at that time – turned out to be a major issue for the CCS's initiatives. Financially supported by the Inter-American Development Bank (IDB) and following the trends for other countries, the debate around the reformulation of the third sector legal framework was defined as the main topic of discussion for two out of the 14 Political Interlocution Rounds carried out by the CCS. New Law number 9790 of 1999 not only created a new procedure for the formal recognition of civil society organisations, namely *organizações da sociedade civil de interesse público* (civil society organisations for the public interest - OSCIPs), but also introduced a specific type of formal contract between the state and these organisations – the *Termo de Parceria* (Partnership contract) in order to transfer public funds to civil society organisations for the provision of public services.

The new law anticipated a long list of fields of action in which the *Termo de Parceria* could be established. This list included areas such as the promotion of culture, education, health and social care, environmental conservation, voluntary work, ethics, human rights, new socio-productive experiments, economic and social development, measures against poverty, and free judicial assistance, as well as research activities for all the above-mentioned fields. The *Termo de Parceria* was claimed by the government to be an innovation with regard to the existing legal frameworks. This innovation resided particularly in the requirement for formal definitions and monitoring mechanisms for contract goals, outcomes, deadlines, timetable and criteria for performance assessment.

3.1.2. Confronting the discourse and practical actions undertaken under Cardoso's government

The implementation of Cardoso's initiatives promoting change to the patterns of relationship between government and civil society faced resistance from several quarters. As already suggested in the outline of the origins of CCS, different sections of civil society raised opposition to the model envisioned by the federal government. Alves (2002) argues that this resistance was strongly observed among two main groups: the vast group made up by the more traditional organisations in the country − those dedicated to social care; and the more politicised organisations, generally identified by the NGO label. According to this author, these organisations were at the core of the resistance against what he termed 'Third sector discourse', which represented the idea of civil society substituting the state for public service provision (Alves, 2002). This resistance was not only raised by civil society organisations but could also be found within the government and other parts of the society, as will be described below.

The *Conselho Nacional de Assistência Social* (National Council for Social Assistance – CNAS), for instance, produced specific statements declaring its strong disagreement with the "neoliberal policy of the *Comunidade Solidária*,

calling for its extinction and the reversal of efforts and resources applied so far as well as for respect to be paid to the deliberative contributions from the field of social care" (*I Conferência Nacional de Assistência Social*, 1995:48 *in* Ferrarezi, 2007:141, own translation).

The Worker's Party (PT) in turn gave specific guidelines to its members with regard to "combating the *Programa Comunidade Solidária*". The party concluded that "…[t]he programme was in fact a mechanism of political cooptation implemented by the federal government in order to subordinate the leadership of popular and social movements and to submit them to a condition of compulsory adhesion to the Cardoso government and its electoral prospects" (Fundação Perseu Abramo, 1998:646, own translation). The PT goes further, advising party members who took part in the CCS to withdraw from the Council, warning them of the likelihood that they will be expelled from the party if this recommendation is not accomplished (Fundação Perseu Abramo, 1998).

The resistance coming from within the government can be identified as relating to different periods of Cardoso's administration. Ferrarezi (2007), in her detailed depiction of the creation of Law 9790 of 1999, pointed out several deadlocks and setbacks throughout the process of formulating and negotiating the law within Congress, which related to different sectors within the government itself.

Investigations on the practical outcomes of the new models of OSCIP and *Termo de Parceria* demonstrated that a considerable proportion of civil society organisations resisted adopting the OSCIP framework and hardly any *Termo de Parceria* were established in the first years of the Law's existence. This was not only the result of civil society organisations' resistance but was due mainly to state agencies' concerns and lack of knowledge about implementing this new form of contract with civil society organisations (Alves, 2002; Alves and Koga, 2006; Ferrarezi, 2007).

Considering the literature that examines the phenomenon of opposition and resistance to the *Comunidade Solidária*, I argue that criticism of the programme relies on two main lines of argument. While the first is based on the programme's identification with the neoliberal agenda, the second is focused on the programme's definition of the limits of the relationship between state agencies and civil society organisations.

As discussed in Chapter 1, various scholars have associated the CCS discourse and practical measures with the neoliberal agenda. They argue that the much-bruited discourse of cutting expenditure, improving performance and shrinking the state reveals government priorities with regard to the financial and economic problems of the country as well as the prevalence of economic logic over all other realms of public action. In order to reach these goals, old ideas that had emerged in different realms and at different times were reformulated and combined with new proposals, to form an apparently harmonious common project. Thus, it can be concluded that in Cardoso's government traditional concepts such as citizenship, solidarity and civil society came to be blended and even confused with the new ideas of social responsibility, voluntary work, social capital and the third sector (Alves, 2002; Dagnino *et al*., 2006; Almeida, 2006).

On the one hand, it can be said that in practical terms this discourse allowed Cardoso's government to secure support for its proposal from relevant sections of Brazilian society. Some examples are the increasing number of corporate responsibility programmes promoted by the private sector as well as the legitimisation of organisations dedicated to new areas of action, such as environmental conservation. This corroborates the data relayed in Chapter 2 on the marked increase in this type of new civil society organisation in recent times. On the other hand, it can also be stated that this discourse represents a direct confrontation to that part of civil society which had historically claimed for stronger measures in enforcing social justice, accessing universal rights and radicalising democracy.

This consideration leads us to the bases for the second set of criticisms against the *Comunidade Solidária*. According to Almeida (2006), the CCS mode of functioning reveals of the aim of minimising conflict and reaching what its promoters called 'synergies between state and civil society'. Almeida (2006) argues that the CCS operated in such as a way as to restrict the level of civil society participation to the realm of propositions, while the realm of decision-making remained in the government's prerogative. This dynamic thus inverted the ideal positions of civil society and government, as well as limiting the space where potential conflicts could be manifested.

Tatagiba (2006), in turn, points out that the emphasis on the managerial rationale in the relationship between state and civil society ultimately leads to "conformity with a structure of communication and interaction in which pivots on the negation of the political dimension to the efforts towards dialogue" (p. 143, own translation). In the same sense, Cohn (2000) concludes that the stress placed by Cardoso's government on cost-benefit logic, as well as on the technical-bureaucratic aspects of social policies, ended up obscuring civil society political character.

From the analysis above, the assertion can be made that the Cardoso government has developed and instilled a clear understanding of the apolitical-consensual view of civil society. The ideas of dialogue and interlocution attain visibility in the discursive and functional logic of the CCS. However, the anticipated end result is undoubtedly in the direction of consensus building and efficiency improvement through operational partnerships with civil society organisations. The potential to expand the democratic spaces for deliberation and decision-making to embrace broader issues in the government agenda was not identified as an outcome of this measure by the government.

3.2. Lula's government (2003-2006 and 2007-2010)

The election of president Luiz Inácio Lula da Silva (Lula) in 2002 introduced a new political atmosphere to the country. His personal background and his close party ties with left-wing and labour movements gives cause for

speculation about whether a new type of relationship between state and civil society might have been established and if different arenas might have been opened up to civil society actions.

The earlier participatory experiences at the local level – such as the participatory budget, first implemented in municipalities under PT administration and later diffused at state level and adopted by other local governments ruled by other political parties – raised public expectations towards the introduction of new practices of participation at federal level.

The image of president Lula was also identified with public manifestations that clearly challenged the *status quo,* such as the World Social Forum and the *Movimento sem Terra* (Brazil's Landless Workers Movements – MST).

3.2.1. The discourse of Lula's government

The discourse of the Lula administration regarding the relationship between state and civil society was not manifested in a centralised fashion, as was the case with Cardoso's *Comunidade Solidária* Programme. I argue rather that this discourse can be discerned through the analysis of the different social initiatives promoted by the Lula administration.

In order to undertake this task, this investigation will look at projects that have shown some significant intention of promoting change in the patterns of interplay between state and civil society. This process will be started by examining the *Conselho de Desenvolvimento Econômico Social* (Council for Economic and Social Development – CDES), and continued through considering the initiatives carried out by the General-Secretariat of the Presidency to promote participatory PPA 2004-2007[61] (Multiyear Plan 2004-2007) and to reinforce the public policies for councils and other participatory activities then, finally, there will be reflection on the *Instância de Controle*

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[61] The PPA is the official long term plan of government that describes projects, programmes, goals and expenditures for a four year period.

Social (Social Control Authority – ICS), envisioned as an instrument of social control for the *Programa Bolsa Família* (Family Grant Programme).

Launched at the beginning of Lula's first mandate, the *Conselho de Desenvolvimento Econômico Social* (Council for Economic and Social Development – CDES) was conceived as an autonomous advisory body, directly linked to the president, and composed of federal government officials and representatives from different sections of civil society. The Council assembled, for example, representatives of the employers and the workers; of the political and economic elite and the popular movements; and the secular and ecclesiastical fields. CDES's members are designated by the President from a list of nominations made by civil society organisations.[62]

In the first two years of its existence the Council held ministerial status and had as its first leader Tarso Genro, a well-known supporter of participatory budget experiences and former mayor of Porto Alegre.

Citing from its official documents, the Council had the role of

> …[c]ontributing to the formation of the government's political decisions, as a representative institution of society. Its mission is to establish dialogue with and among the different representations of civil society in order to discuss public policies and propose the necessary measures to strengthen national economic growth (CDES, 2009, own translation).

President Lula, in a speech delivered to CDES members in 2004, indicated the desired image for the council:

> If you are here just to speak well of government, you are wrong. If you are here just to speak badly about government, you are wrong. And if you are here just to complain, you are even more wrong. This Council – as I have told you in the beginning and I will now repeat – represents the first time in which organised civil society, through its entities and its different types of organisation, has the opportunity to

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[62] The number of government representatives cannot surpass the limit of ¼ of the total 102 members. The criteria for the selection of the councillors are based on: "the individual, sector representativeness, social range and his or her distinguished knowledge" (CDES, 2009, own translation).

communicate the kind of Brazil that we desire and the types of things that we can do. (CDES, 2004, own translation).

The discourse about fostering civil society participation in federal government decisions and initiatives can also be identified as featuring among the main responsibilities of the General-Secretariat of the Presidency. Among its main roles, this position was established in 2003 with the duty of assisting the president on issues related to interaction with civil society organisations and the creation and implementation of mechanisms of popular consultation and participation (Brazil, 2003).

In the first year of Lula's first mandate, the General-Secretariat was in charge of conducting the public consultation process across Brazil's 27 states to feed into the formulation of the federal government's multiyear plan for 2004 to 2007 (PPA 2004-2007). This process was executed with the collaboration of two civil society umbrella organisations, the *Inter-Redes* and the *Associação Brasileira de Organizações não Governamentais* (Brazilian Association of Nongovernmental Organisations – ABONG).

As claimed by the head of the Secretariat, Minister Luiz Dulci, the roots of this process lay in the Lula government's fundamental orientation towards creating a new relationship between state and civil society. In a presentation delivered in 2003 on the participatory process of PPA 2004-2007, the Minister emphasised the idea that participatory mechanisms were a necessary complement to the exercise of representative democracy and a solution to citizens' political apathy. He also pointed out the concept of a necessary co-responsibility shared between the state and civil society in the decision making process.

> If the federal government intends to produce co-responsibility with civil society, this has to be built together. Government cannot just inform civil society and ask for adhesion. It cannot be satisfied with a passive attitude, treating civil society as an observer. It has to build up the mechanisms and introduce the impetus to engage civil society within the process (Dulci, 2003, p. 12, own translation).

Another avenue followed by the General-Secretariat was the strategy of supporting the organisation of national conferences and the creation of new federal public policy management councils. As noted earlier, these councils are instruments of public participation declared by the 1988 Federal Constitution as a necessary condition for the implementation of public policies at three levels of government. Following the publication of the 1988 Constitution, hundreds of public policy management councils were launched in Brazil's municipalities, states and federal government. In spite of previous federal governments having already accomplished the constitutional requirement to create some of these councils, a strong emphasis was given in Lula's administration to expanding and making improvements to these initiatives (Silva, 2009).

The same orientation was followed in the case of national conferences, which were envisioned as spaces of public participation where the main guidelines for public policies would be defined. According to the official website of the General-Secretariat of the Presidency,

> …[f]rom 1941 to 2009, one hundred national and international conferences were held. Sixty-one of them took place from 2003 to 2009, during Lula's administration, involving thirty-five sectors in instances of reflexion, debate and negotiation in the local, municipal, regional, state and national levels. These initiatives had the attendance of four million people who discussed and defined priorities and orientations for public policies (Planalto, 2009).

Among the councils launched during Lula's government were the CDES and the reconstituted CONSEA, which had been replaced by the *Comunidade Solidária* under the Cardoso government.

In conclusion, a final analysis must be made of Lula's main social programme, the *Programa Bolsa Família* (Family Grant Program).[63] *The Bolsa Família* is the most relevant part of the *Fome Zero* (Zero Hunger) strategy towards the

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[63] The *Bolsa Família* continues to be one of the main programs of Lula's successor, president Dilma Rousseff, who was elected in 2010. According to the webpage of the *Ministério do Desenvolvimento Social e Combate à Fome* (Ministry of Social Development and Fight against Hunger - MDS), more than 13 million families across the entire country are currently beneficiaries of the *Bolsa Família* (MDS, 2011).

promotion of social inclusion through guaranteeing basic rights of access to food and nutrition. It consists of a programme of conditional cash transfer that targets families in conditions of poverty and extreme poverty (MDS, 2011). The programme awards these families a fixed monthly stipend which varies from R$ 32 to R$ 306 (£11.15 to £106.61) depending on the number and age of their children and the family's income − limited to R$140 (£48.78) per person.[64] Certain conditions must be fulfilled in order to qualify for these cash grants. In general terms, these conditions are related to the children's regular school attendance and vaccination as well as to accepting nutritional and vocational training where necessary (MDS, 2011).

The key guidelines of the programme are defined at the federal level. The cash transfer does not have intermediaries since its beneficiaries have access to their grants directly through a special magnetic card. The municipalities are responsible for monitoring the conditions of fulfilment and for updating the *Cadastro Único* (Single dataset) which keeps information on low-income families. Each municipality has to set up an *Instância de Controle Social* (Social Control Authority – ICS) with an inter-sector and proportional representation among representatives from both state and civil society and from different fields of work (social assistance, health and education, among others).

The ICS was envisioned as an agent of social monitoring and for the evaluation of programme management and implementation. Social control was defined in official documents as "a social action between state and society where the central path is sharing responsibilities in order to improve efficacy and effectiveness in public policies and government programmes" (Bolsa Família, 2009b, own translation).

3.2.2. Confronting the discourse and the practical actions undertaken under Lula's government

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[64] Currency conversion in this paragraph was based on the rate of 2.8703, a rate supplied by the Brazilian Central Bank at http://www4.bcb.gov.br/pec/conversao/Resultado.asp?idpai=convmoeda on 14/12/11.

The data examined in this investigation show that the discourse of Lula's government can be clearly identified with a political-conflictual view of civil society. The ideas of accepting and inviting the expression of opposing positions into discussion were frequently present. The concepts of sharing decision making power with civil society as well as the complementarities between participatory and representative democracy were repeatedly articulated.

A number of investigations have been conducted to examine the concrete results and potentialities of the federal government initiatives described in the last section. Nevertheless, the findings of these investigations do not seem to indicate that the high expectations of Lula's traditional supporters have been met, with regard to significant changes in the pattern of relationship between state and civil society.

In relation to the CDES initiative, Doctor (2007) has discussed the difficulties traversed by the council in order to translate their recommendations into practical results. Several problems are highlighted, including the composition of the council, which tended to over-represent the more developed South and Southeast regions of the country and the business sector; the lack of interest among the political class in the outcomes of the CDES; and its dependency on the agenda of the Executive power.

Authors such as Couto (2009) suggest that Lula's party in fact conceived CDES as a strategic tool for overcoming two major constraints. In the first place, the minority political support within the National Congress and, in the second place, the economic elite concerns about Lula's past radical leftist discourse. Similar critiques are addressed to other experiences of participatory councils, including those introduced by former federal governments or at other levels of government. According to Abers and Keck (2008), there is little evidence to demonstrate that these initiatives have contributed to gaining a hearing for the demands of the underprivileged. They sum up the causes of this situation as lying in two main problems: the failure of civil society members

to represent the demands of disadvantaged groups and government's resistance to sharing power with civil society.

The participatory experience in PPA 2004-2007 produced questionable results and was not repeated in the following years. The statements made by Inter-Redes and ABONG in the first semester of 2004 reflect civil society's general dissatisfaction with the results of the process. First, the documents highlighted the minor place assigned to the participation and proposals that had been contributed by civil society throughout the debates between government and Congress − which was, by contrast, focused on the guarantees of the primary surplus. Moreover, they emphasised that the commitment established between the General-Secretary and civil society contributors towards the creation of participatory mechanisms for revision and monitoring of the execution of the federal budget was not accomplished. In conclusion, they stated that "the government impeded all changes in the budgetary law concerning the alterations proposed by civil society as well as failing to advance the proposal for a joint effort to formulate a methodology for monitoring the PPA" (Inter-Redes, 2004, own translation). This frustrating scenario led to the end of ABONG and Inter-Redes partnership with the General-Secretariat.

Looking at the *Bolsa Família*, another set of considerations emerges from the literature. Some scholars argue that the *Bolsa Família* represents the continuation and enforcement of Cardoso's strategy of targeting the most vulnerable sections of society (Mello, 2008). This strategy, according to Hall (2006), came to be adopted in Latin America at the end of the 1980s as a major initiative, supported by international donors such as the IMF and the World Bank.[65]

Despite the achievements made by the *Bolsa Família* in terms of its increasing coverage and budget, criticisms have emerged in relation to its potential to promote a real transformation in individuals' lives by generating employment

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[65] In 2004, the two multilateral organisations committed a total of U$ 2.57 billion to the Bolsa Família, approximately one-quarter of the programme's total budget (Hall, 2006, p. 698).

and income. Doubts were also raised in relation to other aspects of the programme, such as its mode of operation, which can accommodate corruption; the nature of the conditions placed on the benefits, understood by some analysts as paternalistic; and the lack of transparency, accountability and civil society participation (Hall, 2006).

Concerning the latter aspects, investigations have demonstrated that the introduction of the ICL has shown improvements in reducing clientelism practices and in inducing some level of accountability and transparency (Hall, 2006; Sugiyama, 2009). However, the literature also points out certain deadlocks in civil society participation. Senna (2007), for instance, stresses the complexities involved in the programme's functioning and administration which makes it essential that ICL members equip themselves with considerable knowledge about the complex details of the programme. De la Jara (2008), in turn, goes further by arguing that because they lack real instruments of influence – such as the power of veto, which exists in other participatory initiatives – civil society organisations are in fact losing influence and the ICL is facing the risk of turning into an ineffective space of social control (De la Jara, 2008).

It is worth mentioning that some key measures introduced in Cardoso's government were maintained during the Lula administration. Firstly, it must be noted that the OSCIP legal framework underwent no modifications. In fact, as shown in Chart 10 below, the number of civil society organisations which adopted the OSCIP model increased considerably from the beginning of Lula's administration in 2003.[66]

Chart 10 – OSCIPs qualified from March 1999 to February 2010

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[66] In March 2002 – Cardoso's last year in power –, only 400 organisations had adopted the new framework. But by February 2010, the number of OSCIPs had increased to 5,316 organisations.
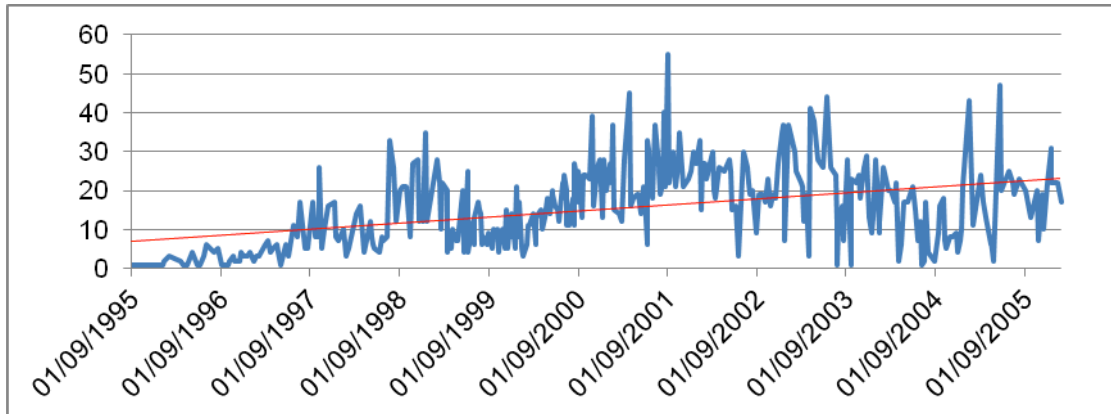
Source: Koga (2010)

Secondly, it should be emphasised that the level of transfers of federal sources to support services of public interest provided by civil society organisations did not undergo any significant variation between the periods of the Cardoso and Lula governments.

Chart 11 below gives a rough idea of the percentage of federal budget transferred to civil organisations in recent years. It shows a similar pattern for the end of Cardoso's administration in 2002 and for Lula's two governments.

Chart 11 – Percentage of the federal budget transferred to nonprofit organisations from 2001 to 2009
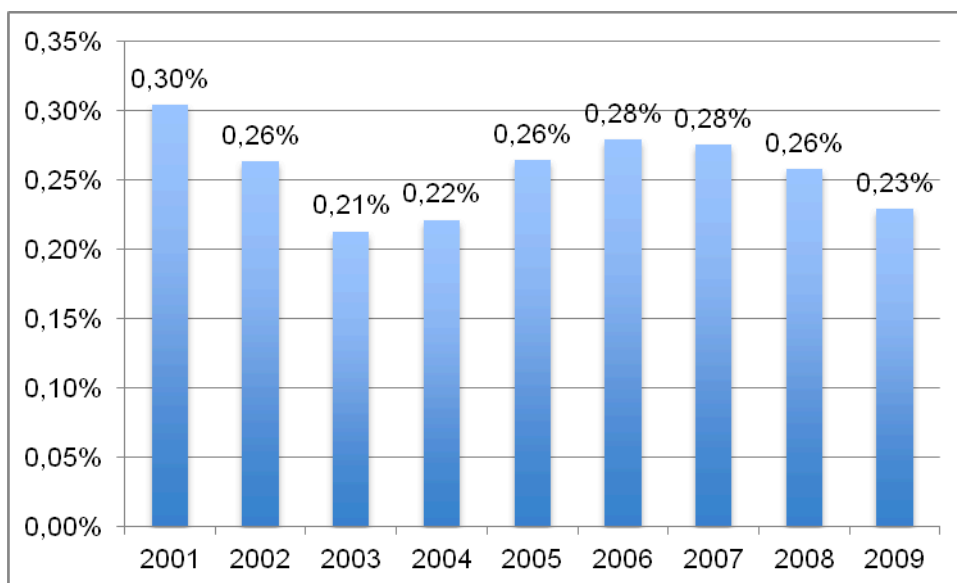
Source: Koga (2010)

It is worth noting that, as in Cardoso's government, different investigative processes were conducted in Lula's administration based on allegations of irregular use of public funds in formal partnership between government agencies and civil society organisations.

Finally, it can be asserted that besides the discourse and measures adopted by Lula's government towards a more political-conflictual pattern of interplay with civil society, evidence reveals that his government continued to maintain relationships ruled by an apolitical-consensual view of civil society, with few modifications of the standards adopted under the Cardoso administration.

To conclude this analysis, a degree of consideration needs to be given to the trajectory of the interactional pattern in Lula's government from the perspective of civil society organisations.

Accordingly, Hochstetler (2008) distinguishes three main phases in Lula's first term and at the beginning of his second mandate.

The first phase took place in the initial months of Lula's first term and was "[c]haracterized by a CSO [civil society organisation] strategy of putting sufficient counter-pressure on Lula to help him withstand conservative pressures and pursue their historically shared substantive agenda" (p. 40). Different kinds of supportive interventions were made, such as the partnership established between the General-Secretariat of the Presidency, ABONG and Inter-Redes or the supportive land invasions promoted by the MST.[67]

The second phase is marked by civil society's disillusionment and dissatisfaction with Lula's measures in mid-2004. They realised that in spite of government discourse promoting the encouragement of participation, the reality was that when this participation reflected opposition to the government's own preferences, it was not considered. In this sense, the *Projeto Mapas* – a

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[67] As pointed out by Hochsteller (2008), "Lula's first months in power consequently saw CSO [civil society organisations] turning to extensive protest intended to *support* the PT's historical agenda and the Lula administration. Land occupations, for example, jumped to 222 in Lula's first year, compared to 103 in 2002 and 158 in 2001" (p. 41).

research study on the participatory initiatives of Lula's government carried out by the *Instituto Brasileiro de Análises Sociais e Econômicas* (Brazilian Institute of Social and Economic Analysis - IBASE) – concluded that:

> [t]he administration had ultimately opted for a parliamentary governing strategy based on building alliances with an array of political parties, rather than the one CSOs [civil society organisations] favoured, a participatory governing strategy that mobilized citizen support in order to push a radical new agenda over the resistance of political and economic elites (Projeto Mapas, 2005, p. 21 *in* Hochstetler, 2008, p.48).

