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Keywords: Decision-making process; Estado Novo; legislative process; state system; DAESP.

A Study on the Impact of Campaign Finance, Political Capital and Gender on Electoral Performance
Bruno Wilhelm Speck and Wagner Pralon Mancuso

This article analyzes the association between political finance and electoral performance in the 2010 Brazilian elections for state and federal deputies. It also investigates the interaction effect of incumbency and gender on this association. We conclude: (i) there is a positive and statistically significant association between political finance and electoral performance, yet the intensity of this association varies according to the type of candidate; (ii) the association is stronger for challengers than for incumbents – thus extending the "Jacobson effect" to the Brazilian case; and (iii) the association is stronger for women than for men – which suggests an extension of the idea underlying the "Jacobson effect". The association between finance and electoral performance tends to be stronger for candidates facing electoral disadvantages, whether these stem from limited political capital, gender discrimination, or any other factor not studied here resulting in a similar effect. Political finance works as a tool that, to some extent, may counteract the negative effect of such factors on electoral performance.

Keywords: Campaign finance; political capital; incumbency; gender; electoral performance.

The Place of Normativity in the Political Ontology of Ernesto Laclau
Daniel de Mendonça

This article is a reflection on normativity in the field of political theory, with the ontological dimension found in Ernesto Laclau's discourse theory as a presupposition. We base ourselves on the premise that, as a political theorist (rather than a political philosopher), Laclau has developed a political theory with great analytical applicability, which is also significantly useful for thinking about the role and limits of political normativity. We sustain that the normative, widely understood as a set of precepts or politically desirable situations, has a limited place in the area of discourse theory. In order to carry out our proposal, this paper is divided into five parts. Firstly, we deal with the post-foundationalist position found in Laclau's thought. Following that, we present him as a political theorist. We then analyse the notions of ideology and discourse, central to the political ontology present in discourse theory. Following that, we discuss antagonism and dislocation, categories used to explain the incompleteness of social meanings, according to Laclau. Lastly, in the light of the ontological presuppositions presented, we seek to establish the possibilities and limits of political normativity, bearing in mind the discourse theory developed by him.

Keywords: Post-structuralism; post-foundationalism; discourse theory; normativity; Ernesto Laclau.

The Path of Brazilian Social Assistance Policy Post-1988: the Significance of Institutions and Ideas
Natália Guimarães Duarte Sátyro and Eleonora Schettini Martins Cunha

This paper analyzes the construction of the social assistance policy at the federal level in Brazil over the last two decades. It focuses on the Federal Constitution of 1988 and subsequent infra-constitutional legislation, especially that enacted during the Fernando Henrique Cardoso (FHC) and Luiz Inácio Lula da

Silva (Lula) administrations, which showed very different conceptions of social policy. For both administrations, we analyze the consequences of the institutional changes and legal framework introduced as well as the social policy ideas that informed them.

It is argued that the construction of social assistance in Brazil demanded much more than the constitutional provisions enacted in 1988. It included the entire set of subsequent constitutional legislation, a process in which the ruling party played a critical role. Categories of neo-institutionalism and the method of process tracing, plus in-depth interviews with relevant actors, were employed. Our findings point to the impact of the interaction between institutional structures, like constitutions and policy legacies, and the political projects of governing parties. Constitutional provisions, even if not bound to a policy, can prevent setbacks and anchor the action of pressure groups. They can also allow progressive administration to change the status quo.

Keywords: Social policies; assistance policy; institutional change; political party; policy legacy.

The Legislative Work in an Authoritarian Regime: the Case of the São Paulo Administrative Department*

Adriano Codato

Universidade Federal do Paraná, Brazil

This article describes the legislative process of the Administrative Department of the state of São Paulo (DAESP) during the Estado Novo dictatorship and seeks to answer three questions: i) what were its real attributions? ii) what was its place among the state-level government agencies? iii) what was its role in the dictatorial regime's public decision-making structure? Ordering and interpreting information on the DAESP's deliberative process will allow us to establish whether or not it exercised power (understood as the capacity by those who controlled it to impose their preferences), what was the magnitude of this power, what type of power was exercised, over what and whom. The frequency of its meetings, the coordination of the agendas of the dictatorial State's apparatuses involved in the decision chain, the activism of each councillor of DAESP and a sample of the legal opinions produced by it between 1939-1947 were all analysed. The findings can be summarised into three propositions: *i)* DAESP was not a decision-making arena *per se* as it did not make important decisions, but instead produced a huge amount of decisions regarding the formal aspects of the decree-laws issued by the Interventoria Federal (appointed governors); *ii)* therefore, the president of the DAESP did not have greater political or bureaucratic power than the interventor, and *iii)* although the Department mimicked some legislative routines, it cannot be considered a substitute of the state legislature.

Keywords: Decision-making process; Estado Novo; legislative process; state system; DAESP.

Introduction

How does the "legislative process" of a regime with no legislative branch work? This article deals with the internal life of the Administrative Department of the state of São Paulo (Departamento Administrativo do Estado de São Paulo – DAESP)

from 1939-1947. It is an examination of the agenda, the decision-making routines, legislative procedures and bureaucratic connections of this specific agency, created during the Estado Novo (New State) regime in Brazil.

The coup that established the Vargas dictatorship in Brazil on November 10, 1937 swapped the elected governors for appointed governors, revoked parliamentary terms and shut down the legislative houses (city councils, state legislatures, Chamber of Deputies and Federal Senate). Soon after, Decree-Law nº 37 of December 2, 1937 cancelled the register of Brazilian political parties and civil militias. With this, the government intended to eliminate the influence of traditional politicians and state party machines on government processes. According to the then dominant anti-liberal conception (VIANNA, 1927), a bureaucratic department linked to the federal Executive branch that acted only "administratively" (and not politically) would be preferable to a Legislative branch occupied by the traditional oligarchies. To the official discourse, the Legislative branch that came out of the 1934 Constitution and was moulded according to the "classical models of liberalism and the representative system", would not only be an "inadequate and costly apparatus", but a real "obstacle" to "government works" (VARGAS, 1938, pp. 23-24). According to the writings of thinkers of the regime, the style of the Brazilian legislative bodies only hindered the process of government and blocked technocratic objectivity, hence the need for Administrative Departments that would play the role of regional parliaments.

Studies on Brazilian political history have likened the functions of the Administrative Departments, or "daspinhos" (little *DAE*s) to those of the former state Legislatures[1]. This was the opinion current at the time of the Vargas dictatorship and also the view of the President himself (VARGAS, 1941, p. 219). According to Minister for Justice and Internal Affairs Francisco Campos, these Administrative Departments had been created in order to be "an instrument of 'legislative cooperation and budgetary oversight' of the *Interventoria Federal*" (CAMPOS, 1940a, p. 115). And this, according to what the authoritarians believed, had advantages over the political order prior to 1937, which repeated in the states the division between the Executive and Legislative spheres. All the dictatorship's ideological propaganda emphasised the alleged superiority of the bureaucratic procedures of these offices compared to the "discursive methods of liberal democracy" and the empty "legalistic dialectic" of traditional parliaments (CAMPOS, 1940a, pp. 29-30).

In this context, the authoritarian ideology and the opinion of its disseminators on the inefficiency of Brazilian parliamentary politics worked as a source of theoretical inspiration for the law-making process that led to Decree-Law 1,202 of April 8, 1939. This decree instituted an Administrative Department in each one of the 20 Brazilian states. According

1 See Diniz, 1991, p. 110; Fausto, 1972, pp. 87-88; Loewenstein, 1944, p. 65; Nunes, 1997, pp. 54-55 and Souza, 1976, pp. 96-97

to this document, between four and ten members directly appointed by the Brazilian President were to oversee the decision-making process in their states, approving or vetoing all the decrees issued by the Interventor Federal. Given this, Graham deduced that "the president of the *daspinho* was usually more powerful than the *interventor*" (GRAHAM, 1968, pp. 27-28).

This article aims to empirically test this proposition, examining the *type* and *amount of power* that this political system's actors – the *interventor* and the president of the Department – possessed. This requires a descriptive study of the decision-making processes of the political-bureaucratic apparatuses of the authoritarian State.

The second aim of this article is to verify whether the distribution of the *power of political initiative* in the *Interventorias* and of the *power of veto* in the Administrative Departments made the latter the successors of the state Legislatures.

Focusing on the legislative production of the Administrative Department of the State of São Paulo, this article seeks, by means of a quantitative approach, to define the actual role (not just the legal role) of the DAESP in São Paulo politics during the dictatorial regime: 2,231 meetings and 3,387 legal opinions out of 20,875 issued by it were analysed. The idea behind this is that defining what the actual patterns of functioning of the *paulista* Department were will allow us to see how the division of government work was organised and how it operated in one of the states during the authoritarian regime.

The first part of the article mentions the political meaning – rather than the merely bureaucratic meaning – of the institutional reform that followed the 1937 coup d'État and led to the re-creation of the system of *Interventorias Federais* in the states, and later of the "*daspinhos*" as agencies of control over the *interventores*. The differences between this institutional arrangement and the 1931 *Interventore's* Code and the political order that ensued are also detailed.

