

Civil Society and Public Sphere in Brazil
Limits and Possibilities

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Introduction

This paper presents an analysis of the results of the research project “Civil Society and Public Spaces in Brazil”, which is part of an international project on “Civil Society and Governance”, developed in 22 countries in 1999-2000 and sponsored by the Ford Foundation. The main objective of the international project was to investigate the relationships between State and civil society and their impact on “good governance”. The main question addressed by the international research was whether or not the participation of civil society and its “encounters” with the State contribute to more democratic formats in decision-making processes, therefore enhancing the promotion of social justice and the reduction of exclusion, and to the deepening of democracy.

In Brazil, the research emphasized the formation of public spaces which allow civil society to engage in activities of social control of the State, aiming at a greater transparency, as well as to participate in decisional procedures heretofore restricted to State power-holders, aiming at making public policies **actually public**. In addition, the research included public spaces of a societal nature, built within civil society and aiming at the production of consensus and the formulation of agendas that can become public and be considered by the State.

Six case studies have been selected:

1. The action of non-governmental organizations: Between the State and Civil Society

Ana Claudia Chaves Teixeira

2. The Participatory Budget: the experiences of Porto Alegre and Belo Horizonte

Leonardo Avritzer

3. Theme Forums of Civil Society: the National Forum for Urban Reform - FNRU

Carla Cecília Almeida Silva

4. The relations between the Landless Movement and the State: Literacy

programs for the youth and adults of Paraná

Maria Antonia de Souza

5. The Cearense Council for Women’s Rights/CCDM - a space for dialogue between Women’s demands and the State?

Gema Galgani S. L. Esmeraldo

6. The Managing Councils (*Conselhos gestores*) and the Democratization of Public Policies in Brazil

Luciana Tatagiba

The portrait of Brazilian civil participation in public spaces which emerges from the results of the study shows, as expected, that the process of building democracy is not linear, but contradictory and fragmented. Further, it demonstrates that the process is linked to a multiplicity of factors, eliminating any possibility of conceiving of civil society as the demiurge of democratic deepening.

This multiplicity includes evidently, the State, considered not just as a set of forces that occupy power at various levels (municipal, state and federal) but, especially, the state structure, whose authoritarian design remains largely untouched and resistant to participatory impulses. It also includes the political parties, traditional mediators between civil society and the State. In this pendulum vocation, which is their inherent characteristic, the political parties in Brazil have historically been inclined in the direction of the State. With notorious exceptions, political parties have limited their search for effective links with civil society to electoral periods and to the mechanisms seen as most effective at these moments: patronage, exchange of favors, personalism, etc. The distance between civil society and the parties and the general dissatisfaction with party politics, shown in studies undertaken in other Latin American countries as well, point to the precariousness of this mediating function. The search on the part of organizations of civil society for more direct relationships with the State is certainly also linked to this precariousness. Thus, the complexity inherent in the novelty of public spaces in Brazil also includes the possible clashes between these organizations from civil society and the parties. The weight of the cultural matrices in the process of building democracy, emphasized by various authors¹, is an essential component of this portrait, amply recognized in the case studies. It is in this area that the contradictions and the fragmentation which characterize this process become clearest. On the one hand, social authoritarianism and hierarchical, excluding visions of society and politics constitute crucial obstacles to the constitution and functioning of public spaces. On the other hand, it is precisely

¹ See especially Chauí, 1984, Avritzer, 1995 and my own work in Dagnino, 1994, 2000a, 2000b and the *Grupo de*

the confrontation of these visions that is pointed to as one of the main democratizing results of their action.

The research results make it possible for us to reflect on a set of issues, examined in the following, which permit us to take a broader view that attempts to integrate all the experiences investigated.

1. The Nature of Relations between the State and Civil Society

The betting on the possibility of joint action between the State and civil society, one of the characteristics to emerge strongly during the 1990s, underlying the effort to create public spaces, should not obscure (and is not contradictory to) a first clear result of the study: **the relations established between them in the various kinds of encounters researched are always tense, permeated by conflict.** The nature and degree of this conflict varies and will be discussed shortly. But, among the various factors that appear to explain them, we want to emphasize from the beginning, given its theoretical implications, an explanatory hypothesis that links this tension to a greater or lesser approximation, similarity and coincidence among the different political projects that underlie the relations between the State and civil society. In other words, **the conflict and tension will be greater or lesser depending on how much the parties involved share - and with how much centrality they do it.**

The apparent obviousness of this hypothesis is diluted when we recognize that in some interpretations, the distinction between State and civil society, based on structural determinants, is not only frequently taken as an irreducible given of reality, but also ends up being converted into a relationship of "natural" opposition, into a premise, a starting point, that exempts us from understanding the political processes that constitute and explain it. Such an understanding is behind the well known and widely disseminated vision of civil society as a "pole of virtue" and of the State as the "incarnation of evil". Our hypothesis then, wants to highlight the nature of the historical construction of these relationships, in the sense that they are an object of politics, and as such, transformable by political action.

The notion of a **political project**, understood here as what orients such action, acquires then an explanatory weight that can articulate the results encountered.

This does not mean that the State and civil society are equivalent forces, that their political activity is of the same nature or that the distinct determinants that structure them can be abstracted or ignored in the name of purely political choices. If these choices are made on the basis of these determinants, they cannot, however, be reduced to them. Differences in the State and civil society's respective "logics of action", derived from their different structural characteristics, are not sufficient to explain their conflictive relations. That is to say that the structural cleavage between the State and civil society is not enough to understand their relationship and should be combined with other cleavages that do not necessarily coincide with it but rather cross it.

