Civil society in Brazil: from state autonomy to political interdependency

Leonardo Avritzer

DCP/UFMG

Spring 2009

Civil society is a concept that was bound to the West until the beginning of the third wave of democratization (Cohen and Arato,1992;Keane,1988a). The concept of civil society emerged in the nineteenth century, around 1820 (Riedel,1984:132), as a dualist concept capable of expressing two changes brought about by Western modernity: the differentiation between the family and the economic sphere caused by the abolition of bondage and the differentiation between state and society caused by the systemic specialization of the modern state. In this context, social differentiation meant that "...the state is not the state if it always merges with civil society and that the latter is not society when it is political society or the state."(Riedel,1984:133).Thus, in its first formulation civil society is a dualist concept which expresses the beginning of a process of state and society differentiation in the West.

The concept of civil society could not during the nineteenth century make its way out of the West because the social processes it expressed belonged exclusively to the West. In the case of Brazil, the early-modern differentiation between the household economy and the private sphere did not take place and civil society was a non-applicable institution. On the contrary, colonial and early nineteenth century Brazil has had a privatist process of political formation (Freyre, 1959) according to which the large land property was the place for the performance of public activities such as festivals and public ceremonies. This former process, resulted in a disproportionately large private sphere and the always open possibility of extending personal relations to the political realm. Franco (1974) shows how in post-colonial Brazil the public activities of free men took place in the private space of the big landowners.

The same dynamics was kept when Brazilian colonial society moved its center from the country-side to the city as gold was discovered in Minas Gerais and gave impulse to the development of large cities such as Ouro Preto and Rio de Janeiro. The type of private sphere which emerged in Brazil during this period had two main characteristics: the first was extreme hostility to public space. "Brazilian patriarchalism when it moved from the plantation to the town house, did not at once come to terms with the street; for a long time they were almost enemies, the house and the street and the greatest struggle was that which joined over the women, whom the street enticed, but whom the *paterfamilias* tried his best to keep shut up in her room..." (Freyre, 1963:30). Thus, the kind of society built in Brazil during its three hundred years of colonization is a society

with a strong private space which personalizes formal relations, establishing some sort of hierarchy between all free members of society.

In this social structure there was no space for civil society for two reasons: first because a holistic and hierarchical conception of society could not have led to a society of equals. Thus, Brazilian colonial and post-independence society was completely segmented among social group at the private level. In addition to that, the public space was not understood as a common space among equals but rather as a no men land which stood in sharp opposition to the private sphere. Second, in both colonial and post-independence Brazil there has been a fusion between the private and the state that led to the process of privatization of the public. No process of social differentiation leading to an idea of separation between big private interests and the state could have emerged in this situation.

The concept of civil society reemerged in the late twentieth century political and social scene with two strong differences from its nineteenth century meaning: it reapers involving a tri-partite meaning in which civil society is differentiated from both the market and the state. Thus, differently from the early nineteenth century, the market understood as the realm of private economic activities is also differentiated from civil society. Second, the concept of civil society reapers as a concept which seeks to explain social processes taking place in the West, the East and Latin American societies (Arato,1981; Cohen and Arato,1992; Keane,1988a; Keane, 1988b; Habermas, 1995; Keane,1998). The tripartite meaning of the concept of civil society is linked to late twentieth century differentiation between market and society. It has received different formulations in the literature. Cohen and Arato in their seminal work on civil society differentiated civil society from "... the steering mechanisms that coordinate action in the economy (money) or in formally organized bureaucratically structured organizations (power)." They traced civil society to the institutional level of a lifeworld understood as a place for socialization, social interaction and public activities. This is one of the roots of a tripartite model of civil society which may also be traced to other traditions of social thought among them the differentiation between civil society, political society and the state in Gramsci (Bobbio,1989; Oxhorn,1995). Those who advocated a Gramscian concept of civil society tried to focus more strongly on the idea of conflict and the idea of a struggle for the cultural hegemony within civil society (Fontana,

2006). For them, the central element of Latin American civil societies should be the attempt to move beyond a functional conception of politics to concentrate on the disputes of hegemony in the realm of culture and in the geographical territory (Oxhorn,1995). There is still a third source for the reemergence of the concept of civil society that is a neo-tocquevilean or neo-durkheimian tradition which differentiated the realm of the state from the realm of voluntary associations. In this conception, civil society is an autonomous locus of producing social solidarity (Shills, 1990; Feinberg, Waisman and Zamosc, 2006). In all three cases, civil society acquired the meaning of a concept whose revival went beyond nineteenth century dualist models of state and society differentiation due to its independence from the market economy and due to the acknowledgement that the problem of social solidarity cannot find a satisfactory resolution within the private sphere.

Civil society emerged during Brazilian democratization as a concept linked to its new tripartite form. Civil society expressed the new tripartite conceptualization in its own particular way: it linked the emergence of the concept to the process of reconstitution of social ties by the Latin American poor (Oxhorn,1995; Alvarez, Dagnino and Escobar,1998; Avritzer,1994;1998;) and middle class sectors (Weffort,1982; Stepan,1988; Cheretski, 2005) in a situation in which social actors were under the pressure of an authoritarian regime. Civil society was, thus, understood as being a concept capable of demarcating the newly emerging social actors from both the market, understood as the private economic interests associated with the authoritarian regime, and the authoritarian state. All Latin American authoritarian states with the exception of Mexico, have pursued anti-societal forms of social organization through the intervention in trade-unions and voluntary associations. Thus, the concept of civil society in Latin America emerged as a tri-partite concept adapted to the forms of differentiation between market, state and society that have consolidated in the region throughout the twentieth century.

Yet, one major caveat remained in the use of the concept of civil society as democratization took place in Brazil: the different forms of connection between civil society and the state (Dagnino,2002). There were no conceptual tools to understand these new emerging situations. Some authors argued in the direction of a new corporatism in which civil society organization would play the role of new forms of

societal organization to be integrated in the state structure (Reis,1995) whereas others wanted to stress the neo-pluralist dimension (Avritzer, 1997). In all cases there was the necessity of theorizing the new democratic practices in which Brazilian civil society became involved and to figure out the ways in which civil society and the state interact.