In the second part, The decision chain, I will state the frequency of meetings and the amount and types of decisions that the DAESP produced so as to give a more exact dimension of its bureaucratic activism. I will show the interdependence of the dictatorial State's decisions through the DAESP's linkages with other agencies and, based on this type of evidence, will suggest the bureaucratic connections between their administrative processes and the political connections among those who controlled them.

In the third part, The legislative procedure, I will examine the agenda and the decision-making routines of the Administrative Department of São Paulo so as to understand the actual capacity of the very reduced group established in the "daspinho" to influence the decision-making process of the regional state apparatus. I did not manage to obtain complete data for all of the DAESP's years in existence (1939 to 1947)[2]. With the ma-

2   The DAESP functioned between July 14, 1939 and July 8, 1947. On November 26, 1945, Decree-Law nº 8,219 terminated the Administrative Departments (soon after the coup d'état that

terial available, I ordered its resolutions by *type of topic* created from its processing of paperwork. These topics will allow us to establish how its real agenda (as opposed to the bureaucratic agenda defined in the decree-laws) was formulated. Following that, by means of a random sample, I will show the use that the DAESP made of the ability to change the decree-laws of São Paulo's *Interventoria* and city governments.

Whenever possible, I have attempted to avoid giving a meticulous account of the agency's bureaucratic minutiae, except when it was indispensable to understanding the system's logic and not just its mechanics. I also sought to avoid excessively repeating references to several documents where only one mention sufficed for exemplifying a claim. The intention behind this method is to place in the foreground of the study the principles that governed this decision-making system and the DAESP's particularities compared to other bureaucratic agencies of the dictatorial regime.

The political meaning of the administrative reform

With the end of the oligarchic pact in 1930, and after the constitutional failure of the República Nova (New Republic) decreed by the 1937 coup, power relations between national political groups and state political groups could no longer depend on improvised arrangements based on mutual trust between the old and the new oligarchies, on informal arrangements such as the "politics of the governors", or on the liberal procedures typical of the 1st Republic (1889-1930), such as regular elections and regional party representation. Thus, two complementary provisions were consecutively created in order to formalise these relationships and impose a new and lasting hierarchy between the national apparatus and the regional apparatuses of the State and their respective controllers: the Interventorias Federais (as early as 1937) and the state Administrative Departments (in 1939). Decree-Law 1,202 of April 8, 1939, which instituted an Administrative Department in each of the Brazilian states, functioned, from then on, as a type of "Administrative Code" of the Vargas dictatorship.

In certain aspects, these Administrative Departments were a rehash of the old Conselhos Consultivos de Estado (State Advisory Councils) instituted in August 1931[3]. The

deposed President Vargas). However, Decree-Law nº 9,974 re-instated the Administrative Departments on February 13, 1946 and they operated until the promulgation of the respective state constitutions (in 1947). The measure was adopted in order to fill the gap in the political system left by the non-existence of state Legislatures.

3   These Councils were implemented in all Brazilian states, in some municipalities and in the Federal District by Decree nº 20,348 of August 29, 1931. Although they did not possess much decision-making ability, they operated as a political complement to the interventor's power after the 1930 Revolution. See decree of the Interventore's Code of 1931 in Carone (CARONE, 1975, pp. 374-381).

idea of recreating them with a new name in April 1939 had less to do a with response to pressures by oligarchic groups left out of the political schemes hurriedly arranged in the Interventorias headed by the tenentes [lieutenants] (as was the case of the 1931 arrangement) than with the authoritarian State's intention to reorganise the whole process of government along new lines[4]. In this sense, the legal text of 1939 can be read as a sign of two limitations of the Estado Novo's system of Interventorias: *i)* the regulation of federal intervention in states and municipalities decreed by art. 176, sole paragraph of the Constitution of 1937, bureaucratically organizing public administration, was missing; and *ii)* there had yet to be created an instrument politically able to guarantee and further the centralisation of decision-making power at the federal level, thus ensuring strict obedience by states to the objectives of the Varga's regime, a purpose that only a direct relationship between the dictator and the interventores would be able to achieve (CODATO, 2011).

The Administrative Code of 1939 split the executive functions of the states into two bodies: an Interventoria Federal and an Administrative Department (Decree-Law 1,202, art. 2). The interventores, appointed by the President, had their power to appoint town mayors and executive secretaries (secretários de estado), to employ or dismiss public servants and to manage their state with sovereignty guaranteed by decree (articles 5-11). Department members, also directly chosen by the Brazilian President (art. 13), had to examine all the decree-laws issued by the interventor and the mayors, as well as the budget planning and execution of their state and its municipalities (art. 17). According to the official ideology (or rhetoric), Administrative Department councillors had to carry out their work with greater neutrality (in political terms) and more efficiency (in bureaucratic terms) than the old state legislatures and city councils. In addition, because it regulated budgets, this new agency would also carry out the informal function of a "Court of Auditors" (Tribunal de Contas). It would suffice for two-thirds of Administrative Department representatives (art. 22) to oppose the measures of the municipal Executives or the state Executive to refuse their decisions, with the final decision – in case the interested parties exercised their right to appeal – to be taken by President Vargas himself (art. 19), who would be informed of the suit ("appeal") by the Minister for Justice (art. 20).

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4   Carone is excessively optimistic when he sees the Interventore's Code of 1931 as one of the most conscientious examples of Brazilian administrative history, as some analysts would later see the Administrative Code of 1939. In his view, it signified the attempt by the victors of the 1930 Revolution to substitute party politics for administrative technique. Decree nº 20,348, according to this view, was an important step in the policy of cleaning up politics. This theme was partly repeated in the Estado Novo with the DASP. Carone himself recognises that the 1931 document was meant to limit the tenentes, reduce the "abuses" carried out by them during this first phase of the Provisional Government, and, in the process, avoid "the restrictions of the local administrative machines against them" (CARONE, 1978, p. 441, 28 respectively).

The meaning of these "political reforms" – as the official vocabulary defined Decree-Law 1,202 (CAMPOS, 1940b) – introduced into the regime's institutional framework must be understood in a wider context. Schwartzman has observed that "more than governing, the new generation that came to power in 1930 saw a total reorganization of the Brazilian State as its main task and believed that, once it was achieved, good policies would almost naturally ensue" from the new administrative structure (1983, p. 04). It was precisely these idealised representations of government processes that placed in the foreground the alleged virtues of the economic policy corporate councils (DINIZ, 1978, pp. 157-219) and of political institutions such as the "daspinhos". In this sense, blind faith in the importance and efficiency of bureaucratic bodies such as these for conducting the State in this new way was the real basis on which the authoritarian ideologues promoted the "new" Brazilian state in the 1930s.

However, much in the same way as the "sectorial economic councils" (of rubber, sugar, coffee etc.), the state's Administrative Departments cannot not simply be considered part of the programme of "modernisation" of the Brazilian state. They were neither less politicised legislative bodies, nor more efficient administrative bodies.

The official propaganda on the Estado Novo could not hide with its exaggerations the fact that the aim of the "daspinhos" in the arrangement of the regime was much more political than managerial. For this reason, these Administrative Departments can be seen as both an institutionalised way of containing the "Union, states and municipalities" system's centrifugal tendencies and a way in which to limit sectors of the old oligarchies instated by the president of the Interventoria in the states. The more the Administrative Department members were able to incorporate and/or influence the agenda of other regional apparatuses and their decisions, and to actually exercise their veto power over the initiatives of the Interventoria Federal, the greater their power over the interventores (and mayors and other state authorities). It is this political capacity that I will be testing.

The decision chain

The focus of this analysis will now be on the internal structures of the authoritarian State apparatus, the micro interactions between political and bureaucratic agents, the endless administrative paperwork that measured these relationships and the legal framework that delimited the actions of both. This approach, focusing on the DAESP's decision-making system and process, should allow us to determine its functions and place in the state political system. Even based only on its legislative production, I believe it is possible to test the supposition that the Administrative Departments worked as a sort of transmission chain between federal and state policy, and between the latter and municipal

policy, inaugurating a new form of clientelism – "State clientelism", as opposed to the "private clientelism" of the *coronéis* (colonels) of the Old Republic (1889-1930).

The internal routines

The Administrative Department of São Paulo operated in "a modern building where it… [occupied] five storeys, containing 30 rooms, in appropriate facilities" (RAMOS, 1943, p. 44). It was situated at Rua Boa Vista, 119, in São Paulo. In 1945, it had only 18 staff members.

Regarding its financial costs, Administrative Rule nº 2,083 of June 12, 1939 had defined the interventor as the person responsible for allocating funds to the Departments, depending on the number of members in each state. For those with seven members (São Paulo's case), the figure was 50:000$000 (50 contos de réis). As well as this budget, the decree-law that created the Administrative Departments also included a bonus for their members. It was decided on by the Minister for Justice and paid by the National Treasury. The bonus (called a jeton de présence) for each councillor was Cr$ 200.00 (200 cruzeiros) per session, reaching up to a maximum of Cr$ 4,000.00 (4,000 cruzeiros) monthly[5].

The first session of the DAESP took place on July 11, 1939[6] and its members started meeting practically every working day, except Mondays and Saturdays (on a one session per day basis). Extra sessions could take place at any time or day, depending on the amount of work accumulated.