The third phase, which involves the final years of Lula's first mandate and the beginning of his second, can be portrayed through the contradictory responses given by civil society organisations to the corruption allegations against the government in mid-2005. The *Mensalão*[68] exposed the defects of Brazil's representative democracy and revealed the failure of the PT to follow one of its most praised and preached tenets – the political ethic. On the one hand, this finding provoked demonstrations and statements of disapproval and condemnation from different parts of civil society, which came to advocate for mechanisms of direct and participatory democracy to confront the problems found in representative institutions. On the other hand, strong measures to oppose Lula's government at a level that could lead to more radical outcomes – including an impeachment process − were never adopted. Hochstetler (2008) attributes this latter aspect to civil society's concern that Lula's impeachment could represent the return to power of the traditional political elites and projects. This ambiguous scenario can be interpreted as one of the factors that took the 2006 election to a second round. In the first round, the votes of the PT's traditional supporters had to be shared with other Leftist parties − in particular the newly founded *Partido Socialismo e Liberdade* (Socialism and Freedom Party – PSOL). However, the discontentment with

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[68] Leaders of PT's and Lula's government were accused of buying votes in the federal congress in order to pass government's bills. Some of them were charged for corruption and several lost their positions, including ministries and executive members of the PT.

Lula's first administration did not prevent his re-election in the second round (Hochstetler, 2008).

One can argue that the negative atmosphere that arose around Lula's first mandate affected the beginning of his second administration. Resentment and apathy were certainly found among sections of civil society which historically supported the PT. Nevertheless, at the end of Lula's administration, it was receiving the highest approval rates in Brazil's history.[69] By the same token, recent investigations are indicating improvements in challenges to Brazil's traditional paternalist and clientelist practices in the delivery of public policies (Abers and Keck, 2008; Sugiyama, 2009), as well as changes and innovations to civil society's and government's relational context provoked by participatory initiatives (Dagnino and Tatagiba, 2007; Abers and Keck, 2008). This may indicate the emergence of new trends of change, which will be subjected to examination in the next chapter.

In conclusion, taking into account the evidence examined in this section, I would argue that although Lula's discourse was clearly towards encouraging a political-conflictual view, the outcomes produced by his government's practical initiatives showed a more tortuous and complex pathway of relationship with civil society. The data adduced by this investigation showed evidence of the permanence of the apolitical-consensual interactional pattern, although signs of more political-conflictual forms of relationship were also found.

Final considerations

This chapter aimed to test the hypothesis that Cardoso's and Lula's governments developed different understandings and patterns of interactive behaviour with regard to civil society.

The evidence suggests that the two governments in fact created distinct discourses to communicate their intentions with regard to relationships with

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[69] According to a survey carried out by the Datafolha, Lula's popular approval reached 83% in December 2010. A minority (13%) of the Brazilians rated his government as regular and only 4% evaluated Lula's administration as poor (Folha, 2011).

civil society. It was clear that in Cardoso's government the dominant tendency was a largely apolitical-consensual view of civil society, a view expressed not only in its discourse but also in its practical actions. In Lula's government, however, discrepancies were found. Close proximity to the political-conflictual view was identified in both discourse and in the initiatives encouraged in Lula's government. Nevertheless, practical functional difficulties as well as internal and external resistances in changing the patterns of relationship with civil society seem to have weakened efforts to make a more radical shift to the political-conflictual view. As a result, signs of both apolitical-consensual and political-conflictual patterns seemed to coexist in Lula's government.

These findings suggest the need for a better understanding of the interactional dynamic set up in Lula's government. I argue that the examination of the developments in the participatory debate as well as of the outcomes of participatory initiatives can contribute to expand our knowledge in this regard. Given that these spaces were originally conceived as privileged arenas through which to facilitate and encourage interaction between the state and civil society, I argue that they offer remarkable opportunities for understanding the necessary conditions, facilitators and obstacles in establishing a political-conflictual interactional pattern. In addition, I contend that the analysis of the interplays established within real instances of participatory spaces can uncover points of resistance and influence for the apolitical-consensual view that probably exist even within these spaces themselves and that inhibit advances towards more radical transformations. These will be the main aspects explored in the following chapters.

Chapter 4

Looking at participatory initiatives from an agonistic perspective

Introduction

The topic of participation has received increasing attention both in the academic literature and from practitioners in different fields of activity, such as politics, public administration, the environment, architecture, art and so on. Numerous expectations have accompanied this growing interest and links are being built between the outcomes of recent practical initiatives and theoretical formulations arising from different streams of thought. As will be further explored in this chapter, participation is conceived of by some as a mechanism through which the project of radicalising democracy can be enhanced. This research intends to contribute to identifying and understanding this association.

Taking into account the close connection between the emergence of the idea of participation in Brazil and the country's democratisation process, as well as the notable increase in the numbers of new participatory initiatives in the last two decades, I argue that the examination of participatory formulations and practical outcomes can produce relevant contributions on the basis of which the key elements of this investigation can be analysed.

I contend that participatory spaces can provide remarkable case studies for capturing different forms of interaction between the state and civil society. The examination of practical cases can generate important elements with which to discuss the role played by civil society within spaces that were originally conceived to promote civil society participation in the process of decision-making about public interests. In this sense, it can shed light on the circumstances and conditions that lead civil society to adopt an apolitical-consensual or a political-conflictual pattern of action.

In addition, given that these participatory initiatives are envisioned as institutional spaces for the interaction between state and civil society actors, their examination can cast light on elements of the hypothesis of this thesis, with regard to the internal dynamics and disputes engendered in interactions between state and civil society, particularly in more recent years.

Finally, it can help to explore what sorts of contributions participatory practices can make towards radicalising democracy; or more precisely, towards radicalising democracy in terms of Chantal Mouffe's agonistic theory, as will be explained further on.

The first part of this chapter will examine the theoretical grounds of the participatory project in Brazil. It will be followed by a descriptive section on the main forms of participatory space that have been implemented in recent decades. The third part will look at topics emerging from empirical analyses of the practical outcomes of existing participatory mechanisms. Finally, the fourth and fifth sections will bring together elements from the agonistic literature to propose an alternative analytical framework for examining the case studies of this research.

4.1. Main theoretical roots of the participatory project in Brazil

It can be argued that the participatory project has emerged from the formulations produced by deliberative and radical theories of democracy in their efforts to challenge the restricted institutions of liberal representative democracy by means of proposals to deepen and widen democratic tenets.

As stated by Avritzer (2000), formulations developed in particular by Jürgen Habermas represent fundamental steps for reinvigorating the concepts of deliberation and participation within the democratic context.

Until the first half of the twentieth century, the predominant view of deliberation resided in the interpretation developed by elitist democratic theories. This line of thinking gave emphasis to the decision aspect of deliberation, which was basically identified with the electoral process, through which individuals'

preferences were scrutinised (Avritzer, 2000). In that context, participation was understood as counterproductive since it generated impediments to efficiency and rational outcomes. With its foundations in Weber's concepts of the state and in later conceptualisations by scholars such as Joseph Schumpeter and Anthony Dows, this set of theories essentially argued that efficiency outcomes would be produced through the bureaucracy's ability to rationally comply with the demands aggregated and ordered by the electoral process (Avritzer, 2000).

Since the 1970s, rival understandings of deliberation have emerged, that emphasise its argumentative dimension and the role of public debate. Despite the criticism evoked by different aspects of Habermas' deliberative theory, the relevance of his work in confronting the traditional decisionism paradigm must be recognised, as well as its role in reviewing the function of public argumentative debate and the forms of relationship between state and civil society (Avritzer, 2000; Avritzer and Costa, 2004).

Habermas' concepts relating to the public sphere were fundamental to the idea of argumentative deliberation as the mode through which to discuss and assess state decisions, as well as the way to organise society's demands (Avritzer, 2000).

By means of the pragmatic use of language, individuals debate their opinions and positions which are informed by their distinct interpretations of the world. The ultimate aim of the deliberative process is to reach a discursive rational consensus regarding the social order under dispute. Thus, the optimum outcome is not pre-existent but is attained through argumentative deliberation among individuals. As a result of this process, the public sphere forms a communicative procedural network in which distinct moral notions and cultural identities are put into contact in order to produce public opinion (Avritzer, 2000; Souza, 2008). According to Habermas' proposition, the power of the public sphere resides in its public influence rather than in formal political power (Avritzer, 2000).

This latter argument raises criticism from different scholars such as Joshua Cohen and James Bohman who point to the limits of public influence on the political system and demand institutional alternatives for putting deliberative democracy into practice (Avritzer, 2000).

Seeking out an appropriate site for the institutionalisation of public deliberation and for 'widening the democratic canon', studies such as those conducted by Avritzer (2000) and Santos and Avritzer (2005) point in the direction of deliberative forums such as public policy management councils and participatory budgeting in Brazil; the *Panchayats* in India; the instances of citizenship struggle in Colombia; and other participatory spaces which have come to be implemented in different parts of the world over recent decades.

Avritzer (2000) argues that these initiatives share three common features. Firstly, they always rely on concessions from the state's decision-making prerogative in order to constitute a realm of permanent participatory decision process. This realm is envisioned as being able to provide the state with information which had not previously been taken into consideration or accessible. This information should represent not only the aggregate preferences of the majority – as in the elitist model – but also the interests and demands of minorities.

The publicising and socialisation of information is the second feature common to these initiatives. This aspect is based on the concept that the state does not hold comprehensive information to support its decisions and that the most satisfactory decision is the product of collective deliberation (Avritzer, 2000).

Finally, the third aspect breaks with the elitist concept of immutable institutions and institutional repetition. Instead, it defends the assumption that efficiency should be achieved by means of institutional experimentation and innovation, aspects proper to these participatory initiatives (Avritzer, 2000).

It is worth noting that although elaborations of the participatory project start out from criticisms against the limits of representative democracy, they

nevertheless do not claim for that the latter should be obviated or abandoned. In its place, they look for complementarities between their institutions in order to improve the quality of democracy (Santos and Avritzer, 2005).

In Brazil, it was particularly in the context of the democratisation process that the arguments for deliberative democracy came to acquire power. Under these conditions, they ended up carrying an additional key purpose. They ultimately envisaged a new relational paradigm between state and society (Santos and Avritzer, 2005; Moroni, 2005; Gohn, 2003). In this new format, concepts such as power sharing and deliberative processes contributing towards the constitution of the public sphere edged into the space occupied by the traditional clientelistic[70] logic which for centuries had dominated the functioning of the Brazilian state and political system. That system of generalised exchanges in which individuals are connected by expectations of future gains emphasises the power of personal relationships, reinforces hierarchical conditions and impedes the recognition of individuals as equal participants in the political process.

In the place of these vicious forms of relationship, the participatory project advocates for ideas such as sharing authority and co-responsibility between civil society and the state. Accordingly, it proposes a view that goes beyond the idea of participation as a mere consultation process and enforces the link between participation and the legitimacy of collective decisions (Santos and Avritzer, 2005).

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[70] As defined by Nunes and Guedes (1987), "Clientelism is an informal system for controlling the flow of resources, in which individuals are organised into networks of pyramids based on personal relationships and generalised exchange. The membership of a clientele network may or may not coincide with the membership of some formal organisation, such as a bureaucratic agency or neighbourhood association. […] Participation in clientelistic relationships is voluntary, but there may be serious economic and social disadvantages to non-participation. Clientele relationships cannot be formally regulated, though norms of reciprocity are enforced by group pressures. Hierarchy within the clientele network may initially be based on status or charisma, but must be consolidated through the distribution of resources." (p.107).

This concept accords with what Dagnino *et al.* (2006) referred to as the democratic-participatory project in which the centrality of conflict is recognised and the political dispute is understood as an essential element towards deepening and radicalising democracy.

Within this view, civil society is conceived of as heterogeneous, broad and inclusive. It is envisioned as part of the decision making process as well as the basis for government social control (Dagnino *et al.*, 2006). This implies the need to consider the diverse and contrasting interests and points of view existing in society in order to identify and understand problems as well as to define measures in the public realm.

Finally, participatory spaces should intensify the dialogue between the state and civil society through channels of communication which allow access to diverse interests and positions existing in society (Tatagiba, 2004; Dagnino *et al.*, 2006; Abers and Keck, 2008). Following on from this, the state should be more permeable to the general public interest and protected against private appropriation (Dagnino *et al.*, 2006).

4.2. Types of participatory mechanisms

Different kinds of participatory initiatives began to be conducted in Brazil after the country's democratisation process. Various articles of the Federal Constitution of 1988, which was a core outcome of this process, established the creation of spaces for public participation. These involve mechanisms of direct representation such as the plebiscite, referendum and popular initiatives for proposing legislation,[71] as well as spaces for citizens' participation in the management of public policies in several fields, including health, social security, public education, environment, protection of the national heritage and so on. Given these institutional conditions required by what came to be known

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[71] As stated in Article 61 of the Federal Constitution, "the popular initiative can be exerted through the presentation to the Chamber of Deputies of a bill subscribed to by a minimum of 1% of the national electorate, distributed in at least five states, with no less than 0.3 % of the electorate of each one." (Own translation).

as the Citizen's Constitution, a number of participatory spaces started to be implemented since 1988.

In order to convey what kinds of venture the idea of participatory initiatives relates to in Brazil, a brief outline of some of the best-understood cases will be presented in the following pages.

4.2.1. Participatory budgeting

Participatory budgeting is probably the most extensively studied and renowned example of participatory experimentation taking place at the local level in Brazil. The pioneering experiment took place in the city of Porto Alegre under the Workers' Party (PT) government, which first came to power after the municipal election of 1988.

Quoting from Abers (1999), participatory budgeting in Porto Alegre was conceived as "a system of decision-making that gives power over public resource allocation to forums elected at neighbourhood-level assemblies and at open 'thematic' meetings" (p. 33). In essence, the concept of participatory budgeting involves the constitution of an institutional space in which individuals can discuss and influence how government should allocate public resources.

According to Santos and Avritzer (2005), this system has three main aspects in its formulation: participation that is open to any and all citizens whether or not they are represented by an organisation; interaction between institutions of representative and participatory democracy; and finally, the integration of technical and general criteria in the decision making process, which allows not only the definition of rules by participants for how the space is to function, but also for compliance with existing legal, technical and financial limits and rules.

Following that initial experiment in Porto Alegre, participatory budgeting came to be implemented in several municipalities across the country. According to Santos and Avritzer (2005), between 1997 to 2000 this system was adopted by

140 municipalities.[72] It is worth noting that not only PT administrations followed this trend: although this was the case in 71 of the 140 cases, administrations of other political leanings were responsible for the other 69 cases.[73]

Significant variation between cases is also found in their formats, rules of operation and level of influence. Scholars highlight different aspects to explain the distinctive final outcomes. One of these is the dynamic of interactions between different political projects which permeates both state and civil society and exerts influence in limiting or facilitating the prevalence of a particular political project over others (Teixeira and Alburquerque, 2006). A second element involves external constraints, such as the limits of the budget available for investments. This aspect may strongly impact the level of influence that participatory budgeting can concretely exert (Teixeira and Alburquerque, 2006).

4.2.2. *Consejos gestores de políticas públicas* (public policy management councils)

As asserted by Abers and Keck (2008), the idea of public policy councils has its roots in the emergence of the health movement – also known as the sanitary movement − which played a crucial role in the country's democratisation process.

One of the movement's main demands was the decentralisation of the former heath system which was based on the logic of the private sector, in favour of the establishment of a public service, with an emphasis on prevention (Abers and Keck, 2008). This movement became influential in the 1970s and 1980s, based on its ability to draw support both from professionals in the field and from popular organisations advocating for the interests of the poorest section of the population which lacked access to health care. This conjunction of forces resulted in proposals for participatory initiatives through which citizens

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[72] In 2000, Brazil had 5,561 municipalities (IBGE, 2010).
[73] Santos and Avritzer (2005) suggest that this trend may indicate that the political parties are considering participatory budgeting as an electoral asset.

could debate the guidelines for public policies with government and could exercise control over government action (Abers and Keck, 2008).[74]

By contrast with participatory budgeting, the representation of society in the public policy council model is indirect. Only previously nominated civil society organisations and government agencies are given a seat on the council. The council's composition is structured on a parity basis. Members have a fixed mandate and meetings take place at regular intervals.

The health movement's participatory ethos and its pioneering initiative in assuring civil society representation in the National Council for Health[75] contributed to the inclusion of participatory institutions in the Federal Constitution of 1988. Moreover, participatory mechanisms also came to be required as a constitutional condition for the implementation of public policies and the allocation of resources in other areas, such as education and social care (Abers and Keck, 2008; Barth, 2006).

Additional to the constitutional determination, a federal legal framework was set up to reinforce the requirement of participatory spaces as a condition for the transfer of resources from federal government to municipalities and states (Barth, 2006). That legal obligation led to a multiplication of these mechanisms across the country. At present, there are health councils in all of the 5,561[76] Brazilian municipalities (Abers and Keck, 2006). Furthermore, state and municipal level councils in other fields, including social care, education and public policies for children and adolescents continue to be created (Abers and Keck, 2006). According to Souza (2008), in 2001, there were more than 22,000 municipal councils across the country.

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[74] Chapter 5 of this thesis, which will be dedicated to examining the case of the National Council for Health, will offer a more comprehensive picture of the relevance of the sanitary movement for the democratisation process as well as for the participatory project.

[75] It is worth mentioning that the National Council for Health has been in operation since 1937. However, at that time its role was mainly a technical advisory one and civil society organisations were not part of its composition. It was only in the 1990s that the National Council for Health came to have a deliberative role, with representatives from different sectors of civil society (Côrtes *et al.*, 2009).

[76] Data available from IBGE (2010b).

As shown in Chart 12 below, 40 national councils were established at federal level between their introduction in 1937, up to the end of 2009.

Chart 12 – Number of public policy councils created at federal level
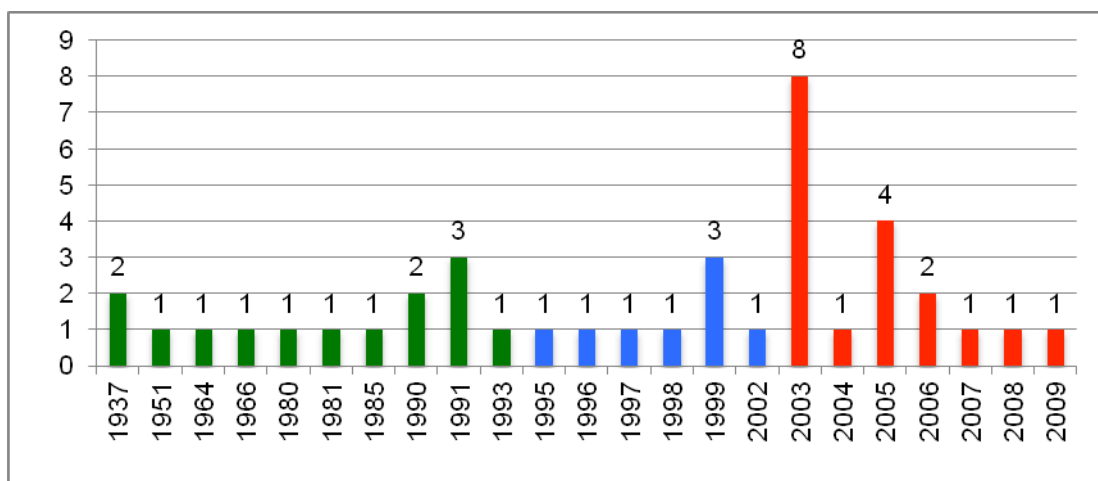
Key: green = period prior to Cardoso's government; blue = Cardoso's government; red = Lula's government
Source: author's own analysis based on General-Secretariat of the Presidency (2010).

It is important to highlight from the above chart the marked increase in councils created during Lula's administrations, reaching almost 50% of the total. It is worth noting as well that in that period various councils created prior to the Lula government were reformulated in order to take on a more deliberative role.

4.2.3. National conferences

National conferences are public spaces, broader than public policy councils, dedicated to discussing the guidelines for public policies by means of interaction and debate between state and civil society actors (Souza, 2008).

According to Moroni (2006), these national conferences are:

> […] more comprehensive than management councils. They involve political subjects which are not necessarily members of the [national] councils. Therefore, they have a character of social mobilisation. Government and civil society, on a parity basis and

through their representations, deliberate in a public and transparent form (pp. 6-7, own translation).

Some conferences are established by law, such as those in the fields of health and social care, which are mandatory not only at the federal but also at the state and municipal levels of government. Others are set up in line with a determination made by the executive power or by the public policy council which calls the conference and defines a thematic agenda for discussion in advance of the event. And, finally, there is a further type of conference that happens without any normative obligations.

As stated by Souza (2008), national conferences are the final stage of a deliberative process which starts with preliminary conferences at the municipal, state and regional levels where the issues are first discussed and where representatives for the national conference are chosen.

One of the main aspects highlighted in investigations into the functioning of these conferences is their potential to involve a large number of individuals interested in the issues under discussion (Souza, 2008; Silva, 2009).

Chart 13 below shows the numbers of national conferences held since 1941, when the first health conference took place. The colour coding picks out the period prior to (green) and during (blue) the Cardoso administrations (1995 to 2002) as well as (in red) the Lula government (since 2002).

Chart 13 – National conferences held from 1941 to 2010
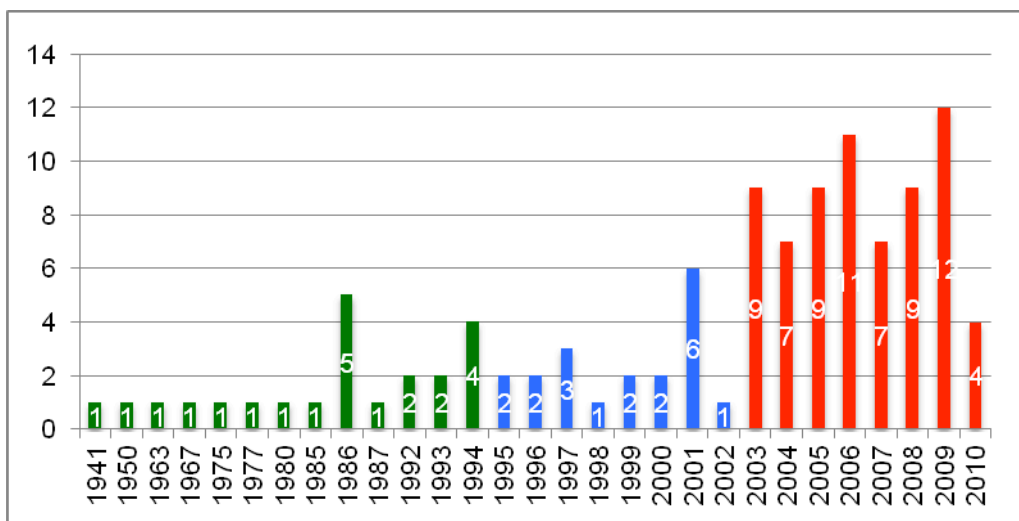
Key: green = period prior to Cardoso's government; blue = Cardoso's government; red = Lula's government

Source: General-Secretariat of the Presidency (2011). Author's analysis.

Data produced by General-Secretariat of the Presidency shows that from 1941 to May 2010, 109 national conferences were held in 40 different fields, ranging from more traditional areas, such as health, social care and human rights, to new topics including the environment, promotion of racial equality and local productive arrangements.

From 1941 to 1994 – prior to Cardoso's government − 22 national conferences were promoted and all were basically related to the health field. It is nevertheless worth noting that these earlier conferences had a technical and intergovernmental character, and thus did not include the extensive public participation advocated by the participatory literature (Côrtes *et al.*, 2009).

During Cardoso's two mandates, from 1995 to 2002, 19 national conferences were held. Health issues continued to be one of the main topics, though new areas such as social security, human rights and food security started to feature more frequently.

Lula's administration witnessed diversification among the topics and a marked increase in the number of events held, with 68 national conferences taking place, most of them introducing different topics of debate. From 2003 to 2006,

at the municipal, state or national levels, around 2 million people took part at some stage (Silva, 2009).

4.3. Examining the outcomes of participatory initiatives: between limits and potentialities

The multiplication of these participatory initiatives in the last three decades in Brazil has captured the attention of various scholars and a significant body of literature has been produced on their functioning and practical outcomes. While deadlocks and limitations are recorded, possibilities and potentialities are also identified. Both raise questions related to key elements of this research.

4.3.1. Participatory initiatives under a normative perspective: putting deliberation into practice

It can be argued that most of the investigations into participatory initiatives in Brazil focus on their institutional design or on normative aspects such as legal and administrative competencies (Côrtes, 2009a; Abers and Keck, 2008). In this sense, their main question interrogates these initiatives' success in putting their deliberations into practice, that is to say, in making direct decisions and having a concrete influence over the future of public policies.