Civil society theories during the late 80's and early 90's theorized the practices of civil society actors in terms of autonomy. Autonomy in that case was understood in a very broad sense as both organizational autonomy from the state[1] as well as an independent sphere for state action (Sader, 1988; Dagnino, 1990; Avritzer, 1994). The last dimension of autonomy proved itself very strong during authoritarianism but did not survive democratization. A second phase of both civil society action and analytical theory emerged in the mid-nineties and posed the issue of interdependency between civil society and the state. In the Brazilian case inter-dependency was motivated by the association between civil society and democratic deepening (Dagnino, Olvera and Panfici,2006). Civil society actors overcame a phase of demarcation of space with the state and started to interact with the state in policy councils (Tatagiba, 2002; 2006) as well as in specific projects involving the implementation public policies (Abers and Keck, 2006; Avritzer, 2008). In this paper, I will describe the emergence of civil society in Brazil during the seventies and analyze its main areas of action during its first phase. I will also analyze a second phase of state and society interaction showing that civil society is still semi-autonomous in this second phase (Cornwall and Coelho, 2007), that is to say, it interacts with the state keeping its own organizational dynamics and/or its own process of decision-making.

In both parts of my analysis, I will engage in a debate on the critique of the autonomy argument that is going on. Most of the authors who elaborated the idea of civil society in Brazil approached it in terms of autonomy (Wefort, 1989; Dagnino, 1994: Avritzer, 1994: Navarro, 1998). Most recently these approaches have been sharply criticized by Houtzager and Gurza Lavalle. The authors argued that "the civil society perspective has

---

[1] Brazil has had a model of corporatism introduced during the 30 by Getúlio Vargas who governed the country from 1930 to 1945. In the Varguista model the state had the prerogative to intervene in trade unions and civil associations. The ministry of labor could remove to his discretion the president of trade-unions. In addition to that, all civil associations in order to be able to act would have to be registered in notaries which obeyed state laws on the acceptable and non-acceptable form of organization. Weffort, 1979. During the democratization process, the issue of civil society as well as trade union autonomy emerged strongly in the public space. Both civil society movements and the trade-unionism claimed autonomy from the state. Keck, 1989.

a set of features that are shared by the literatures on civil society, deliberative democracy, and empowered participation. They ... bet heavily on, for analytic and normative reasons that are held in common to varying degrees, the rationalising and even emancipating potential of civil society. In broad strokes, the core of the civil society perspective is a normative dichotomous reading of the relations between state (authoritarian) and society (democratic); and, the conviction that authentic civil society actors are a democratising and rationalising force of public action because of their deliberative logic (vs. interest-based), decentralised nature and rootedness in the social life of local communities, and autonomy (for most people, from the spheres of the state, political parties, and interest groups politics)." (Houtzager, Lavalle,2003). In this sense, the author deny the tripartite argument, they claim that civil society autonomy is a normative principle based on "authors faith". They also argue that interest based politics shows that autonomy does not exist. I will in both parts of this paper engage with them showing that the civil society perspective that proposed the autonomy argument is not a normative conception based on an article of faith but rather an empirical conception derived from civil society actors real engagements in politics during the democratization process. I will also show that the authors completely miss the complexities of Brazilian civil society and only analyze the movements that strengthen their arguments.[2] In the last part of this paper I will propose an analytical model to analyze Brazilian civil society.

Civil Society in Brazil: explaining the emergence of the concept and the practice of social actors

The emergence of civil society in Brazil was a consequence of several processes: the anti-societal form assumed by authoritarianism in Brazil which moved the poor population from the countryside to the cities and relocated the poor population within large Brazilian cities without providing minimal social services (Santos, 1987; Caldeira, 2000). Brazil passed through one of the fastest process of urbanization in history being

---

[2] The empirical ground for all these finding is a very limited empirical research carried out through a snow ball method in the city of São Paulo. Houtzager and Lavalle interviewed 219 people in the city of São Paulo all of them indicated by umbrella organizations connected to politics, such as CUT (Central labor Union). The problem with this method is that it overemphasized political associations and missed informal associations organized by the poor in São Paulo. See Avritzer, 2004.

mainly a rural country in the 40`s and having more than 80% of its population living in cities by the end of the 20th century (Santos,1987). In the process of moving from the country-side to the city, the Brazilian poor were strip of all rights and settled in places with no social services. Cities such as São Paulo, Rio de Janeiro, Recife and Belo Horizonte, among other capitals, sharply increased their population without having the capacity or the financial means to increase the offer of social services. The poor in Brazil passed through a process of deep deprivation of basic social services such as water, sewage, electricity and transportation. The organization of the Brazilian poor to claim for social services is one of the origins of Brazilian civil society.

A second reason that led to the emergence of civil society in Brazil is the technocratic characteristics of the process of economic modernization in Brazil which transformed city planning, health and education policies into a technocratic issues (Escorel,2005). The Brazilian authoritarian regime assumed a technocratic view on urban development and public policies and tried to integrate middle class actors in its top-down project of modernization. One of the important changes that took place in Brazil in between 1964 and 1974, the first ten years of the authoritarian regime, was the increase in size and complexity of the Brazilian middle class. Both the state sector and the private sector increased their size during this period. However, middle class actors reacted to this project and organized forms of collective action and associations to dispute these technocratic elements. Economists in Brazil reacted to the manipulation of economic data and created important institutions such as DIEESE, an institute in charge of producing independent economic data. Doctors in Brazil reacted to health model implemented by the authoritarian regime which rejected the idea of preventive medicine and created a movement called Sanitarista movement (Arouca, 2002). University professors organized themselves at the end of the authoritarian period to claim university autonomy and better wages (Boschi,1987). All these middle class groups were among the main actors in the process of re-organization of Brazilian civil society (Boschi, 1987;Avritzer, 2002).