A typical meeting followed this sequence: after a roll call to verify the councillors present, if there was quorum, the president of the Department declared the session open. According to the House's internal regulations, the "Business" of the meeting then began. Second Secretary José Antonio da Silva Junior proceeded to read the minutes of the previous meeting, which were (very rarely) debated and (often) approved, with rectifications, if necessary. First Secretary João Franco de Souza proceeded to read the "communications" that is, the requests by interested parties (the system's inputs). These documents could come from seven different government agencies: *i)* from the Ministry of Justice, communicating decisions by the Brazilian President regarding matters that depended on his direct approval, in accordance with articles 31 and 32 of Decree-Law 1,202/39; *ii)* from the State Chief of Staff's Office, forwarding proposed executive decrees from the Interventor Federal; *iii)* from state Secretarias (Departments), with specific requests to the Administrative

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5   Cf. Administrative Rule/Ministry of Justice nº 2,083 of Jun. 12, 1939. In 1945, the bonus was raised to Cr$ 5,000.00 per month. Administrative Rule/Ministry of Justice nº 10,694 of Jul. 5, 1945. By way of comparison, the Brazilian minimum wage in 1943 was Cr$ 300.00.

6   São Paulo. Departamento Administrativo do Estado de São Paulo, *Anais de 1939*, vol. I (Sessões), 1ª parte, p. 07.

Department, or providing information requested to better inform the suits in progress; *iv)* from the Department of Municipalities, sending proposed executive decrees and city government budgets; *v)* from city governments themselves, offering or requesting information from the Administrative Department; *vi)* from other government authorities; and lastly, *vii)* from private individuals asking for measures to be taken regarding non-compliance with DAESP decisions by mayors. All documents were then forwarded to the Department's office to inform or be annexed to their respective suits.

In order to be able to deal with all the work, in São Paulo, the Administrative Department was highly active. Between July 14, 1939 and July 8, 1947, it held more than 2,200 sessions (not including 1945, for which there is no data). Considering that in 1939 and 1947 the Department only functioned in the first and second semesters, respectively, we have the following:

Table 1. Absolute number of sessions of the Administrative Department
of the state of São Paulo, 1939-1947

Type of meeting	Ordinary sessions	Extra sessions	Total
1939	64	0	64
1940	188	109	297
1941	190	123	313
1942	186	198	384
1943	184	264	448
1944	149	229	378
1945	-	-	-
1946	155	54	209
1947	92	46	138
Total	1,208	1,023	2,231

Source: author's own
N.B: There is no information for 1945.

If the number of times the DAESP met to decide on proposed executive decrees of the Interventoria or City Governments is indicative of something, then its importance, both from the administrative and from the representative point of view is undeniable. Between 1940 and 1946, excepting 1945, there was an average of 338 sessions per year, practically one per day, every working day. There is a rising curve from 1939 to 1943, which coincides with the dictatorial regime's political and bureaucratic heyday. Even the drop in sessions in 1944 compared to the previous year was not significant: 378 meetings compared to almost the same figure (384) in 1942. Initially, from this data, we see that

when the Administrative Departments were brought back to life in 1946, they did not come back with the same force as before, although they played the same role. When they were not held in the context of the dictatorship, the number of sessions dropped significantly, to less than half compared to 1943 and even further in 1947 (to only 138 meetings).

The average number of sessions per week gives us a clearer idea of these values and this curve. Comparing the two pieces of information, we see that the story they tell is almost the same. With a lower frequency of meetings in 1939 (2.4 per week), even considering the powers vested in the DAESP by the Administrative Code, it reached a maximum number of 8.6 sessions per year in 1943[7].

Looking at the paulista Department's productivity, what we can see is the following: even at the beginning of its activities in 1939, or in 1946-7 – under the liberal regime of the Charter of 1946, when there were fewer sessions –, it was the source of a staggering amount of State resolutions. In a 1939 meeting, no fewer than 22 legal opinions were voted on, an average that dropped proportionately to the meetings becoming more frequent: in 1943 (with almost 450 meetings), there was an average of six legal opinions dealt with per session.

The origin of the propositions examined gives us a more precise idea of the horizontal and vertical connections between the Departments and the State's other centres of power.

The decision-making paths

According to its own classification, there were four types of demands made to the agency, which can be summarised according to their scope and origin – individual/sectorial, national, regional or local. For example, *i)* "leave requests" by public servants, "government procurement, petitions, requests for official documents and payment of associated charges, proposals, communications of irregularities by the Interventoria Federal or City Governments etc." were individual/sectorial; *ii)* "all the proposed executive decrees subject to art. 32 of Decree-Law 1 202" – that is, those whose validity was subject to approval by the Brazilian President – "and the appeals sent to the DAESP by the Ministry of Justice" were national inputs; *iii)* "all the proposed executive decrees from the Interventoria Federal, as well as those from the Capital City Government" (regional); and *iv)* "all the proposed executive decrees of city governments of the interior" (local) (RAMOS, 1943, pp. 49-50). What we see from Table 2 is that it was an agency specialised in policy matters that were mostly local and, to a much lesser degree, regional.

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7   The number of ordinary and extra weekly meetings for each year are the following: 1939, 2, 4; 1940, 5, 7; 1941, 6; 1942, 7, 4; 1943, 8, 6; 1944, 7, 3; 1946, 4; 1947, 5, 3.

Table 2. Origin of requests made to the Administrative Department of the State of São
Paulo by apparatus and year - 1939 to 1942

ORIGIN		YEAR				
General	Specific	1939 a	1940	1941	1942	1943
Interventoria (by state departments)	Interventoria (total)	232	-	-	203	-
	Health and Education	71	-	-	14	-
	Transport and building works	43	-	-	03	-
	Justice and Home Office	32	-	-	03	-
	Agriculture, Industry, Trade	30	-	-	06	-
	Government Depts.	19	-	-	19	-
	Central Police Dept.	14	-	-	01	-
	Treasure	14	-	-	12	-
	City Governmennts (via Interv.)	-	-	-	01	-
	Dept. of Municipalities	-	-	-	34	-
	Public Security	09	-	-	04	-
City Governments	Capital City Government	26	-	-	42	-
	Interior City Governments	-	-	-	47	-
	City Governments via *Secretarias*	-	-	-	-	-
Department of Municipalities	Capital City Government	-	-	-	-	-
	Interior City Governments	1502B	-	-	2602	-
	Of direct interest	07	-	-	-	-
DAESP	Of direct interest	25	-	-	-	-
Ministry of Justice	From the Ministry itself	-	-	-	03	-
	citizens	09	-	-	36	-
Others		-	-	-	01	-
Others origins		98	-	-	02	-
No information		-	-	-	-	-
Total legal opinions analysed		1415	-	-	3033	-
Total legal opinions produced		1415	3545	2564	3033	2705

(continue)

Table 2. Origin of requests made to the Administrative Department of the State of São Paulo by apparatus and year - 1943 to 1947 (continued)

ORIGIN		YEAR				
General	Specific	1944	1945	1946	1947	Total
Interventoria (by state departments)	Interventoria (total)	174	-	92	109	
	Health and Education	20	-	-	-	
	Transport and building works	08	-	-	-	
	Justice and Home Office	02	-	-	01	
	Agriculture, Industry, Trade	14	-	-	00	
	Government Depts.	-	-	47	84	
	Central Police Dept.	01	-	-	-	
	Treasure	14	-	-	-	
	City Governmennts (via Interv.)	-	-	-	-	
	Dept. of Municipalities	26	-	-	-	
	Public Security	03	-	-	02	
City Governments	Capital City Government	25	-	13	39	
	Interior City Governments	107	-	04	42	
	City Governments via *Secretarias*	-	-	79	01	
Department of Municipalities	Capital City Government	01	-	-	01	
	Interior City Governments	2312	-	599	462	
	Of direct interest	-	-	-	-	
DAESP	of direct interest	-	-	-	11	
Ministry of Justice	From the Ministry itself	01	-	-	-	
	citizens	35	-	05	06	
Others		03	-	-	01	
Others origins		-	-	-	-	
No information		03	-	-	-	
Total legal opinions analysed		2749	-	839	838	8874
Total legal opinions produced		3249	1250	3114	838	21713

Source: compiled by the author from figures of the DAESP's accountancy dept.

A - Compiled by the author from: " Relatório apresentado pela Diretoria Geral referente ao ano de 1939" on Jan. 9, 1940. Departamento Administrativo do Estado de São Paulo, *Anais de 1940*, vol. II (Sessões), 2ª parte, Apêndice, pp. 2861-2862.

B - Here, the volume of demands, not of legal opinions, was counted.

The proposed executive decrees and appeals sent to the DAESP dealt with the most different of issues. In fact, it dealt with any issue, as it had to rigorously examine everything, from setting the trade opening hours of a certain municipality to granting special credits for public building works by the Interventoria Federal; from changing a street

name or the name of a square (which not uncommonly was named "Getúlio Vargas"), to reorganising staffing and setting the wages of employees of a state Department; from authorising the purchase of real estate to land expropriation and setting new municipal fees and charges[8].