Different investigations in the field show a low level of satisfaction among participants with regard to participatory spaces' ability to get their proposals or decisions transformed into practical measures (Souza, 2008; Silva, 2009).

A common starting point in these studies is to identify the sorts of results expected from participatory initiatives. They call attention to the fact that these spaces have different initial attributes and institutional mechanisms for guaranteeing their realisation. While some are created merely to produce proposals, others have been framed by legislation to take a clear decisional

role.[77] In this sense, some investigations suggest that the level of influence of a participatory initiative is directly correlated with its level of institutionalisation (Silva, 2009).

Other key points commonly underscored by this line of interpretation are the composition and forms of representation in participatory mechanisms. Some authors argue that the determining factor in the level and quality of representativeness of these spaces is the procedure through which they define their participants (Lüchmann, 2008).

Authors discuss the implications of common practices in public policy councils such as the exclusive application of the parity criterion[78] for representation and little alternation between different civil society representatives − who are usually members of organisations representing the main sectors of society (Moroni, 2005; Souza, 2008; Lüchmann, 2008).

Comparing this indirect form of representation with the direct participation that takes place in participatory budgeting, Lüchmann (2008) suggests that while in the latter there is a greater capacity for inclusion and diversity, the former relies upon a false assumption of relative homogeneity in civil society. As stated by Souza (2008) this procedure leads to the convergence of viewpoints and political projects, inhibiting the representation of minority and conflicting positions.

Another related aspect is the uncertainty existing around the interests that should be represented by participants (Gohn, 2003; Souza, 2008). Should government representatives defend the interests of the government in power? Given that in several cases there is no uniform position within government, what interests should government participants be representing? Should representatives from civil society defend the interests of their organisations or

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[77] This is the case, for instance, with the legal prescriptions regarding the precondition of holding national conferences in order to allocate resources in the federal budget in specific areas.
[78] That is basically the definition of an equal number of participants from each sector of society to take part of the participatory mechanism.

give cognisance to the wider interests of society? How does one assure that the voices of minority or non-organised members of society can be heard? (Souza, 2008; Moroni, 2005; Abers and Keck, 2008). In other words, the debate which has grown up around these questions raises challenges to the traditional concepts of representation. Quoting from Lüchmann (2008), "participation does not substitute, but reconfigures representation" (p. 96, own translation).

Other investigations have advanced this debate, in arguing that legal prescriptions and institutional design do not always guarantee the implementation of the proposals and decisions made in participatory spaces (Silva, 2009). Additional factors, such as the internal conditions pertaining in government and civil society, are equally essential in this sense. These arguments will be assessed in the next subsection.

4.3.2. Further conditions for participation

Recent investigations identify certain fragilities in both civil society and the state with regard to their ability to perform in participatory systems.

From the civil society perspective, two major concerns must be highlighted. Firstly, the examination of these participatory initiatives frequently shows that the representatives of civil society often have difficulties in keeping an effective channel of communication and engagement with their organisation's grassroots. In several cases, civil society organisations feel satisfied with the appointment of their representative, failing to monitor how the deliberations develop; failing to give support to their representatives; or to provide up-to-date information to their members (Silva, 2009).

There is even evidence that the constitution of institutional spaces for participation is weakening the power of the informal and autonomous interactive forums formerly engaged in by civil society organisations (Souza, 2008). To keep these autonomous forums alive can be a crucial challenge to the sustainability of the participatory project, given their essential role in

broadening the capillarity of participatory spaces as well as in shortening the distance between representatives and the organisations' grassroots (Souza, 2008).

A second important condition that affects the quality of civil society participation relates to the level of technical knowledge necessary to discuss the subject under consideration (Abers and Keck, 2008; Souza, 2008; Oliveira, 2005). Certain areas, such as budgetary deliberations or the implementation of particular public policies, demand specific knowledge and skills from participants. Investigations which recognise complexity as a challenge to broader participation, also argue that "it does not represent a limit *a priori* if there is a disposition to supply the necessary conditions for participation, such as access to relevant and adequate information, in a form compatible with the profile of those interested in participating" (Souza, 2008, p. 51, own translation).

Therefore, it should be noted that a research study concerned with understanding the role of civil society in these participatory spaces must acknowledge the emergence of discrepancies in their functioning, which are due not only to institutional and normative aspects, but also to the absence of those internal conditions sufficient to enable civil society's proper participation.

From the state perspective, investigations show a significant unpreparedness on the part of government to function under a participatory logic.

Silva (2009) points out, for instance, the internal operational problems that government tends to find in transforming the deliberations made at national conferences into practical measures. Conflicts between the dynamics of participatory spaces and state's traditional bureaucratic procedures are identified as among the main hindrances to the efficiency of deliberative initiatives. The same can be said about the difficulties in promoting horizontal coordination within the state, especially in cases in which the deliberation deals with transversal issues which demand multiple actions from different agencies (Silva, 2009; Souza, 2008). In spite of the fact that some

improvement has been made in this area, such as the promotion of joint conferences to debate common topics that involve different ministries, unsuccessful instances still arise. Examples include those conferences created to discuss related subjects but which do fail to communicate among themselves[79] or joint measures which meet with impediments due to the lack of an adequate administrative structure and resources (Silva, 2009; Souza, 2008). Quoting from Souza (2008), "there is no effectiveness when the decision process is built around a public policy that does not exist or will not exist due to the lack of structure of the state itself" (p.53, own translation).

The problem of coordination is aggravated when other forums come to be involved, such as the legislative power. Frequently, the deliberations reached in national participatory spaces demand modifications to the federal legislation which would need to be negotiated with the national congress in order to be put into practice. In other words, there are cases where an intense coordination between participatory and representative bodies is required.[80]

Improvements must be made to all these areas. Otherwise, there is a high risk of diminishing the relevance of participatory spaces due, for instance, to the cooptation of less organised groups or to the creation of alternative spaces of influence by dominant sectors.

Indeed, some studies, including that coordinated by Santos and Avritzer (2005), identify different cases in which participatory spaces turn out to have transformed the proposed inclusion into exclusion, and the supposed participation into submission. According to the authors, these situations were

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[79] There are some cases in which the nature of the issue is inherently complex and can be examined from different perspectives. It can be illustrated, for example, by the difficulties in articulating the conflicting results achieved through the "Conference of Cities", which discussed policies for making improvements in urban spaces, and the "Conference of Environment", which deliberated the issue of expanding preservation areas in urban spaces (Silva, 2009).

[80] Despite the challenges of coordination and negotiation mentioned in this paragraph, recent research shows some improvements in the interaction between the outcomes from the representative and participatory realms. Pogrebinschi *et al.* (2010), for instance, show new evidence that propositions originating in the national conferences are exerting increasing influence on the debating agenda of the Brazilian National Congress.

provoked by several factors, such as the resistance put up by conservative forces and the contrast between the modes of functioning found in participatory initiatives and the traditional forms of politics.

In conclusion, I would propose that the debate as so far depicted begins to point to a new trend of analysis. Rules of functioning and institutional design need to be understood in order to frame an initial view of the limits and potentialities of participation. By the same token, the analysis of internal conditions can make a contribution that advances this analysis. However, more recent investigations have indicated that additional aspects must be taken into consideration in order to build a comprehensive understanding of the achievements gained through participatory initiatives, as well as a picture of their impacts on the democratic system. These aspects include a consideration of external conditions and the broader contexts within which the state and civil society are embedded and function, as will be explained below.

4.3.3. New patterns of relationship between state and civil society and emerging shifts in the comprehension of the democratic impacts

In the more recent literature on participation, a number of authors observe the inadequacy of assessing the democratic outcomes of participatory initiatives through the traditional analytic categories that have been discussed here in earlier sub-sections[81] (Abers and Keck, 2008; Cortês, 2009). They argue that a strictly normative and institutional analytic approach fails to capture what is probably the most relevant field of transformation promoted by participatory initiatives, that is, the shifts in the patterns of relationship between state and civil society (Cortês, 2009).

On the one hand, the results of participatory initiatives may be considered unsatisfactory when subjected to the sort of analysis that looks exclusively at efficiency in the management of public policies. As set out above, the

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[81] This can be observed, for instance, in investigations of the outcomes of public policy councils which look exclusively at their institutional design, or at the proportionality between representatives from the state and civil society, in assessing the democratic potential of a participatory initiative (Abers and Keck, 2008).

examination of practical instances demonstrates that the goal of improving public policies does not depend only on participatory mechanisms. Rather, it also demands the prevalence of particular internal conditions within the state and civil society that do not automatically accompany the institutionalisation of participatory spaces. On the other hand, investigations also indicate that the conclusions may be different from the point of view of the capacity for participation to promote changes in the country's political culture.

Recent studies offer evidence for the potential of participatory initiatives to stimulate transformative social interaction within civil society and also between actors from the state and civil society (Chagas *et al.*, 2003; Souza, 2008; Silva *et al.*, 2009).

As argued by Barth (2006), in cases where a favourable environment gives mutual recognition to these actors as legitimate parts of the process, this can result in

> […] increasing awareness and pressure for more transparency and accountability of public actions, an improved qualification of civil society to discuss policy issues, more public control and denunciation of misuse or corruption as well as changing attitudes of public sector managers towards the importance of peoples' knowledge and contribution. (p. 262).

Carvalho (1997), in his investigation of the National Council for Health, goes further, suggesting that public policy councils should be envisioned as more than institutionalised spaces for exercising social control. Additionally, there should be recognition of their potential for constituting a space in which, by means of confrontation between different projects, new public actors are formed and public interest is socially constructed and identified (Carvalho, 1997; Gohn, 2003).

Following this same line of thinking, Abers and Keck (2008) point out the potential of participatory mechanisms to produce what the authors call "fertile relationships". The authors explore two assumptions of the radical pluralism perspective on democracy. The first is the idea that political democracy is

constituted by practical actions rather than by arguments alone. The second relates to the essential role of conflict. In relation to this latter assumption, Abers and Keck (2008) suggest an additional element for interpreting the importance of conflict by arguing that it is also crucial for the emergence of innovation. Accordingly, innovation is not a product of:

> […] aggregation or negotiation of pre-existing ideas, but of a sort of a creative combustion that produces ideas that would never exist in another way. […] The catalyst element is more than the interaction among ideas and motives: it sprouts from the establishment of concrete relations between actors who develop the capacity to use resources in a brand new form. The interaction affects not only their understandings, but also what individuals do; it transforms the actors' capacity to influence in social life (Abers and Keck, 2008, p. 108, own translation).

In order to capture the transformative interactional elements introduced above, authors such as Moura and Silva (2008) and Tatagiba (2004) emphasise the importance of observing shifts that take place in social relations and social trajectories.

This thesis argues that this set of arguments is in line with the proposal to adopt a relational analytic approach, as discussed in Chapter 1. Accordingly, it is contended that the application of this analytical perspective in a study on participatory initiatives allows one to start from the impartial assumption that neither participatory mechanisms, nor civil society participation are, as some works suggest, inherently democratic; but equally, neither are they in essence a reproductive mechanism of domination and inequality. It accepts that any result may be possible, placing its emphasis on analysing the conditions that lead to the result (Silva, 2007).

Additionally, as noted by Tatagiba (2004), an analysis which takes into account the relational aspects of initiatives such as public policy councils can contribute to understanding "how actors from civil society combine and articulate their different fronts of action and how they value participation in spaces such as the councils" (p.210, own translation). In other words, the author establishes how networks that include actors from civil society and the executive or legislative

powers are relevant to the way actions are defined and the level of influence of civil society organisations. As Tatagiba (2004) suggests, previously constituted networks can affect the results and relevance of these participatory spaces.

Finally, I argue that the elements brought into the foreground by this collection of new proposals are also closely connected and can contribute advances to the debate on the conditions for participation under an agonistic approach. This topic will be discussed in the next sections.

4.4. The participatory project from an agonistic perspective

Acknowledging the literature regarding participation in Brazil discussed above, it is clear that participation is frequently envisioned as a means of radicalising democracy. In general terms, this aim can be associated with the idea of rupturing conditions of exploitation and of challenging hegemony (Fleury, 2010). It should be noted, however, that there are still few empirical studies that explore the practical outcomes of participatory initiatives from that perspective. Thus, to do so is one of the objectives of this thesis.

With this goal in mind, I argue that Chantal Mouffe's theory of agonism can contribute analytical tools that are appropriate for this exploration, and the reasons for this will now be set out.

This section will start with a brief depiction of agonistic formulations, followed by a discussion of ideas of participation linked to the agonistic literature. Based on these foundations, the next and final sections of this chapter expect to identify essential elements for the analytical framework to be applied in the examination of the case studies in the succeeding chapters.

4.4.1. The agonistic theory

As briefly introduced in Chapter 1, Mouffe's agonistic theory is posited in opposition to the view of democracy in terms of a set of impartial procedures and envisages a concept of pluralist democracy which recognises the

constitutive aspect of conflict and antagonism in the political realm (Mouffe, 2005a).

Mouffe (2009) argues for an anti-essentialist understanding of pluralism, thus rejecting the idea of things as pre-formed entities and questioning the unanimity and homogeneity assumed in strands of liberal thinking. The author claims that to ignore or to underplay the relevance of differences is in fact the way to negate plurality and to justify exclusion.

Therefore, instead of looking for procedures that eliminate antagonism and reduce pluralism, the agonistic theory recognises not only the constitutive but also the positive role of differences in modern democracy (Mouffe, 2009). Drawing from what Henry Staten describes with reference to Derrida's work as the 'constitutive outside', Mouffe (2009) begins from the argument that the formation of any social objectivity takes place in a context of power relations and is thus essentially political. In this sense, difference and exclusion are fundamental to the constitutive dynamic of a social objectivity. Hence, the construction of collective identities, which agonistic theory argues to be fundamental to democratic politics, finds its basis in a process of discrimination in which a *we* is constituted through differentiation with a *they* (Mouffe, 2005a).

Mouffe's agonistic mode of democracy challenges the deliberative model's emphasis on rational consensus. Conversely, it recognises the conflictual character of the modern pluralist society and the impossibility of reaching a wholly rational solution within it (Mouffe, 2009). The agonistic theory calls attention to the risks of not acknowledging antagonisms and confrontations, which can potentially result in alienation and apathy about political participation. It argues that the impossibility of formulating conflict in political terms tends to favour essentialist forms of identification around issues such as religion, nationalism and ethnicity (Mouffe, 2005a).

Mouffe (2005a) argues instead for a "conflictual consensus". She asserts that "consensus is needed on the institutions constitutive of democracy and on the 'ethico-political' values informing the political association – liberty and equality

for all but there will always be disagreement concerning their meaning and the way they should be implemented" (p. 31). According to her formulation, this disagreement would in fact be the basis for maintaining a vibrant democracy (Mouffe, 2005a).

Acknowledging the essential character of difference in a pluralist society and the impossibility of eradicating power and conflict, the agonistic theory contends that an important task of democracy is to pursue the 'taming' of antagonism in the direction of an alternative type of relation, which is referred to by Mouffe (2005b) as agonism.

In an agonistic relation there is a mutual recognition of the legitimacy of the parties in conflict. They identify each other as 'adversaries' – instead of 'enemies' - that share a common symbolic terrain in which conflict can take place. Thus "conflictual consensus" – agreement on the ethico-political principles that inform the political association but disagreement about the interpretation of these principles - can exist between them. (Mouffe, 2005a; 2010).

Mouffe (2005a) underscores that this concept of 'adversary' is distinct from the liberal notion of competitors playing in a neutral field. It does not make the assumption that either negotiation or deliberation can reconcile distinct interests. The author argues otherwise that:

> While antagonism is a we/they relation in which the two sides are enemies who do not share any common ground, agonism is a we/they relation where the conflicting parties, although acknowledging that there is no rational solution to their conflict, nevertheless recognize the legitimacy of their opponents. […] This means that, while in conflict, they see themselves as belonging to the same political association, as sharing a common symbolic space within which the conflict takes place. (Mouffe, 2005a, p.20).

Accordingly, the legitimisation of the adversary in terms of mutual general political grounds and the identification of the place of conflict in a "common symbolic space" provide the basis for an agonistic relation.

For Mouffe (2005a), the agonistic struggle can diffuse the emergence of antagonistic conflicts, given its potential for allowing dissenting voices to be heard and for opposing alternatives to emerge. As a consequence, it can be argued that the agonistic struggle allows power relations to be questioned and, ultimately, for the dominant hegemony to be challenged.

Mouffe (2005a) does not reject the possibility of compromises, although she understands them as manifestations of momentary intervals within an intermittent process of confrontation. Given that every consensus is a political product and expresses a 'provisional hegemony' − a 'stabilisation of power' − consensus should never be represented as a final reconciliation. Instead, it should always be subjected to contestation (Mouffe, 2005; 2009).

To conclude, it is worth emphasising a final issue raised by agonistic theory. That is the relevance of exploring what sorts of institution – understood in a 'very wide sense'[82] − can contribute to allowing conflict to be expressed in an adversarial form, as well as building up 'a vibrant agonistic public sphere of contestation'. As Mouffe (2005a) puts it:

> Instead of trying to design the institutions which, through supposedly 'impartial' procedures, would reconcile all conflicting interests and values, the task for democratic theorists and politicians should be to envisage the creation of a vibrant 'agonistic' public sphere of contestation where different hegemonic political projects can be confronted. This is, in my view, the *sine qua non* for an effective exercise of democracy. (p. 3).

This provocation has inspired the formulation of the following questions in this investigation: what sort of institutions could favour the creation of agonistic public spheres? Do the participatory spaces emerging in Brazil contribute to this process? Can these initiatives be seen as the kind of institution which plays the role of constituting alternative agonistic spheres? What sort of features or conditions could facilitate or inhibit this role?

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[82] In her interview for Miessen (2010), Mouffe explains, "I use 'institution' in a very wide sense – in terms of an ensemble of practices, language games, discourse. But also traditional institutions as parties, as well as other political institutions as different forms of participation of a diversity of people at local and other levels" (p. 110).

The following section will discuss what is entailed in the ideas of agonistic institutions and the agonistic mode of participation.

4.4.2. What kinds of institution and mode of participation might foster the radicalisation of democracy?

Initially, it is worth noting that over the last decade, the term 'participation', similarly to the term 'civil society' in the 1980s, came to be applied as a fashionable buzzword across different areas of knowledge and forms of discourse. In the political field, for instance, it can be easily identified in both the more radical and the more conservative discourses. Hence, the examination of any specific practice demands a prior clarification of the meanings and intentions which uphold the term by which it is denoted.

The use of the idea of participation by contrasting events such as the World Social Forum and the Davos Forum is underlined by Mouffe (2010) as arguing for the need to distinguish what is entailed in each discourse and practice that adopts this term.

The scholar raises a critique[83] of what she categorises as a form of participation which reinforces conditions of exploitation by making individuals take part and getting them to accept a given consensus. As stated by Mouffe (2010), this in fact constitutes an example of what is referred by Gramsci as a 'passive revolution', meaning the strategy of "neutralizing the demands that could be subversive to an existing hegemonic order by satisfying them in a way that undermines their subversive potential" (p. 134).

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[83] Other scholars express different criticisms against particular forms of applying participation. Miessen (2010) points out the problems of what he calls "outsourcing responsibility", which can be outlined as the process adopted by a "ruling majority" – for example, a government or politicians – to shift their own responsibility for making decisions onto external entities, such as participatory structures created to make people believe that they are taking part of the political process. Authors such as Korf (2010) and Stratford *et al.* (2003), in their turn, call attention to the implications of displacing the participatory debate towards the moral realm in ideas of development, responsible citizens and communities.

In contrast, Mouffe (2010) supports forms of what she calls an 'agonistic mode of participation', which is conceived as a radical approach through a form of intervention that allows people the possibility of real choice, enhancing the subversive potential of disturbing consensus and challenging hegemony.

It is worth emphasising that this investigation is interested in understanding the dynamics and conditions conducive to this latter kind of participation, agonistic participation.

To start with, it will be useful to set out Mouffe's (2010) arguments for the **possibility of choice in a condition where different positions can be confronted.** I will now explore the contention that this should be considered one of the essential elements for an agonistic mode of participation.

As asserted by the author (Mouffe, 2010):

> Thinking of participation along these lines will always require the choice between different alternatives. So you participate, but for you to do so, you need to have the possibility of choosing, and not simply participating in the creation of a consensus. It's necessary to have an alternative that implies a decision between alternatives that can never be reconciled. […] If you have opposing alternatives, you participate in the decision about which alternative should be adopted. It means that there will be some alternatives that will not be adopted, which will in fact be negated. (p. 127).

Therefore, in an agonistic participation, the act of choice is not merely notional. It is rather a judgment between genuine alternatives. There must be always the possibility of choosing between irreconcilable alternatives. This implies that, in this mode of participation, participants accept that in order to get the chosen alternatives adopted, the opposing alternatives have to be negated (Mouffe, 2010).

However, it needs to be recognised that acceptance of this kind can only occur if participants are confident that confrontation between the alternatives has taken place and that the result will never be a final decisive one.

That is to say that acts of choice, and consequently of exclusion, must be preceded by a confrontation between real alternatives. This must be a confrontation in agonistic terms, thus involving adversaries to be convinced or defeated, rather than enemies to be destroyed.

This formulation thus acknowledges agonistic tenets regarding the impossibility of ultimate closure in the agonistic struggle, as well as the arguments raised through empirical work concerned with the representation of the minority and conflicting voices.

To sum up, it suggests that to keep an agonistic space alive, participants need to share the perception that participation is an unending process, because within such a forum, there is a place for different alternatives to be manifested and contrasted, as well as there being no final decision by which any of them will definitively be eliminated. Therefore, it is necessary to conceive a decision as an open process which allows other alternatives to be contemplated throughout time.

I suggest though that the perennial possibility of choice between real alternatives in contest is not in itself sufficient to foster participatory institutions that can contribute to the construction of agonistic public spheres. Integrating Mouffe's (2005a) formulation on the concept of 'adversaries', it should be recognised as equally necessary that participants consider themselves as **sharing "a common symbolic space within which the conflict takes place**" (p.20). In this regard, it can be stated that from this agonistic perspective, participants can envision that being in conflict in this sort of forum means that they share with their adversaries a symbolic space underpinned by the same 'political association'. Again, it is the general understanding about having a place where opposition and conflict can be made explicit that can draw people around this symbolic space. It is what Mouffe (2005b) highlights as the integrative role of conflict. In this sense, this investigation proposes examining whether the case studies are functioning at some level as this form of symbolic space.

The process of constituting different alternatives is also a crucial point in this discussion of the conditions for an agonistic mode of participation. From the agonistic literature, it may be concluded that alternatives are generated from the existence of different political identities, which carry competing demands and hegemonic projects. Accordingly, I suggest that the **possibility for diverse and opposing collective political identities to emerge** should also be seen as vital for nurturing agonism in participatory spaces. As already mentioned in this chapter, empirical investigations are already calling attention to this aspect (Carvalho, 1997; Gohn, 2003).

At this point, it is worth rescuing three relevant aspects related to agonistic theory's concept of collective political identities. The first consists in recognising that their construction is in fact the result of processes of discrimination between a 'we' and a 'they'. The second involves the relevance of passion in this process. Acknowledging phenomena such as mass political movements and nationalism, Mouffe (2005a) illuminates how collective identification demands the mobilisation of the affective dimension. Finally, the third aspect relies on the agonistic anti-essentialist premise that leads to a concept of political identities which, rather than being pre-defined or immutable entities, are instead understood as undergoing constant shaping and reshaping in the public sphere (Laclau and Mouffe, 2001).

This leads to the question of what sort of conditions participatory spaces should foster in order to facilitate the emergence of political identities and contests between them, understanding these processes in agonistic terms – in other words, comprising elements of transitoriness, mobilisation of passion and the we/they discrimination described above.

I suggest that White's (2010) work on the conception of "common" in the European context can contribute reflections relevant to this question. Looking for what would be the necessary elements for legitimising a European polity,

White (2010) challenges the existing formulations[84] which he claims are depoliticising. In their place, White (2010) proposes the idea of a collective bond that takes into consideration conflict and the political dimension.

Finding inspiration in Mouffe's arguments, White (2010) conceives two main features in his concept of a 'political bond', which are the 'emphasis on adversarialism' and the 'emphasis on substantive problems'.

The '**emphasis on adversarialism'** discusses the condition whereby the citizen body has a common sense of sharing the basic tenets of democracy, but at the same time admits of disagreements over their meanings. In this context, where opposing views and objectives can be contested, citizens participate as a way of making their voices heard and defending their positions. In this sense, the 'emphasis on adversarialism' deals with similar concerns raised by the aspect already discussed of 'sharing a common symbolic space within which the conflict takes place'.