A third reason that led to the re-organization of Brazilian civil society was the opposition of liberal and middle class sectors to the lack of rules and accountability in the political and civil processes that transformed the Brazilian Bar Association (OAB) into one of the main oppositional groups to authoritarianism. Although these

characteristics have been present throughout the whole democratization period (1977 to 1988 when the new constitution was enacted), they interacted with two other factors that made civil society more or less autonomous vis-à-vis the state: democratic deepening that took place during and after the constitution making process and the way neo-liberal reforms interacted with civil society actors responsibilities in public policies. It is from the result of this interaction that different patterns of state civil society relations emerged.

The key element for the organization of civil society in Brazil was the change in the position of the Catholic Church on the authoritarian regime and its involvement in the social organization of the poor population. The church was closely involved with the state in Brazil throughout the country's process of nation building (Bruneau, 1974). From the mid fifties on, in a few cities, particularly in the city of Sao Paulo emerged new grassroots forms of organization linked to the Catholic Church, the (ACO)Catholic Labor Action, (JUC) Catholic University Action and JEC (Catholic Students Action) were all created in the early fifties with the support of the Cardinal Carlos Carmello Motta and expressed the new way that the catholic church saw its engagement in Brazilian society, as a supporter of labor and student movement (Doimo, 2004:160). However, the Catholic Church was still deeply divided on the role it should play in Brazilian society during the fifties and the sixties and important sectors of the Catholic Church in Rio de Janeiro and Minas Gerais gave popular support to actors who wanted the breakdown of democracy in Brazil. The so called "marcha da familia com Deus pela Liberdade" (freedom march of the family with god) was organized by Church sectors in large Brazilian capitals (Dreyfuss,1982). It was after the Medelin Council that the church as an institution involved itself with the organization of the Brazilian poor. In large Brazilian cities such as São Paulo, Belo Horizonte, Recife and Vitória the church provided a "protective umbrella" for the organization of the poor. This would lead to the formation of many movements such as the mother clubs in the outskirts of São Paulo that would eventually lead to the health movement in the city (Lima et al,2005); the labor pastoral that would be at the root of the new unionism (Sader, 1988;French, 2006) and the land pastoral that would eventually contribute to the creation of the movement of landless peasants. Thus, the change in the position of the Catholic Church on its historical association with the state is at the root of the re-organization of Brazilian civil society (Casanova,1994).

Brazilian civil society emerged or re-emerged during the so called process of "liberalization" of Brazil that started during the mid seventies (O'Donnell and Schmitter, 1986, IV). Liberalization was a moment in which the Brazilian authoritarian regime released control over some prohibitions on voluntary associations public meetings but not on the rules of political competition (Stepan, 1989). Thus, student could reconstitute their movement, many professional categories such as architects, engineers and lawyers started to meet again and to re-organize their associations, many trade-unions started to be run by the opposition and the ministry of labor did not dare to intervene. It was as a result of this process that many forms of civil society organization emerged: (1) the organization of popular movements of the urban poor at the local level; (2) the organization of the *sanitarista* movement for a Unified Health System; (3) The movement for a National Urban Reform; (4) The organization of members of professional associations such as lawyers, doctors, university professors, among others; (5) the development of many forms of organization in the Brazilian countryside including the emergence of the MST (Navarro, 2002).

The process of democratization and organization of many forms of collective action that took place between 1974 and 1985 led to impressive changes in the country's pattern of association (Santos, 1993; Gay, 1994; Avritzer, 1995; 2000; 2004; Baiocchi, 2005). Brazilian democratization produced a marked increase in the propensity to create voluntary and independent forms of association. Boschi (1987) has shown that more voluntary associations were created in Rio de Janeiro between 1978 and 1980 than during the entire previous democratic period. Santos (1993) showed a similar phenomenon for all categories of voluntary associations in the country's largest cities. Table 1 below shows the increase in the number of voluntary associations created in São Paulo, Rio de Janeiro, and Belo Horizonte during Brazil's long transition to democracy:

Table 1: Number of associations founded in large Brazilian Cities (1930-1990)[3]

Nº of voluntary associations per decade City	Decade 1941-1950	Decade 1951-1960	Decade 1961-1970	Decade 1971-1980	Decade 1981-1990
São Paulo	288	464	996	1871	2553
Rio de Janeiro	188	743	1093	1233	2498
Belo Horizonte	120	204	459	584	1597
Porto Alegre				240	380

Source: Santos 1993/Avritzer 2000, Baiocchi,2005.

It is worth calling attention to several aspects of this phenomenon: the total number of associations doubles in São Paulo in the 1970s and triples in Belo Horizonte in the 1980s. The increase was lower in Rio de Janeiro than in the other two cities because, for historical and political reasons, it already had the most voluntary associations.[5] It is also important to note that there has been not only a quantitative increase in Brazilian associative life (in Belo Horizonte and São Paulo the pace of increase in associations is almost twice population growth in the same period), but also a qualitative change. Some forms of voluntary association which were not very strong before the mid-seventies grew in number and influence: for instance, the number of neighborhood organizations increased from 71 to 534 in Belo Horizonte. In Porto Alegre between 1986 and 1990 the number of neighborhood associations rose more than 50% from 240 to 380 (Baiocchi, 2005). The increases in São Paulo and Rio de Janeiro were also very impressive: of the neighborhood associations in the two cities, 97.6% and 90.7% were created after 1970, respectively. Other types of associations were also relatively new in all three cities: 92.5% of the health professionals' associations in São Paulo were created after 1970, as were 762% of the lawyers' associations in Rio de Janeiro (Santos, 1993). In Belo Horizonte, all 29 associations dealing with environmental, human rights and ethnic

---

[3] It is worth pointing out growth was meaningful if compared to the population increase in the three cities in the same period. São Paulo's population increased 43% between 1970 e 1980 and 13,5% between 1980 e 1990. Yet, the number of associations in the city doubled in this period. The differential between associations growth and population growth throughout the period was 36,45%. Data for Rio de Janeiro e Belo Horizonte are even more compelling.

issues were created during this period. Thus, it is possible in all four cities to speak of a very impressive change in the pattern of association, a process which involved an increasing propensity to associate, a greater number of associations, new associations for claiming material benefits such as community improvement, and the emergence of associations dealing with post-material claims, such as environmental protection and human rights.