It is this multiplicity of cleavages that appear to be exemplarily put in a statement by a non-governmental councilor on the National Council on Social Welfare (*Conselho Nacional de Assistência Social*), gathered by Raichelis (1998:143) and cited in the case study on the Management Councils:

*"One defended the position that the budget presented by Social Security was inflationary, that it had to be cut (...) and the other said that it was not [positions defended by different government representatives]. **Thus, it wasn't a fight between civil society and government.** At that moment, we reinforced the governmental branch which sought more resources for the social welfare area."* (Emphasis mine)

If the "fight" wasn't between civil society and government, it certainly expressed the conflict between different conceptions, political projects that confronted each other in a public space.

This explanatory hypothesis becomes clearer, if, turning to the more concrete terrain of the experience of the construction of Brazilian democracy, we recall the fact that one of its fundamental landmarks was the possibility for projects of a democratizing character, which had been configured inside civil society and which guide the political practice of several of its sectors, to be taken into the realm of State power, at the level of the municipal and state executives and of legislatures. Thus, the 1990s was the scene of numerous examples of this transit from civil society to the State.² Unless we believe in the radical inevitability of the corruptive power of the

² A transit which demanded an often painful learning process on the part of its protagonists. In various versions, probably all true, the anecdote which circulated within the municipal administrations of the Popular Fronts expresses this

State apparatus, we do have to admit the possibility that at least some of the democratizing projects originating in civil society have come to guide effectively the actions of the occupants of the State, once adjusted to their new positions. Otherwise, democratic construction through electoral means would be, by the way, completely excluded as a possibility.

On the other hand, the authoritarian and conservative continuities, which reproduce social exclusion in Brazilian society, are far from being confined to the State apparatus and certainly respond to interests which are rooted and entrenched in civil society. To evaluate then the impact of civil society on the performance of governments (governance) is a task that cannot be based on an abstract understanding of these categories as separate compartments. Rather it is necessary to contemplate what articulates and separates them, what unites or opposes the different forces active in them, i.e. the sets of interests expressed in political choices, what is being here designated as political projects.¹

II. The sharing of power: limits and possibilities

When we examine the nature of the conflicts reported in the case studies, it is possible to affirm that their more general focus is the **effective sharing of power**. This issue takes up again the importance of the different conceptions of the nature of "the participation of civil society", as central elements in the configuration of different political projects. Paradigmatic examples of these different conceptions can be found, on the one hand, in the resistance of the Executive to sharing its exclusive power over decisions with regard to public policies; on the other hand, in the insistence of those sectors of civil society in effectively participating in these decisions and exercise social control over them. This polarization is clearly present in the Management Councils and in the Ceará Council for Women's Rights (CCDM), and in the NGO-State relations where the functions of decision over and carrying out policies are clearly separated, with only the latter falling to these organizations. Thus, the deliberative power foreseen for the Management Councils is frequently

learning. Listening to the demands of members of the popular movement for housing, the executive of the Department of Housing protests, "This is too much, the State has to deal with this issue!" On the side, an advisor immediately whispered in his ear, "Listen, now the State, it's us!"

¹ We are using the term **political projects** in a sense close to the Gramscian use to designate those sets of beliefs, interests, conceptions of the world, representations of what life in society should be, which guide the political action of

transformed in practice into a consultative function or even just a rubber stamping of decisions made in closed chambers.

The conflict over effective power sharing is also manifested in some cases as a demand to broaden the sphere of the decisions involved: the complaints related to fragmentation, segmentation, etc. of the policies which result from spaces involving the participation of civil society, mean that this sharing of power, even where it exists, has a limited and restricted character, without extending to decisions about broader public policies, which could have a significant impact on society as a whole. There are recurring reports of these complaints in the case studies of the CCDM, the MST, the Management Councils and the Participatory Budgets (OP). In this last case, when references are made to the fact that decisions made in the Participatory Budgeting process are restricted to "material issues".

The characteristic of isolation in relation to the overall administrative structure, which public spaces constituted inside the State frequently take on, points in the same direction: they end up being constituted as separate "islands" , "parallel institutions", kept on the margin and with difficult communication with the rest of the state apparatus.

The mechanisms which block an effective sharing of power in these spaces are various. If many of them have their origin in political conceptions resistant to the democratization of the decision-making process, others are related to the structural characteristics of State operation, although the boundaries between these two origins are, sometimes, difficult to elucidate. Thus, there are numerous references, in the various case studies, to the constitutive traits of the functioning of the Brazilian State (some, it is well to remember, are in the last instance derived from political choices made at a given moment) which operate to make the democratization of decisions more difficult: the predominance of technical and bureaucratic reasoning, the excess of "paper", the slowness, inefficiency, the "lack of sensitivity and preparation" of the state bureaucracy, the lack of resources, the instability of projects which result from partnerships with the State in so far as they are subject to rotations in the exercise of power, the lack of transparency that makes access to information difficult, etc.

On the side of civil society, a series of elements operate in the same direction, making more egalitarian participation in public spaces difficult: the most

important of them appears to be the **technical and political qualification** required from representatives of civil society. The importance of this exigency is related to the fact that it expresses in large measure the challenge that comes from the novelty of these spaces, as much for civil society as for the State. The recognition of the different interests and the ability to negotiate without losing autonomy, the construction of the public interest, the participation in the formulation of public policies which effectively express this interest, are some of the dimensions that constitute this novelty. Thus, this novelty has to be taken into consideration in analyzing and evaluating the functioning of these spaces because it accounts for a significant part of the difficulties they face.

The central feature of most of the spaces studied - their involvement with public policy, whether in its formulation, discussion, deliberation or execution - almost always demands dominion over a specialized technical knowledge which representatives of civil society, especially from subaltern sectors, generally do not have. To understand a budget, a disbursement plan, options for medical treatment, different construction materials, and techniques for de-polluting rivers - there is an interminable list of knowledge required in the different spaces of activity. In addition, another type of qualification is required: knowledge of the functioning of the State, of the administrative machinery and the procedures involved.