Notwithstanding these arguments, I would contend that this formulation could be put in a rather different way when assessing its applicability to this discussion on the conditions for an agonistic participation. It could incorporate two additional elements related to the idea of conflict which are highlighted in empirical studies including those of Abers and Keck (2008), Tatagiba (2004) and Stratford *et al.* (2003). These authors have shown that recognising the productive potential of conflict and making power relations explicit are

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[84] White (2010) distinguishes three main lines of thinking dedicated to exploring the "European common": maximalist, minimalist, and a strand focused on the idea of shared values and principles. As formulated by the author: "The conclusion one may take from examining proposals to conceive the European common in terms of shared values and principles complements those arrived at previously. No conceptualisation of the collective bond is of such descriptive plausibility that it must be accepted at face value: the political implications of each are an appropriate element in their assessment. By demanding a high degree of regularity and consensus across the citizen body, rather like a cultural bond, a thick values bond is likely to downgrade the importance of political adversarialism in the life of the political community. Alternatively a formulation in minimalist terms, where that which is shared is universal, is depoliticising in a different way, since it may weaken attachments to the polity and since – like a security or a commercial bond, though by dissimilar reasoning – it may empty public life of the pursuit of all but the most general shared ends." (p.112).

essential factors for enabling what Stratford *et al.* (2003) refer to as a "relational space of dissent". I contend that to the idea of emphasis on adversarialism these two elements could be added when investigating participatory initiatives. Firstly, participants should not only recognise but should also make a collective effort to keep in motion the productive role played by conflict. Secondly, participatory spaces should enable the exposition and understanding of power relations and their dynamics. This is a crucial element for helping participants to understand the effects of previously established relations and trajectories, as well as learning how they can be transformed.

The 'emphasis on substantive problems', in turn, works with the idea of engaging citizens in the political decision-making process through adopting a problem-oriented approach. This view suggests that a focus on substantive problems allows citizens to connect the decision making process with their everyday lives, making their participation in the political community more meaningful to them.

This investigation proposes that it is possible to take the use of these ideas further if one explores them in conjunction with the formulations of Marres (2005) on the role of issue formation and public involvement.

Marres (2005) begins her analysis from a noted debate in political theory between two North-American pragmatist thinkers of the 1920s, John Dewey and Walter Lippmann.[85] The author argues for an alternative examination of

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[85] Quoting from Marres (2007), "[t]o begin with, it should be emphasized that the Lippmann-Dewey debate is not generally considered to be about the role of issues in the enactment of public involvement. More often, it is viewed as a conflict between two normative positions on the possibility of democracy in technological societies: Lippmann's sober democratic realism versus Dewey's ideals of participatory democracy (Ryan, 1995; Festenstein, 1997). According to the standard view, Lippmann favoured a strong role for expert advice in government decision-making, with limited input from citizens. He was a 'disappointed idealist', who claimed that political affairs in the industrial world had become so complex that ordinary citizens could not perform the governing role that democratic theory grants them. This disillusioned argument contrasts sharply with Dewey's claim that technological societies require more public involvement in politics, not less (Putnam, 2004). Dewey not only argued that it is possible to develop procedures that would enable citizens to

these thinkers' works. Instead of focusing on the differences between their interpretations, she claims that Dewey's and Lippmann's formulations have important common points that could contribute to examining democratic politics in the present situation. Accordingly, Marres (2005) claims that both authors envisioned an essential role for issue formation in the process of public involvement. In short, they contend that public involvement takes place when the existing institutions fail to deal with an issue. In that situation actors who are affected by it "become involved in politics in order to compel institutions to provide a settlement for these issues" (p.165). As highlighted by Marres (2005), this argument contains the idea that, rather than threatening democracy, the complexity of issues in the industrial society in fact enables public involvement.

Starting from this point, Marres (2005) proposes some important developments. For the purpose of this investigation, two of these should be emphasised. Firstly, there is the reformulation of Dewey's concept of "issues as problems that actors are commonly implicated in" (Marres, 2005, p.168). Based on empirical work,[86] Marres (2005) claims that issues not only implicate individuals who are in cooperation but also involve actors in opposition who defend stands that can challenge and threaten one another. Secondly, the author raises criticisms of the reductionist view of democracy as a "problem-solving mechanism", arguing instead for an understanding of democratic politics where issues are conceived as enablers of the organisation of publics and thus of their own transformation of democratic spaces (Marres, 2005). In other words, the settlement of issues is not an end in itself and does not mean the mere solution of specific common problems. It consists, instead, of a longer and fuller process of involving and organising publics, that allows the

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contribute pertinent opinions to debates about the complex public affairs that are characteristic of industrialized societies. He also claimed that intelligent decision-making will occur only when expert knowledge-making is matched by citizen participation in public debates. The Lippmann–Dewey debate, therefore, is often portrayed as a contest between an advocate of expertocracy and a proponent of participatory democracy" (p. 766).
[86] The empirical investigation was on the insertion of the issue of climate change into the Extractive Industries Review (EIR) controversy on the Web.

contestation of even the very place and type of arrangement where controversy and the articulation of issues will be expressed.

White's (2010) and Marres' (2005) formulations suggest the proposal of one additional condition to be examined in the case studies. It will be referred as the **possibility of issue formation**. This relates to the potential of participatory initiatives to function as realms for public involvement in disputes around the settlement of issues, meaning the process of individuals' engagement around issues connected to their lives and which are in dispute and are not necessarily being dealt with by the existing institutions. In this sense, participatory space would work as the forum in which these issues could emerge and be articulated in order to reach the public agenda.

White's (2010) conception of a political bond considers that "If opponents are constructed in relation to problems, and there is a plurality of problem 'domains', then there will be a plurality of we–they formulations rather than a single axis of confrontation" (p. 113). Hence, different constitutions of we-they will take place, given that every problem – and I would argue every issue as well − involves its own arrangement of adversaries. Through this dynamic, it could be argued, room for violent antagonism and absolute exclusion can be minimised in favour of the emergence of a plurality of identities and interconnected ties.

Mouffe (2005a, 2005b) may be said to be arguing is in this same direction when she points out that political unity does not need to take place in a particular space or at a particular level. On the contrary, she recognises that the political dimension is localised in any geographical space or social relation. Therefore, she argues for the **coexistence and interaction of initiatives at multiple levels and scales** where democratic identification can be fostered and agonistic struggle can be performed. Some studies of participatory initiatives have begun to indicate the importance of enabling the emergence of, as well as articulation between, different fronts of action (Tatagiba, 2004; Muller, 2010). This articulation is not only essential for spreading and enhancing their power of influence but also for rendering their outcomes more

coherent and effective. I propose that this can also be seen as a constitutive element for an agonistic form of participation.

One final point must be made regarding White's (2010) proposal. He calls attention to the essential role that the citizens' will and political movements play in forming a political bond. As stated by the author:

> […] a political bond will not be achieved solely through institutional design. Institutions can promote but they cannot themselves establish the sense of the common which may be the condition of their viability. […] It is citizens themselves who must lead other citizens in furthering a political bond. This is likely to depend upon political movements 'from below' being able to engage people with a stronger sense of the comparable experiences of citizens in other EU countries, and with new ideas about what can be achieved through collective action. It is a question of remaking the common sense, and depends upon political will" (p.119).

This qualification can find connections with Mouffe's arguments about the role of the affective dimension in the constitution of political identities. It also touches the concerns emerging from the empirical literature regarding the necessity of maintaining channels of communication and engagement between the participants and the grassroots level of their organisations. Considering the discussion developed in the initial parts of this thesis, I would argue that what this research is calling **political-conflictual civil society** – involving social movements and grassroots organisations − may have an essential role in keeping alive an agonistic mode of operation as well as the cycle of identity constitution and reconstitution within a participatory space. Moreover, a critical role for participatory spaces would be to enable the relationship between civil society and the state to be configured in a political-conflictual mode. Therefore, I propose two additional hypotheses to be tested in the examination of the participatory case studies in Brazil. They derive from the following questions:

Are the participatory spaces emerging in Brazil encouraging transformations in the relationship between the state and civil society towards a more political-conflictual pattern? What are the driving forces and the deadlocks of this process? Do the participatory spaces contribute to the creation of agonistic

public spheres of contestation? What sort of conditions can facilitate or inhibit this process?

The hypotheses are that (1) the participatory initiatives are encouraging shifts to a political-conflictual pattern of interaction and (2) these same initiatives can contribute to building agonistic spheres of contestation.

4.5. The analytical framework for participatory initiatives in Brazil

As explained at the beginning of this chapter, this part of the investigation aims to contribute to the debate on the relationship between state and civil society in participatory spaces, as well as the debate on possible links between participation and radical democracy. The following analytical framework is thus a proposal to identify relevant elements for these debates from practical cases. In other words, to identify shifts in the interplays between state and civil society and the conditions for an agonistic mode of participation that fosters the radicalisation of democracy.

In sum, this framework suggests that an agonistic mode of participation should involve the simultaneous presence of the following seven main elements:

1. Possibility of choice, under conditions where different positions can come into confrontation.
2. General perception of sharing a common symbolic space within which the conflict takes place.
3. Possibility that diverse and opposing collective political identities can emerge.
4. Emphasis on adversarialism – which in its extended version includes the prospect of power relations being exposed and participants recognising and enforcing the positive role of conflict.
5. Possibility of issue formation – in the terms advocated by Marres (2005) which envision this process as a way of encouraging public involvement.

6. Coexistence and interaction of diverse agonistic spaces at multiple levels and scales.
7. Robust presence of a political-conflictual civil society

On this basis, the following questions were formulated in order to examine the case studies in the two next chapters:

1. Do the participatory initiatives examined allow the manifestation of different and opposing alternatives as well as their confrontation in an agonistic fashion? Consequently, are decisions being made in these initiatives as a result of a process of choice between real alternatives?
2. Are the case studies functioning at some level as a common symbolic space where participants can express divergence and opposition?
3. Do the participants of these initiatives recognise the productive and integrative role of conflict? Are they working to keep the space for conflict open within these participatory spaces?
4. Do these participatory initiatives function as spaces for public involvement around the settlement of issues? Is this contributing to individuals' engagement in the participatory spaces examined?
5. Is it possible to perceive the emergence of different political identities in these participatory spaces?
6. What are the connections between the case studies and other forms and levels of agonistic struggle? Could one say that there is a coexistence of multiple and intertwined institutions within their fields?
7. Are civil society actions taking place in a political-conflictual mode in these initiatives? If yes, are participatory initiatives facilitating or inhibiting this form of action? Ultimately, are these mechanisms contributing to the transformation of the relationship between state and civil society in Brazil in the direction of a more political-conflictual mode?

These are the questions that will guide the examination of the case studies in the next two chapters.

Chapter 5

The National Council for Health (CNS)

Introduction

Two case studies will be examined in this investigation, namely the National Council for Health (CNS) and the 1st National Conference of Communications (1st Confecom). These correspond to two different models of participatory mechanisms operating in Brazil's democratic arena. As previously explained in Chapter 4, the CNS is an example of a Public Policy Management Council composed of councillors drawn from both state and civil society which are in permanent discussions around the elaboration and implementation of public policies in the health field. The 1st Confecom in its turn was one of the dozens of national conferences that took place during Lula's government, gathering together delegates from government and civil society with the aim of proposing guidelines in the communications field. While the former is actually the first and oldest national Council created in the country, the latter, which took place in December 2009, is the first participatory initiative carried out in the field of communications.

In selecting these two cases, consideration was given to their contrasting historical trajectories and formats – which should yield a broader understanding of the dynamics and outcomes produced by different kinds of participatory initiative − as well as to practical aspects of the investigation such as the availability of primary and secondary sources on these case studies and access to interviewees.

This chapter will be dedicated to discussing the case of the National Council for Health and will be divided into three main parts. The first part comprises a narrative of the early stages of the CNS. It will begin with the Sanitary Reform and the emergence of participatory thinking in the health field and will then enlarge upon some of the Council's attributes and structural features. The

second part will approach the context of the CNS in more recent times. In order to examine the impact of the CNS in the relationship between state and civil society, two specific disputes will be examined, along with how they were settled between the different groups within this participatory mechanism. Finally, the last section will discuss the understanding gained through the examination of this case study, taking into account the analytical framework proposed in Chapter 4.

Besides references to the literature produced in the field, the main sources of data for this case study were official documents produced by government and the CNS; legislation; and six semi-structured interviews of one to two hours duration, each conducted in September 2010 and April 2011. The interviewees were: a representative of the Secretariat of Strategic Planning and Participation (SGPE) in the Ministry of Health, two CNS councillors – one who represented the *Central Única dos Trabalhadores* (Unified Workers' Central − CUT) and the other the *Centro Brasileiro de Estudos da Saúde* (Brazilian Centre of Health Studies – CEBES) – and three active members of the Sanitary Reform movement who were involved with the constitution of the CEBES and are also academics with renowned publications in the field.

5.1. Origins and early history of the National Council for Health

The introduction and development of ideas of participation in the health field were deeply influenced by what came to be known in the 1970s and 1980s as the *Reforma Sanitária* (Sanitary Reform) movement. As briefly mentioned in Chapter 4, this movement not only fought for transformation in health policies, but also introduced new ideas of citizenship, rights and social participation, which were strongly influential in the country's democratisation process. It is also worth noting that given its pioneering character, the participatory initiatives in this field came to be used as a paradigm, influencing the creation of other participatory mechanisms in several areas of public interest. In acknowledgment of this influential role, the initial part of this narrative will be dedicated to a brief outline of the interconnections between the history of the

Sanitary Reform movement and the paths of participatory thinking which form the foundations of the current context of the National Council for Health.

5.1.1. Sanitary Reform and the foundations of participatory thinking in the health field

The sanitary movement can be depicted as a social movement – understood as process of social mobilisation with no formal or necessary institutional manifestation – which emerges at the end of the 1970s and beginning of the 1980s, drawing together several sections of society − such as trade unions, academia, students and medical associations, popular and community movements, neighbourhood and church organisations, among others − around some common principles which involved progressive ideas towards healthcare and the country's democratisation process.

These new tenets consisted of a broader understanding of health which was not limited to the idea of curative and medical care. In its place, the sanitary movement introduced a new approach to the field, in which prevention played an essential role, while other aspects, such as education and quality of life were equally envisaged as conditions of health. Health came to be seen as a right and not as a benefit conferred by governmental authority through clientelistic relationships. Furthermore, the tenets of the sanitary reform envisioned a universal service provision to be led by the state and organised under a Unified Health System. This system should be decentralised – meaning, states and municipalities working in an integrated fashion but with their own individual budgets – and should involve the participation of society in the control of public policies as well as in their definition and implementation (Fleury, 1995).

These new and radical proposals were a response to the several problems identified in the health system which had been operating since the time of the military regime, based on a division between public healthcare and social security. While the former was extremely restricted in terms of resources and capacity, the latter held the main budget and relied mostly on private sector

provision. Towards the end of the 1970s, the economic crisis associated with the increasing costs of provision exposed the need to reform the system in operation (Cortes, 2009).

The extensive and rich route taken by the sanitary reform since the 1970s is documented in detail in a range of studies.[87] For the purposes of this investigation, emphasis will be given to the impact of this movement on the definition of the format and paths of the current existing participatory initiatives at the federal level.

In this regard, it should be recognised that the issue of social participation within the processes associated with the organisation of public policies on health was one of the founding ideals of the sanitarian movement. The transformations advocated by the movement not only entailed the idea of democratising access to public goods and services but also envisioned the democratisation of access to power. In this sense, the guarantee of the universal right to health is made conditional upon the need of society to participate in power. This is the ultimate message underlying the movement's slogan: "Democracy is health and Heath is democracy" (Carvalho, 1997).

These formulations began to gain strength in the midst of the community struggles for widening health provision in the 1970s and supported the creation of different initiatives as the seeds of the participatory mechanisms that were to come into existence in the area. The ideas and practices of participation operated at different levels and with different formats through the decades of the 1970s and 80s.

Probably the most notorious and radical instance of direct and broad participation was the *Projeto Montes Claros*, which was launched in one of the municipalities of the state of Minas Gerais as a participatory experiment which gathered all individuals of that community – providers and beneficiaries –

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[87] Some examples are the works produced in 1999 and in 1997, respectively, by Sarah Escorel (*Reviravolta na Saúde: origem e articulação do movimento sanitário*) and Eleuterio Rodrigues de Neto (*A via do parlamento*).

interested in public policy on health (Fleury, 1995). Another important example for understanding the grounds of the existing health councils are the *Comissões Interinstitucional de Saúde* (Inter-institutional Commissions of Health – CIS) at the municipal, state and regional levels, which were created in the 1980s as an attempt to integrate and articulate the network of public health provision at these three levels of government. These commissions required one representative of the beneficiaries to form part of their composition alongside representatives from the different public agencies. Taking the lead from the CIS initiative, local commissions started to emerge across the country, operating on a basis of parity between representatives from civil society and from the state. As suggested by one of the interviewees, this is probably the first sign of the institutionalisation of participation at a broader level, extending across municipalities, states and regions (Carvalho, 2011).

The proposals around participation were improved and matured within the sanitarian reform project over the decades, particularly in the 1980s. The goals envisioned by the Sanitary Reform involved the need to bring the state closer to society and to make the former permeable to the demands of the latter (Carvalho, 1997). These proposals came to exert a strong influence on the debates on the institutional reformulations of the field and some of their main principles were underwritten in the Federal Constitution of 1998[88] and in subsequent complementary legislation.[89] It is worth noting that, remarkably, some of the key legislation on participation in the health field was approved amidst the burgeoning of neoliberal measures and reforms that took place during Fernando Collor's regime – from 1990 to 1992.

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[88] In the Section dedicated to the "Health" issue in the 1988 Federal Constitution, Article 198 states that: "The initiatives and public services of health should integrate a regionalised and hierarchical network, shaping a unified system organised in accordance with the following guidelines: I – decentralisation, with a single direction at each level of government; II – integral care, prioritising preventative actions without detriment to the social care services; **III – community participation**" (Brazil, 1988, own translation)**.**

[89] Law number 8,142 of 28/12/90 gives the guidelines for the community participation in the management process of the Unified System of Health – SUS. Moreover, it reformulates the structure of the National Council and National Conferences of Health. Different presidential decrees have regulated the internal functioning of the National Council for Heath.

The approval of this legislation did not proceed without strong resistance from federal government. This only goes to indicate the strength of the sanitary movement, which at this point was already well-organised and had developed strategies for wielding influence over different fields of power. It not only created important ties with prominent social movements and civil society entities such as the Church, academia and student and trade union movements, but also attained increasing representation in Parliament and the Executive power.

It is worth emphasising that two main academic bodies played a crucial role in encouraging the debate and generation of the key ideas and proposals around the sanitary reform project. They were the *Centro Brasileiro de Estudos da Saúde* (Brazilian Centre for Health Studies – CEBES) and the *Associação Brasileira de Pós-graduação em Saúde Coletiva* (Brazilian Association of Graduate Studies in Public Health – ABRASCO): two organisations created in the second half of the 1970s, bringing together intellectuals and practitioners from the health field who were politically engaged with the democratisation struggle from a left-wing and progressive perspective.

Testimonies and the literature draw attention to the relevance of the debates around what was called the "reformist dilemma" had in defining the main strategies of the Sanitary Reform (Carvalho, 2011; Fleury, 1988 cited in Pain, 1997, Cohn, 1989). There was a division within the sanitary movement about how it should proceed in exerting influence and political pressure. On the one hand, there were those who advocated that it would be possible to influence the state from within, through the occupation of the bureaucracy by the movement's representatives. On the other hand, those opposed to this strategy argued for the exclusivity of social struggles and stated that direct confrontation would be preferable, given the risk of otherwise legitimating a government which should be instead combated. In the end, the first approach prevailed. It can be argued that this approach was essential to configuring the movement's stance on the format and role of participatory mechanisms. As suggested by one of the participants of the sanitary movement, in the light of

its ultimate aim of building counter-hegemonies, this approach of influencing the state from within, associated with gaining space for those with less power, enforced the sanitary movement's recognition of the need to insert society within the state (Carvalho, 2011). Mechanisms of social participation and social control that could permeate the state's structure are thus deemed as essential strategies to challenge the hegemony.

5.1.2. Structure and legal attributes of the National Council for Health in its early years

The National Council for Health was first launched in January 1937 by Law number 378, in a period when the state did not provide healthcare to the population, with the narrow exception of certain specific medical conditions. The Council's role at that time was basically to offer advice to the Minister for Health. It was composed of individuals appointed by the President and the Minister themselves, put forward by experts in the field and public officials from the Ministry of Health (CNS, 2011; Côrtes *et al*., 2009).

Several modifications were made to the composition of the Council over the decades. Nevertheless, the Council's advisory role remained unaltered until the end of the 1980s, when the first civilian government came to power under the New Republic and measures associated with the principles of the sanitary reform movement gained sufficient space and strength to be implemented.

One specific initiative deserves special attention, due to its historical relevance to the maturation of proposals from the Sanitary Reform project, as well as its impact in encouraging social mobilisation in the health field. It was the process around the 8th National Conference on Health, which took place from the 17th to the 21st of March 1986. Gathering about 4,000 people – among them 1,000 delegates representing different sections of government and civil society − the conference managed to frame the main consensus around sanitary reform for that political moment.

The conference's final report notes that this participatory mechanism has encouraged the idea that the definition of health should be broadened to be understood as resulting from general living conditions including nourishment, housing, education, environment, labour, transportation, access to health services and so on. Accordingly, health should be viewed as a right and a state responsibility, thus requiring that public sector provision be both strengthened and expanded. The health system should be restructured to support the creation of a Unified Health System, having as some of its main features the following: decentralisation, integrated provision to overcome the dichotomy between prevention and curative care, universalisation of provision, and "participation of the population, by means of its representative organisations, in the formulation, planning, management, execution and assessment of policies and actions in health" (Brazil, 1986, own translation).

Under the influence of the events and repercussions generated by the 8th National Conference on Health, the National Council began to experience significant transformations in its role and structure.[90] In 1990, it finally assumed a deliberative character, with its own specific responsibilities. Despite significant changes in the Council's composition since that time, its main responsibilities, described below, have remained the same up to the present day. They are:

> "I – to be active in the formulation of strategies and in control of the implementation of the National Policy for Health; II – to establish guidelines to be followed in the development of health plans; III – to develop a timetable for the transfer of financial resources to the state, federal districts and municipalities; IV – to approve criteria and figures for the remuneration of services and parameters for the coverage of provision; V – to propose criteria for the definition of patterns and parameters of provision; VI – to monitor and control the performance of the private sector in the health field; VII – to follow the process of scientific and technological development and incorporation in the health field; VIII – to define with the Ministry of

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[90] In 1987, under Decree number 93,933, the National Council for the first time received the formal attribution of collective deliberation. Nevertheless, it carried on being a Council of prominent figures, with no active participation in the reform debates until the broader reformulation undertaken in 1990 (Côrtes *et al.*, 2009).

Education the creation of new undergraduate courses in the health field (…)" (Brazil, 1990, cited in Côrtes *et al.,* 2009 , p. 53; own translation).

Concerning the changes in the composition of the Council, probably the most noteworthy modifications were the rescission of Ministers' right to appointment prominent individuals to councillor positions; the diversification of civil society representation; the decrease in the numbers of private sector councillors and the increase in the number of seats occupied by specific sections of civil society (Côrtes *et al.*, 2009). A closer examination of these transformations shows strong indications of changes in the relationships between representatives from the different sectors, as well as in the level and quality of the Council's influence. Details of this evidence will be described in the following section.

5.2. The National Council for Health in recent times

The sanitary movement and the National Council for Health both experienced a period of greater influence under President Itamar Franco's administration, which began in 1992 − following the impeachment process of president Fernando Collor de Mello − and ended in December 1994. During this period, federal government seemed to be more amenable to the movement's proposals, given the identification of some of its officials with sanitary principles. The better dialogue with government agencies led to the enforcement of measures towards decentralisation and municipalisation (Côrtes *et al.*, 2009; Faleiros *et al.*, 2006). Concurrently, a process of consolidating the health councils took place across the three levels of government.[91]

The significance of the CNS at that period is particularly shown in its increasing relevance for the representation of diverse interests around national health policy and its active participation in debates that generated relevant

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[91] According to Carvalho (1995), by the second semester of 1993, all 27 Brazilian states had registered their councils for health and in 62% of the 4,973 existing municipalities, the councils were up and running.

structural transformations in the field such as the institutionalisation of the *Comissões Intergestores Tripartides e Bipartides* (Tripartite and Bipartite Inter-Management Commissions).[92] These commissions were created as a measure to improve the coordination of healthcare actions undertaken by the federal, state and municipal governments. As will be seem further on, these commissions came to be remarkably powerful in the following decades, even challenging the influence of the National Council for Health.