The changing pattern of association in Brazil supports both the density (Putnam, 1993) and the equality (Cohen and Rogers, 1995) arguments that have prevailed in the literature on the effects of voluntary associations on society as a whole. The rapid growth in the number of associations shows that voluntary associations are not simply linked to the country`s process of historical formation, as Almond and Verba and even Putnam have claimed, but can change relatively quickly in response to political circumstances. In Brazil, the trigger for this change was an authoritarian experience in which the state intervened deeply into the everyday lives of the poor by removing slums from the central areas of Brazilian cities and encouraging a huge migration from the countryside to the cities, without providing adequate health, education, and infrastructure for the poor. The latter phenomenon shows also the egalitarian side of the process of formation of voluntary associations (Cohen and Rogers, 1995:43). Voluntary associations in Brazil grew in general. However, the ones that grew the most were those dealing with the insertion of the poor into politics. The poor organized themselves in Brazil in order to claim access to public goods which were unevenly distributed in Brazilian cities. Access of health, education, treated water and sewage was very low in all regions of Brazil at the end of authoritarianism in Brazil (Santos, 1987). Thus, the organization of the poor in voluntary associations played the role of creating a new force that could influence the process of distribution of public goods.

The main characteristic of Brazilian civil society during this first period was the claim for autonomy from the state and political parties. Brazil's history from the 1930's to the 1980's has seen strong state intervention in the societal organization (Santos,1979). During Brazil's democratization the claim for autonomy had two major meanings:

(1) organizational autonomy from the state. From labor to all other forms of organization of the poor autonomy has been claimed by social actors in the period from

1977 to 1985. Autonomy was understood as acting without asking authorization to the state and, at the same time, as ignoring the limits the state has placed against voluntary associations. This has meant that new voluntary associations would emerged and new forms of presenting claims in public to the state would become common practices. It was in this period that common practices that we may call a democratic repertoire of collective action by Brazilian voluntary associations emerged. Practices such as petitioning state authorities, demonstrating in front of public buildings and organizing grassroots assemblies emerged in this period.

(2) Autonomy also meant trying to propose forms of administration of policies without the participation of the state. Thus, the health movement of São Paulo during the first half of the 80's proposed a form of organization of health policies independently from the state. Still during the VIII National Health Conference there were groups proposing the self-organization of health care independently from the state. (Sader, 1988; Avritzer, 2008). The movement for urban reform, in a similar fashion, proposed forms of local democracy independently from the state that would be able to veto state action related to urban policies (Silva, 1991). UAMPA in Porto Alegre during the late eighties proposed the decision-making on budget issues based on a council of neighborhood associations. These are a few examples among a large number of cases. Thus, during the first phase of civil society organization we can note two phenomena: the first one is the quantitative growth in the number of voluntary associations dealing with the organization of the poor and the participation of civil society actors in the implementation of public policies. The second phenomenon is the idea that civil society may deal with public policies independently from the state. This was the conception of important movements such as the health movement and the urban reform movement. It is important to have in mind that the critique by Houtzager and Lavalle on the idea of autonomy completely misses the Brazilian civil society debate on the moment of the country´s democratization. Civil society autonomy was the result of civil society actors self-understanding of their role during democratization rather than a normative idea introduced by intellectuals.

The concept of civil society autonomy was deeply re-elaborated as Brazilian democratization evolved. There is a watershed between the claim for state autonomy in this first phase (1977-1985) and the claim for autonomy during the second phase (1985

12

to today): the National Constituent Assembly and the engagement of civil society actors in a new phase that I call democratic deepening. In the next session of this paper I will show how civil society actors in Brazil moved from a conception of autonomy understood as the capacity to propose policies independently from the state to another conception in which exists political interdependency. This move deeply redefined civil society action and generate a new concept of autonomy.

Civil society and the state after the Constituent Assembly: the creation of political interdependency

The period between 1985 and 1988 marks a watershed in Brazilian politics. In 1985, president Jose Sarney called for a National Constituent Assembly. The Brazilian NCA allowed popular amendments and triggered a popular campaign to get signatures to many proposals linked to public policies. Some among the most important civil society movements, such as the health and the urban reform movements in the same way that other important social actors such as CUT (Central labor trade-union) or the MST also joined the campaign for popular amendments (Whitaker, 1994). This was a first important moment of a process of democratic deepening that created participatory institutions in the areas of health, urban planning, environment and social assistance. A popular amendment in the area of health was presented with a little less than 60,000 signatures (Rodrigues Netto, 2003). Its main elements were obliging the state to be the main health provider in Brazil; creating a unified national healthcare system without preconditions for access; decentralizing the provision of healthcare; and fostering broad popular participation in the elaboration and implementation of health services. (Pereira, 1996:446). In spite of the late insertion of subcontracting to the private sector, the health care movement was very successful within the Constituent Assembly. The Constitution's Article 198 described health as an integrated system organized according to the following principles: (1) decentralization; (2) unified care with a focus on prevention; and (3) civil society participation in policy deliberation. Yet, the constitution required the elaboration of a health care statute to further specify the forms of participation required in article 198.

The elaboration of the Health Care Statute (Lei Orgânica da Saúde, LOS) took almost two years after the completion of the 1988 Constitution. The Health Care Statute (LOS)

was elaborated in Congress and sent for the approval of President Collor in 1990. Collor vetoed law 8.080, which sought to institute a unified healthcare system with broad political participation, singling out the articles on participation for veto (Rodrigues and Zauli, 2002). Collor`s veto created a stalemate with Congress, generating protests throughout Brazil. Law 8.142 in December of the same year solved the stalemate by regulating participation in the healthcare system through the establishment of two institutional figures, i.e. the health conferences and the health councils. According to the law, health councils "will be permanent deliberative institutions composed by representatives of the state, services providers and representatives of the population. They will act in the elaboration of strategies as well as in the control of the implementation of the health policies at each one of the levels of government" (Brasil, 1990). In the aftermath of the approval of law 8.142 many Brazilian cities enacted local law. They all forecasted the organization of health councils based on the parity between civil society and the state. Today there are in Brazil more than 5,000 health councils.