The greatest amount of paperwork came from the city governments of the interior, brokered by the Department of Municipalities, which shows an unexpected connection between the agenda of the two apparatuses. The same pattern could also be seen in Rio Grande do Sul (CAMARGO, 1983, p. 118)[9]. The direct demands from Secretarias (departments) were great in number and their total in the Interventoria accounts for the second largest number of requests. But, as we can see from these figures, they are much lower than the policy of observing the demands of politicians of the interior practised by the Administrative Department. In 1942, no less than 85% of proposed executive decrees examined were from city governments. Even after the regulatory hardening of 1943 – which further subjugated the Interventoria to the Department[10] –, in 1944, 84% of documents examined (not the total number of inputs) were still coming from municipal administrations, and this counting only requests made via the Department of Municipalities. Everything leads us to believe that the latter came to operate as a political agency of division between the Interventoria Federal and the Administrative Department. The mediation that the Department of Municipalities made between mayors and interventores contributed to filter the mayor's initiatives and demands. At the same time, it upheld and guaranteed the power of the interventor over the mayor appointed by him, limiting the prerogative that the Administrative Department had by law to also regulate municipal life. Hence the DAESP member's insistence on stating that the Department of Municipalities caused the agendas to overlap, duplicated the work and confused their respective regulatory functions. A light-hearted comparison would be to say that Department of Municipalities was to the interior city governments as the Administrative Department was to the Interventoria Federal. As mentioned previously, the Brazilian President appointed the members of the Administrative Departments and the interventor appointed the mayors. The President used

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8   For example, Arthur Whitaker examined and approved the request by the city government of Itirapina to prohibit the traffic of ox-drawn carts in the municipality's streets and roads. Legal Opinion 2 122 of Dec. 6, 1941 (cf. São Paulo. Departamento Administrativo do Estado, 1941). Cesar Costa drafted legal opinion 2 574 (of Dec. 23, 1943) refering to the granting of special supplementary credits for the state's city governments (See São Paulo. Conselho Administrativo do Estado, 1943).

9   In this specific case, 83% of documents originated from city governments.

10   On May 21, 1943, Decree-Law 5,511 changed the agency's name from Department to "Council" and confirmed the subordination of the decisions by the state and municipal executives, increasing the Department's political capacity to limit mayors and *interventores* who did not comply with their provisions (see art. 13).

the Administrative Departments to survey the political and bureaucratic life of states (including, mainly, the movements of the interventores appointed by him). The interventores, in turn, used the Department of Municipalities to oversee the political and bureaucratic life of municipalities, thus guaranteeing the loyalty of the mayors appointed by them (in local language, guaranteeing the "situação" ("situation") of the municipalities).

Looking at the decision-making system as a whole, the strict regulation of the municipalities' administrative routines was, in principle, useful for two reasons. We can even cogitate that if it was not a calculation by Getúlio Vargas and Francisco Campos when they drafted the dictatorship's Administrative Code, it was at least a very welcome by-product of the policy of centralisation. The provision that made it compulsory for municipal decisions to be validated by the Administrative Departments succeeded in bringing back an entity that had, until then, played a central role in the intra-oligarchic game – the municipality. Via the Administrative Department, it was made directly subject to the federal political sphere (i.e. to the Minister for Justice and therefore to the President himself), thus removing the mayors, one of the mainstays of coronelismo, from the Interventor's sphere of influence. To Souza, Kerbauy and Truzzi, this unexpected power allowed the DAESP to undo and substitute coronelista clientelism with a new form of "State clientelism" (2003) – as it implied centralising in one sole place the resources of patronage previously dispersed along the decision chain and divided by the "smaller" politics –, which would mean the final blow to municipalism and the "private powers". This was the most important political opportunity that the apparatus could provide its tenants with, and the institutional relevance of the Administrative Department would ensue precisely because of this right being exercised[11].

However, via the Department of Municipalities, the actions of the Interventoria went around this prerogative, which could then only be informally exercised by members of the daspinho (and not only by the Administrative Department institution) at two points in the decision chain: either when the Reporting Commissioner requested more information from the mayors to give his legal opinion about the appropriateness of decree-laws, for alterations to the budget's execution to be made, and even for special credits to be granted at the end of this exercise; or after the initial version of his legal opinion was published in the state's Official Gazette so as to receive "contributions" from interested parties

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11 Nunes thinks exactly the opposite. With the Law of States and Municipalities, "tax collection, which is vital to state autonomy, was practically completely transferred to the federal government, putting an end to local autonomy and drastically reducing the resources for clientelism, previously at the disposal of the regional elites [...] In reality, one of the possible unanticipated consequences of the search for rationality [...] was a true process of 'nationalisation' of the resources for clientelism, with the federal government becoming the sole, all-powerful patron" (NUNES, 1997, pp. 54-55).

before it was discussed and voted on in the council. The other difficulty with validating the "State clientelism" hypothesis lies in the fact that the Administrative Department was conditioned by law to not having any power of initiative, therefore having little to offer to its clients in material terms.

Looking at the system through another angle, inputs by the Ministry of Justice were virtually non-existent, which shows at least two important things: the interventores and mayors did not appeal the decisions mandated by the Department's opinions, which suggests an absence of significant conflicts among the apparatuses and factions that controlled them, or, if there were contradictions, they were resolved within the Administrative Department (or at another point in the decision chain). The second thing is that the connections between the federal and the state/municipal decision-making processes were null, constituting two separate bureaucratic worlds. The requests by private individuals, as seen from the documents examined, were applications for bureaucratic reviews, overdue holiday pay, labour rights, salary readjustments and a few complaints of municipal political persecution when promotions were postponed. Initiatives of "direct interest", which would signify real legislative activity, only took place in 1939, and this because of the need for an internal organisation of the Department's bureaucratic machine. In the period 1946-7, when it was brought back to life, the pattern of demands was unsurprisingly repeated but their volume dropped considerably. From 1,502 city government suits in 1939, it fell to 462 in 1947. But quantity does not indicate quality. Only one request by the Interventoria (considering its political and/or economic importance) could be worth thousands of requests by mayors. But this piece of information does not help to define the agency's power, as it had to examine everything. The low number of inputs from specific Secretarias and from the Interventor's office suggests a weak link between the two agencies.

However, as the Department was the compulsory bureaucratic checkpoint for all of the dictatorship's "legislative" procedures, it was able to guarantee for itself, along with the Interventoria Federal, one of the central posts of all the state decision-making system. Its superior position in the State's regional apparatus and its high degree of autonomy, both political (as it was subject only to President Vargas, i.e. it did not politically depend on the Interventor) and bureaucratic (the agendas of other apparatuses legally depended on its agenda, but the opposite was not true) made it one of the nodal points of the dictatorship's politics, at least in São Paulo.

As the political opportunities of the Department's members were formally linked to their veto power, and, in truth, to the potential exercise of this power, this is what we will be looking at next.

The legislative procedure

Understanding the political structure of the Estado Novo and the bureaucratism of the regime as a whole and its science of governing requires not only an explanation of the formal power of the Administrative Departments in this new decision-making structure (through the decree-laws), or of their place in the bureaucratic chain (as a result of the decision chain), but also of their exact role in the new bureaucratic order.

What were the political themes processed by this agency? What is the relevance of these themes? And what were its real chances to influence or modify the provisions of the dictatorial State's other apparatuses, that is, its power of agenda?

In the assessment Miguel Reale made of the Department's actions when he resigned from his post in 1945, he stated that "precisely because of the body's transitory nature, it was the legislative activity that predominated, although we exercised, to a reasonable degree, the functions of control and criticism" (REALE, 1986, p. 190). Let us examine this statement with due detail, precisely by means of the "legislative activity" of the DAESP referred to.

How did the legislative process function in practice? This is equivalent to asking: what was the magnitude of its power, in the sense defended by Kaplan and Lasswell[12]?

By legislative process, I mean not only the traditional political method of "law-making", but also the operation that includes the legislative procedures, that is, the technical part of the activity of legislating. The former is subject to the more general political process, which implies both its "constitutional" rules, defined by the political regime, and its conflicts, occurring in the political universe. The text that formally decides the legislative process and stipulates its parameters is the federal Constitution. Legislative procedures, in turn, are the real sequences of stages and actions, generally legally defined by a Regimento (set of rules), which conducts the normal law-making process. In the legislative arena, this procedure transforms requests into resolutions. The interaction between these three levels – the political process, the legislative process and legislative procedures – should allow us to grasp this system's logic, even just by looking at its mechanism.

All legislative phases are political, as the mechanism implied in the practical activity of legislating is itself an object of dispute. If the specific principles of the legislative process were defined by Decree-Law 1,202 (it being the crystallisation of political struggles), its procedural rules – the typical trajectory of a decision – were stipulated by the Internal

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12 Kaplan and Lasswell define "magnitude of power" based on three variables: weight, scope and domain of power. "The weight of power is the degree of participation in the making of decisions; its scope consists of the values whose shaping and enjoyment are controlled; and the domain of power consists of the persons over whom power is exercised" (KAPLAN & LASSWELLl, 1998, pp. 112-113).

Rules of each Department. Decree 1,202 decided who in this bureaucratic system had the primacy of the power of initiative and who had the monopoly of veto power. In the second section of this article, I referred to this question when discussing the bureaucratic division of labour between interventorias and departments, itself the result of both institutional choices and the actual political process. In the third part, I will seek to establish a link between the respective agendas of state apparatuses of the State and their relations of interdependence and subordination. Now, let us examine the domain and routine of the suits – according to the set of institutionalised rules for processing the inputs – and their weight in the "legislative process" of a regime without a legislative branch.