The next period in the National Council's history corresponds to the two mandates of president Fernando Henrique Cardoso (from 1995 to 1998 and 1999 to 2002). Notwithstanding the dominant discourse of the period and the increase in measures that aimed to reduce state and fiscal stability, the implementation of the Unified Health System (SUS) was nevertheless continued and some important progress was made around it, including the approval of Constitutional Amendment number 29 of 2000, which guaranteed a percentage of the federal budget for healthcare costs (Faleiros *et al.*, 2006). It can be argued that these achievements were only possible owing to actions that had been undertaken in earlier periods towards institutionalising the principles of the sanitary reform project in legislation, as well as in the active mobilisation of the sanitary movement against the government's attempts to restrict these advances.

This broader context for disputes in the field clearly affected the functioning and dynamics of the National Council for Health. As argued in Chapter 3, Cardoso's government developed a more apolitical-consensual understanding of the role of civil society. Under this view, civil society participation was understood as pertaining to the provision of public services and not to the

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[92] The role envisioned for these commissions was to function as spaces of negotiation and deliberation between public officials from the three levels of government in order to build an integrated plan for healthcare provision and the management of the SUS. The Tripartite commission was to be composed, on a parity basis, of representatives from the Ministry for Health and from the group of secretariats of health from the states and municipalities. The Bipartite commissions were to be created in each of the 27 Brazilian states, composed also on a parity basis by representatives of the state secretariat of health and from the collectivity of the municipal secretariats of health (Brazil, 1993).

formulation of the public policies. In other words, it was conceived as operational rather than political participation. As confirmed by this study's interviews, this approach led to government's rejection of mechanisms of political participation such as the National Council for Health (Fleury, 2011). José Serra,[93] the Minister for Health who remained in post for longest during Cardoso's government,[94] did not take part in the Council's meetings and ignored it as a space of political dialogue with society. The representatives of civil society in their turn seemed to adopt a strategy of forming themselves into a unified group offering a blanket rejection to all government proposals (Fleury, 2011; Escorel, 2011).

When president Lula took office in 2003, adopting a discourse aligned with the political-conflictual view of the relationship between state and civil society, new expectations were raised regarding the possibilities of strengthening the capacity and influence of participatory mechanisms. It was no different in the case of the National Council for Health.

In order to examine the main questions of this investigation, two disputes that arose in the National Council for Health during Lula's government have been chosen as main subjects of analysis. The first concerns modifications to the Council's composition. The second corresponds to the debates and confrontations surrounding the government's project of the *fundação pública de direito privado* (state foundation of private law), alongside recent disputes around the Council's presidency.

I argue that these two processes are emblematic in understanding how changes to the conditions of interaction between members of the Council have affected its level of influence on the healthcare general context. Moreover, they also cast light on the dynamics of conflict and on how different ways of dealing

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[93] José Serra ran for presidency twice, in 2002, against president Lula and, in 2010, against president Dilma. On both occasions, he was unsuccessful. In his last electoral campaign, José Serra made condemnatory remarks against the national conferences, accusing them – particularly the National Conferences for Communications, Human Rights and Culture called by Lula's government – of being a party political strategy to control and intimidate the media (Estadão, 2010).
[94] José Serra was the Minister for Health from March 1998 to February 2002.

with conflict generate equally distinct impacts in terms of improving democracy.

5.2.1. Disputes around changes in the composition of the CNS

As discussed in the last chapter, recent work has begun to question the traditional analytical categories and methods for assessing the results of participatory initiatives (Côrtes, 2009a, 2009b; Moreira and Escorel, 2010). Critics point out that the traditional view, which focuses only on the final product of these participatory mechanisms, has come to reduce analysis to the simple question of whether or not the participatory mechanism is adequate to its normative roles. By doing so, they eclipse the possibility of building a better understanding of social and political processes in these spaces, as well as the transformations to relationships taking place within them (Côrtes, 2009b). By contrast, the critics argue that it is necessary to build new analytical approaches that can capture not only the final outcomes, but also the richness of the whole process.

In line with this aim, Côrtes *et al*. (2009) and Silva *et al*. (2006) propose a new analytical framework which is intended to go beyond the restrictive traditional view of the Council that assesses its compliance with legal and administrative norms. The authors advocate an analytical perspective which takes equal account of the dimension of relationships between the members of the participatory mechanism. By this means, they claim that further insight can be gained, for instance, into the dynamics and the grounds that sustain the different positions and levels of power existing between members, as well as the impacts of these elements on the styles and levels of participation in political decisions in the field (Côrtes *et al*., 2009; Silva *et al*., 2007).

Applying this relational approach, studies produced by Côrtes *et al*. (2009) and Silva *et al.* (2008; 2009) examine changes to the composition of the Council,

as well as the Council meeting debates.[95] These studies' findings have identified three key aspects relevant to the purpose of this investigation. In particular, elements raised by the interviews conducted for this thesis have contributed to understand the impacts of these changes.

Firstly, the literature points out that after the period of predominance of the sanitary movement in the 1980s and 1990s, a process of growth and differentiation in civil society representation on the Council started to take place (Côrtes *et al.,* 2009; Silva *et al*., 2008; 2009). The expansion and diversification of public demands generated by the democratisation process was also reflected in the emergence and recognition of new interests and representations in the composition of the Council as well. This led to the increase in the total number of civil society representatives. However, as shown by Côrtes *et al*. (2009), this growth was not felt in the same degree across all sectors. In fact, there was a reduction in both the absolute and relative numbers of representatives from the private sector and the original reservation of a seat for medical associations was rescinded. In contrast, two groups experienced a robust increase of around 200% in the absolute number of their participants, by comparison with the 1990 Council composition. These were professional organisations for workers in healthcare on the one hand, and on the other, a group composed by representatives of gender and ethnic organisations and of individuals who suffer from disabilities and severe illness. It is worth noting that the representation of government agencies, despite no modifications in the absolute number (8) of seats, experienced a decrease in relative terms, given the expansion of the total number of councillors from 31 in 1990 to 48 since 2006.

Secondly, a closer look at the issues represented by civil society councillors, as well as changes to the topics debated at Council meetings, shows new actors and new issues emerging into the Council's arena. Indigenous health, gender and sexual orientation, religious preference, ethnicity and special

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[95] Based on official Council records, which can be found at http://conselho.saude.gov.br/atas/atas_10.htm

needs are among the issues which, increasingly, came to permeate the Council's discussions. The growing visibility and capacity for coordination achieved by organisations and movements dedicated to the advocacy of these issues were reflected in an increase to the number of their representatives in the Council (Côrtes *et al*., 2009). It could be argued that this general shift in civil society representation contributes a positive outlook in terms of the conditions for agonistic relationships within the National Council, as it seems to support the manifestation of a multiplicity of voices in this arena. Nevertheless, the interviews undertook in this thesis call attention to some expressive deadlocks in this respect.

The interviewees share the general view that the representation of civil society, particularly of the beneficiary sector, continues to face significant hindrances. Two main problems are indicated in this regard. First, a substantial number of the civil society organisations represented in the Council are lacking in internal strategies to keep an "organic and dynamic channel" between the organisations' grassroots and its council representative. As stated in the interviews, the existence of such channels should be deemed essential for guaranteeing that the results of the Council are communicated to the grassroots, as well as that the councillor's actions are truly grounded in the represented group's perspective (Carvalho, 2011). Secondly, the fact that the majority of civil society councillors make representations focused on their groups' specific demands makes it extremely difficult to propose an agenda for debates which addresses broader and more structural subjects of general interest (Neves, 2011).

Concerning the first problem, despite the reality of scarce resources and challenges to keep the organisation sustainable, interviewees testified that some organisations benefit from participation as a way of improving their general knowledge of the Council's topics of discussion. One interview conveyed, for instance, that smaller organisations agree that they take advantage of the material produced by better-equipped and structured organisations, such as the CEBES, to gain good resources for their internal

discussions (Neves, 2011). Although this is not a substitute for the aforementioned channel of communication between the grassroots of organisations and their representatives on the council, this can supply an additional tool for facilitating its creation. With reference to the second problem of the nature and level of councillors' demands, I would contend that this sort of criticism highlights a crucial challenge that must be faced by participatory mechanisms. Regardless of the importance of each organisation's specific demands, it must be recognised that it is essential to getting these mechanisms to come to life that there should be common issues of interest for the participants. They are not only the glue that makes members feel that they are sharing a common space of participation, but they also foster domains in which agonism is likely to have a better impact, given members' general engagement with the subject.

The third aspect of note regarding the changing composition of the CNS is the growing predominance of the group of workers' professional organisations in the Council's disputes and spaces of power. Both the literature and this study's interviews suggest that this section of civil society, organised around the *Fórum de Entidades Nacionais de Trabalhadores da Saúde* (Forum of the Health Workers National Bodies – FENTAS), were not only able to secure more seats for their representatives over the years – or more precisely, after the beginning of Lula's administration in 2003 − but also managed to coordinate and homogenise positions within the group (Silva *et al*. 2008; 2008; Neves, 2011). As described by one of the interviewees, FENTAS developed a strategy of gathering its members prior to Council meetings so as to define their positions and enter into the Council's debates from a closed standpoint (Neves, 2011). Given that other sections either have a small number of representatives – as in the case of the government or the private sector; or would struggle to define a unified position – as in the case of the beneficiaries' groups, whose interests are inherently diverse and sometimes even conflicting, the workers section was able to build a consistent hegemony within the Council in recent years.

In this regard, I would argue that by not allowing room for interaction and negotiation with other sections of representatives, the strategy adopted by the workers group[96] came to threaten the National Council's agonistic potential. The use of this tactic, which is commonly observed in spaces dominated by the traditional logic of representative democracy, in fact undermines the possibility of building a real participatory mechanism in which conflict could be deemed a generative power. In other words, the advantageous and immutable position of the workers organisations creates a deadlock against the exposition and confrontation of real alternatives as well as hindering the dialogues between Council members from generating fresh alternatives which neither side in the dispute could anticipate.

As suggested in a number of studies and confirmed by this investigation's interviews, the impossibility of challenging the workers' organisations' pre-eminence resulted in a decline in interest in the Council and even in its abandonment by some groups. In place of the council, these groups substituted the rediscovery or rescue of their influence in other spaces of relationship with the state. For instance, in the case of traditional influential groups, such as medical associations[97] and the private sector, they continued to use their direct channels of negotiation with high officials in government and

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[96] One of the interviewees, who during this period attended a number of the Council's meetings as an observer, suggested that the attitude of the worker's group was influenced by what she deemed the forceful approach of the new Brazilian trade union movement, particularly the *Central Única dos Trabalhadores* (Unified Workers' Central – CUT) (Scorel, 2011). The data gathered in this investigation do not permit a comprehensive analysis of this situation, although evidence was found for decisions corresponding to the workers' closed positions being predominantly upheld in the face of exchange and argumentation within the Council.

[97] It is worth noting that medical associations lost their reserved seat on the Council after a dispute about the new coordination of the Council, which argued that no section of civil society should have its seats guaranteed. This resulted in the withdrawal of medical associations from the Council. The interviews threw up different conclusions about the implications of this friction. On the one hand, some argue that no damage resulted to the representation of the medical practitioners' section, given that other sections, including those formed by academic organisations or beneficiaries, were already well represented - by councillors who are also medical practitioners (Júnior, 2011). On the other hand, others point out that the medical associations are a section of civil society whose power is historically recognised and having them in the Council was essential to the influence of the participatory space in the health field (Scorel, 2011).

parliament. Representatives from local government, in turn, began to locate their real space of power and negotiation in the Bipartite and Tripartite Commissions.[98] As a result of this whole process, the literature and data gathered in this investigation are in agreement that this predominance of one section over the others is threatening the Council's capacity to exert real impact in the broader healthcare scene.

To sum up, I argue that elements posited within in the analytical framework of this research to indicate evidence of potential agonism, were identified in the case studies. Notably, this was the emergence of new subjects and issues in the agenda and dynamic of the CNS. However, the depiction of the transformations experienced in the relational structure of the Council show a scenario of increasing obstacles to the consolidation of the conditions for agonism. Evidence presented so far shows a weakening in the recognition and influence accorded to the Council in the health field, as well as signs of retreating movements in some sectors towards traditional imbalanced spaces of power.

5.2.2. Disputes around the presidency of the Council and on the *Fundação estatal de direito privado* (state foundation of private law)

The next two topics are intertwined with the broader context depicted in the previous section on the changes in the composition of the CNS.

By 2006, the presidency of the National Council for Health had become the automatic prerogative of the Minister for Health. Lula's government had five Health Ministers who established different patterns of relationship with the National Council. The two who stayed longest in the position were Minister Humberto Sérgio Costa Lima, who coordinated the Ministry from January 2003

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[98] A controversy over the influence of the National Council for Health and the Bipartite and Tripartite Commissions of public managers has arisen since the creation of the latter. As mentioned earlier in this chapter, the Commissions were conceived as a result of proposals originating in the National Council in the 1990s, aiming to provide a forum for developing intergovernmental action. However, over the years, the precise roles of the National Council and the Commissions frequently came under question, given the overlap in some of their activities (Côrtes *et al.*, 2009).

to July 2005; and Minister José Gomes Temporão, who was responsible for the Ministry from March 2007 to December 2010. As the interviews indicate, there were evident differences between their styles of dialogue with the Council. Humberto Costa took part in basically all Council meetings and was recognised as a member and a peer in the group of councillors by sections of civil society which were linked to the Workers' Party (PT) and the CUT. Temporão, by contrast, in spite of his active participation in the sanitary movement, gave little prestige to the Council, missing almost all of its meetings and allowing little space for negotiation on important issues, such as the governmental project of state foundation of private law (Scorel, 2011; Neves, 2011; Carvalho, 2011).

Before both Ministers' administrations, in 2000, the 11th National Conference on Health raised a proposal that the presidency of the National Council should be defined by its members (Brazil, 2000). However, it was only in 2006, subsequent to Humberto Costa's and prior to Temporão's administration, that approval was gained for this proposal[99] and it was finally translated into practice.

It was in 2007 that, for the first time in the National Council's history, a civil society councillor − more precisely, one from the workers' organisation sector − became president of the CNS. He was re-elected on three consecutive occasions over the following three years.

The arguments in favour of an elected Council presidency, as well as for the president's re-election over another three mandates, included its potential to strengthen the Council's autonomy, make the functioning of the Council more democratic, open the possibility of electing representatives from any section, and give more time to consolidate the improvements initiated in 2006 (Júnior, 2011).

It is worth noting that the same representative from the workers' section held the presidency of the Council throughout the Temporão administration.

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[99] It was approved by Presidential Decree number 5,839 of 11/07/06.

Interviews and data gathered for this investigation point to an increasing tension between the Council and the Minister during this period. This friction can be clearly identified in events and disputes over the project of the "state foundation of private law".

This started out as a project proposed by the federal government, but advocated in particular by the Minister for Health, in order to create an alternative management model, which would allow public institutions in nine fields of non-exclusive government operation – including healthcare – to function under more flexible rules, compatible with those of the private sector, though remaining the responsibility of the public sector. According to its advocates, by means of this model, the managers of these foundations would be able to hire and dismiss staff under more flexible private sector legislation and would have more latitude in buying provisions from external sources. Moreover, these foundations would be bound to specific contracts setting out targets for quality of operations and level of provisions to be established and monitored by the government (Ministério da Saúde, 2007). In the case of the Ministry of Health, this new management format was in particular envisioned for the administration of hospitals.

As discussed in Chapter 3, this sort of measure featured in political debates due to its association with the neoliberal discourse and tenets adopted by different governments since the 1980s. It was no different in the context of the National Council, where a tough dispute between the Minister and the hegemonic power in the Council had to be settled.

This investigation will not discuss the content or merits of this proposal. Instead, the focus will be on the implications of the surrounding dispute in the relationship between the different sectors in the Council.

Examination of the documents and discourses produced by both the National Council and the Ministry for Health, as well as the interviews conducted for this research, show that a strong antagonism arose around the proposal for the public foundation. It emerges from this evidence that the space of the National

Council did not function in this occasion as a realm in which antagonism could be transformed into agonism, as will be discussed in the following paragraphs.

I contend that, when the issue started to be addressed at the meetings of the National Council for Health in May and June of 2007, three main positions were crystallised.

The first position corresponded to that adopted by the Minister for Health and his team. They advocated for the project but with a lack of conviction that the Council constituted a legitimate or relevant space of debate within civil society. As the transcriptions of Council meetings suggest, their discourses indicate a common understanding that these discussions needed to take place directly in the National Congress.

At the June 2007 CNS meeting, the Minister for Health, in his first appearance before of the National Council, made the following announcement:

> I believe that the subject of the public foundation is important. In fact, the government tried, from the first, to frame a proposal to put up for debate. At the current time, it is important to call attention to the fact that the debate will take place in the National Congress. I mean, there are no impediments to suggesting improvements and qualifications to the proposal in order to gain a valuable proposal on what we all envisage, which is improved efficiency in public spending and improved quality care in public hospitals. (CNS, 2007, own translation)

In this same sense, the records of the Council meeting for June 2007 described that the Executive Secretary of the Ministry for Health:

> [u]nderlined that when the draft [of the proposal] is finished, it will be sent to the National Congress, enabling a full debate around the project in society. She added that only after that process would it be possible to present [to the CNS] a formal project of law on the creation of the public foundations (CNS, 2007, own translation).

In contrast to the government representatives' position, two further opinions arose among civil society councillors. On the one hand, there was the group led by the workers' section which demanded the formal rejection of the proposal by the Council, based on the assessment that the government did not

intend to have an open debate on the issue. On the other hand was a set of councillors, including those who represented organisations such as CEBES and ABRASCO, who advocated that the Council should insist on trying to open the debate with government and other actors before defining its formal position. The dispute between these two latter positions was decided by vote at the meeting of June 2007, ending up with the approval of the former position by a total of 20 to 14 votes.

The interviews yielded a number of aspects relevant to understanding the construction of this hostile scenario between the government and the CNS. The first is the Minister's general absence and lack of interest in the dynamics of the Council. As one of the interviewees relayed:

> Temporão, from the beginning [of his administration], against all advice from closer acquaintances, even from the people of that time [sanitary movement], declared himself incapable as an individual of staying there discussing, listening. He did not attend [the Council] and this worsened the situation. The Minister cannot do that. I believe that the advent of the Council requires the Minister to be a party to the dialogue. By the same token, it requires the Council not to put itself forward as a mechanism with which to oppose the Minister. It has to continue the dialogue and find ways forward (Carvalho, 2011, own translation).

In relation to this episode relating to the public foundation, the Minister's attitude associated with the hegemony of the workers section produced negative effects. While the Minister believed that it was not necessary to find a way to confront the National Council's rejection of the project by means of opening up the debate, the workers' section, which already had a historically defiant predisposition towards this kind of measure, managed to win over the beneficiary section to their point of view, and ultimately to put forward a formal objection against the project. As a result, the rationale for a debate where dissonant voices could be heard was not able to find a hearing (Fleury, 2011 and Neves, 2011).

This increasing difficulty in promoting more open and confrontational debates between government and civil society contributed to effect the diversion of

political power from the National Council to other arenas. The workers' section, on some occasions acting as a representative of the CNS, pressed congressmen and organised public protests against the project. The public foundation project, alongside the proposal for the decriminalisation of abortion, was the most debated theme in the 13th National Conference on Health. Its final report made sound arguments against the public foundation, which were reproduced in the documents of the participant organisations (Brazil, 2007). The Ministry, in its turn, tried to find allies within the government as well as among state and municipal public managers. The final result was that after two years of putting forward the proposal, the project was not approved in the National Congress and the Ministry ended up abandoning its efforts to get it implemented.

The dispute around the public foundation demonstrates how the Minister for Health refused to recognise the CNS as a political arena for debate as well as to perceive the political potential of civil society within that space. Notwithstanding the attempts by civil society representatives to establish a conversation with government, the Ministry's attitude, associated with the rigid position adopted by the greater part of civil society, made it impossible to create the conditions for an agonistic participation. It instead reinforced the traditional forms of pressure and negotiation, which reduce the possibility for disfavoured sections of society to gain representation, as well as failing to develop the productive potential of an open and direct dialogue between state and civil society.

The transition from Lula's to Dilma's administration in 2011 introduced a new potential for dispute around the presidency of the National Council. The apparent consensus around the presidency of the workers' section was challenged with the change in government and in the administration of the Ministry for Health. An initial questioning based on legal concerns was raised at the time when the electoral process for the Council's presidency was initiated in 2011. This event provoked a disturbance within the Council, showing the extent of disagreement between the councillors around this

subject. It opened the space for a campaign promoting the recovery of the presidency for the Minister for Health. CEBES and ABRASCO, bringing together representatives from the sanitary movement, advocated that this was the way to rescue the Council's legitimacy and to gain closer dialogue with the main federal government agency in the field. They claimed that because the new Minister José Padilha was showing more interest and a better disposition towards the Council than his predecessor, having him as the Council's president would increase his presence at Council activities and thus improve the dialogue between the Council and government (Escorel, 2011; Fleury, 2011).

The beneficiary sector was apparently convinced by the idea of returning the Council's presidency to the Minister and withdrew its candidacy. At the beginning of 2011, the Minister for Health thus resumed the presidency of the National Council for Health. The impacts and outcomes of this change could be usefully examined in future investigations.

5.3. Reflections on the trajectory and recent disputes of the National Council for Health: how do they contribute towards an agonistic mode of participation?

I argue that the case of the National Council for Health, examined with a focus on its relational dynamics over recent years, indicates some important elements for addressing the main questions of this investigation as well as for elaborating on the conditions that make an agonistic mode of participation possible.

This case study has shown that the long trajectory of the CNS in some measure reflects the paths travelled by the Sanitary Reform process. Achievements contributing to improvements in the healthcare system as well as to the quality of democracy in Brazil have been clearly identified. This participatory space made possible the emergence and consolidation of new issues and political identities, as well as the institutionalisation of the dialogue between different sections in the field of healthcare.

However, Fleury's (2009) proposed formulations towards the analytical categories of "institutionalised" and "instituing" reveal another facet of this context. As stated by the author in considering the course of the sanitary reform:

> The paradox of Brazilian sanitary reform is that its success, albeit in adverse and partial conditions, by transforming it in public policy, ended up reducing the capacity for rupture, innovation and construction of a new correlation of forces based on organized civil society. In other words, the institutionalized imposed itself on the instituing, reducing the libertarian and transformative character of reform. Observing that the structural iniquity of Brazilian society now passes through the national health care system makes it possible to take up again the fight for egalitarian ideas that oriented the construction of this project. For this purpose, there remains the question of permanent construction of the subject, the one who will be able to again transform the institutionalized into instituing, in order to become institutionalized again. (Fleury, 2009, p. 751).

In other words, this formulation shows the inherent paradox of the institutionalisation process, which was equally observed in the case of the CNS. Once institutionalised, the participatory space – in this case the CNS − is subjected to the modes of operation and influences of the dominant rationality in the field, which restricts its transformative and innovative capacity. There is thus a preponderance of the institutionalised over the instituing.

I argue that the episodes of dispute outlined in this chapter corroborate this argument. The narrative of the rising hegemony of the workers' section calls attention to the implications of the unequal stabilisation of power which took place in the Council over the last five to six years. Instead of challenging the existing power relations in society, it came to reproduce it. However, attention should be given to the fact that this condition need not be regarded as an inherent characteristic of institutionalised participatory spaces, as argued by Fleury (2011):

> I believe that in a democracy one should live at a level of transaction of conflict, an institutional condition in which conflicts can be transacted. But if the transactions always favour one group over others, it can be manipulative. However, it is not the Council's nature to be one thing or the other; rather, I think it has a midway

position. I believe it depends on the correlation of forces existing in society (Fleury, 2011, own translation).

A similar understanding was suggested in the interview with Escorel (2011):

> The space of the Council is not always a space for the creation of a new politics. It can, on the contrary, be a space for the reproduction of the old and traditional political culture, with all its problems. We cannot conceive the Council as an entity apart from the society in which it is inserted, right? It is extremely contaminated by everything around it. […] It can be the germ of transformation? It can be. It has this potential, but if it is manned by people inclined towards reproducing what already exists, that space is nothing more than the reproducer of the political culture (own translation).

In other words, participatory mechanisms should not be conceived as essentially transformative or co-optive. Social forces can push them either way. I contend that this is an essential starting point for examining the outcomes of participatory mechanisms, as well as in seeking improvements to them. My argument is not that the struggle for hegemony is illegitimate or unexpected from the groups represented in the Council. Instead, I am claiming that participatory mechanisms should be used as a privileged space with which to experiment with alternative forms of power distribution. New forms and mechanisms to challenge the traditional representative rules of proportional composition and decision by the majority should be proposed. There should be consideration of the idea of giving more space to sections of society which have more difficulty in reaching the traditional channels of influence. By this means, all sections of the Council, particularly those beneficiaries who seem to be at a power disadvantage, could find the space to participate under equal conditions in a genuine confrontational dispute.

Concurrently, attention must be given to the other side of the balance, to those sections of society who are already in highly influential positions in the decision-making process. It is clear that their absence from the participatory process weakens the power of participatory mechanisms in a broader context. This is probably the more critical deadlock to be faced, given that it does not depend only on the Council's internal operations.