This need for special technical qualifications has revealed itself to be one of the most important challenges for civil society, not just because it is a necessary condition for more effective participation, but also due to the implications it has taken on in practice. In the first place, the acquisition of technical competence on the part of the leadership of the subaltern sectors has often demanded a considerable investment of time and energy, where these are of limited availability. This ends up taking time and energy from the leadership which could be otherwise dedicated to maintaining connections with the bases to be represented. This dilemma is central to the present debate within civil society which is discussing the option for **institutional struggle** versus **social mobilization**, which we shall treat shortly. A second implication is that the rotation of representation in these spaces becomes restricted: given the difficulties of acquiring this competence, those who acquire it tend to be perpetuated as representatives. In the third place, lack of this qualification is not just an absolute deficiency, it is also a relative deficiency with respect to governmental interlocutors and representatives of other, more privileged sectors of civil society,

such as, for example, the hospital owners in the health councils. In this sense, it transfers an additional inequality to the public spaces, which can end up reproducing precisely what is its objective to eliminate: the privileged access to State resources which engenders broader social inequality. In situations of open conflict with governmental representatives in the Councils, for example, this deficiency on the part of civil society's representatives has been not just used to politically disqualify the latter, but cultivated and reinforced by its opponents as a way of exercising control over the decisions, as pointed out in the case study of the Management Councils.

Nevertheless, the challenge of technical qualification has been met with reasonable success in experiences such as the Participatory Budgets and even in the contracts between the State and the MST, where the movement itself sought conditions to acquire the competence required to implement the literacy projects. The involvement of other actors in this qualifying process appears to be fundamental. It is in this context that the role of the NGOs takes on special relevance, whose implications will be discussed later. The technical qualification that NGOs have seems to be a central factor in explaining the importance that they have taken on in the most recent period.

In the case of the MST, where the movement's competence in conducting the literacy program has been amply recognized by the State, there is also involvement of university personnel as instruments in the required qualification. In the case of the OP there was, at least in Porto Alegre, a considerable investment by the city government itself and of NGOs such as CIDADE in training the popular sectors involved in the process.

The importance of the challenge of technical qualification has determined the rise of more general proposals for its solution. In the case of the Management Councils, there have been demands such as the installation of the *Câmaras Técnicas* (Technical Advisory Teams) or special advisors to the representatives of civil society. A significant number of NGOs have taken on this task for various social movements. Several of them - and other sectors of civil society - conceive technical qualification as part of a broader political qualification, where the central difficulty lies in confronting the weight of a hierarchical cultural matrix, which favors submission in the face of the State and the more dominant sectors, in addition to affirming politics as a private activity of the elites.

Besides technical qualification, the political qualification of the representatives of civil society involves a crucial apprenticeship in these new spaces which as part of their novelty involve socializing directly with a multiplicity of actors, who have diverse conceptions and interests. This diversity is accentuated in the case of spaces of policy deliberation such as the Management Councils, but is present even in the relatively more homogeneous spaces (or those from which greater homogeneity is expected) such as the National Forum for Urban Reform (FNUR), the CCDM or the MST and its sympathizers. The recognition of the plurality and the legitimacy of the interlocutors is a requisite not just for democratic coexistence in general, but especially in public spaces, as spaces for conflict which have argumentation, negotiation, the forming of alliances and the possibility of arriving at consensus as their fundamental procedures. The case studies point out the concrete difficulties of these learning experiences.

These difficulties take on varied natures in the different cases. The recognition of the plurality and legitimacy of the interlocutors, a basic premise of the ability to negotiate and building possible consensus met with generalized difficulties in the case of the CCDM. The absence of this recognition reaches the dominant sectors, in their selective and exclusive conception of the participation of civil society, it runs throughout the interior of the left parties and even the women's movements themselves, incapable of maintaining their autonomy in the face of the latter and of recognizing their own internal diversity. In the case of the MST, the preservation of its own autonomy and of total control over the literacy process of the settlers seems to have conditioned the type of relationship established with its own allies. Thus, the university professors involved in the projects, for example, resent the excessive priority attributed to political training in detriment of the pedagogical process itself. This same posture has been identified in the relationship between the leadership and the bases of the movement, where rigid discipline and a so called "mystique" seem to be the predominant mechanisms for maintaining cohesion in the movement.

Some of these difficulties involve the struggle between opposing political projects and bear the marks of recent historical experience, characterized by confrontation. The case of the Councils for the Defense of Children's and Adolescents' Rights, studied by Cátia Silva and cited in the case study of the Management Councils, reported resistance on the part of members linked to the

social movements, whose struggle led to the creation of these Councils, in accepting the participation of councilors not committed to their own project.

"The guardian councilors of São Paulo consider themselves to be legitimate representatives of the population and legitimate occupants of these political spaces, since they participated in the struggles to implant the Statute on Children and Adolescents and the Child and Adolescent Guardian Councils in the municipality. It so happens that for the guardian councilors and a large number of the municipal councilors, the spaces created by the ECA are legitimate if and when occupied by persons 'with a history' forged in the 'struggles' of the pro-citizenship segments. This vision prevents them from considering the 'others', those who do not share the practice, discourse, and the belief, as legitimate candidates to be guardian councilors (Silva, 1994:95).

Several of the disputes inside the CCDM, whose trajectory is marked by profound party divergences, are examples running in the same direction, pointing to the broader issue of the internal heterogeneity of civil society and enlightening the role played by the different political projects that traverse it. In this sense, what is at stake in the public spaces is the learning of the task of hegemonic construction, which requires the recognition of plurality as the starting point of a process of searching for common principles and interests around which the articulation of differences may open the way to configuring the public interest.

Similar difficulties are present even in the experience of the FNRU, a space for articulation within a much more homogeneous political field. On the one hand, the experience of the Forum contributed decisively to the broadening of interests and to a broader vision of demands, illustrated for example, by the transformation of the demand for housing into a struggle for urban reform, with the collective construction of a broad and shared notion of urban reform. On the other hand, making internal divergences explicit in the Forum has been difficult, due especially to its emphasis on reaching possible consensus, which is the Forum's most powerful instrument in pressing the National Congress and other agencies.