The internal rules

The Internal Rules of the Administrative Department of the State of São Paulo dealt with the legislative procedures (the path of the decisions, the intermediate stages, the form of the documents, etc.) and with two other essential things in this system: who controlled the House's agenda and at what point in their decisions the councillors had to listen to the "interested parties". That is the last stage in discriminating the political-institutional duties of the Administrative Departments and what is now in question is two types of evidence: its real agenda (what it decided on) and its real power (what was the influence of its decisions). However, first of all, we must state some of the peculiarities of this "legislative system" so as to understand its "legislative process".

The Administrative Department dealt with laws but did not produce laws. Its "legislative activity" (as per Miguel Reale's expression) is an inexact formula if we only consider its outputs – "legal opinions" and "resolutions" regarding the legality or adequateness of an interventor's or mayor's proposed executive decree. Aside from that, seen from the inside, this decision-making process seems to be closer to the traditional workings of a Parliament: there was a "commission on admissibility" of the inputs (the General Directorate), a technical commission and a legal commission. There was also a "legislative service", as well as a president who oversaw the work and defined the agenda and voting order. There were even debates in plenary[13].

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13   The council of the Administrative Department of São Paulo was composed of seven members: The president of the House and six members with the right to speak and vote. By law, the president had the casting vote in the decisions. They simulated a political plenary. The councillors did indeed discuss the views and legal opinions drafted by their colleagues, whether they concerned truly important cases or merely technical aspects of a certain legal provision. See, for example, the debate between Marrey Jr. and Miguel Reale regarding the opening of trade for business on Sundays in the town of Martinópolis, or the discussion regarding the issue of the clearance certificate of the real estate registry of São Paulo, in which all the members participated (Cf. MARREY JUNIOR, 1943, pp. 98-104; 130-132, respectively).

What was typical of the dictatorial regime, on the other hand, were two things. Its members were not elected, which contributed to keep party politics at bay, and its organisation was shaped according to the principle of bureaucratic efficiency, not of the representativeness of interests, hence the formalism of its procedures. From the sum of all these characteristics results its hybrid character: political in form, but bureaucratic in content. This is what we will find by means of a diagnostic of the DAESP's decision-making routines.

For each proposed executive decree (sent by the Interventor Federal and the mayors) or appeal (filed by the Ministry of Justice against decisions by the Interventor or acts by the mayors, initiated by the interventores) filed in the Department (the inputs of a decision-making process), a councillor was designated by the president of the Department to read out his legal opinion – a type of intermediate decision by the agency. When deemed necessary, the president appointed a commission from its members, which chose the suit's judge-rapporteur. Councillors had ten days to study the state or municipal proposed executive decrees when the topic in question was subject to the direct approval of the Brazilian President (in other cases the deadline was longer – 30 days). For appeals, there was up to a maximum of 20 days to draft the legal opinion. However, this ideal timeline was dependent on the "requests for information" to the authorities interested in the decision so as to better inform each suit, a procedure similar in form to public hearings and, in practice, to an opening of the system to the influence of interest groups.

The standard path the documents went through was the following: when the proposed executive decree or appeal went through the filing department, it was numbered and filed. It was then sent to the General Directorate of the Administrative Department of São Paulo and distributed to the technical-financial aides or the legal aides (depending on the topic), or to both, successively, who would then evaluate the evidence and give their opinions – according to their functions – on its economic aspect (particularly in budgetary matters) or legal aspect (whether or not it was correct and appropriate to the current legislation etc.)[14]. Armed with this initial technical opinion, "and after having been informed by the Legislative Service about the drafting of the proposed executive decree, suggested in compliance with the jurisprudence of the House or with prior decisions by the Ministry of Justice or the Brazilian President", the suit returned to the General Directorate, which studied it once again and finally sent it to the DAESP presidency to be distributed to the Councillors – this when it was not preceded by requests for information or if the decision was of the exclusive scope of the president of the House (RAMOS, 1943, p. 44). Given

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14   These "proposed executive decrees" were frequently altered by the legal counsellors or, at least by the technical-financial consultants of the Administrative Department. They could also have their wording changed by the Legislative Service. As proof of the legal counsellor's activity, see the project examined by Armando Prado, which resulted in Legal Opinion 3 021, of Dec. 13, 1944, one of many of its kind (São Paulo. Conselho Administrativo do Estado, 1944).

these processing rules, the Department president had, in principle, a merely bureaucratic incumbency. However, it could well become a political prerogative – a specific judge-rapporteur could always be appointed for a specific matter.

Once the suit was received by the Reporting Commissioner (or the Reporting Commission), if he was satisfied with the information and did not request more, he would issue his opinion either in the form of a "proposed resolution" (such as in the case of an ordinary proposed executive decree), or in the form of "conclusions" (in the case of appeals or decrees subject to final approval by President Getúlio Vargas). Having read these documents, and provided they were not limited to legal technique, each councillor offered his reasons for approval, approval with amendments, or non-approval of the proposed executive decrees from the city governments or the Interventoria. Once the legal opinion was issued, which was then typed and checked by the Legislative Service, the suit went back to the president of the Department, who only then designated its inclusion into the "order of the day" of a session assigned to discussion and voting, "waiting, beforehand, except in the case of urgency claims by colleagues, for it to be published in the Official Gazette, which often resulted in great cooperation from the interested parties and the collective" (RAMOS, 1943, p. 44).

It could happen that the interested parties, aware of the legal opinions before the final decision, contacted the appointed judge-rapporteur(s) so as to try to convince him/them of the fairness of their requests. In this case, the councillor submitted to the president of the Department a "Request" asking to see the suit and to postpone the discussion and voting in plenary on the "Draft Resolution". This wide cooperation, starting from the judge-rapporteur's decision being published in the State Official Gazette, meant the only opportunity for action by interest or pressure groups, which shows the degree of the system's authoritarianism. This reintroduced into the DAESP's closed and secret decision-making process the ill-famed "politics" that the institutional system was not only incapable of terminating, but actually promoted – although according to its own rhythm, agenda, power and the degree of elitism that characterised the whole principle of occupying institutional positions. Councillors had in this their opportunity to develop a network of contacts and cultivate a potential clientele, whether in their dealings with the bureaucracy of the Interventoria or, mainly, with the mayors of the interior. This is why it is more precise to speak of a power of "bureaucrats" – power understood as the ability to choose, although restricted to bureaucratic questions – rather than an impersonal, objective, rational "bureaucratic power". Once the legal opinion was voted on, a resolution – the Administrative Department's output – was drafted. It could change the initial decree-law or not[15].

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15   In Rio Grande do Sul, the Administrative Department wrote circulars and sent them to the mayors to communicate the orders of the Minister for Justice on any matter regarding life in the municipalities and its own bureaucratic decisions, guidelines and directions. See Camargo (1983, p. 120).

There were, among the councillors, certain legal specialties, rather than explicit preferences for certain subjects. These areas were defined according to the field in which they had acted as legal representatives before entering into state politics. The arithmetic division of suits per judge-rapporteur was quite balanced. I selected around 18,000 legal opinions from different years in order to test this proposition (see Table 3). As the work was huge and intense, an equal share of suits per councillor was a compulsory part of the agency's rationale. Figures very discrepant amongst each other indicate absences from the Department, either due to leave or because of a member having left or having only just joined the House.

Table 3. Administrative Department of the State of São Paulo. Number of legal opinions examined by judge-rapporteur per year and total

Rapporteur/year	1939 [A]	1940 [B]	1941 [C]	1942	1942-43 [D]	1943	1944	1945 [C]	Total
Antonio Feliciano			232		576	355		91	
Antonio Gontijo	260								
Armando Prado						15		94	
Arthur Whitaker	259		267		647	389		88	
Cesar Costa			237		628	509		88	
Cirilo Júnior	282		294		729	516		86	
João Carvalhal Filho								24	
Marcondes Filho	209		259						
Mario Lins	191								
Marrey Júnior			273		664	445			
Miguel Reale					517	468		25	
Plinio de Morais	214								
Renato Paes de Barros									
Unidentified			2			8		4	
Total legal opinions analysed	1,415		1,562			2,705		496	6,178
Total legal opinions voted on	1,415	3,545	2,564	3,033		2,705	3,249	1,250	17,761

Source: author's own
A – The figures are from the DAESP's accounting department. Compiled by the author from: "Relatório apresentado pela Diretoria Geral referente ao ano de 1939" on Jan. 9, 1940. Departamento Administrativo do estado de São Paulo, *Anais de 1940*, vol. II (Sessões), 2ª. parte, Apêndice, p. 2861-2862;
B – It was not possible to establish the information for 1940, 1942 and 1944;
C – There is no complete data;
D – 1942-1943: Departamento Estadual de Imprensa e Propaganda, *Dois anos de governo*: 1941-1943. São Paulo, s. c. p., 1943, p. 24-25. Period considered: Jan 1, 1942 to Jun. 30, 1943.

Regardless of the absence of information for certain years, these figures certainly show that there was not a primus inter pares among the daspinho members.