I argue that a crucial condition for meeting this challenge relates to the government's attitude towards the participatory mechanism. If the government continues to open up privileged spaces of influence and negotiation to some groups, there is little chance of enforcing the recognition and legitimation of participatory mechanisms, even traditional ones such as the National Council for Health. Without this condition, it is difficult to imagine that the private sector, for instance, will be given a place at CNS meetings to dispute issues, interests and positions with representatives from other sectors on equal terms.

In addition, the case study established that elements of civil society have attempted to adopt and demonstrate a political-conflictual attitude within the CNS. Nevertheless, an agonistic relationship could only be established within the Council if all members and sections recognised each other as political adversaries. The disputes between the Council and representatives of the Ministry of Health during Temporão's administration showed that the latter did not recognise the Council as a political interlocutor. The Ministry's attitude jeopardised Council's legitimacy and ended up by initiating an oppositional reaction, as has been clearly identified in relation to the developments around the public foundation.

In fact, an examination of the dynamics of the dispute about the public foundation showed that the Council did not succeed in providing a space where substantive debate based on a real process of choice could take place. The decision was based on the position that the majority of the Council took in reaction to the government's refusal to present its proposal, rather than on the content of that proposal. Without entering into a discussion about who or what led to this situation, the fact is that no room was made for what I argue could be one of the most distinctive potentials of participatory mechanisms. This would be to create a full debate around a substantive proposal, wherein different positions could be expressed and confronted and, ultimately, interactions between the differing viewpoints could generate a more comprehensive understanding of the issue and the implications of the proposal for all parties. I argue that this whole dynamic demands a general acceptance

by both societal and governmental representatives that the Council should be a space where conflict can exert a productive and integrative role. Without the recognition of this possibility, and the consolidation of a general disposition in its favour, the National Council faces the risk of being just another institution where the traditional forms of power are reproduced. In this case, the logic of the institutionalised would supersede the belief in the instituing.

A final reflection about possible improvements suggested by the interviews must be mentioned (Fleury, 2011; Scorel, 2011). It is related to initiatives towards the coordination of different levels and spaces of participation as a way of enhancing their power and of dealing with the instituing-institutionalised paradox. As stated by Fleury (2011), the model of the Council was conceived as a mechanism of necessary institutionalisation, while the model of the national conference was envisioned more as an instituing moment. I argue that the integration of these two realms should be better explored to allow the construction of a productive cycle, in which the transformative potential emerging from the conferences could be put forward in the form of practical actions to be realised through the Council's performance. This is one example of how the numerous participatory initiatives could enforce an integrated dynamic that is more transformative and challenging.

To sum up, I argue that the National Council for Health has outstanding relevance for understanding the roots of, and routes followed by, the participatory project in Brazil. Its trajectory in some senses parallels the history of the Brazilian democracy. Therefore, it not only demonstrates important achievements, such as the emergence of new actors in the political scene and increasing social participation and intervention in the debate on public policy, but also highlights the challenges still to be faced in order to deepen real transformations. I contend that the case study showed some important steps in this direction, including looking for ways of equalising the imbalanced relations in society; improving government recognition of the relevance of establishing political-conflictual relationships with society; promoting the coordination between different forms of participation and spreading a general understanding

that participatory initiatives could induce a productive and integrative role for conflict.

Chapter 6

The First National Conference of Communications (1st Confecom)

Prior to any discussion of the findings that relate to the 1st National Conference of Communications (1st Confecom), it will be helpful to set out some differences between this case study and the case discussed in the last chapter, the National Council for Health.

Given the long trajectory of the National Council for Health (CNS), it has been possible to examine its development as a participatory space through changing political contexts. In this regard, a comparative analysis was undertaken exploring shifts in relational patterns in the CNS under the Cardoso and Lula governments.

The 1st Confecom had a different participatory nature. It was not a space of regular, long term, institutionalised interplay between government and civil society as was the National Council for Health. Being a national conference, it was configured as a series of participatory events which took place over a set period of time, in this case an interval of a couple of months during the second half of Lula's second mandate.

Accordingly, the sort of confrontation between the context of Cardoso and Lula governments made in the analysis of CNS case has not been possible with the 1st Confecom case. This has therefore led to a different analytical approach being adopted, one which looks at the transformations in the relationship between state and civil society not from the perspective of the implications of shifts in the broader political environment, but according to the more instant changes perceptible through the short period of the conference. I contend, however, that it cannot be concluded that the aspect of government transition had no influence in these changes. On the contrary, I argue that the patterns of relationships, as well as the transformations identified during the conference, reflect both short and long term trends in the field of communications. Thus, I conclude that it is possible to determine relevant distinctions and also

similarities between the context of Lula's government and the conditions that pre-existed it.

To sum up, the examination of this case study has not followed the same methodological design as the first one, given to their different formats and temporal attributes. In spite of this, the analysis has retained the same main questions and relational approach that were applied in the case of the National Council for Health.

Introduction

The communications field in Brazil is renowned as a historically imbalanced and concentrated arena of power, in which a small number of business, religious and familial interests have traditionally controlled the means of production and distribution. This context has been reinforced by a questionable pattern of relationships between these groups, the government and the legislative power. From the time of the military dictatorship, the Brazilian government's practices in granting rights for the exploration of broadcasting services has benefited sections of society that already have considerable power, such as economically dominant groups in alliance with the government, members of parliament, and politicians in general.[100] Uniformity and homogeneity have as a consequence prevailed over diversification and regional, political and cultural plurality in broadcast programming.

The Federal Constitution of 1988 reflects the difficult and complex contestation between these powerful forces and an emerging civil society mobilised

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[100] The restricted and privileged access to the control of means of communication can be identified in data such as that gathered by Pieranti (2011a) on the high numbers of concessions granted to members of the National Constitutional Assembly in the 1980s − 91 of the 559 members of the Assembly were granted some form of concession – in exchange for support for government's proposals. Counterposed against this situation is the reality of the advocacy for alternative means of communications such as community radios. According to the informant from ABRAÇO, it was only in 2000 that the first authorisation was granted for the operation of a community radio (Sóter, 2011). Before that, this activity was considered illegal.

towards initial ideas around the democratisation of communications.[101] A number of advances were made towards the guarantee of general principles − such as freedom of speech, access to information and freedom of the press − which were particularly relevant in a transition from a military dictatorship to a democratic regime. However, no significant changes were made regarding the themes of telecommunications infrastructure and ownership of the means of mass communications (Pieranti, 2011a).

Despite the almost non-existent public debate and coverage on issues related to communications in the Brazilian media, the movement for democratisation of communications began to gain strength in the last decade, with the proposal of a National Conference of Communications as one of its main emblems.

Bearing in mind this background, this chapter will examine the events and outcomes of the 1st National Conference of Communications (1st Confecom).

The case study is depicted and examined over three sections. The first describes the conference's main structure and rules of operation. The second section narrates the process of the 1st Confecom through its formative events. This investigation considers that this process began prior to the actual period of the national conference, which took place from the 14th to the 17th December 2009. The stages of negotiation which preceded the conference have a fundamental role in understanding the trajectory of relationships established between the different groups in the communications field. Thus, the second part of this case study will be divided into the two following subsections: the pre-conference and the events taking place on the national stage. Taking into consideration the narrative of the case study as well as additional documents and interviews collected for this research, the third part of this chapter will be dedicated to juxtaposing this data with the investigation of the study's main questions and analytical categories.

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[101] The democratisation of communications can be defined as "the efforts produced in the field of political practice to broaden progressive access of the means of communications to growing portions of society" (Ramos, 1999 cited in Pieranti, 2011a, p. 152, own translation).

Both primary and secondary data were collected for the investigation of this case study. Besides the examination of official documents produced by government and civil society organisations, and articles and digital material published in the media, six semi-structured interviews of 1 to 2 hours were conducted in April 2011. The interviews were carried out with three representatives from federal government and three representatives from civil society organisations who actively participated in the process of the 1st Confecom. Four were members of the organising committee and had a leading role in the negotiations which were crucial to making the conference possible. The other two were regular delegates, participated mainly in the events in December 2009. The government delegates represented different federal agencies − namely, the Ministry of Culture, the Ministry of Justice and the General-Secretariat of the Presidency. Civil society delegates represented different organisations which adopted distinct positions at the conference's moments of conflict. These organisations were the *Fórum Nacional pela Democratização da Comunicação* (National Forum for the Democratisation of Communications - FNDC), *Central Única dos Trabalhadores* (Unified Workers' Central - CUT), *Associação Brasileira de Radiodifusão Comunitária* (Brazilian Association of Community Radio Broadcasters - ABRAÇO) and *Intervozes – Coletivo Brasil de Comunicação Social* (Brazil Collective of Social Communications - Intervozes). It is worth noting that the representatives from CUT and ABRAÇO were also delegates of the FNDC, which is a forum that congregates different civil society organisations.

6.1. Structure and rules of functioning of the 1st Confecom

The 1st National Conference of Communications took place in the capital city of Brasília from the 14th to the 17th December 2009. Having as its main theme "Communications: the means to build rights and citizenship in the digital era", the conference brought together 1,800 delegates from all parts of the country. The representation of the various interest groups was in the following proportions: 40% of the total number of delegates were from what the event referred as "business civil society" – which corresponded to representatives

from media and telecommunications businesses; 40% from "non-business civil society" – delegates who represented neither government nor private sector organisations; and 20% from the government.

Chapter 1 of this thesis, which was dedicated to discussing the different existing definitions of the term "civil society", has already highlighted that there is more discord than agreement about what the term should mean and which elements it should incorporate. Setting aside this debate as well as the distinction adopted in the conference's official literature – namely, "business civil society" and "non-business civil society", it should be clarified that for the purposes of this chapter, the expression "civil society" will be used to refer to social movements and nonprofit organisations engaged in the field of social communications. Terms such as the private and business sectors will be applied to private media and telecommunications enterprises.

In common with any national conference, the event that took place in December 2009 was the final national stage of a long process which encompassed other smaller events that had occurred at different levels of government and with various operational formats.

The Internal Regulations for this process[102] stated that the 1st Confecom would be divided into three stages: preparatory, elective and national. The first stage comprised municipal and inter-municipal conferences as well as a set of free conferences – events organised at any level in order to mobilise and discuss issues to feed in to the municipal and state conferences; and a virtual conference, which was undertaken at the national level in order to collect questions and suggestions for the national conference on the various new means of communications (Ministério das Comunicações, 2009; CNPC, 2009). The next stage of this process was formed by a series of state level conferences, where the election of delegates for the national conference took place. The third and final stage was the national conference, which took place

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[102] The Internal Regulations are described in *Portaria* – a type of ordinance within the Brazilian legal framework - of the Ministry of Communications number 667 from 02/09/2009; and Resolution number 1 from 10/09/2009.

in Brasilia in December 2009. This final stage deployed 15 working groups using deliberative processes and a final plenary.

Figure 1 below summarises the whole process:

Figure 1 – Stages of the 1st Confecom
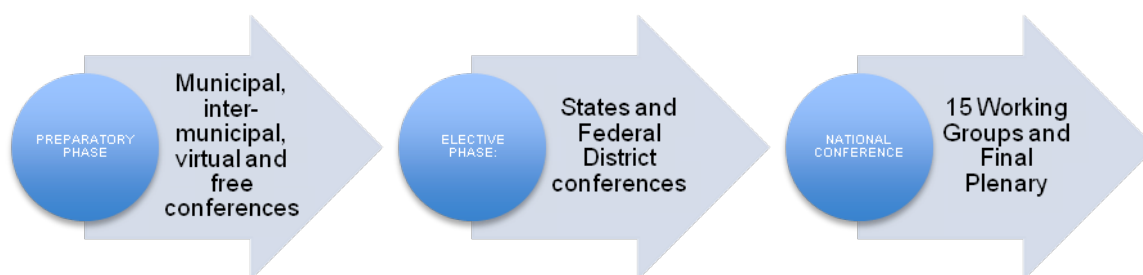
Source: author's own presentation of data from Ministério das Comunicações (2009a, 2009b)

While acknowledging the significance of the conferences held at the local level,[103] this investigation will concentrate on facts and events related to the national stage, given the research's main focus on the relationship between federal government and civil society.

With regard to the coordination of the conference, the Internal Regulations created a National Organising Committee (CON) with representatives from three sections – government, business and non-business civil society − responsible for organising and implementing the whole participatory process, starting from the Preparatory Phase. This was meant to define the guidelines for procedures and methods of operation at all stages; to promote and mobilise civil society organisations and governmental agencies towards the implementation of all stages of conference; to adjudicate any controversies arising; to elaborate the reference document guiding the debates at the national conference; and to approve the conference's final report; among other

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[103] The literature on participation as well as evidence gathered for this research show that significant transformations and innovations in public policy were emerging in the midst of these local experiments (Abers and Keck, 2008).

roles (Ministério das Comunicações, 2009a; 2009b). To sum up, the CON was the main decision-making body regarding the operational parameters of the conference.

The CON's decisions were made according to the vote of the majority of members present (Ministério das Comunicações, 2009b). The organising committee is a common component of any national conference. However, an unusual rule was created in the case of this CON. It was what came to be known as the rule of the "*questões sensíveis*" (sensitive issues), in which any section (civil society, government or business sector) could claim that it had a special interest in a particular issue, which made the issue eligible for a distinctive voting process. In order to have a sensitive issue approved, two requirements were implemented: 1) 60% of those present must vote in favour of the proposal and 2) at least one vote from each section must be included in the total number of votes. This special rule for the CON came to be extended to all other decision-making arenas in the conference as the result of a contentious negotiation between the participant groups. It was established in the face of strong opposition, which will be discussed in detail in the following section.

Three main broad themes guided the debates at both local and national conference levels: I – Production of content; II – Means of distribution; III – Citizenship: rights and responsibilities. A set of specific issues was gathered under each general theme. Thus, for instance, the first group, on the production of content, comprised issues such as: national content, independent production, competition, incentives, taxation, intellectual property, and regulatory legislation. The second group in its turn corresponded to subjects such as free-view and pay-per-view television, community radios and TV, Internet, cinema, publishing, printing and advertising. And the third set dealt with subjects such as the democratisation of communications, social participation in communications, freedom of speech, national sovereignty, social inclusion, sustainable development, education for the promotion of culture, religious, ethnic and gender diversity, and so on.

It is worth noting that the process of the 1st Confecom did not follow the standard format of other conferences with respect to the deliberative power of the different stages of the process. The usual model guarantees that participants from the municipal and state conferences should also have the chance to debate and deliberate about the proposals put forward in these spaces. In the case of the Confecom process, strong resistance from the business sector, followed up by threats about withdrawing that sector's representatives from these stages, led to the approval of the rule that participants at the municipal and state levels could only raise proposals and could not debate or make decisions about them. Thus, their role would be restricted to gathering together proposals and, in the case of the state conferences, to selecting delegates for the national level. Thus, the only phase of deliberation in the Confecom would take place at the final stage of the national conference. This restriction place on the role of local conferences was heavily criticised by participants from civil society, as well as other contentious aspects, which will be discussed further in the narrative.

Given that no deliberation was permitted in the municipal and state conferences, all 6,119 proposals raised in these spaces were transmitted to the national conference. The high number of proposals necessitated an additional step of systematisation, which involved the analysis of all proposals in order to merge duplicates, and to distinguish proposals with national relevance from those with an exclusively local interest. The national proposals were sent to the national conference and the local ones were reproduced in a specific document addressed to local authorities. This process resulted in a reduction from the original 6,119 proposals down to 1,416, to be examined by the 15 different working groups at the national conference (Ministério das Comunicações, 2010). Each group integrated around 100 delegates who discussed over the course of two days nearly 100 proposals on subjects gathered according to the similarity of their contents.

The groups were able to approve a proposal by consensus (100%) or by more than 80% of the votes. In both cases, the proposal was considered to have

gained approval and did not have to be submitted to the final plenary which included the participation of all delegates. The proposals which received fewer than 80% of the working group's votes were deliberated in the final plenary with six different outcome options: 1) approved by acclamation (unanimity among those present at the plenary); 2) approved by the majority of the plenary; 3) approved with a revised text; 4) rejected; 5) rejected after a process of "sensitive issue" deliberation; or 6) not discussed, due to the lack of sufficient time to finish all debates at the plenary (Ministério das Comunicações, 2010).

Appendix 3 shows the details of the group deliberations regarding the proposals' outcomes.

The summary of the final results in terms of the outcomes of the proposals was that a total of 663 proposals were approved. Among these, 569 were approved in the deliberations of the 15 working groups and 64 were approved at the final plenary of the national conference; 15 proposals were rejected at the plenary; and 29 were not discussed.

6.2. Narrative of the 1st National Conference of Communications

This narrative of the main events of the 1st Confecom is mainly based on the semi-structured interviews carried out with the six informants described in the introduction to this chapter. Taking into consideration this investigation's focus on possible shifts in the relationship between the state and civil society, this narrative extracts from the interviewees' testimonies their perceived key moments of dispute in the conference, with the aim of gaining a better understanding of the dynamics and results of these conflictual encounters.

Thus, the narrative is divided into three parts. The first describes the pre-conference phase, which consists of the long process of negotiation aimed at gaining permission for the realisation of the 1st Confecom. The second part depicts the conflicts and disputes that emerged in the course of the national event in December 2009. The final part examines the participants' immediate

perceptions of the results of the conference, both with regard to their general expectations and more precisely to the significance of those expectations for the genesis of conflictual relationships between the groups involved in the process.

It is worth emphasising that despite the debate's unquestionable relevance to concrete and technical issues around communications, the focus of this investigation is on the implications for Brazilian democracy produced by debate within a participatory arena such as the 1st Confecom. Therefore, reference to these more concrete issues will be made in this study only insofar as they constitute the background for examining these implications.

6.2.1. The pre-conference

The first ideas for, and attempts to organise, a National Conference of Communications predate by many years its eventual implementation in 2009. Some argue that they date back to the beginning of the 2000s (Sóter, 2011; FNDC, 2007) and a number of different initiatives are mentioned as being the precursors of this project.[104]

The fact is that the proposal for a national conference came to be advocated by different sections of civil society only in the last decade and gained strength amidst the wave of participatory initiatives during Lula's government. As noted in Chapter 4, from a total of 109 national conferences held since 1941, 68 took place during Lula's two administrations. Those concerned in different public policy areas started to organise their conferences encouraged by the government's general discourse of broadening conversation with civil society.

Traditional and new civil society bodies, such as the FNDC, ABRAÇO and Intervozes, began to advocate for the approval and implementation of a national conference. And in July 2007, at the end of the "National Encounter of Communications" organised in the Federal Congress with the participation of

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[104] Some say that the proposal was first put forward in a plenary promoted by the FNDC (Bertotti, 2011; FNDC, 2011); others argue that it was the result of debates encouraged by Parliamentary Committees in the National Congress (Valente, 2011).

congressmen, academics and representatives from civil society, a social movement called the *Comissão Nacional Pró-Conferência de Comunicação* (National Pro-Conference Commission of Communications - CNPC) was launched, uniting the determination of different groups who shared the project of bringing about a national conference of communications based on the assessment that:

> [t]he field of communications needs to establish democratic mechanisms for the formulation and monitoring of public policies in the field. In a context of lack of a consistent regulatory framework, the definition of the few existing policies in communications is being made today without effective participation of society (CNPC, 2011; own translation).

This social movement assembled representatives from the Congress Committees of Human Rights; of Science, Technology, Communications and Informatics; and of Participatory Legislation as well as the *Ministério Público Federal* – the Brazilian body of federal public prosecutors − and 30 civil society organisations including, besides the FNDC, ABRAÇO and Intervozes, various bodies active on the national political scene, such as the Landless Workers' Movement - MST; the Brazilian Association of Non-Governmental Organisations – ABONG; the Order of the Attorneys of Brazil – OAB; and the National Students Union - UNE.

In spite of the seemingly overall positive scenario for participatory initiatives at the time, as well as civil society's coordinated actions and pressures towards government, the 1st Confecom only took place in December 2009, almost in the last year of Lula's second mandate. The interviews for this study suggest that the reasons for the difficulties in gaining approval for the conference lay in the historical deadlocks regarding the way power has been concentrated in this field; the absence of channels of dialogue between civil society and the business sector; and the problematic relationship between the state and the private sector (Pieranti, 2011; Valente, 2011). This scenario resulted in the implementation of the national conference becoming a long battle between and within the three sections of delegates, as will be described in this narrative.

Resistance to the idea of a national conference issued from both the business sector and parts of the government. The head of the Ministry of Communications, Minister Hélio Costa, known for his close connections with the private broadcasting business, was one of the main opponents of the initiative (Bertotti, 2011; Valente, 2011).

Opposition from the business sector was frequently expressed in the media through a discourse which portrayed the conference as representing a threat to the free press as well as an attempt by government to control the media and to impose censorship (*O Globo*, 2009; G1, 2009).

Proposals for alternative formats were put forward, such as academic seminars[105] or events called by the Legislative Power instead of the Executive Power;[106] these were attempts to divert the event away from that of a participatory conference, with the same format and the same objectives as the other dozens conferences which were taking place in the country (Valente, 2011).

This long negotiation process and the eminent risk that the national conference would fail to take place at all under Lula's government had the impact of undermining consensus within civil society. The organisations which constituted the CNPC not only had distinct views and strategies of action but also had different connections and levels of influence with government. This could be identified from the interviewees' accounts of the process of negotiation with the federal government to approve the implementation of the

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[105] An academic seminar was proposed by the Ministry of Communications as a substitute for the national conference; but this ended up being transformed into a preparatory event for the 1st Confecom (Valente, 2011).
[106] The coordination between civil society and the Legislative power seemed to be stronger, as shown by the antecedents of the *Comissão Nacional Pró-Conferência*. However, the prevalent position among those advocating for the conference was to prevent the call being made by the Legislative Power. The main argument for this position was that it would allow government to avoid committing itself to the results of the conference.

conference. It was clear, for instance, that the FNDC[107] had direct access to the federal government's decision-making core, allowing its representatives a greater presence in negotiations with government than other civil society organisations.

Various encounters took place between representatives of the FNDC and the heads of the Secretariat of Social Communications, the Ministry of Communications and the General Secretariat of the Presidency (Bertotti, 2011). Some of these even took the form of closed meetings between the representatives of government and the FNDC, minus the participation of the wider CNPC group.

According to the interviewee from the FNDC, the dialogue between the latter organisation and the government was not only essential in keeping alive the demand for a conference, but also in order to guarantee to the government that civil society would participate in the debate on the same basis as it had for other conferences and not in a spirit of antagonism against the business sector. The interviewee also reported that the FNDC took part in the main coordination activity within civil society and even carried out a number of bilateral negotiations with the business sector (Bertotti, 2011).

As the following paragraphs will discuss, the FNDC's assumption of a leadership role in civil society did not come about without some contestation from organisations which had different perceptions of the limits of what could be negotiated to bring about the conference.

The interviews indicated that a persistent atmosphere of mistrust and uncertainty pervaded the whole process of this negotiation. Ultimately, to guarantee the business sector's participation in the conference, two specific rules of operation were introduced.

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[107] It is worth noting that some members of the FNDC represent trade union organisations, such as the CUT, which have historical links with President Lula's Workers' Party (PT).

The first rule concerned the separation between business and non-business civil society with the aim of defining the number of participants allocated to each section in the conference. By contrast with all the national conferences which had preceded it, the 1st Confecom would include 40% of delegates from the business sector, 40% from civil society and 20% from government. According to data collected by Intervozes, no other conference in the past had more than 30%[108] of its participants from the business sector, and the usual practice was to consider the business sector as part of civil society as a whole (Intervozes, 2009).

The second rule created specifically for this conference related to the "sensitive issues" mentioned in an earlier section of this chapter. In general terms, this was a mechanism that in cases of subjects of "special interest" to one of the sectors, made it necessary for the proposal to win at least 60% of the votes and, among them, at least one vote from each sector. As argued by the interviewee from Intervozes, there was a general belief within the business sector that the votes of the government delegates would follow those of civil society. Following on from this, a rule was created to make sure that no proposal could be approved without the acceptance of at least one vote from the business sector (Valente, 2011).

The process of negotiating these procedures generated huge controversy among the civil society representatives. On the one hand was a group which opposed these rules, on the grounds that they were in fact reinforcing the already out-of-balance power relations historically embedded in the field. As stated by Intervozes (2009), "these procedures gave to the business sector the possibility of vetoing any proposition which would challenge the hegemony of the biggest media groups" (own translation). This organisation understood that the concessions made to the business sector should not go so far. On the other hand, there were advocates for the argument that there would be no sense in holding the conference without the business sector's participation and

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[108] This proportion was only paralleled once: in the National Conference of the Environment, another area of high interest for the private sector.

that the main goal of negotiations should be to guarantee the convening of a first conference under the seemingly positive conditions created by Lula's government. Among the advocates of this latter position were the FNDC and those parts of government in favour of the conference.

Despite the disagreements, the second position prevailed and on 16th April 2009, a Presidential Decree[109] called the 1st National Conference of Communications.