In a similar fashion, the MNRU also made a proposal of a popular amendment in the area of urban politics. The popular amendment on urban reform was presented to the National Constituent Assembly with 131,000 signatures and unleashed a lobbying battle with conservative real estate interests. The thematic committee on Urban Issues and Transportation did not initially attract many powerful Constituents since conservative sectors had more pressing short-term issues (Arturi, 2001). Real estate interests inside the Constituent Assembly sought to transfer the final decision on urban issues to another arena outside the constitution-making process in order to avoid the automatic application of any new legislation (Saule, 1995: 28). Most of the subcommittee's proposals on urban issues remained intact, but they were integrated with a requirement that cities should have "Master Plans,"[4] a proposal made by "Centrão," the informal organization that gathered conservative interests during the Constituent Assembly. Thus, Paragraph 1 of Article 182 of the 1988 Constitution required both the participation of civil society organization in the decision-makin gon urban issues and a "city master plan approved by City Council as mandatory to all cities with more than

---

[4] City Master Plans or *planos diretores* are not per se conservative devices though they have been considered conservative by the urban reform movement due to the way they emerged during the Constituent Assembly. Some Brazilian cities such as Porto Alegre have city master plans since the late seventies. The novelty introduced by the Constituent Assembly was the link between having a city master plan and being able to introduce the other devices approved by the Constitution in its urban chapter. See Avritzer, 2008.

20,000 inhabitants…" (Brasil, 1988). All urban reform proposals were made dependent on fulfilling this clause. The consequence of the subordination of the urban reform agenda to master plans was what the Brazilian legal tradition calls a statute or an infra-constitutional process of specifying constitutional law. Thus, a 13-year battle followed since the proposal of the regulating legislation by Senador Pompeu de Sousa and its approval by the Brazilian Congress in December 2001. After a 13 year legal battle in Congress the so called "Statute of the City" was approved in 2001. The Statute of the City requires mandatory city master plans with public audiences in every Brazilian city with more than 20,000 inhabitants.[5] In these audiences the presence of civil society associations is required. Hundreds of Brazilian cities have today city master plans in which civil society and state actors interact closely.

At the same that participation in the areas of health and city master plan unleashed a very intense form of participation based on civil society associations, participatory budgeting was also on the rise. Olívio Dutra was elected Mayor of Porto Alegre in 1988, and introduced participatory budgeting in the city. Participatory budgeting (PB) is a local participatory policy which responds to the plight of the poor in major Brazilian cities. It includes social actors, neighborhood association members, and common citizens in a process of negotiation and deliberation which takes place in two stages: a participatory stage, in which participation is direct, and a representative stage, in which participation takes place through the election of delegates and/or councilors. The PB in Porto Alegre from 1990 to 2004 involved two rounds of regional assemblies, one round of intermediary meetings, and the operation of a councilors' body called the PB council year-round. In these meetings, the population attends an assembly in each of the regions. In each of these assemblies the floor is open for about an hour, during which citizens express themselves about what has been taking place, about possible disagreement with the administration, and about what should be done in the region in the coming year. Participation in these meetings is crucial because they constitute the basis for participating in the remaining parts of the process. Participation in these meetings is individual but individuals throughout the registration process are required to

---

[5] There is a very interesting case of cancellation of the city master plan of Salvador, Bahia due to the violation of the public audience requirement during the Imbassay mayorship. The city of Salvador called just one public audience during the preparation of its city master plan. The public audience was not broadly publicized and Ministerio Publico, Brazilian Public Prosecutor asked for its cancellation that was granted by a Salvador court (Avritzer, 2008).

demonstrate membership in voluntary associations. In addition to that, the regions in Porto Alegre that have showed more willingness to participate through the process of implementation of participatory budgeting (1990-1992) were the one with the highest number of neighborhood associations (Wampler and Avritzer, 2004). Again, we can see a strong interaction between membership in civil society organizations and the operation of a participatory process by the state. With the consolidation of participatory budgeting in Porto Alegre many leaders of neighborhood associations would participate in PB council and later in the state institutions in charge of PB such as CRC (Coordination of Relations with the Community) and Gaplan (Planning Cabinet).

Thus, we can note a strong change in the focus of participation from the mid-eighties to the mid-nineties. During the mid-eighties Brazilian civil society was concerned with autonomy, democratization of public policies and the establishment of forms of public control over the state. From the mid-nineties on, Brazilian civil society became concerned with the establishment of a very broad form of public participation in most areas of public policy and with joining the state in the implementation of participatory forms of public deliberation. This has led to a change in the way in which autonomy vis-a-vis the state was conceived. In a survey on associated actors applied in São Paulo these mix characteristics of the participatory profile of participatory actors emerged. We asked 2043 people randomly sample throughout the city whether they participate in civil society. Table 2 below shows the results:

Table 2:Affiliation to associations in São Paulo

	TOTAL	Total Participants	Link with association	
			Formal	Informal
BASE: Total sample	*2403*	*448*	*166*	*281*
	100%	*19%*	*7%*	*12%*
PARTICIPATION IN ASSOCIATIONS	**18,6**	**100**	**100**	**100**
. Religious	**10**	*51*	**38**	**59**
. Civil	**9**	*49*	**62**	**41**
NON PARTICIPANT	**81**			

Source: Avritzer, 2004.

The above data show for São Paulo a phenomenon that is very interesting to be analyzed. It shows a sharp division of the individuals who belong to voluntary associations in the city, with 59% of the participants belonging to religious associations and 41% belonging to civil associations. This autonomous logic is best expressed in the fixed number of participants in these associations throughout a long period of time. This core is stronger than the rest of all associations taken together. Additional data also show different behaviors: members of religious association organize more independently from the state whereas the civil group is the one who has joined public policies arrangements. Houtzager and Lavalle[6] in their eagerness to criticize the autonomy argument, miss the larger group which constitutes São Paulo civil society. Empirically missing this group allows them to present the autonomy argument as ideological when, as a matter of fact, their research design only allows them to find the groups they are interested to discuss.