When a councillor's position on a matter already examined had not been previously published, the legal opinion and other paperwork sent to the DAESP, as well as requests formulated by councillors, were read during the course of the session in which the draft resolution or the conclusions would be debated and voted on[16]. If there was quorum to hold a Department session, the documents were separately placed under discussion "in closed sessions, with no public access" (REALE, 1986, p. 171) and then voted on. Regardless of the result – whether the decision was approved or not – the final Resolution of the Administrative Department was issued. It was typed up and checked by the Legislative Service, and, after, being authenticated by the presidency, by the draft Resolution's or legal opinion's judge-rapporteur(s) and by the General Directorate, it was sent to the Interventoria Federal or the mayors for the respective decree-law to be promulgated, or even to the Ministry of Justice (in case of matters subject to the Brazilian President). It was then requested that the body publish the Resolution in the State Official Gazette and send the document to the Department "for the necessary check, made by the Legislative Service, which, upon finding any irregularities, duly communicated the fact to the General Directorate for the relevant actions to be taken" (RAMOS, 1943, p. 45). In this way, changes in the resolution' wording in favour of the petitioner at the time of press were prevented. This degree of caution suggests that this practice was not uncommon.

Although the decision-making methodology (discussion and vote in "plenary") was secret and the processing of initiatives excessively complicated, the coordination of interests in the name of "high collective causes" (as the president of this council, Gofredo Telles, emphasised) was more explicit, as political pressure and bureaucratic interest groups could have access to members of the Department in at least two stages of the decision-making process: when the former asked for more information to back up the legal opinion and at the point in which the latter became aware of the intermediate decision via the Official Gazette of the State of São Paulo. Regarding this, Miguel Reale notes the following:

> If we think that, at this time, Brazil – and especially São Paulo – was emerging from agrarian civilisation, building its first points of industrial expansion, we can well understand that the uncontested primacy of the Executive made it into a permanent target of *class demands*, from the bureaucratised and docile worker's unions to the leaders of finance, agriculture and industry […] As a Councillor, I complied with the law in force, seeking to listen as much as possible to the *interested parties* so as not fall prey to unilateral pressures, but I felt, in the flesh, the system's precariousness, the dead weight of the legislation that had supressed

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16 Proposed resolutions were almost always accompanied by the entirety of the proposed executive decrees. Councillors were made previously aware of these documents by means of reports handed to them by the legislative aides before the plenary sessions were held (RAMOS, 1943, p. 44).

local differences and the spontaneous life of groups, even though there was a certain merit in assigning rational organisation schemes to it (REALE, 1986, p. 173).

Even within these "rational organisation schemes", a somewhat intense circuit of pressures and counter-pressures was created. Although open conflict among the system's agents was infrequent (or at least imperceptible given the administrative nature of the material analysed), there were specific disagreements – of the Councillors amongst each other regarding their respective legal opinions, among specific interested parties and specific councillors when legal opinions came out in the Official Gazette, and of the Council and with the intentions of the Interventor and the mayors when the final resolution was published.

It is certain that the councillors derived their power from the legislative procedure and it was all the more important the fewer the alternatives in the decision-making system. However, this power could only be used in this same circuit, as it was not usable in other ways, such as in "State clientelism", for example.

The themes of politics

Because of Decree-Law 1,202, the Administrative Department of São Paulo had a vast and unspecific agenda (no less than all the decisions of the state and all the municipalities), which diluted its bureaucratic power. It is therefore useful to highlight the areas of the themes voted on.

Table 4 lists the topics examined and discussed by type of subject.

These classifications were created inductively based on research of the DAESP material itself, and having as reference the typology employed by Amorim Neto e Santos (2003)[17]. For my own benefit, I fused two variables of different weights normally separated in studies on the legislative process: content and scope. Economic themes (basically, budgetary matters: granting special credits, and other examples such as tax exemptions, creating charges, altering tax regimes, assessments of city government balance sheets etc.) are either state or municipal matters; bureaucratic themes are individual and concern public servant careers (their posts, retirement and other pensions, transferrals); administrative themes (including provisions on the functioning of bureaucracy, the creation or alteration of public management bodies) are mostly state-related and, to a lesser degree, local; ordinary themes are almost always municipal (expropriations, donations, building, trade opening hours, specific provisions on local management themes etc.); tributes (changing street names or the names of squares etc.) are almost always municipal.

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17   This typology, in turn, is partly inspired by Taylor-Robinson's (1999) analysis.

By definition, the Administrative Departments did not decide on national matters. They examined a decree-law proposed by an interventor or a mayor, altered it or not, and when it concerned matters pertaining to the specific authority of the Brazilian President, they submitted it to his approval prior to publishing the final resolution[18].

Table 4. Topics examined by the Administrative Department of the State of São Paulo by type (sample)

Type of topic	1939	1940	1941	1942	1943	1944	1945	1946	Total
Economic	481		732		465		171	334	2,183
Bureaucratic	43		104		107		48	81	383
Administrative	17		32		27		11	17	104
Ordinary	164		103		113		94	74	548
Tributes	104		30		15		5	15	169
Total documents analysed	809		1,001		727		329	521	3,387
Total documents collected	915		1,410		2,699		500	1,591	7,115
Total legal opinions voted on	1,415	3,545	2,564	3,033	2,705	3,249	1,250	3,114	20,875

Source: author's own.

N.B. Three months per year were chosen at random; 1939, Sep, Nov and Dec; 1941, Aug, Nov and Dec; 1943, Feb, Aug and Nov; 1945, Jan, Feb and Mar; and 1946, Apr, Jun and Dec.

From these figures, we can have a more precise idea of the agency's specialisation in certain themes of politics.

In all the years considered in this survey, the pattern was rigorously the same. The Administrative Department of the state of São Paulo was an agency focused on economic matters; on budgetary matters, to be precise (particularly the inspection of budget execution by mayors of the interior). This item's value is much greater than that of others. In 1939, 59% of decisions were regarding the São Paulo economy; in 1941, the figure was 73%; and in 1945, 64%. Problems of the ordinary management of the State municipal machine came second, and proposing administrative rationalisation and modernisation, as authorised by Decree-Law 1,202, where the council could actually exercise greater power of initiative and veto power, came last, rivalling the examination of decree-laws pertaining to tributes (which it lost to by a wide margin in 1939).

18   For example: Legal Opinion nº 930 of Nov. 13, 1939, reported on by Cirilo Jr., on a budgetary matter of interest to a city government of the interior that modified a decree-law and whose approval was subject to examination by the President; Legal Opinion nº 1 181 of Apr. 9, 1941, reported on by Marcondes Filho, on a matter of local interest sent by the Department of Municipalities, whose approval depended on the President.

In the hierarchy of the themes of politics, economic matters are an important specialisation and those who control the use of economic resources tend to also control the agenda of other agencies. Added to the Department's administrative autonomy, defined by law, the political capacity of the group that directed the apparatus tended to be great and its position in the hierarchy of groups contained in the structures of the dictatorial State comes out as high. However, in order to relativise this point of view, we must consider a final measure.

The last series of specific issues of the agency's decision-making process to be evaluated is its actual relationship with the mayors and *i*nterventores. What was the DAESP's degree of cooperation in the decision-making process? Did it approve the initiatives of the Interventoria and city governments or not? Is there a complementary quality to the interests among the groups contained within the several apparatuses of the dictatorial State? How can this be measured? Table 5 suggests some conclusions regarding these questions.

Table 5. Decree-laws modified by the Administrative Department of the state of São Paulo by year (sample)

Year	Voted on	Collected	Analysed [A]	Yes	No	n/f	n/i
1939	1,415	915	700	422	244	34	109
1940							
1941	2,564	1,410	959	840	71	48	42
1942							
1943	2,705	2,699	714	563	137	14	13
1944							
1945	1,250	500	318	252	65	1	11
1946	3,114	1,591	507	321	184	2	14
Total	11,048	7,115	3,198	2,398	701	99	189

Source: author's own
Key: n/f. = not found; n/i = no information.
A – three months were chosen at random per year (same sample as Tab. 3).
The difference from the total documents analysed in Tab. 3 is that here, there is at times is no precise information (n/f), or it was not possible to determine what happened with the input, which is different from suits with no information (n/i).

The column that registers change is always much greater than the other one, and if at some points the relationship is a lot less unbalanced (1946) or somewhat balanced (1939), at others, it is completely unbalanced in favour of the "legislative" activism of the São Paulo Department. In this sample, in 1941, 87.5% of inputs underwent some adjustment and, in 1945, the figure was 79%. This conclusion fits with the previous one (the level of importance of the policies under its management), thus suggesting the agency's great power in the state decision-making process (its institutional prominence). Added to

its progressively acquired bureaucratic capacity finally enshrined by the 1943 decree-law, it seems that the faction that governed the Department held a good part of the system's political power.

There is, however, a problem with this finding. The disadvantage of treating these data at this level of aggregation is that two types of information are lost: the type of decree-law modified and what this modification was like.