III. Joint action by the State and Civil Society: shared political projects, complementarities, partnerships

Besides their relatively successful confrontation of the difficulties related to technical qualification, what do the OP and the MST have in common? First, a significant degree of mobilization and organization of the social movements involved; secondly, a coincidence of proposals between State and civil society. In the case of the OPs in Porto Alegre and Belo Horizonte, this coincidence has its origin in **the sharing of a participatory and democratizing political project**. This is also the case of the partnership established between the City Government of Santo André and the NGO *Ação Educativa* (Educational Action), in what Ana Cláudia Teixeira's study calls a "participatory encounter". In the context of another case study, that of the de-pollution of the Tietê River, the change in State-Civil Society relations was determined by the change in government with the succession of the Covas government (PSDB) to the Fleury government (PMDB) and the rise of a political project with different characteristics. In the same direction, the study of the FNRU shows how the effective implementation of the Municipal Organic Laws regarding urban reform took place in those municipalities governed by forces committed to that conception.

The idea of sharing a participatory and democratizing political project can be extended to allow us to understand better a recurring element mentioned in several of the studies: the existence of individuals in key positions inside the State apparatus who commit themselves individually to participatory projects. This commitment is seen by sectors of civil society involved as a decisive element in the successful implementation of various experiences (see the studies on the NGOs, MST and the FNRU). The inverse is equally recurrent: persons whose individual disposition is hostile and negative with regard to participation and who, given the positions they occupy, end up contributing decisively to the non viability of the effective functioning of public spaces. This is the case of several of the Management Councils, as indicated in Tatagibas's study. In the first case, it is possible to think about an individual sharing of projects, in spite of the conceptions eventually dominant within the State, since the state career bureaucracy is not necessarily subordinated to these conceptions. In the second case, typical of those obligatorily constituted public spaces such as the Management Councils, it refers more often to

the confrontation between distinct projects in situations where the correlation of forces does not reproduce that which had presided the creation of these spaces in the Constituent Assembly of 1988, as well shall see further along. The broad definition of political projects that we are using here definitively includes the elitist vision of politics (and of democracy) which permeates Brazilian cultural universe, as well as the belief in the predominance of a technocratic rationale which, in the last instance, is antithetical to the expansion of public spaces and the participation of civil society.

Now in the case of the MST, there is obviously no sharing of political projects. But there is a coincidence of objectives: on the one hand, it was in the MST's own interest to provide literacy training to settlers for reasons linked to the movement's own political project; on the other, the quantitative growth of the existing low indices of literacy was of interest to the State. This merely momentary and localized complementarity is evidently precarious, as has been shown by the tensions in the relationship between the MST and the State throughout the process and finally, in the cancellation of the contract with the state government of Paraná.

In the case of the OP in Porto Alegre, its 12 years of existence indicate not the non-existence of conflicts, but the apparently solid basis upon which these conflicts are negotiated. The commitment of the various forces involved to the participatory project provided this basis. According to Avritzer's study, there was no clear initial proposal for participatory budgeting by the administration of Olívio Dutra in Porto Alegre in 1989. Each of the relevant actors contributed a part of the proposal: the community movements were authors of the proposal to resolve the budget in assemblies in each of the regions of the city; the Workers' Party authored the proposal to create councils which led to the formation of the Council on the Participatory Budget, and the City Government was capable of establishing a clear connection between public forms of participation and the time tables and structures of the municipal administration. The decision making mechanism based in local assemblies, one of the central elements of democratization of the relations of power in the two cities studied, was only possible thanks to the prior existence of this type of practice, introduced by community associations in the 1970s and 1980s.

Different from the sharing of a political project, the **instrumental complementarity**, so to speak, between the State's proposals and those of civil society, which appears to confer a reasonable degree of success and stability on

some encounters, is a central issue whose complexity deserves more detailed treatment. Its centrality is related to the fact that it has been constructed in recent years as a State strategy for the implementation of the neoliberal adjustment which requires the shrinking of its social responsibilities. In this sense, it is part of a scenario marked by a **perverse confluence** between the participatory project constructed around the extension of citizenship and the deepening of democracy and the project of a minimal State that progressively exempts itself from its role as guarantor of rights. The perversity is located in the fact that, pointing in opposite and even antagonistic directions, **both projects require an active, proactive civil society.**² This is a dilemma present in the great majority of case studies and centralizes the discussion which attempts to evaluate the experiences of joint action with the State, which we shall treat later.

The relations between State and NGOs appear to constitute an exemplary field of this perverse confluence. Endowed with technical competence and social insertion, "reliable" interlocutors among the various possible interlocutors in civil society, they are frequently seen as the ideal partners by sectors of the State engaged in transferring their responsibilities to the sphere of civil society. An eventual refusal of this role (such as, for example, what happened with some NGOs in Ceará, as shown by the CCDM study) is dramatized when faced with a real opportunity to produce positive results - fragmented, momentary, provisory and limited, but positive - with regard to reducing inequality and improving the living conditions of the social sectors involved.

Another example of complementarity between the State and civil society seems to be the case of the CCDM, installed as part of the so-called "Government of Changes" in Ceará. The modernizing and participatory discourse of the new governmental project contrasts with the oligarchic authoritarianism until then dominant in the region and gets the support of left parties and social movements. It is in this context that the creation of the CCDM takes place. Rapidly, however, this discourse reveals a practice where the concept of participation of civil society is restricted to the modernizing entrepreneurial sectors. Corroded by internal disputes and by a distancing from its social bases, the CCDM underwent a process of redefinition in its most recent phase which limits its meaning to the struggle of women in society. According to the study,

² Even if the proactivity of civil society tends to assume different meanings within the different projects.

Without representation or communication with the women's movement, the Council transformed itself into a bureaucratic space for the elaboration and execution of segmented projects and the legitimization of a governmental discourse that preaches participation and citizenship. The women's movement lost a good chance to contribute, through an institutional mechanism, to the democratization of power over decisions about public policy of interest to women and society.