The key issue to be understood in the process of organizational transformation of Brazilian civil society[7] is that civil society growth and political influence in Brazil did not follow an autonomous nor a dependent logic but rather a mix between autonomy and dependency. The implementation of participation by two P.T. administrations and their later derailment by conservative administrations also led to contracting and expanding movements in São Paulo´s civil society. The civil group in São Paulo´s civil

---

[6] It is important to have in mind that due to severe methodological flaws Houtzager and Lavalle mis this category. For Houtzager and Lavalle "...ties to unions and religious organisations do not appear to affect civil society actors' propensity to participate (See Houtzager et al, 2003:8). The reason why the Authors reached this conclusion is linked to severe methodological flaws. They used a snow ball methodology to enter a universe that is very pluralist. All their entry points were related either to trade-unions or to party sponsored forms of actions. No wonder that they did not find the category that is the most expressive in terms of participation in the city of São Paulo, which is religious associations. In a survey on a statistical sample of the population with 2403 interview this emerged as the most important category. See Avritzer, 2004.

[7] Houtzager and Lavalle misunderstand the most important characteristics of this change in perspective by civil society actors. According to the authors, " the dichotomous reading of state-society relations, born in the struggles against various types of authoritarian rule in the second half of the 1970s and 1980s, has been central to the literature on civil society and has unfortunately been reinforced recently … Although discussions of civil society have abandoned early oppositional interpretations of state and society in order to address a series of emerging themes – citizenship, new participatory spaces, local development, governance and accountability – the dichotomous interpretation of state-society relations has largely been reproduced, albeit in more subtle forms (Houtzager and Gurza Lavalle 2003)…The metaphor suggests autonomous agents who cross paths, discover certain overlapping interests and choose. to engage with each other through various institutional mechanisms." In contrast to the authors argument all the recent literature on civil society emphasizes the interconnections between civil society and the state. The reason is very simple: the full autonomy model was linked to social actors conception and not to a pre-conceived normative conception.as the authors claim. See, Dagnino, 2002; Avritzer, 2004; Dagnino, Olvera and Panfici, 2006

society is highly dependent on the implementation of participatory public policies by the city. whereas the religious group has a more stable dynamics Thus, affiliation in religious associations did not change very much in between the different P.T. administrations. Data for São Paulo show that civil society associations have a core made by religious forms of public participation that have an autonomous logic vis-a-vis state policies.[8]

Table 3: used to participate but no longer participates

Type of association	participates	Used to participate but is not a member of any cso.
Neighborhood associations	2.0%	6%
Health associations	0.7%	2%
Housing movement	1.0%	3%
Religious associations	9.0%	8%

Source: Avritzer, 2004.

However, as we take into account the group of more specialized civil society associations in charge of pressuring for the broadening of the access to public policies we see a different phenomena going on. Within this group of associations we see a decrease in the number of people joining voluntary associations in the year 2004. This decrease seems to be related to the changes in political society and in the partnership between state and civil society associations in these different areas of public policies. If we take the area of health or housing which have been traditional movements in the city of São Paulo (Sader, 1988;Doimo, 2004) we see a sharp decrease in 2004 in relation to previous levels of organization and participation. Not by chance, these have been areas in which previous administration strongly invested in the partnership between state and civil society and in which joint actions between state and civil society have been derailed between 1993 and the year 2000 during the conservative administrations of Paulo Maluf and Celso Pitta. Thus, what we have in terms of civil society organization in the city of São Paulo is both a core of religious associations whose participation is strong and varies very little as there are changes in the political system and a second

---

[8] It is important to have in mind that most religious associations in Brazil are non-formal in the sense that they do not register themselves with the notary for the registration of voluntary associations. This also created important differences between religious and public policy associations. See Avritzer, 2004.

group of associations related to public policies in which participation varies according to the willingness of the state to establish or to derail forms of collaboration with CSO. Thus, the argument for a complete interdependency between civil society and the state does not seem to hold even for the city of São Paulo where propensity to participate has changed the most. In the final session of this paper I will propose a model to understand contemporary Brazilian civil society.

Between autonomy and political dependency: a new perspective on Brazilian civil society

Brazilian civil society is a new institution created by two processes: the reaction of popular sectors to the anti-democratic process of modernization of the country that sharply interfered with their daily lives and a process of democratization that has made civil society associations strong players in the process of democratic deepening. Civil society associations show a variety of conceptions of participation that are the result of both processes. Brazilian civil society is constituted by a strong group of religious associations that participate in self-helping activities and in the organization of the urban poor for claiming public goods. This group has a strong presence in the city of São Paulo, particularly in its Eastern district and is also strong in other cities such as Recife and Belo Horizonte. This is group is less strong in Porto Alegre due to the higher influence of left sectors in the formation of civil society in the city (Baiocchi,2005).It is impossible to underestimate the role of the Catholic Church in the formation of this group. Nor by chance it is stronger in the cities where the Catholic Church pursued more progressive politics. This group is more active than the group of public policy civil associations in the sense that it gathers more times a week than the other civil society group. It is also more voluntary and more concerned with community issues (Avritzer, 2004). Thus, this is the most active group within Brazilian civil society and there are not many empirical studies about it.

Brazilian civil society is also formed by a group of associations strongly connected with the state in the implementation of public policies. This group has deep links with the left tradition in Brazil and stronger ties with the Workers Party. This is the group whose participation varies according to the presence or not of the Workers Party in power. When the Workers Party is in power its associations expand in terms of members

showing a sort of expanding and contracting dynamics that is part of São Paulo`s civil society behavior. The religious group is more stable, its members are more linked to the habits of the poor population and geographically it is located outside the center of the city of São Paulo. The public policy group seems to be the one that is more strongly engaged in the democratization of state`s action. However, it is located overwhelmingly in the center and West districts of São Paulo that are wealthier regions.[9]

It is impossible to understand Brazilian civil society without analyzing the two groups at the same time. Associations dealing with public policies are associations constituted most of the time by left actors of middle class ascendancy located in a few Brazilian cities (particularly in the case of the city of São Paulo). Taking civil society to be represented by this small group of associations dealing with public policies as Houtzager and Lavalle do, amounts to ignore the huge process of organization through which the Brazilian poor have been engaged during the last 30 years for the sake of reconstructing an old leftist argument on the party connections of civil society actors. It is better heuristically and politically to consider the broad array of actors and aims that constituted Brazilian civil society as a pluralistic institution. Brazilian civil society changed the pattern of association in the country. Brazil has made a difficult transition from a country with a strong tradition of privatism to a country with several political traditions, among them the tradition of independent civil society associations. If it is true that these associations interact both with the state and political parties, it is also true that they do it from the perspective a pluralistic civil society that understands itself as being independent from political parties. It is precisely the independence of Brazilian civil society from political parties that allowed it to survive the political crisis that have plagued Brazil during the last few years and keep its legitimacy among broad sectors of Brazilian society.