In the majority of times, a circumstantiated analysis of this sample has shown that the DAESP altered the provisions proposed by the mayors, sent by its greatest bureaucratic rival, the Department of Municipalities (see Table 2). Considering the information in Table 4, what was modified the most were the city government budgets, followed by ordinary local administration matters. As the budgets were prepared by the Interventoria, it could be that this was precisely the greatest source of friction between the two apparatuses and their crew. Yet regarding the decree-laws, the "amendments" by the São Paulo councillors were generally superficial, almost always concerning wording problems or their appropriateness with regard to the law in force, and did not alter the actual content (or subject) of the decree-laws at all. When they were more substantive, the interventor ignored their recommendations or did not sanction them.

In short, behind this political scenery, the agency's legislative procedure shows basically formalistic behaviour, where the evaluation of a procedure substituted an actual legislative capacity. That is, it was a segment that did not make decisions but, above all, produced decisions, as its power was essentially bureaucratic. The problem of the hierarchy among the state apparatuses of the State and, consequently, of the hierarchy of the political themes that concern them must therefore be considered in this rather paradoxical manner. In spite of the legislation that guaranteed their formal powers, the "daspinhos" were less agencies of bureaucratic supervision of the country's state system than a possible means of regulated participation by a political group in this political system by means of an intense – and innocuous – bureaucratic activity.

Conclusion

In the introduction of this article I formulated two objectives: *i)* to empirically test the proposition that the primacy in the division of power, established by the Estado Novo, between the Interventor Federal and the president of the Administrative Department was the latter's; and *ii)* to debate the dominant interpretation in the literature that states that these Administrative Departments were functional substitutes of the terminated State Legislatures during the Estado Novo.

The data resulting from a detailed analysis of the decision chain and the internal routines of the Administrative Department of the State of São Paulo showed that the president of the DAESP was not more important (as in more powerful) than the Interventor. They also showed that in spite of mimicking some legislative routines, the apparatus never actually functioned as a legislative house and neither did it exercise its veto power over the decrees of the Interventor Federal and the mayors.

Although the volume of the paulista Department's decisions was very significant (more than 20,000 legal opinions voted on), and although its meetings were very frequent (more than 2,200 between 1939-1937), its members did not always decide on very important matters. In the same way, open conflicts with the Interventor Federal on specific decisions were very rare. The many changes to the ordinary legislation that the DAESP carried out were more legal corrections than political vetoes.

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A Study on the Impact of Campaign Finance, Political Capital and Gender on Electoral Performance*

Bruno Wilhelm Speck
Universidade de São Paulo, Brazil

Wagner Pralon Mancuso
Universidade de São Paulo, Brazil

This article analyzes the association between political finance and electoral performance in the 2010 Brazilian elections for state and federal deputies. It also investigates the interaction effect of incumbency and gender on this association. We conclude: (i) there is a positive and statistically significant association between political finance and electoral performance, yet the intensity of this association varies according to the type of candidate; (ii) the association is stronger for challengers than for incumbents – thus extending the "Jacobson effect" to the Brazilian case; and (iii) the association is stronger for women than for men – which suggests an extension of the idea underlying the "Jacobson effect". The association between finance and electoral performance tends to be stronger for candidates facing electoral disadvantages, whether these stem from limited political capital, gender discrimination, or any other factor not studied here resulting in a similar effect. Political finance works as a tool that, to some extent, may counteract the negative effect of such factors on electoral performance.

Keywords: Campaign finance; political capital; incumbency; gender; electoral performance.

Introduction

Who gets more votes and why? In looking for the reasons that explain electoral success, the academic literature has drawn attention to the importance of political finance, meaning the funding of election campaigns. The nature of the relation between money and electoral success has stirred the interest of political scientists ever since systematic data on campaign finance have become available. Researchers have analyzed the relation between money and votes, having identified specific patterns, as in the work by Jacobson (1978) on how political finance affects incumbents and challengers differently and that by Coate (2004) on the informational value of electoral expenditures[1]. On the other hand, the literature also points to multidirectional causal relations, since money may yield votes, yet the expectation of future voting may drive donations, while both– donations and votes – may result from characteristics of candidates and donors (STRATMAN, 2005). This article analyzes the impact of campaign finance on electoral success.

The literature also dwells on the role of other factors influencing electoral success, either directly or indirectly, via campaign finance patterns. In this article we focus on two of these factors: incumbency and gender.

The outcome of prior elections is an important factor for success in the next election. Those who succeeded in previous elections are more likely to do well in the next election. This finding might express a relation of cause and effect – successful current incumbency leads to positive outcomes in the following election – or might be traced back to a single common cause – both outcomes stem from the same characteristics of candidates which impact on both elections. In any case, the high rate of incumbent reelection bids expresses an element of inertia which is a characteristic of contemporary representative democracies, as noted by Norris & Inglehart (2003). Those who have joined politics are bound to stay in politics. In this article our interest in the candidates' track record builds on the assumption that electoral capital can mediate the relation between money and electoral success (JACOBSON, 1978).

Lastly, the relation between gender and electoral success has gained salience in more recent publications. The search for factors accounting for the low presence of women in legislative Lower Houses – 20% on average worldwide, 8.6% in Brazil's Chamber of Deputies[2] – includes, for instance, political culture, as women have developed their own pattern of political engagement (COFFÉ & BOLZENDAHL, 2010) and political values

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1   A review of the U.S. literature on the theme can be found in Figueiredo Filho (2009, pp. 64-67).

2   Data by the Inter-Parliamentary Union, updated on July 31st, 2012, available at www.ipu. org/wmn-e/world.htm

(INGLEHART & NORRIS, 2000). Other approaches point to institutional matters, such as the electoral system and the central role of political parties (HTUN, 2005). From the perspective of the institutionalist approach, a key question concerns the gender quotas that have been adopted by some countries as a means to increase women's representation. Several recent papers have identified campaign finance as an additional bottleneck for the performance of women candidates at the polls[3]. Our interest in the gender factor stems from the question raised previously: Beyond analyzing the importance of money for electoral performance, we focus on the interaction effect. We wish to know if money matters more for women candidates than for their male competitors.

Therefore, in this article we will discuss the relation between political finance and electoral performance, as well as the mediating role played by electoral capital and candidate gender on this relation. We focus on the 2010 elections for federal and state deputy and base our inquiry on data disclosed by the *Tribunal Superior Eleitoral (TSE, the Brazilian electoral management body)*[4]. We divide the article into four sections, in addition to this introduction. First, we conduct a brief review of the literature that relates electoral performance to the three elements mentioned above. Second, we present the variables and data used and the hypotheses to be tested. In the third section we run the statistical tests. The fourth section contains the final remarks and discusses challenges for further inquiry.

Brief review of the literature

Electoral finance

Research on political finance in Brazil started as soon as data on the financing of election campaigns became available[5]. The first studies by Samuels (2001) were based on partial data on the financing of the 1994 and 1998 elections[6]. Since 2002, Brazil's TSE has released comprehensive data on the funding of all candidates for all offices[7] and, from the 2010 election onwards, this set of data has also included resources channeled to political parties. The amount and quality of empirical research on election finance has grown in the same proportion as information has become more complete, accessible, and

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3   Ohman (2011) reviews recent global trends in the use of public finance to encourage political parties to increase gender equality among candidates.

4   Available at http://www.tse.jus.br.

5   For a review of the literature on the determinants and outcomes of political funding in Brazil, see Mancuso (2012).

6   The data on candidates and offices gathered by Samuels for these races are not complete.

7   Data on candidate funding is based on disclosure of expenditures by individual candidates or committees.

consistent. Several studies have focused on the connection between campaign finance and votes. The first analyses on the relation between money and votes, developed by Samuels (2001), showed a high correlation between both variables. The same author identified a positive and statistically significant association between resources and votes for the 1994 and 1998 federal deputy elections. Marcelino (2010) found a positive and significant association between campaign expenditures and votes in the 2002 and 2006 elections for the federal Chamber of Deputies. Figueiredo Filho (2009) and Peixoto (2004; 2010) also point to a positive and significant relation between these variables for the same chamber's 2006 elections. While research on the electoral impact of campaign finance in Brazil has increased in size and sophistication, no systematic effort has been made to assess the role of other factors conditioning the relation between money and votes. This article suggests opening this discussion on interaction effects in campaign finance.

The incumbency factor

Studies of the impact of a candidate's track record on electoral performance typically build on the incumbency variable as a proxy to gauge the "political capital" (or "electoral capital") factor. However, assessing the incumbency effect does not cover the variety of political capital. Political capital also includes other non-elective offices held in the public administration, in political parties and in civil society organizations. Political capital also includes experience in elections lost or in holding elective offices different from those candidates run for. In practice resorting to the "incumbency proxy" is largely due to the difficulty in accessing more detailed data on these different dimensions of the political/electoral capital of candidates. Reelection studies have developed on two different levels. Firstly, by solely focusing on the group of deputies running for reelection and comparing their performance in office with the success they had in the next election; and secondly, by analyzing all candidates and comparing the electoral performance of the incumbents' subgroup with the remaining candidates.

Leoni, Pereira & Rennó (2003) fall into the first category when assessing political characteristics and lawmaker performance to predict an incumbent's decision to run for reelection or not. In subsequent studies, Pereira & Rennó (2007) contrast performance indicators during a term in office with electoral results of incumbents seeking reelection. The focus of these studies is placed exclusively on the relatively homogeneous subgroup of incumbents running for reelection. The amount of information available on their performance in the parliamentary arena allows for important comparisons across "strategies to survive politically"[8].