In addition, the Council

opts to work with the category of gender to conquer spaces of interlocution and negotiation inside the Government. This category neutralizes the polemical and political debate attributed to feminism and guarantees space for insertion and action from a gender perspective in some governmental programs. Gender legitimizes the Government with the International Financing Agencies when it incorporates a modern, technical and competent discourse.

Thus, what had been a promise to share political conceptions serving as a basis for the alliance of State and civil society (the women's movement) is transformed into an instrumental complementarity which, in turn, seems to end up defining itself as another alliance, presided this time strictly by the logic of the modernization governmental project.

Another version of complementarity between the State and civil society seems to be linked to specific themes. Thus, in sensitive areas, where the State does not have sufficient qualification, the appeal to partnerships with civil society is frequent: this is the case of the partnerships with environmental NGOs, NGOs working on AIDS, feminist organizations, NGOs linked to the black movement, etc. The lack of specific competencies on the part of the State, which the NGOs can offer, thus constitutes an instrumental complementarity which has provided a solid basis for the establishment of these partnerships. For those NGOs whose specific competencies are constructed by incorporating the demands of organized movements and the rights of social groups marked by exclusion, these partnerships are seen, as in the case of the MST, as an instrument to influence State action in the direction of expanding citizenship.

IV. The Question of Representation

Another element which should be mentioned is the capacity of representation of the various parts involved in the encounters. In the case of civil society, this is a crucial dimension in the various cases analyzed. Research results point to an unsurprising general conclusion: the larger the capacity of effective representation, the better the chances of effective power sharing in negotiations with the State. We have already mentioned the cases where a significant degree of mobilization and organization affects negotiation. But it is necessary to explore the more complex aspects of representation which came to light in the research.

1. The question of representation assumes varied facets and/or is understood in different ways by various actors. On one hand, the MST's capacity to pressure, for example, is evident in its undertaking of protests and mass demonstrations which, like the number of participants in the Participatory Budgeting process and its capacity for mobilization, attest to their respective capacity of being representative. Such a capacity is here understood in the classic sense of representation. On the other side, there is a **displacement** of the understanding of representation, as much by the State as on the part of actors in civil society. In the case of the NGOs, for example, the capacity to represent seems to be displaced onto the kind of competence they have: the State sees them as representative interlocutors in so far as they have a specific knowledge that comes from their connection (past or present) with certain social sectors: youth, blacks, women, carriers of HIV, environmental movements, etc. Bearers of this specific capacity, many NGOs also come to see themselves as "representatives of civil society", in a particular understanding of the notion of representation. They further consider that their capacity to represent derives from the fact that they express diffuse interests in society, to which they "would give voice". This representation would follow then, much more from a coincidence among these interests and those defended by the NGOs, than from any explicit articulation, or organic relationship among them and the bearers of these interests.

Another manifestation of this displacement can be identified in the case of the CCDM: the representatives of civil society on the Council were named due to their connection, not with the women's movement, but with the political parties. Instances

of representation and agglutination of interests traditionally privileged, in this case the parties managed to maintain this privilege and also to place under their control the representation of civil society in the CCDM. For this reason, they certainly contributed to the accented politicization (here in the sense of political parties) of the women's movement in Ceará, a non isolated phenomenon in Brazil and in Latin America.

This displacement of the notion of representation is obviously not innocent, neither in its intentions nor in its political consequences. The most extreme example is the composition of the Council of the *Comunidade Solidária*, linked to the federal government, where the representation of civil society takes place through invitations to individuals with high "visibility" in society, television performers, those who write frequently for newspapers, etc. This particular understanding of the notion of representation reduces it to social visibility, understood in turn as the space occupied in the various types of media.

In the case of the NGOs, this displacement is not just sustained by the organizations themselves, but reinforced by Governments and the international agencies that seek reliable partners and fear the politicization of interlocution with social movements and workers organizations, and is fed by the media, frequently for similar motives. The result has been a growing identification between "civil society" and NGOs, where the meaning of the expression "civil society" is more and more restricted to designating only these organizations, when not just as a mere synonym to "Third Sector". Reinforced by what has been called the "NGO-izing" of the social movements (Alvarez, 1999), this trend is worldwide and was clearly present as much in analytical terms as in the choice of the case studies in a large number of the 22 countries where the Civil Society and Governance study was developed,

The massive predominance of NGOs expresses on the one hand, the diffusion of a global paradigm that maintains strict links to the neo-liberal model, in so far as it responds to the demands for structural adjustment mandated by that model. On the other hand, with the growing abandonment of the organic links to the social movements, which had characterized them in former periods, the political autonomization of the NGOs creates a peculiar situation where these organizations are responsible to the international agencies which finance them and to the State which contracts them as service providers, but not to civil society, whose representatives they claim to be, nor to the social sectors whose interests they bear,

nor to any other organ of a truly public character. For as well intentioned as they might be, their activities express fundamentally the desires of their directors.

2. Representation in the public spaces of interlocution with the State constitutes a challenge whose dimensions have sparked wide debate, as mentioned above, not just about how to guarantee it, but also about how to evaluate the functioning of these spaces. The need for articulation among the organizations of civil society has been suggested as a way to assure better representation. The explosive emergence of networks of various kinds, as well as thematic forums such as the FNRU, respond to the need to make the representation of civil society more dense in such a way as to ensure effective interlocution with the State in the concrete negotiation processes, as well as in the inclusion of specific issues in the constitution of the State's agenda.