Bibliographical references

---

[9] Due to the division of the archdiocese of São Paulo by Pope John Paul II during the early eighties and the later indication of conservative bishop to the new archdioceses in the city, the Southern region of Sao Paulo remained an under-organized region with low numbers of associations and people affiliated to associations. See Doimo, 2004.

Abers, Rebecca N. e Keck, M. E. (2006), *Muddy Waters: Decentralization, Coordination and Power Struggle in the Brazilian Water Management Reform.* International Journal of Regional and Urban reform. Vol 30. number 3.

Arato, A. (1981) *Civil Society vs. the State: Poland 1980-81*, Telos, No. 47, Spring

Alvarez, S. E., Dagnino, E. et al. (1998) *Cultures of Politics, Politics of Cultures: Re-visioning Latin American Social Movements,* Boulder:Westview Press.

Arouca, S. (2002). *O eterno guru da reforma sanitária*. Entrevista concedida a Ana Beatriz de Noronha, Caco Xavier, Rogério Lannes Rocha, Daniela C. Sophia e Katia Machado. *Radis*, Rio de Janeiro, n.3, p.18-21.

Arturi, C. S. (2001*) O Debate Teórico sobre Mudança de Regime Político: o caso brasileiro*. Revista Brasileira de Ciencias Sociais.

Auyero, J. (2001) *Poor People's Politics: Peronist Survival Networks and the Legacy of Evit,* Durham: Duke University Press.

Avritzer, Leonardo. (1994) *Sociedade Civil e Democratização*, Belo Horizonte: Del Rey.
_____. (1995), *Transition to Democracy and Political Culture: an Analysis of the Conflict between Civil and Political Society in Post-Authoritarian Brazil.* Constellations I n° 5, Oxford.

_____ (1997),Um desenho *institucional para o novo associativismo. In Lua Nova nº 36.*
_____**.** 2002. *Democracy and the public space in Latin America.* Princeton University Press.
_____**.** (ed.). 2004. *A participação em São Paulo*. São Paulo: Editora UNESP, 470 pp.
_____**.** 2006. *New public spheres in Brazil*. In: International Journal of Urban Regional Research.

_____. 2008. Participatory Institutions in Democratic Brazil. Wilson Press/John Hopkins University Press.

Avritzer, Leonardo and Zander, Navarro. (2003). *A inovacao democratica no Brasil*. Sao Paulo. Cortez.

Baiocchi, Gianpaolo. (2005). *Participation, Activism and Politics: The Porto Alegre Experiment and Deliberative Democratic Theory*. Department of Sociology. University.

Bobbio, N. (1989) *Gramsci and the Concept of Civil Society,* London: MacMillan.

Boschi, R. (1987). *A arte da associação.* Rio de Janeiro. Vertice.

Bruneau, T. (1974). *O catolicismo brasileiro em época de transição*. Trad. Margarida Oliva. São Paulo:Loyola.

Caldeira, T. (2000). *São Paulo, city of walls*. Berkeley. University of California Press.

Casanova, J. (1994). *Public religions in the modern world*. University of Chicago Press, Chicago, IL, USA. 320 pp.

Cohen, J. L. and Arato, A. (1992) *Civil Society and Political Theory,* Cambridge: MIT Press.

Cohen J. L. and Rogers J. (1995). *Associations and democracy.* Verso, Londres-Nova York.

Coelho, V. S. R. P. 2004. Conselhos de saúde enquanto instituições políticas: o que está faltando? In: Coelho, Vera Schattan r. P.; Nobre, Nobre (eds.). *Participação e Deliberação.* São Paulo: 34Letras, p. 255-269.

Cornwall, A. and **Coelho, V. S. R. P**. *Spaces for Change? The politics of citizen participation in new democratic arenas.* 1. ed. Londres: Zed Books, 2007

Dagnino, E. (1994) "Os movimentos sociais e a emergência de uma nova noção de cidadania," *Os nos 90: Política e Sociedade no Brasil*. E. Dagnino (Ed.). São Paulo: Brasiliense.

_____. (2002) *Sociedad Civil e Espaços Públicos no Brasil*, São Paulo: Paz e Terra.

Dagnino, E; Olvera, A. J. and Panfichi, A. (eds.). (2006). *A Disputa pela construção democrática na América Latina*. S. Paulo: Paz e Terra, 501pp.

Doimo, Ana Maria. 2004. Pluralidade religiosa à brasileira, associativismo e movimentos sociais em São Paulo. In: AVRITZER, Leonardo (Org). *A participação em Sao Paulo.* Unesp.

Dreyfus, R. (1982). *A conquista do Estado, Ação política, poder e golpe de classe*. Petrópolis: Vozes.

Escorel, Sarah. (1998*). Reviravolta na saúde: origem e articulação do movimento sanitário.* Rio de Janeiro: Editora FIOCRUZ.

_____. (2005). *As Conferências Nacionais de Saúde na construção do SUS*. In: Lima, Nísia Trindade et al. (Org.). *Saúde e democracia*: história e perspectivas do SUS. Rio de Janeiro: Ed. Fiocruz. p. 83-119.

Feinberg, R; Carlos Waisman and Leon Zamosc. (2006). Civil society in Latin America. Palgrave.

Franco, M. S. de C.. (1974). *Homens livres na ordem escravocrata*. Sao Paulo. Atica editores.