Notwithstanding the commencement of conference preparations and the deadline of September 2009 for completing the municipal conferences and beginning the state conferences, in July of that year, six out of the eight business organisations which took part in the National Organising Committee announced their withdrawal from the conference. Among them was the *Associação Brasileira de Emissoras de Rádio e Televisão* (Brazilian Association of Radio and Television Broadcasters – ABERT) which represented the two main TV networks in Brazil: the *Rede Globo* and the *TV Record*. As reported by the informant from Intervozes, besides requiring a concrete guarantee that "firstly, they would not lose anything by vote and, secondly, that they would have a minimum unalterable agenda", these business groups also levied additional demands as conditions for their participation (Valente, 2011). They required that the issues to be addressed in the conference would be confined to subjects related to the Internet, and would exclude issues involving radio and TV stations. Moreover they demanded a commitment that any proposal that they deemed tended towards the restriction of free speech would be rejected out of hand (Valente, 2011).

Numerous negotiations took place between government and business groups. Nevertheless, in the end, only two business organisations remained on the Organising Committee, the *Associação Brasileira de Radiodifusores* (Brazilian Broadcasters' Association - ABRA) – which represented the *Sistema Brasileiro*

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[109] The original date stated in the Decree for the national stage of the conference was from 1st to 3rd of December 2009. However, in November a further Presidential Decree postponed it to the period from 14th to 17th December.

de Televisão (SBT) and the *Rede Bandeirantes* (BAND), respectively the third and forth TV networks in Brazil − and the *Associação Brasileira de Telecomunicações* (Brazilian Association of Telecommunications – TELEBRASIL) – representing the telecommunications sector.

Regarding the decision of these two groups to remain involved in the conference, the informant of Intervozes considered that for both groups the 1st Confecom was hoped to be a privileged space for dialogue with government. In the case of ABRA this was due to the fact that ABERT, usually the most powerful interlocutor in the negotiations, would not take part in the conference. This would leave room for ABRA to conduct a direct dialogue with government. In the case of Telebrasil, the group were supposed to be in favour of opening this space of dialogue while in the midst of negotiations with government on a specific issue of major interest to the company, namely, the expansion and legal framework of broadband (Valente, 2011).

The announcement of the withdrawal of the six organisations again put the coordination of the national conference into jeopardy. That part of civil society which was opposed to the special 40-40-20 and "sensitive issues" rules demanded a revision of the agreement about them. By contrast, the two remaining business organisations – ABRA and Telebrasil − upheld the position that these rules should be retained in order to guarantee their participation. Once again government and the major part of civil society gave their assurance of these conditions. Adaptations were made to the effect that smaller media groups closer to some sections of civil society, such as the *Carta Capital* and the *Rede Brasil Atual*, could take part in the business delegation (Bertotti, 2011). Finally, the process of the national conference managed to proceed in spite of the withdrawal from participation of the main media groups; although not without certain unresolved differences between the participant groups.

6.2.2. The 1st Confecom, the national stage

The 1st Confecom was launched on 14th December 2009 with an opening ceremony that included speeches from high government officials, President Lula himself, as well as from members of the Organising Committee such as the representatives from CUT, FNDC and ABRA. The public response, involving shouts and protests in this opening ceremony, showed that the belligerent atmosphere that had evolved through the pre-conference period was not in the process of settling down.

In the midst of that already tense situation, another event emerged threatening the stability of the conference. While these speeches were being made, the representative from *TV Bandeirantes* questioned the conference's internal rules in relation to the working groups' modes of operation, arguing that they should work on the same basis as the 40-40-20 rule of vote. The reaction of civil society delegates was again divided. A section of these delegates, to which Intervozes belonged, argued that this rule was agreed only to define the number of delegates in the final plenary and that the working groups should have their own dynamic of composition and deliberation (Valente, 2011). In opposition to this, the group led by the FNDC argued that this rule was actually a principle of operation for the whole conference. It had been agreed with the business sector as a condition for their participation and thus could not be violated (Bertotti, 2011). To sum up, what was interpreted by a group of civil society as another problematic concession which endangered the chances for a real participatory debate, another section understood as a condition with the ultimate aim of guaranteeing that the conference took place with the participation of all sectors.

A plenary assembling civil society delegates alone was called on the evening of 14th December in order to define that sector's position in relation to the Internal Rules, which would be put to the vote the next morning. According to the interviews, at that plenary, a tough confrontation between civil society's rank-and-file and its negotiators took shape (Valente, 2011; Bertotti, 2011). Strong positions were raised against the negotiations around the special rules, the negotiators themselves were the objects of accusations, but, in the end,

the rule of 40-40-20 was retained, resulting in a general understanding that the real dispute after the one-year process would be at the final plenary (Valente, 2011; Bertotti, 2011).

The work of the 15 groups took place over the following two days of the conference, on the 15th and the 16th December. The interviews showed that despite the combative atmosphere of the pre-conference and the initial stages of the conference, working groups phase functioned remarkably well. Debates on the proposals could be established in an environment where delegates were capable of listening to each other's arguments and it became possible to make coordinations between and within sections (Zylbersztajn, 2011; Almeida, 2011; Sóter, 2011).

Regarding the impact of the direct dialogue between participants, one representative from government reported an illustrative event which happened in the working group that he was coordinating:

> …the telecommunications companies were usually resistant to excessive guarantees in favour of services' users that could imply additional costs to them. This is actually to be expected. But at one point, a member of the public asked for the opportunity to defend an argument for a sufficient bandwidth so that hearing-impaired individuals could have access to the internet […] He was a hearing-impaired person and made the request that he should be allowed to put forward his position using sign language and an interpreter. Up to that point this had been an ultra polarised issue […] the government was the deciding factor most of the time […] then, as a representative of the government, I found that I would have to mediate a text that, at the same time, did not keep to it [the original proposal], but would rather compel the bandwidth to be expanded to 5GB, guarantying an adequate provision to fulfil the special needs requirement […] when I tried to express a concern about pleasing or temporising with the business sector as well, I felt the whole public against me, saying that: "this has to be voted, this has to be the way it is [the original proposal], we are not going to contest it" (Almeida, 2011 own translation).

In other words, the original assumption of the government delegate that the proposal, which was not beneficial to the business sector, would be totally rejected in the working group was not borne out by reality. As reported by the

interviewee, the "direct interaction with reality and the demand" made the whole working group, which was composed of delegates from all sectors, adopt an immediately positive reaction towards the proposal, contradicting the interviewee's expectations. In analysing this event, the informant suggested that the business sector assessed that "if I demonstrate that I am against this proposal I will lose legitimacy within this public social arena" (Almeida, 2011, own translation). Therefore, in this case even the business sector was in favour of the proposal.

This episode shows the kinds of interactions emerging from the conference debates as well as an example of how government delegates acted and assessed the product of these interactions. Moreover, that issue found a place where it could be articulated within the working group.

It was not possible to interview delegates from the business sector to find out or confirm their reaction on that occasion. However, I argue that the examination of the high level of approved proposals in the working groups as shown in Appendix 3 [110] – more than 85% of the 663 proposals that were approved over the whole conference − corroborates the idea that there was less tension within that phase of the conference, as well as that this was a place where it was possible for agreements to be reached among the sectors.

In the same sense, the interviews illustrate that coordination between the sectors was possible and actually happened throughout the conference (Zylbersztajn, 2011; Valente, 2011). In fact, at the working groups phase, a common perception among participants became identifiable. Given the conference's rules of operation and the absence of closed positions subscribed to by government delegates, the deciding factor of the conference would be the positions of the government delegates. This evaluation can be identified in the testimonies below:

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[110] One of the 15 groups, which was debating topics around the promotion of diversity in cultural, religious, racial, gender and sexual orientation as well as protection of vulnerable groups such as children and adolescents, even managed to get all proposals in their working group approved.

The Confecom was marked by divergence, riven by tensions throughout its whole process. At the national stage, at least from our side [civil society], we knew that there was no more to be contested with the business sector. The ones to define what got approved would be the government participants. The composition of delegates was so constructed that government would be the main point of reference. […] we reached an understanding that in that context, what we had to do now was to talk to the government delegates and see what they agree with. (Valente, 2011, own translation).

Since there was no imposed governmental consensus, some of the delegates were much closer to civil society, others were closer to the business sector, and others were on neither one side nor the other, but were trying to mediate. (Zylbersztajn, 2011, own translation)

Both civil society and government informants gave accounts of different occasions in which they coordinated with delegates from other segments as a strategy for getting their proposals and positions put forward (Zylbersztajn, 2011; Valente, 2011).

The debates within the working groups were followed up by a systematisation process conducted by the organising committee, which resulted in 108 proposals being sent to the final plenary, which took place on the last day of the conference, and used a system of electronic votes.

Taking into account that the rules of composition and operation for the whole conference conformed so strictly to the principle of 40-40-20, the initial expectation was that each sector would adopt unified positions and voting patterns, leaving little space for unforeseen results. Therefore, the electronic system would only be different in terms of efficiency, in comparison to the traditional open vote system. However, some interviewees argued that this system had an impact on the results, given that it contributed to giving more freedom to government delegates to vote "according to their conscience" (Valente, 2011).

The fact was that one of the first proposals to be voted for in the final plenary, which involved the controversial issue of what was then referred to as the

social control of the media,[111] came to be approved by a small majority (Valente, 2011). According to the representative from the Intervozes, that result was interpreted as being at risk of provoking a reactive initiative from the business sector, which might decide to invoke the sensitive issue rule for voting about all the remaining proposals. During the plenary deliberations a final conversation was held between some of the section leaders to negotiate the sensitive issues for each side (Valente, 2011). Following this, the plenary finished its work with the majority of proposals put before it winning approval (64), 15 rejected and 29 not discussed, given to the lack of time available to complete the voting procedure.

In the final plenary, other controversial proposals, besides those involving the social control of media, such as the granting of amnesty with reparations to community radio initiatives and the creation of the National Council for Communications, were also approved.

Despite the belligerent atmosphere manifested throughout almost the entire conference process, the general tenor of statements about its final results was surprisingly positive. Various accounts individually emphasised that at the end of the conference there was a feeling of success and accomplishment shared by all participants, who ended up by fraternising together and congratulating each other.

Nevertheless, a closer examination of the interviewees' more detailed assessments shows significant differences in the reasons given for this and in levels of this apparently general satisfaction.

6.3. Analysing the results of the 1st Confecom: what kinds of contributions did it make to an agonistic mode of participation?

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[111] Some of the main proposals approved in the conference on the social control of the media involved guarantees for mechanisms to supervise broadcast companies' fiscal and labour obligations, as well as the realisation of the minimum quotas for educational programmes and national productions or contents that promote citizenship, inclusion, equality and justice (Ministério das Comunicações, 2010).

The testimonies and evidence collected in this case study highlight elements and outcomes generated by the 1st Confecom that are of considerable relevance for the purpose of this investigation. First, the case can be made that the delegates from both government and civil society interviewed in the study recognised that the 1st Confecom was a milestone in the communications field; although they gave different reasons for this, which will be relayed in the following paragraphs. The testimonies also showed distinct understandings about the roles and kinds of relationships that civil society and state should establish in a participatory space. This led to distinct expectations as well as to different evaluations regarding the final outcomes of the conference.

Before beginning the examination of the specific analytical categories proposed in this investigation, it has been found useful to reproduce a number of general assessments expressed by informants in order to capture the final climate of the event, specifically with regard to the interactions between the sectors.

Most of the informants argued that the conference process managed to challenge entrenched pre-conceptions, by showing that dialogue between rival sectors was possible, as can be seen in the following extracts from the interviews:

From the representative of ABRAÇO:

> In the same roundtable, various conflicting groups managed to join together. And from then on, the dialogue between them, even though divergent on some occasions, became possible, acceptable, without mistrust and paranoia around the idea that someone is conspiring against or is co-opting or being co-opted. This paranoia ceased to exist after the conference. (Sóter, 2011, own translation).

As stated by the representative from the Ministry of Culture:

> The conference showed that it was possible to establish a dialogue; that it was possible to build bridges for permanent debate. (Pieranti, 2011, own translation).

From the representative of the FNDC:

> The business sector used to look at us [civil society] thinking: "they don't understand anything about communications", "they just want their role, their space; they don't understand anything". But then they realised that we understand what communications is, and that we have proposals. I believe this is an aspect of radical change in that relationship. (Bertotti, 2011, own translation).

And even on the part of the business sector, the following statement made by the president of *TV Bandeirantes* at the end of the conference reflects a similar perception:

> I believe that there were many gains. Groups that did not have any windows for negotiation, with this [the 1st Confecom], they gained an opening. I believe that the spirits were disarmed. Given the business sector and the telecommunications sector participating alongside us, shields were lowered. (TV Bandeirantes, 2011, own translation).

The only partially discordant evaluation in this regard came from the representative of Intervozes, which was one of the key organisations to advocate for a more rigorous position in response to the business sector's constant demands. As seen in the excerpt below, he recognised various achievements in the 1st Conference, but did not agree that it was a space where they could finally negotiate with the private sector.

> The conference was important because it mobilised people. It was important because it opened a fracture within the state, because it organised an agenda upon which society can act and make demands, and it was important because it created a milestone that can now be reproduced. For us, that was all. Its importance does not ultimately derive from its being a space for negotiating with the business sector. (Valente, 2011, own translation).

In other words, the informant from Intervozes recognised that the conference was relevant for civil society. By means of the conference, different sections of civil society could mobilise and organise themselves and their demands. In the interviewee's view, the 1st Confecom also produced a "fracture" in the state through which civil society could exert its influence. In this sense, a number of advances towards the government's power structure were achieved by civil

society. The pitfall, however, resided in the dialogue between civil society and the business sector. In truth, the interviewee argued that the conference did not contribute to the Intervozes negotiation with the business sector, although he recognised that the situation was different for other civil society organisations such as the FNDC. The latter he believed had found in the conference a space that facilitated its dialogue with the government and private sector (Valente, 2011).

These statements resulted in the conclusion that there are different understandings about how civil society organisations envision their strategy of action in a participatory space, as well as their interactions with other sectors. The divergences in their negotiations with the private sector about the conditions on which they are prepared to remain involved in the conference clearly show these differences. While the FNDC's main target was to guarantee the implementation of the conference with the participation of the business sector, the Intervozes advocated that limits to this negotiation must be observed, in order to retain the conference's participatory character.

To an initial examination of the questions and analytical framework from Chapter 4 with regard to the conditions and approaches to an agonistic mode of participation, this divergence within civil society shows that some categories proposed by that analytical framework were mutually opposed in the case of the 1st Confecom. In concrete terms, in this case study, efforts or concessions towards getting the different viewpoints and positions to participate in the debate – meaning efforts to guarantee the participation of the business sector – seemed to challenge or hinder the concretisation of real agonistic confrontation between these different positions and identities.

This raises some important questions about the viability of the concurrent achievements and coexistence of the different categories proposed in Chapter 4. Would it be possible to have a manifestation and confrontation of multiple and divergent positions in the 1st Confecom without the participation of representatives from the business sector, which has historically been the dominant power in the field? But by the same token, did the 40-40-20 and

"sensitive issues" rules, which constrained the possibilities of challenging the business sector's position, allowed a real adversarial confrontation between the various sectors?

These questions call attention to the fact that, in practical terms, elements of the framework proposed in Chapter 4 do not always emerge simultaneously. Instead, they can develop through different rhythms or even in opposing directions, according to the general context.

In this specific case, the emphasis on guaranteeing the diversity and multiplicity of actors and positions in the conference implicit in the FNDC's position seemed to have a relevant impact on promoting one fundamental condition of the dialogue between sectors. It allowed the encounter between groups from different parts of society which have never had a direct dialogue to discuss issues of common interest in communications. This encounter contributed to bringing to light different aspects regarding positions, expectations and power relations existing in a field historically characterised by lack of transparency and permeability in the decision making process.

Some important conclusions can be raised from this perspective. Informants suggest, for instance, that the process of the 1st Confecom contributed elements necessary to the recognition and understanding of civil society's need for dialogue.

As stated by the representative of the Ministry of Culture:

> What led people to participate in the Conference of Communications were the demands that had been repressed; the absence of spaces for debate on communications in the country: institutionalised and permanent debate. We have attended at the municipal phases, free conferences, and states phases and what we used to hear were interventions which were nothing more than outbursts […] In such a way, participation began to be built. From this, the mobilisation around the conference became organised. From the perception that people have in their everyday life and that they could not express up until then in institutionalised spaces of debate, that something must be changed in the field of communications (Pieranti, 2011, own translation).

In this sense, the energy used up in disagreements around guaranteeing the business sector's participation in the conference highlights a general perception that emerged within civil society, namely, that it was extremely important to get the business sector to listen to their testimonies and demands. In this regard, the efforts and even concessions to keep the business sector in the conference could be interpreted as measures towards the initial steps that would open up the possibility of transformations in the relationship between the sectors involved and ultimately in the public policies of communications.

One may also argue that the long process of struggle for this space of common dialogue ended up by allowing or even provoking the emergence of new political identities. Over the years, new interests and demands gained strength and came to be articulated and gathered together under the masthead of the democratisation of communications. In the same way, new groups started to join the mobilisation towards the implementation of the conference. As mentioned by one of the interviewees, the existence of this specific concrete issue – the proposal of the 1st Confecom – was the main factor behind people's participation, because "people move for concrete issues" (Bertotti, 2011). This corroborates the idea that the existence of substantive problems is essential to strengthen a participatory arena.

Then, in the conference itself, issues and political groups which had not previously been taken into consideration, or did not have access to the communications agenda, managed for the first time to gain a degree of representation. The testimonies and the content of proposals approved in the conference − such as those related to sustainability; regional, cultural and gender diversity; among others − reflect this process.[112]

Additionally, it can be argued that a number of direct confrontations took place in the conference, which had the effect of altering the discussants' positions

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[112] The report of the 1st Confecom with the reproduction of the approved proposals can be found at http://www.secom.gov.br/sobre-a-secom/publicacoes/confecom/confecom-14_10_2010.pdf

and opinions. Evidence is provided for this development by the abovementioned testimonies about the working group discussion on the expansion of Internet bandwidth to allow access for hearing-impaired users; or the testimonies on the impacts that participation at the municipal or state phases generated in the government representatives' perceptions of the reality of public policies at the local level. These are evidence that encounters between adversaries can be the initial steps towards the possibility of changing rooted judgements and vicious relationships.

Notwithstanding the abovementioned achievements towards building conditions for an agonistic mode of participation in the 1st Confecom, the case study also shows defiant deadlocks that prevented more radical and concrete results in this direction.

The main challenges seem to devolve from the process of negotiation and deliberation itself. The recognition of the advances gained through guaranteeing the conditions for distinct and divergent voices to enter into the debate at the 1st Confecom does not automatically imply that real dialogue and agonistic negotiation in fact took place there. Informants agreed that critical improvements need to be made in this direction. Little time was dedicated at the various phases of the conference to allow for genuine debate and confrontation between the positions surrounding the numerous existing proposals (Bertotti, 2011). Despite the apparently positive results regarding the number of proposals approved in the conference, the frequent criticism raised in the literature regarding the difficulty for participatory spaces to practically influence government actions was also fully expressed in relation to this case study (Valente, 2011; Bertotti, 2011). I argue that these setbacks are connected to two main sets of conditions for participation: firstly, participants' attitudes and expectations around modes of dialogue with other participants; and secondly, the limits and possibilities of dialogue imposed by the methodology as well as by the rules of operation.

In this regard, the participants' ultimate grasp of what negotiation and deliberation consist of will be decisive in defining the expectations of this

encounter with other participants. Equally relevant to defining these expectations are the format and rules through which the participatory dynamic is built.

If the outcome of the deliberation is understood as the result of a pure voting process in which some sort of majority wins, there will be few chances of changing the existing power relations. The adversaries enter into the process with their close-ended proposals, without conceiving the possibility of allowing them to be transformed or of shifting their positions towards better arguments that might be framed by others sharing the participatory space. Real negotiations in such cases become relegated to the concealed realms of influence existing outside participatory mechanisms. This can restrict the role of these kinds of spaces, which are thus reduced to mere forums for formalising pre-defined positions or even as defensive buffers against the steady flow of demands.[113] Participants who do not have access to the realms of influence continue to be excluded from the deliberative process and little real exchange can take place between participants.

On the other hand, the idea of negotiation and deliberation in more agonistic terms involves argumentation and a real confrontation of ideas that can generate results which could not be predicted or pre-negotiated by adversaries in isolation. A case can be made that the exposition and opposition of different viewpoints based on distinct experiences of life can have generative power in a space where participants share the belief that alternative results, differing from their individual positions, are possible. In order to make this happen, participants must enter into the process on equal terms, meaning that to gain the chance of winning or for an alternative result to be collectively generated, they must be prepared to accept that they have an equal chance of losing their original proposals.

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[113] As suggested by one of the informants, there is a risk that the participatory mechanism could be used by both civil society and government as an obstruction to real transformation. By using the excuse that demands have already been put forward in the participatory mechanism, concrete measures can be postponed or even forgotten (Valente, 2011).

Data collected in this investigation leads to the conclusion that the first view (deliberation as a mere voting process) was the one which prevailed in practice during the 1st Confecom. Nevertheless, it should be recognised that elements of the second view (agonistic mode of participation) were certainly identified in the discourses and actions of some of both government and civil society participants.

It was clear, for instance, in some of the arguments raised by the Intervozes informant:

> Our evaluation is that these spaces [participatory spaces] are spaces of dispute inside the state. That these disputes are established in a framework of specific rules and, through these democratic rules, which establish the proportionality of delegates, etc. I am not constrained to abandon my point of view. I get into this space to convince other people that my opinions and political ideas are interesting and, after that, it is a dispute towards convincement. (Valente, 2011, own translation)

In spite of the efforts on the part of the participants to put forward a number of principles linked to the agonistic view, the 1st Confecom rules of operation restricted the possibilities for negotiation at the different stages of the conference and made the vote in the final plenary the only mechanism for decision-making, leaving little room for argumentation and the process of persuasion. Participants rapidly understood that this was the case.

To sum up, in case of the 1st Confecom, the historical trajectory of the field as well as the limitations imposed by its structure and rules of operation – which also reflect that trajectory – restricted the agonistic potential of the participatory mechanism. They undermined the participants' drive for confrontation and the possibility of building a shared and positive understanding of the integrative role of conflict.

However, it must be conceded that the case study demonstrated remarkable progress towards the implementation of certain elements of the agonistic mode of participation. Despite the existing historical deadlocks, participants from different backgrounds, advocating for distinct and opposing interests, managed

to engage in this pioneering kind of encounter. Arising out of this, traditional preconceptions began to be challenged, new political identities and issues emerged, and a number of instances of direct confrontation occurred. These achievements cannot be dismissed as irrelevant. On the contrary, in the context of the existing circumstances in the field, they can be considered as an extraordinary milestone, as stated by the informants.

But, more than one year after the end of the 1st Confecom – which was the point when the interviews were conducted − participants evinced their disappointment with regard to the conference's impact. Furthermore, it is difficult to identify many changes in the way that government negotiates with powerful media groups.

In order to challenge this situation and to promote more significant transformations in this field, the 1st Confecom must be considered as one point in a continuous process of confrontation. To move forward towards a more radical idea of the agonistic mode of participation, the adversarial forces in the field should keep seeking out new encounters in which relations of power can be exposed and the positive role of conflict can be realised.

In order to bring this about, different strategies of action must be considered and new approaches for assessing results must be explored. Measures to increase the coordination of the several participatory mechanisms existing in the country[114] would certainly contribute to strengthening their influence, as well as to keeping open the space for agonism. New methods and mechanisms of interface, such as public consultation via the Internet could be further explored, as a way of broadening the debate and giving access to participation to greater numbers of people. Alternative ways for enabling the participation of the most excluded part of the society must also be considered. As suggested by one of the interviewees, rather than spending enormous budgets to allow a limited number of delegates to participate in large events

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[114] Initiatives of this kind have already been introduced. Coordination between different government agencies or different national public policy councils to organise joint events are on the increase.

such as the national conference, organisers could opt to go where the interested groups are or to encourage initiatives that stimulate the activity, engagement and influence of local networks (Almeida, 2011). And, finally, more effective measures should be elaborated in order to challenge vicious and hidden forms of coordination between government and privileged groups of society. The open and common recognition of this challenge as a major aim of these participatory mechanisms would be an important step in this direction.

To conclude, following this investigation's original argument, I would reinforce the idea that new analytical approaches must be used to examine participatory initiatives in order to allow the identification of relevant outcomes and challenges which are commonly ignored in the traditional literature. Accordingly, I contend that the application of the relational approach to examine this case study brought to light the finding that participatory mechanisms can raise other contributions besides the commonly investigated normative results of direct impact on public policies. In this case study, this approach led to the conclusion that the achievements of the 1st Confecom in revealing and legitimating existing interests in the field as well as in building initial conditions for dialogue between opposing sectors of society that had no previous realm of interface must be viewed as a remarkable output, considering the context in this field. I would say that these achievements were at least equally relevant or perhaps even more so, than direct policy impacts, for the purpose of deepening Brazil's democracy.