The impact of the transition to a form of action characterized by "institutional insertion" which prioritizes the process of negotiations with the State within the new spaces created by the democratic advance has been subject to evaluation and discussion by the social movements, NGOs and thematic Forums. The most significant incentive to this type of debate has been the need to analyze the gains and the limits and difficulties encountered. The issue of representation is central to this debate, because in some cases a polarization is established, as we have seen, between institutional action and social mobilization, the work of organizing at the grass-root level, as two different strategies for action. This polarization is identified especially in the cases of the Management Councils and the CCDM, but also in the case of the FNRU, whose objective is to create a societal space for articulation around Urban Reform but which has prioritized activities of pressuring the National Congress. The difficulties of mobilization are perceived to be the result of emphasis on institutional action, establishing an exclusive relationship between them. The difficulties and the limits encountered in this type of space reinforce this polarization in so far as they form the basis for the question: wouldn't the gains be greater with some other kind of strategy which prioritizes the organization and mobilization of civil society?

The cases of the Participatory Budgeting Process and of the MST, on the other hand, have shown that this relationship of exclusion is neither necessary nor inevitable. The MST has known how to combine the two kinds of struggle and the

Participatory Budgets have functioned as well as stimuli to political organization and to associationism as Avritzer's study shows.

In the case of the NGOs, the debate around different strategies for action takes on other features, linked to the specificity of these actors and the very diversity which characterizes them, as Chaves Teixeira's study shows. In this sense, the evaluation of the strategy of joint activities with the State in the execution of projects and the implementation of public policies is analyzed by some types of NGOs according to the gains that such strategy brings to the organizations themselves. Thus, on the one hand, the NGOs recognize the advantages that joint action with the State brings them: in addition to their own material survival, ensured through the State's financial resources, an increase in their own competences, the prestige that derives from recognition by the State and the consequent better media presence, etc. On the other hand, these activities also bring positive results to the "target public" (the social groups benefited by specific projects) and to the broader sectors which recognize themselves in the "diffuse interests" promoted by the NGOs. For those NGOs who sustain political projects which go beyond their own survival, the majority of the formats which the relationship with the State assumes provide reasons for concern: the risk of co-optation by the State and the loss of autonomy, the risk "of becoming a 'more technical, less political' organization" (in the words of one of the interviewees in Teixeira's study), the absence of more egalitarian relationships and a subordination to the proposals and needs of the governments.

V. Institutional Formats

One important dimension of the various public spaces studied is the question of the respective institutional formats. Even though these experiences are not rigorously comparable, it is interesting to point to some differences. In the case of the OP, research showed that the initial formulation of the Participatory Budget and the procedures and practices that constitute it, have maintained a close relationship to the conceptions and practices of the organized sectors of society involved. A fact which we take, as already mentioned, to be an indication of the sharing of the same political project. In the case of the MST, the movement maintains control over the conception, the content and the execution of its contract with the State for literacy training, preserving a substantial degree of autonomy. Even though the role of this

latter is to guarantee the functioning of the necessary resources, which surely confers on it a significant degree of power, it is no accident that the great majority of those interviewed for the study insist that the projects "are the MST's" and not the State's (see Souza's study).

In the case of the Management Councils, their format obeys nationally standardized basic directives, which derive from their legal regulation, where participation by civil society is obligatory. It is necessary to understand that the institution of the participation of civil society on a parity basis with governmental representation, despite the limits on its practical significance, pointed out in Tatagiba's study, represented "a crucial alteration in the former pattern of social policies" (Draibe 1998). This alteration was possible thanks to the forces present at the national level during the elaboration of the Constitution of 1988, to which, as we know, the mobilization of social movements of a democratizing stamp contributed decisively. It is necessary then to call attention to the fact that this favorable correlation of forces is far from being reproduced in the localized contexts and at the time of the installation of the Councils in the various municipalities and states, and even at the federal level.

It is significant, therefore, that a large part of the activity of the Councils during their initial period was concentrated on discussing the details of this format, as the study showed. This discussion showed, in numerous cases, a profound resistance and hostility on the part of the occupants of the State apparatus to more egalitarian formats for participation. These formats frequently represent then democratizing breaches inserted into predominantly conservative contexts, sustained by state structures which retain the authoritarian traits that historically presided over their constitution. Therefore, the character that the Councils will assume in each case - mere additional governmental structures or public spaces where collective actors and autonomous political subjects constitute themselves - will depend on the result of the dispute enjoined in the different contexts which house them.

Thus, the frequently heated nature of this dispute inside the Management Councils, exhaustively described in the literature analyzed by Tatagiba, can be taken then as evidence of the potential threat they represent to the maintenance of the structure and the dominant modes of decision-making within the Brazilian State apparatus.

In the case of the FNRU, for example, its action is entirely subordinated to the structure and dynamic of the National Congress, with all the difficulties they imply, as delineated in the study. The centralization of power inside the structure of the Congress, allied with the notorious imbalance between the executive and legislative powers in force in the government of Fernando Henrique Cardoso, unquestionably demonstrated by his absolute record in issuing Provisional Measures³, sent by the Executive to Congress, makes pressuring Congress, according to Almeida Silva's study, a wearing and unproductive task, little attractive to civil society.

Here, once again, what seem to be at stake are the varied correlations of forces, which do or do not allow civil society to have effective power in defining the formats which, in turn, condition the very possibility for its action. This means to say that institutional formats are not independent variables, but express the results of these correlations of forces. In addition, if more democratic formats certainly constitute significant advances, there are numerous examples in the experience of the Councils of mechanisms utilized with success to get around their possible democratizing effects on the concrete functional dynamics of these spaces. This observation is certainly not foreign to those organized sectors of society, which, faced with the multiplication of the Councils, have at times opted for a selective insertion into those institutional spaces where the correlation of forces is more favorable and gains more probable (Carvalho, 1997).

VI. The cultural impact

There is significant unanimity in the reports of the experiences studied with relation to the recognition of their positive impact on the process of building a more democratic culture in Brazilian society. This recognition is given even in cases where the evaluation of the more general impact is predominantly negative.