French, J. (2006). *Buried alive: Imagining Africa in the Brazilian Northeast*. American Ethnologist, Vol. 33, No. 3: pp. 340-360.

Freyre, Gilberto. (1946). *Masters and the slaves*. New York Knopf. English translation (1963).

_____. (1959). *The Mansions and the shanties*. plantation relations and Mestizaje in American imaginaries / edited by Alexandra Isfahani-Hammond. New York. Macmillan.

Fontana, **B**. (2006). *Liberty and Domination: Civil Society in Gramsci.* In: *boundary 2* Vol 33:2, pp 51 – 74

Gay, Robert. (1994). *Popular organization and democracy in Rio de Janeiro*. Philadelphia: Temple.

Habermas, J. (1995) *Between Facts and Norms*, Cambridge: MIT Press.

Hilaire, A. Saint- (1822). *Segunda viagem do Rio de Janeiro a Minas Gerais*. Belo Horizonte. Itatiaia.

Houtzager, P. ; Gurza Lavalle, A. and Charia, A. (2003). *Who participates? Civil society and the new democratic politics in São Paulo, Brazil*. Intitute of Development Studies. Working Paper.

Keane, J. (1988) *Democracy and Civil Society: on the Predicaments of European Socialism, the Prospects for Democracy, and the Problem of Controlling Social and Political Power,* London, New York: Verso.
_____. (1998) *Civil Society : Old Images, New Visions,* Stanford: Stanford University Press.

Keck, M. E. (1989). *The new unionism in the Brazilian Transition*, in Alfred Stepan (ed.) Democratizing Brazil: Problems of Transition and Consolidation, New York: Oxford University, Press.

Lima, N. T. et al (org.). (2005). Saúde e democracia: história e perspectivas do Sistema Único de Saúde no Brasil. Rio de janeiro: Ed. Fiocruz, p. 27-58.

Navarro, Zander. (1998). *Affirmative democracy and redistributive development: the case of participatory budgeting in Porto Alegre, Brazil*. Washington:World Bank Report. (mimeo).

_____. (2002). *Mobilização sem Emancipação – As Lutas Sociais dos Sem Terra no Brasil. Produzir para Viver: Os Caminhos da Produção Não Capitalista*. Boaventura de Sousa Santos, editor. São Paulo: Civilização Brasileira, 2002.

O'Donnell and Schmitter. (1986). *Transitions from Authoritarian Rule: Tentative Conclusions about Uncertain Democracies*, vol. IV of G. O'Donnell, P. Schmitter, and L. Whitehead, eds., *Transitions from Authoritarian Rule: Prospects for Democracy*. Baltimore: Johns. Hopkins University Press.

Olvera, A. and Panfichi, A. (orgs.). (2006). *A disputa pela construção democrática na América Latina*. São Paulo: Paz e Terra.

Oxhorn, P. (1995) *Organizing Civil Society: the Popular Sectors and the Struggle for Democracy in Chile*, University Park: Pennsylvania State University Press.

Putnam, Robert. (1993). *Making Democracy Work*. Princeton: Princeton University Press

Pereira, C. (1996). *A política pública como caixa de pandora: organização de interesses, processo decisório e efeitos perversos na reforma sanitária brasileira –* 1985-1989. Dados. 39(3): 423-478.

Reis, Elisa. 1995. Desigualdade e solidariedade:uma releitura do familismo a-moral de Banfiled. In:Revista Brasileira de Ciências Sociais.

Riedel, M. (1984) *Between Tradition and Revolution,* Cambridge: Cambridge University Press.

Rodriguez Neto, Eleutério. (2003) *Promessas e Limites da Constituição*. Rio de Janeiro. Fiocruz.

Sader, E. (1988) *Quando Novos Personagens Entraram em Cena*, São Paulo: Paz e Terra.

Santos, Wanderley Guilherme. 1979. *Cidadania e justiça*: a política social na ordem brasileira. Rio de Janeiro.

_____. 1987. *Crise e Castigo*. Rio de Janeiro. Vertice.

_____. 1993. *Razões da Desordem*. Rio de Janeiro: Rocco,152 pp.

Saule Jr., N. (1995). *O Direito à cidade na Constituição de 1988. Legitimidade e eficácia do Plano Diretor*. Dissertação de Mestrado em Direito PUC-SP, São Paulo,

Stepan, A. (1988), *Rethinking Military Politics.* Princeton, Princeton University Press.

_____(1989). *Democratizing Brazil: Problems of Transition and Consolidation*. Oxford: Oxford University Press.

Shils, E. (1997) *The Virtue of Civility: Selected Essays on Liberalism, Tradition and Civil Society,* Chicago: Liberty Fund.

Shils, Edward. (1991) *The virtue of Civil Society. Government and Opposition*, Volume 26, Issue 1 Page 3-20.

Silva, A. A. (1991) *Reforma Urbana e o direito à cidade*. Porto Alegre: Revista Polis.

Tatagiba, Luciana. (2002) *Os Conselhos Gestores e a Democratização das Políticas Públicas no Brasil.* In: Dagnino, E. (org.) *Sociedade Civil e Espaços Públicos no Brasil*. RJ: Paz e Terra.

_____ **and Teixeira**, **A. C C**. (2006). *Democracia representativa e participativa: complementaridade ou combinação subordinada? Reflexões sobre instituições participativas e gestão pública na cidade de São Paulo (2000-2004)*. XIX Concurso do Clad sobre Reforma do Estado e Modernização da Administração Pública. Guatemala.

Wampler, Brian and Leonardo Avritzer. (2004)**. "***Participatory Publics: Civil Society and New Institutions in Democratic Brazil*.** Comparative Politics. V36:N3. 291-312

Weffort, F. (1982). *A Cultura do Povo*. São Paulo: EDUC.

_____. (1989) "*Why Democracy*", *Democratizing Brazil*, A. Stepan (Ed.), New York. Oxford University Press.

Zauli, E. M. ; Rodrigues, M. M. A. (2002). *Presidentes e Congresso Nacional no Processo Decisório da Política de Saúde no Brasil Democrático*. Dados. Rio de Janeiro.