CONCLUSION

This thesis' main goal was to explore the shifts in the relationship between the state and civil society in Brazil between 1995 and 2010. I argue that the analysis of this subject has produced contributions relevant to understanding the way that civil society is conceived and what roles it has played in the country's recent democracy. Moreover, I contend that the examination of this subject through a relational approach, associated with the application of analytical tools from Chantal Mouffe's agonistic theory, has provided new perspectives to the debate on participation and on the possibilities of transforming the existing modes of relations for deepening democracy.

The main general hypothesis examined in this research was that between 1995 and 2010, there occurred a shift from an apolitical-consensual to a political-conflictual pattern of relationship between the state and civil society.

This hypothesis was not entirely confirmed by the findings from the first stage of the research, which examined the general interactional context during the timeline of this investigation. The evidence indicated that Cardoso's administration not only adopted an apolitical-consensual discourse, but also carried out initiatives to promote the development of an apolitical-consensual pattern of relationship. However, in the case of Lula's administration, although government discourse tended towards the promotion of political-conflictual spaces for civil society actions and interactions with the state, the actual practical measures in place were found to operate in both directions. In spite of noticeable efforts towards increasing the mechanisms available for civil society participation, apolitical-consensual initiatives introduced under Cardoso's government were nevertheless retained without modification. In addition, certain measures carried out under Lula's administration that conform to a political-conflictual approach have evoked criticism on the grounds of their limited success or the imputation of the government's real intentions in adopting them.

It is also worth drawing from discussions in the literature about shifts in the behaviour of civil society over the course of the Lula government. This highlights how organisations which in one given situation − such as the 2002 campaign for Lula's election − acted in a conflictual fashion, in a different context − like the political crisis which came to be known as *Mensalão*[115] − adopted a consensual strategy.

A number of additional questions were raised by that first phase of the investigation. What kinds of factors can induce shifts from one pattern of relationship to another? What impeded or inhibited the establishment of a more comprehensive political-conflictual form of interaction during Lula's government?

Acknowledging this broader relational scenario and these queries, this investigation moved on to analyse the specific context of participatory initiatives. The main purpose of this part of the investigation was to identify and understand the main factors that can explain the functioning and dynamics of the interplay between the state and civil society and its shifts over time.

Participatory spaces are usually assumed by the literature to be a shaping mechanism that will strengthen the conditions for a political-conflictual pattern of relationship. In view of this, the research first aimed to test whether this assumption would be confirmed in the examined cases; and secondly it aimed to detect and explore the conditions that facilitate or restrain processes of relational transformation.

The agonistic theory of democracy formulated by Chantal Mouffe allowed the elaboration of an analytical framework that could pinpoint the elements of a participatory space that encourage the constitution of a political-conflictual relationship and, to some degree, enable agonistic public spheres of contestation.

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[115] As discussed in Chapter 3, the *Mensalão* was a corruption scandal which involved leaders of the PT and Lula's government, who were accused of buying votes in the federal congress in order to get government bills enacted.

These elements can be summarised as follows:

1. Possibility of choice, under conditions where different positions can come into confrontation.
2. General perception of sharing a common symbolic space within which the conflict takes place.
3. Possibility that diverse and opposing collective political identities can emerge.
4. Emphasis on adversarialism – which in its extended version includes the prospect of power relations being exposed and participants recognising and enforcing the positive role of conflict.
5. Possibility of issue formation – in the terms advocated by Marres (2005) which envision this process as a way of encouraging public involvement.
6. Coexistence and interaction of diverse agonistic spaces at multiple levels and scales.
7. Robust presence of a political-conflictual civil society.

With the aim of identifying and analysing the occurrence of these elements, this investigation examined two case studies, the National Council for Health (CNS) and the 1st National Conference of Communications (1st Confecom). The conclusions drawn from these cases studies will be outlined in the following paragraphs.

The empirical work revealed the existence of elements that foster the constitution of agonistic participatory spaces, as well as shifts in the interplay between state and civil society towards a more political-conflictual pattern.

To begin with, both cases offered clear evidence that new issues and different and even opposing political identities were able to emerge in the course of the participatory initiatives.

As regards the CNS, I contend that this process is connected, to a great extent, with the outcomes of the trajectory in the health field towards

strengthening democracy and broadening the recognition of rights. These struggles led to the incorporation of new subjects in the Council's debates and the integration of their advocates in the Council's composition. Being part of the CNS gave political recognition to sections of the society which were ignored or were not regarded as legitimate adversaries before.

The same can be said about the 1st Confecom, in particular with regard to the results of the long campaign coordinated by different sections of civil society towards enabling the organisation of the National Conference. The collective effort to have this common goal put forward had a substantial impact in the field. It not only mobilised existing forces towards the renovation and democratisation of the debate on communications but also provided a place and time for the articulation and emergence of new issues and identities before and during the Confecom.

In this same line, I contend that the case studies reveal that participatory initiatives may to some extent function as privileged spaces for exposing and even challenging existing power relations which were usually kept hidden in other forums. Both during the negotiations for the Confecom, and when it was up and running, the obstacles faced by the organising committee in responding to the requirements imposed by the business sector brought to light the imbalance of power existing between the participant sections. This unevenness, which was particularly reflected in the conditions for negotiation with the government, was quickly perceived and put into question by civil society organisations. This situation ended up by exposing the existence of different positions and understandings, particularly within civil society, on central issues such as the limits to compromise, the stands and strategies that civil society should adopt in a participatory forum, and the ultimate expectations vested in that National Conference. I would argue that this stage when clear differences became apparent was essential for clarifying positions and subsequently reorganising civil society actions in the field of communications.

In relation to the behaviour and actions undertaken by civil society organisations, some evidence was found from the two case studies that they had contributed to encouraging an agonistic mode of functioning in their respective participatory space.

Attention must, however, be called to the fact that civil society organisations do not form a homogeneous entity, with a steady and unified set of characteristics. On the contrary, the case studies showed that different bodies which recognise themselves as part of civil society, nevertheless had contrasting understandings of their role and the purposes of participation.

Acknowledging this clarification, it can be affirmed that the case studies showed that at least some sections of civil society tried to introduce or build up a more agonistic understanding of participation in the conference process. This could be identified in the testimonies given by some of the Confecom participants when they explained their arguments about the need to guarantee the minimum conditions required to allow a real confrontation of positions in the conference. These arguments, however, did not manage to overcome the traditional voting procedure which in the end came to characterise of the greater part of the Confecom decision-making process. Despite this outcome, it can be stated that this group's discourse revealed a clear demand for a more political-conflictual stance by civil society in its negotiations with government and the private sector.

The examination of the CNS meetings about the public foundation project also revealed a number of conflictual confrontations. On these occasions, certain civil society organisations insisted on the importance of struggling to open up a channel with the Ministry for Health for discussing the substantive issues involved in the project. In other words, they were trying to push forward an agonistic mode of interplay with government, providing an alternative to the antagonistic solution where by they would summarily reject the proposal. Despite this group's efforts, the antagonistic position nevertheless prevailed among the majority of the Council. To sum up, the investigation showed, on the one hand, a drive from sections of civil society to encourage an agonistic

mode of participation and relationship with the state but, on the other hand, revealed that traditional forms of interaction and negotiation are still strong and resist a more radical relational transformation.

The case studies also revealed different moments in which participants reached a general perception that they were building and sharing a common space, where general principles were agreed but where it was also possible for divergence and opposition to be expressed. Furthermore, emphasis on substantive problems seemed to account for a significant part of this process of constructing a common symbolic space. Testimonies collected in this investigation suggested that one main reason that led participants to engage with participatory initiatives was the connection between the issues discussed in these arenas and those participants' everyday lives. It can be argued that this is one of the initial steps needed to bring people together and to create some sort of common purpose among them.

Notwithstanding these preliminary developments, I argue that attention must now be given to the next steps towards the strengthening and improvement of these achievements. In fact, this research has shed light on factors that challenge the sustainability of these developments and of the conditions necessary for progress towards a more comprehensive form of agonistic participation and political-conflictual pattern of relationships between the state and civil society.

The research showed that guaranteeing the presence of distinct and divergent voices in the participatory space did not automatically result in an agonistic exchange where a full and open confrontation of proposals and positions could take place. In the Confecom, this sort of dispute was able to find expression on only a few occasions; most of the decisions about contentious proposals were made in the final plenary by means of a voting process, and without any debate. The depiction of the context in which the CNS operated during Minister Temporão's administration also suggested a pessimistic prognosis regarding improving the conditions for agonistic debate. The recent increase in influence of the workers' section in the council, which was associated with the Minister's

resistance towards recognising the CNS political power, not only weakened the influence of smaller groups within the Council but also led some of them to divert their energies towards traditional or less inclusive means of exerting pressure − such as direct negotiation with the Minister's cabinet or the Tripartite and Bipartite Inter-Management Commissions.

In light of this finding, this investigation claims that one important condition for progress in building an agonistic mode of participation is to confront the participants' lack or limited understanding of the positive and productive role that conflict can play in participatory arenas. The case studies have provided good illustrations of this point.

In the case of the Confecom, a general feeling that significant progress had been made in breaking through the preconceptions and historical barriers existing between different sections of society marked the completion of the process. However, there was little recognition among participants that this outcome was to a great extent possible due to the conflictual encounters that took place throughout the conference. Prior to these encounters, the understanding of adversaries' positions and behaviours relied basically upon unilateral assumptions. The episode where the working group unreservedly approved the proposal presented by a hearing-impaired participant was an example of the transformative power that open interplays among adversaries can produce. It can thus be proposed that the optimistic atmosphere that marked the end of the conference after a series of disputes before and during the event was not that surprising after all. In other words, I argue that the Confecom's positive outcomes should not be assessed in isolation from the conflicts that emerged in the course of preparing and running the conference. On the contrary, I contend that in various cases, the exposure of the conflict and the availability of a forum where open confrontation could take place were major factors behind these outcomes.

An under-appreciation of the productive role of conflict can also be identified in the case of the CNS. The positions assumed by Minister Temporão's cabinet and the majority of the civil society councillors concerning the public foundation

project are striking manifestations of that reality. Neither side was able to realise that an open confrontation of arguments on the subject could bring greater benefits than the assumption of an antagonistic stance against one another. In the end, a general atmosphere of hostility contaminated the relationship between the Minister and the council; less transparent forms of pressure were activated; and the project was rejected without a proper debate with civil society having taken place.

Thus, the findings of this investigation suggest that one necessary step towards enabling a more agonistic mode of participation would be to acknowledge and build a better understanding of the effects of conflict on the encounters between state and civil society. This aspect should be a vital point to be monitored and discussed among representatives within the existing participatory mechanisms.

Another issue frequently mentioned in relation to the conditions necessary for an agonistic form of participation are the internal fragilities of civil society. The testimonies regarding the challenges faced by the CNS highlighted two main issues in this respect. Firstly, there are the difficulties in building and keeping a dynamic and vigorous channel of communication between the civil society organisations' grassroots and their representatives sitting on the Council. Secondly, there are impediments to assembling and winning a place for broader and more structural issues of general interest on the Council's agenda of debate. These two factors seem to be determining ones in guaranteeing the functioning of an agonistic mode of participation. Organic channels of communication are essential to keep the space of dispute constantly open and the cycle of identity formation and reformulation alive. The search for a space for the settlement of issues was, in turn, shown to be necessary for drawing participants together in the debate and keeping them motivated to share participatory spaces. The lack of these elements can effect a great risk of disengagement and loss of interest in these participatory initiatives.

This investigation suggests that measures towards the creation of different agonistic realms at multiple levels and scales could generate significant

improvements in this regard. However, despite the rapid multiplication of participatory mechanisms over the last decade, few initiatives were found that could bring these spaces to interact with and reinforce each other. Some characteristics of what one could call the dominant model of the Brazilian participatory experience may have contributed to this situation. The segmentation of participatory spaces according to specific fields or issues is one of these.

Councils and conferences are usually arranged around general areas of interest, such as health, social care, human rights, education, communications and so on. This mode of organisation frequently reflects the operational structure of the public administration. The increasing complexity of society's needs and demands challenges this earlier approach to conceiving public issues as fragmented and disconnected areas of expertise. To coordinate several initiatives on interconnected subjects dealt with by different public agencies is not a new challenge for government. Thus, creating participatory spaces that follow this same overworked logic does not seem to give much support to shaping a broader understanding of social problems or to raising innovative and better integrated solutions. On the contrary, the existence of numerous participatory arenas which treat the same subject separately frequently end up producing disparate outcomes. This is undoubtedly a barrier to getting the proposals generated in participatory spaces transformed into practical measures – a common complaint among participants. That is why initiatives which deploy a more intersectional approach, such as the Council for Economic and Social Development and the joint-topic conferences should be better explored.

Another important aspect pertaining to strengthening the sustainability of agonistic participatory spaces relates to Fleury's formulation about the paradox of institutionalisation. From the moment that participatory initiatives reach some level of institutionalisation and thus become more likely to be influenced by the dominant rationality, they begin to face the threat that their initial transformative and innovative power will decline. Therefore, making

interconnections between different levels and forms of participation can be an invigorating strategy to keep alive their original instituting potential. In more practical terms, one may argue, for instance, that the Councils, which hold a higher and more necessary degree of institutionalisation, should have an intricate connection with spaces that carry more instituing potential such as conferences and popular consultations.

To sum up, the hypothesis testing led to the following conclusions. Evidence of a movement in recent years towards a more political-conflictual pattern of relationship between state and civil society was certainly found in the investigation. Data also showed that the Lula government's measures towards enforcing participatory spaces account for a significant part of this result. However, it cannot be said that a complete shift from an apolitical-consensual to a political-conflictual pattern took place during Lula's administration. The general situation showed that elements from the apolitical-consensual view were still influential at this period and continued to affect the forms of interaction between civil society organisations and government agencies. Looking specifically at the participatory initiatives, both achievements and obstacles were identified regarding the possibilities of their achieving a greater impact and more transformative results.

On the one hand, the case studies showed evidence that the participatory spaces contributed to the emergence of new issues and identities in the country's political landscape. Moreover they revealed that the encounters engendered between representatives from government and civil society yielded important achievements in terms of overcoming preconceptions, changing patterns of behaviour, and even providing the initial conditions for building a common perception among participants about sharing a space where conflict can take place.

On the other hand, the empirical work also revealed that the failure to form a general understanding of the positive role that conflict can play led on successive occasions to the radicalisation of positions. This, in turn, resulted in the prevalence of antagonism, whereby participants adopted the stance of

enemies, obviating their chances of building an agonistic public sphere of contestation. Such circumstances put the achievements so far attained at risk and the traditional and less inclusive forms of exerting pressure and influence regained a degree of space.

This investigation agrees with the position taken by some interviewees, who argued that the participatory space has neither an inherent transformative nature, nor does it suggest automatic co-option. In common with any social entity, it is responsive to the conditions created by the broader context and the trajectories travelled by its participants. Nevertheless, this work also maintains that these spaces can develop a strong potential to enable political-conflictual patterns of relationship and encourage an agonistic mode of participation, where their conceptions and modes of functioning reflect these goals. Findings revealed by this investigation prompt a number of proposals in this direction, including the following: to enhance a better understanding among participants of the positive effects of conflict and adversarialism; to increase efforts towards the coordination of multiple levels, types and scales of participatory initiative; to challenge the procedures of representative democracy used in participatory initiatives; and to experiment with new mechanisms of interface; and to guarantee equal space and influence to minority groups and under-represented sections.

Concerning the analytical framework of this investigation, I regard the application of the relational approach, in conjunction with analytical tools provided by Mouffe's agonistic theory, to have been extremely beneficial in exposing dimensions which are usually overlooked by the literature in the field. Thus, I would not only encourage investigations that might go further in the use of these analytical approaches, but also the exploration of new methodological and theoretical frameworks that can help in understanding the impacts of the participatory project or issues involving civil society.

To conclude, this thesis ends with the hope of having made a contribution to expanding understanding of its main topic areas, that is: the domains of civil society action; the forms of relationship between civil society organisations and

state agencies; and, finally, the potential for the projects of participation and deepening democracy. While obstacles and challenges have been identified throughout the research, this thesis nevertheless asserts that significant advances have been made towards raising and maintaining aspirations and expectations about the possibility of greater democratic transformations in the future of the Brazilian society.

Appendix 1

Table 3 - FASFIL per year of foundation, according to fields of work

FASFIL	Number of organisations	Until 1970	1971 to 1980	1981 to 1990	1991 to 2000	2001 to 2004	2005
Total	**338 162**	**10 939**	**33 408**	**64 388**	**140 261**	**73 847**	**15 319**
Housing	**456**	**6**	**19**	**200**	**126**	**75**	**30**
Housing	456	6	19	200	126	75	30
Health	**4 464**	**921**	**686**	**688**	**1 267**	**746**	**156**
Hospitals	2 068	784	422	329	340	161	32
Other health services	2 396	137	264	359	927	585	124
Culture and recreation	**46 999**	**2 050**	**7 159**	**11 735**	**15 819**	**8 478**	**1 758**
Culture and art	14 796	382	1 167	2 685	5 991	3 774	797
Sport and recreation	32 203	1 668	5 992	9 050	9 828	4 704	961
Education and research	**19 940**	**1 435**	**2 208**	**3 231**	**8 095**	**4 041**	**930**
Pre-school education	3 154	116	290	790	1 286	582	90
Primary education	7 910	596	922	1 224	3 698	1 219	251
Secondary education	1 448	367	329	206	393	123	30
Higher education	2 152	151	223	260	731	593	194
Research	2 441	41	175	392	1 018	665	150
Professional education	447	40	64	60	144	105	34
Other forms of ed. and research	2 388	124	205	299	825	754	181
Social services	**39 395**	**1 966**	**4 413**	**8 459**	**15 972**	**7 168**	**1 417**
Social services	39 395	1 966	4 413	8 459	15 972	7 168	1 417
Religion	**83 775**	**3 082**	**13 878**	**17 828**	**30 028**	**15 717**	**3 242**
Religion	83 775	3 082	13 878	17 828	30 028	15 717	3 242
Employer and professional associations	**58 796**	**702**	**2 593**	**7 945**	**28 731**	**15 736**	**3 089**
Employer associations	4 321	211	528	858	1 612	928	184
Professional associations	19 645	398	1 683	4 068	7 958	4 606	932
Peasant associations	34 830	93	382	3 019	19 161	10 202	1 973
Environment and animal protection	**2 562**	**16**	**71**	**260**	**1 059**	**960**	**196**
Environment and animal protection	2 562	16	71	260	1 059	960	196
Development and protection of rights	**60 259**	**276**	**1 166**	**11 121**	**30 739**	**14 024**	**2 933**
Neighbourhood associations	19 196	17	190	4 455	9 766	3 996	772
Community centres and associations	29 586	82	571	5 249	15 982	6 478	1 224
Rural development	1 752	24	39	242	854	450	143
Jobs and training	722	7	33	58	285	292	47
Minorities and groups rights protection	6 276	123	253	841	2 983	1 671	405
Other forms of dvpt. & prtcn. of rights	2 727	23	80	276	869	1 137	342
Other private nonprofit organisations	**21 516**	**485**	**1 215**	**2 921**	**8 425**	**6 902**	**1 568**
Other private nonprofit organisations	21 516	485	1 215	2 921	8 425	6 902	1 568

Source: IBGE, 2005, p. 31 (own translation)

Table 4 - FASFIL absolute and relative numbers, percentage variation, according to field of work – 1996/2005

FASFIL	1996	2002	2005	Variation 1996-2002	Variation 2002-2005	Variation 1996-2005
Total	107332	275895	338162	157.05%	22.57%	215.06%
Housing	**144**	**322**	**456**	**123.61%**	**41.61%**	**216.67%**
Housing	144	322	456	123.61%	41.61%	216.67%
Health	**2437**	**3798**	**4464**	**55.85%**	**17.54%**	**83.18%**
Hospitals	1578	2009	2068	27.31%	2.94%	31.05%
Other health services	859	1789	2396	108.27%	33.93%	178.93%
Culture and recreation	**17422**	**37539**	**46999**	**115.47%**	**25.20%**	**169.77%**
Culture and arts	3543	10645	14796	200.45%	38.99%	317.61%
Sport and recreation	13879	26894	32203	93.77%	19.74%	132.03%
Education and research	**8175**	**17493**	**19940**	**113.98%**	**13.99%**	**143.91%**
Pre-school education	1390	2801	3154	101.51%	12.60%	126.91%
Primary education	3152	7968	7910	152.79%	-0.73%	150.95%
Secondary education	1011	1322	1448	30.76%	9.53%	43.22%
Higher education	819	1656	2152	102.20%	29.95%	162.76%
Research	711	1817	2441	155.56%	34.34%	243.32%
Professional education	296	244	447	-17.57%	83.20%	51.01%
Other forms of ed. and research	796	1685	2388	111.68%	41.72%	200.00%
Social services	**13953**	**32249**	**39395**	**131.13%**	**22.16%**	**182.34%**
Social services	13953	32249	39395	131.13%	22.16%	182.34%
Religion	**32035**	**70446**	**83775**	**119.90%**	**18.92%**	**161.51%**
Religion	32035	70446	83775	119.90%	18.92%	161.51%
Employer and professional associations	**12660**	**44581**	**58796**	**252.14%**	**31.89%**	**364.42%**
Employer associations	1756	3533	4321	101.20%	22.30%	146.07%
Professional associations	6492	16151	19645	148.78%	21.63%	202.60%
Peasant associations	4412	24897	34830	464.30%	39.90%	689.44%
Environment and animal protection	**389**	**1591**	**2562**	**309.00%**	**61.03%**	**558.61%**
Environment and animal protection	389	1591	2562	309.00%	61.03%	558.61%
Development and protection of rights	**11214**	**45161**	**60259**	**302.72%**	**33.43%**	**437.36%**
Neighbourhood associations	3334	14568	19196	336.95%	31.77%	475.76%
Community centres and associations	5325	23149	29586	334.72%	27.81%	455.61%
Rural development	267	1031	1752	286.14%	69.93%	556.18%
Jobs and training	127	388	722	205.51%	86.08%	468.50%
Minorities and groups rights protection	1534	4662	6276	203.91%	34.62%	309.13%
Other forms of dvpt. & prtcn. of rights	627	1363	2727	117.38%	100.07%	334.93%
Other private nonprofit organisations	**8903**	**22715**	**21516**	**155.14%**	**-5.28%**	**141.67%**
Other private nonprofit organisations	8903	22715	21516	155.14%	-5.28%	141.67%

Source: Adapted from IBGE, 2005, pp. 48-49 (own translation)

Appendix 3

Table 5 - Proposals approved, rejected and not considered at the 1st Confecom

GROUPS	APPROVED								REJECTED AT THE PLENARY			NOT DISCUSSED
	APPROVED IN THE WORKING GROUP			APPROVED AT THE PLENARY								
	Consensus	>80%	Total	New Text	Regular Majority	Sensitive Issue	Unanimity	Total	Unanimity	Sensitive Issue	Total	Total
GT1	43	0	43	2	0	0	7	9	0	1	1	0
GT2	33	4	37	0	2	0	5	7	0	0	0	0
GT3	16	3	19	2	0	0	4	6	0	2	2	0
GT4	33	9	42	0	0	0	5	5	0	1	1	0
GT5	8	11	19	1	1	0	2	4	0	0	0	0
GT6	40	0	40	0	0	0	4	4	0	3	3	0
GT7	12	1	13	3	1	0	3	7	1	2	3	0
GT8	25	0	25	2	0	0	1	3	0	0	0	6
GT9	35	0	35	0	0	0	7	7	0	3	3	0
GT10	11	16	27	0	0	0	2	2	0	0	0	6
GT11	10	19	29	0	0	0	1	1	1	1	2	5
GT12	65	0	65	0	0	0	0	0	0	0	0	8
GT13	25	0	25	1	1	0	1	3	0	0	0	4
GT14	21	11	32	1	0	0	5	6	0	0	0	0
GT15	118	0	118	0	0	0	0	0	0	0	0	0
TOTAL	495	74	569	12	5	0	47	64	2	13	15	29

Source: Ministério das Comunicações, 2009, p. 24

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List of interviewees

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Batista Júnior, F., 01/09/10, Brasília.

Bertotti, R., 15/04/2011. São Paulo.

Carvalho, A. I., 14/04/11, Rio de Janeiro.

Escorel, S., 19/04/11, Rio de Janeiro.

Fleury, S., 18/04/11, Rio de Janeiro.

Neves, L. A., 09/09/10, São Paulo (by phone).

Pieranti, O., 11/04/2011. Brasília.

Souza, A. A., 01/09/10, Brasília.

Sóter, J., 11/04/2011. Brasília.

Valente, J., 12/04/2011. Brasília.

Zylbersztajn, J., 13/04/2011. Brasília.