In the first place, the very existence of public spaces with participation by civil society confronts, as we have seen, the elitist conceptions of democracy as well as technocratic and authoritarian conceptions of the nature of the decision-making process inside the State. It also questions the historical State monopoly over the definition of what is public and has also positively contributed to the greater

³ Provisional measures are sent by the Executive to Congress and have the force of law (provisional) even before they are approved by the Congress. Their provisory character is gotten around by successively renewing the same Measures. Given the absolute abuse of the Executive during President Fernando Henrique's mandate in the use of this prerogative, originally envisioned for use in urgent matters, the Congress itself is presently discussing their alteration.

transparency of State activities, thus collaborating in the erosion of a "statist" vision of Brazilian politics, which is still predominant in our culture.

In the second place, socializing with differences in these spaces has promoted the difficult apprenticeship of the recognition of the other as a bearer of rights as well as the existence and legitimacy of conflict, as constitutive dimensions of democracy and of citizenship. On the other hand, these new scenarios stimulate the consolidation of the proactive capacity of the social movements and other sectors of civil society, which, during the course of the 1990s, was added to their capacity to formulate their own demands and assert rights. This ability to propose, differently from the ability simply to make demands, requires the recognition of the totality of the interests involved and an overall vision of society, and therefore the overcoming of a particularistic or corporatist culture.

In the third place, these spaces have served as channels for the expression and defense of the rights of those excluded from citizenship in Brazil and, in this measure, have contributed to their recognition by the society as a whole, even when this recognition does not immediately translate into concrete measures. The participation of civil society in publicizing an enormous number of demands for rights has altered the face of Brazilian society during the last two decades. The unquestionable fact that these demands have been given scant welcome in the public policies of the State should not obscure the democratizing advance that their publicizing and legitimizing in the societal sphere signify.

- VII. From what stance should the participation of civil society and its (non) encounters with the State be analyzed? On expectations, parameters and models.

Two observations seem relevant to conclude this discussion since they refer to the parameters which serve as basis for the evaluation of these experiences of "encounters" between civil society and State and of the possibilities of real change embodied in this joint action.

In the first place, the frequently negative evaluation and critical tone which permeates a significant number of the case studies may indicate that the parameters of this evaluation are strongly influenced by the expectations generated with the constitution of these experiences. If this is the case, we run the risk of reproducing the same errors of analysis which characterize a significant part of the literature on

the role of the social movements of the 1970s and 1980s in Brazil. The social movements were enthusiastically received, in some versions as new subjects of Revolution (this, in turn, with the new name of Democracy, as Lechner (1988) and others point out). When that didn't happen, their "death", "crisis", "ebb", etc. was decreed, or simply their "irrelevance" to democratic "consolidation", when compared to other political actors such as the political parties, for example. In this sense, to attribute indiscriminately to the spaces for the participation of civil society the role of fundamental agents in the transformation of the State and of society, in the elimination of inequality and the establishment of citizenship, thus transforming the expectations that stimulated the political struggle enjoined around their constitution into parameters of their evaluation, can inexorably lead us to the verification of their failure.

A more productive evaluation, including one from a political point of view interested in the deepening of Brazilian democracy, should start with the recognition of the complexity of this process and the diversity of contexts, involving the multiplicity of relations among political forces where it takes place, as we have tried to suggest in this text.

Thus, on the one hand, the evaluation of these public spaces of participation should consider them not as results of the democratizing potential of a single - and homogenous - variable, namely the participation of civil society, but as a result of complex relationships among heterogeneous forces, that involve the most diverse actors in a dispute among differentiated political projects to which civil society, as we have seen, is not averse. Instead of being taken as the new universal panacea (in a country with difficulties in popular organization such as Brazil), this participation can be better understood if one examines it not just in the light of the internal relations and the diversity which civil society - still - tends to hide, but also taking into consideration the relations it maintains with the multiplicity of dimensions and actors who comprise the scenarios where such a participation takes place. On the other hand, and as a result, this evaluation requires the particularization of the concrete contexts of this participation, making these complex scenarios explicit and understanding its impact on each of them. Hence we can avoid hurried generalizations, positive as well as negative, about the contribution of civil society's participation in building democracy, a process which is, by the way, always uneven in its rhythm and its scope.

A second observation, in the same direction, has to do with an implicit understanding that seems to lurk behind the various criticisms that we make of the result of different "encounters" between civil society and the State: their outcome are policies which are fragmented, segmented temporary, compensatory, palliative, etc. These evaluations are apparently made by contrasting with a "model" of what a "true public policy" should be, but whose explicitation and discussion are left undone. At least three interrelated questions seem to be at play in these criticisms. First, the question of the meaning of these policies: a relatively clear component of this implicit notion of what a "true public policy" might be is the idea that its content should have a universalizing meaning, directed at the population as a whole. What is then criticized is the fact that the policies that result from these encounters are localized and segmented, limited to specific issues and groups. Secondly, nearly a consequence of the first issue, the fragmentation of these policies is criticized: their content is restricted to the sphere of their application, is not generalized to other spaces and other themes. Finally, the evaluation of the nature of these policies as palliative and compensatory seems to refer to the fact that they do not contemplate the radical elimination of inequality; they are directed only to mitigate and compensate for - minimally and in a localized way - its effects.

If, on the one hand, it is easy to agree with these criticisms, on the other, a more careful examination can reveal their inappropriateness. Thus, it is necessary to remember, for example, that several of these spaces for the formulation of policies are defined and designed to produce segmented and/or temporary policies: the Management Councils are an example of the first alternative; the majority of the various partnerships between State and NGOs around specific projects exemplify actions which are, in their intent, not just temporary, but also palliative and compensatory.

What appears to be necessary then is to spell out the presuppositions of these criticisms and explore what is implicit in them - alternative models for the formulation of public policy - and their implications. If, in fact, this is the fundamental issue implicit in the criticisms we make, it is necessary to recognize at the start, that it transcends the dimension of participation by civil society in the formulation of public policies, referring back to the broader - and even more complex - sphere of the management models of the State, a distinction frequently lacking in evaluations of this tenor.

An exercise in the direction of trying to spell out the presuppositions implicit in these evaluations may perhaps illuminate their importance and their consequences and contribute to this discussion. A first presupposition seems to be the idea that some level of centralization of public policy is necessary: an alternative to avoiding their temporary, fragmented and segmented character would be their centralized formulation (at least in their more general sense), that could guarantee their implementation throughout the national territory. An implication of this view is that the central State (the Executive at the federal level) would be the appropriate place for the formulation of public policy. A first consequence of this idea is obvious: transformations in the direction of these public policies (so that they be effectively directed to the construction of citizenship and the elimination of inequality), that become possible at the municipal or state levels or in certain sectors of the central State, thanks to a more favorable correlation of forces, would perhaps be made nonviable. Or they would demand an immense concentration of forces (I am speaking here of political struggle) to make them viable. A second consequence has to do with the participation of civil society itself in this centralized elaboration of public policies. Besides the difficult issue of making participation by civil society viable, which if problematic at the local level, becomes much more complex at the national level, it is necessary to recognize that the articulation of demands in civil society, necessary to meet this centralized format, does not seem to correspond to the real dynamic of its organization. The question to be asked, in reality, is whether this centralized model, amply utilized by the Brazilian state in the past, is compatible with the democratization of the process of developing public policy through the participation of civil society. And further, whether fragmentation and segmentation, and also their temporary, emergency and compensatory character are not dimensions which characterize the very demands that civil society presents today in Brazil.

This last question takes us to another presupposition, which seems to be implicit in the evaluations of the public spaces for civil society's participation. If "true public policy" should necessarily be determined by a direction which is (from the start) clear, systematic, coherent, general and national, which affects the entire country and its population, this direction then corresponds to a dominant (or hegemonic) political project. In this sense, access to the formulation of public policy by civil society and the social movements would constitute not just a "penetration" of

the State by society, in the words of Tarso Genro (Genro, 1995), but rather the "infiltration of another political project", still incapable of arriving at the exercise of hegemony by the conventional electoral route of the representative democratic regime. If this were in fact the idea implicit in these critical analyses, they would be guilty, not just - once again - of erroneously homogenizing civil society, which is far from expressing a single political project, but also of conferring a disproportionate weight on spaces for participation as central instruments of hegemonic construction.⁴ And further, this idea would presuppose the existence of an alternative political project already capable of articulating the fragmented, segmented, temporary, emergency demands, which today characterize the activity of civil society.

What I am suggesting is that, underlying these criticisms, there could be a conception of the significance of public policies and of the spaces for their formulation which contributes to a displaced vision of civil society's participation in these spaces, its limits and possibilities. This vision tends to consider the elaboration of public policy as an open political arena, where the dispute for hegemony takes place between equal contenders and whose result is capable of defining the general nature of these policies. If they don't take on a universalizing, egalitarian and global character, the participation of civil society then would be ineffective and, in the last analysis, useless. This understanding, which I provisionally call **maximalist**, confers a centrality on this political arena in the hegemonic dispute which seems illusory, in the sense of considering it a place where the "frontal attack on the State" (Gramsci's war of movement) can and should be engaged. This conception tends to ignore the multiplicity of spaces of hegemonic dispute and mystifies exactly that space where the dominant forces are legitimately entrenched to direct the course of society, a direction founded in its own political project and supposedly consecrated at the polls. That this foothold has lost its monopolistic character, thanks, as already mentioned, to a favorable correlation of forces, and has adopted formats which make it permeable to democratizing breaches, should not lead us to obscure its basic nature. This is the debate, by the way, that is going on inside Brazilian civil society, sustained by the social movements and NGOs, when the disjunction between "institutional struggle" and "social mobilization" is stated and the question asked is which of these challenges - and

⁴ On the other hand, if they are perceived in fact as constituting these central instruments, there would be no reason to find strange or surprising the resistance they face, or expect anything different than the heated political battle engaged

these arenas, - should today in Brazil concentrate the energies of civil society engaged in advancing democracy and constructing of a more egalitarian society.

An alternative interpretation could be to suggest that the spaces for the formulation of public policy constitute **one** of the multiple arenas where the dispute for hegemony is engaged. These spaces could then be considered as part of the ground of a “war of position” where localized actions, of lesser scope and more immediate significance, could come to accumulate in a molecular fashion towards the undermining of the unequal social order and signify the gradual expansion of an alternative hegemonic project, if, obviously this project were capable of maintaining its organic links in relation to these localized actions, conferring on them its own articulation and direction.

In order for these spaces to constitute an arena of this type, they would need to be effectively **public** in their format and in their outcome. Thus, the importance, on the one hand, of rescuing the emphasis on the **public** character that these **public** policies should have, recognizing that the creation of public interest is a radically innovative project in Brazilian society which, for this very reason, faces tremendous resistance and difficulties. This would also imply recognizing that the dimension of conflict is inherent in this process, as it is in democracy itself, and that the spaces for the formulation of public policies which involve the participation of civil society are not just inherently marked by conflict, but represent a democratic advance precisely in so far as they publicize the conflict and offer procedures and space for it to be treated legitimately. The absence of spaces of this kind facilitates the making of decisions and the formulation of policies through an authoritarian exercise of power, where the State ignores and de-legitimizes conflict or deals with it in private chambers, with those who have access to them. The de-privatization of these decision-making structures of the State and the publicizing of the conflict represent, therefore, conditions favorable to the advance of alternative hegemonic constructions.

This does not mean, to be clear, to suggest that the results of the encounters we studied necessarily have this significance: molecular elements contributing to alternative hegemonic construction, because it wouldn't be the participation of civil society which alone would assure this character, but the concrete content of the policies in question. But this discussion, preliminary and tentative, wants to show the

importance of this debate and alert us to the need to make more carefully explicit and to examine in its consequences the meaning that we are attributing to public policies. In so far as a large part of the participation of civil society in Brazil today is directed to spaces for the formulation of public policy, this debate is at the root of the evaluation of the limits and possibilities of this participation.

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