8   This quote is part of the title of an article by Leoni, Pereira & Renno (2003).

When we move to the second group of studies, which covers a more heterogeneous group of candidates, garnering data becomes more challenging. For this reason a typical research design is based on comparison of the performance of incumbent candidates running for reelection with that of the other candidates. For example, in an analysis of the effect of a number of factors on the electoral success of federal deputy candidates in 2002, Araújo & Alves (2007) show that an incumbent's chance of being reelected is twenty-six times higher than that of the other candidates. The incumbency factor effect is higher than all other socioeconomic factors analyzed in the study, such as schooling, age, and sex. Perissinotto and Miriade (2009) found in their analysis of the sociological profile of candidates for federal deputy in 2006 an odds ratio of ten to one for those already holding any political office (including for city council members), in comparison with the other group. While research focused on legislature and on political careers recognizes the importance of previous political experience (MIGUEL, 2003), electoral studies have not covered the interaction effect of incumbency and campaign finance.

Gender and political representation

The relation between gender and electoral success in Brazil has been the subject of studies underscoring a weak presence of women in elective offices in every level of the federation. Women's underrepresentation is less salient in local politics and in less developed regions (MIGUEL & QUEIROZ, 2006). While Brazil's proportional election system favors minority representation, compliance with mandatory quotas introduced in 2006 has led to an increase in the number of women among candidates (SACCHET, 2012). In contrast, while the open-list system places the decision in the hands of the voter, conservative attitudes regarding the role of women in politics render it difficult for them to succeed in the electoral arena (BOHN, 2009).

Another theme is the role of political parties. The institutional structures for recruiting and selecting candidates, along with programmatic commitment to promoting gender equality, are crucial for promoting female candidacies within the parties (SACCHET, 2005). Mechanisms within political parties are seen as hurdles for increasing the share of women in politics. While Brazilian parties recruit roughly the same number of men and women as members (ALVARES, 2008), a variety of selection processes reduces women's participation in party offices and on party lists (MENEGUELLO et al., 2012). Recent studies show that women's difficulty in getting elected is also linked to campaign finance (SACCHET & SPECK, 2012a).

Yet, the presence of women in the legislature does not necessarily represent a breakthrough in gender equality policies. Advocacy of women's causes is mostly led by leftist

party representatives, though not necessarily by the contingent of women in the legislature (HTUN & POWER, 2006).

This review of studies on women in politics reveals that only a small number of studies covers the dynamics of the electoral process and, among these, only a few analyze the role of political funding. Our text seeks to advance the study of the association and interaction between the variable "sex" and other factors affecting electoral success.

Variables and working hypotheses

Data on political finance

Our independent variable is campaign finance. Campaign finance statements are filed by candidates with the TSE, which organizes and discloses these reports. As we chose to measure each individual candidate's finance in state and federal deputy elections, spending by party headquarters and by committees is not computed[9]. We worked with data on total funds raised[10].

The various funding patterns across offices and states render it difficult to compare the data. On average, state legislature races are less expensive than races to the federal Chamber of Deputies. Moreover, campaign costs vary across states depending on such factors as, inter alia, size of constituency, geographic density, region's economic power, and election competitiveness. BRL 1,000 for a campaign in Roraima is not the same as BRL 1,000 for a campaign in São Paulo.

To render the data comparable we calculated an index that indicates a candidate's funding ratio to total funds raised by all candidates running for the same office, within the same state. For example, let us assume that all federal deputy candidates in the state of Bahia raised together BRL 20 million. Candidate A raised BRL 200,000. This candidate's fund-raising index is 1, corresponding to one percentage point of all candidates' total funding. The sum of values assigned to all of a state's candidates running for a given office is always 100. We adopted this solution in order to face electoral-campaign cost variation across states and offices. Whereas absolute values allow analysis of funding data only on a state-by-state basis, by measuring the relative fund-raising success of each candidate this indicator enables comparison across candidates, regardless of territorial division.

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9   According to the Brazilian law, candidates can opt to file campaign finance reports either as individual candidates or as a group of candidates running for the same party. This group is labeled a committee. Most candidates prefer the first approach.

10   In general, a candidate's total contributions equal expenditures. However, some candidates transfer a share of their campaign funds to political parties or other candidates. By the end of the campaign, these funds need to be balanced, requiring additional transfers from or to parties.

Throughout the text we use the terms "campaign finance", "funds" or "money" as synonymous with this variable measuring total contributions made to candidates.

Data on incumbency

In order to analyze the incumbency factor, we identified the candidates who, having won in the previous election, opted to run for reelection for the same office, and coded them as "incumbents". All other candidates are the "challengers". For this study we did not consider as incumbents all those candidates who, throughout the preceding legislature, replaced state or federal deputies as substitutes. Conversely, we considered as incumbents all those candidates bidding for reelection who had left office, regardless of length of time, to hold other offices such as ministries or departments or for other reasons[11]. In order to create the dataset we drew on the TSE's election records[12]. As a rule, we refer to this variable as "incumbency" but, at moments, more especially during the conclusion, we use the broader term "political capital".

Data on gender

Data on candidate gender are part of the TSE database and were included as a second control variable.

Electoral success

The dependent variable in this analysis is electoral performance. There are two more customary ways of measuring electoral performance: Based on the absolute number of votes a candidate has won or on the official result of the elections, separating the elected from the not elected.

From the point of view of statistical analysis, votes provide a continuous variable, whereas electoral results are expressed as a dichotomous variable. Even though individual performance is more accurately measured when using the number of candidate votes as an indicator of electoral success, the fact is that, ultimately, the election is about either getting elected or not. The first 100 votes are less important than the 100 votes that eventually

11 In other studies substitutes are computed as incumbents, for example, in Mancuso and Speck (2012).

12 Other works focusing on the impact of political capital on electoral performance used the candidate's declared occupation as input data (PERISSINOTO & MIRIADE, 2009). It is worth noting that this information tends to underestimate political experience because it is based on the candidate's self-declared occupation before the electoral management body. Often, holders of elective offices declare their profession as their occupation, thus underestimating the group of professional politicians.

separate the best performing losing candidate from the worst performing winning candidate. Adopting the dichotomous criterion of electoral success takes into account this final outcome; however, a specificity of the Brazilian electoral system makes this approach less precise. The Brazilian proportional open-list system allows for poorly voted candidates to be elected, provided they run on a party list headed by top-ranked, vote-winning candidates. Thus, being among elected candidates does not necessarily depend on individual performance, casting doubt on the validity of the dichotomous criterion to assess electoral performance.

We will explain this in more detail. In Brazil's Chamber of Deputies and state legislatures, seats are allocated to parties or bipartisan/multiparty coalitions in accordance with the proportional representation system. Once the votes have been counted, first the electoral quotient is calculated by dividing a district's total valid votes (candidate and party/coalition votes) by the number of available seats for that district[13]. The party quotient is calculated next by dividing a party's or a coalition's total valid votes by the electoral quotient. The remaining seats are allocated based on the "average" criterion[14]. The party quotient and the allocation of the remaining seats based on the "average" criterion define the number of seats a party or coalition will hold. The top-voted candidates of a given party or coalition are elected to the number of seats the party or coalition is entitled. Due to this system, individually top-voted candidates do not always get elected. Actually, 9.9% of the federal deputies elected in 2010 (51 out of 513) were not among the most voted in their districts, in relation to the number of seats in contest. Similarly, 13.2% of the state deputies elected in 2010 (140 out of 1059) were not among their districts' top-voted candidates. Therefore, in this article we replace the distinction between elected and not elected candidates. Hence, we chose an alternative solution that combines the advantages of both measurements, by measuring individual candidate performance and by dividing candidates into two groups, a top-voted group and a group with all the other candidates.

How do we identify the top versus the least voted candidates? The top vote-winning group includes candidates who had the best individual electoral performance in terms of the number of votes. The total number of candidates in this group is given by the number of vacant seats. The calculus, step by step, was as follows. First, we ranked all candidates by the number of personal votes. This calculus does not take into account party or coalition lists.

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13   In both cases the electoral districts are the twenty-six states, plus the Federal District. Allocation of Chamber of Deputies' seats ranges from a minimum of eight to a maximum of seventy seats. And the allocation of seats for state legislatures ranges from a minimum of twenty-four to a maximum of ninety-four seats.

14   The following formula is used to calculate the average: Valid party or coalition votes divided by number of seats won by party quotient + number of vacant seats won by the "average criterion" + 1.

The second step is to separate these candidates in two groups, establishing as a cut point the number of vacant seats in each state. For example, the state of Espírito Santo elects 10 federal deputies. Provided 300 candidates ran for office, they will then be ranked by the number of votes for each candidate. The top-10 vote-winning representatives are in the most-voted group and the remaining 290 are in the least-voted group. Throughout the text we will use the term "electoral performance" for this variable, but to avoid repetitions we will also resort to such synonyms as "electoral success", "performance at the polls" and the like.

Hypotheses

Our first hypothesis is that there is a positive and statistically significant association between political finance and electoral performance in elections for state and federal deputies in Brazil, yet the strength of this association varies according to the type of candidate. In other words, an increase in political finance is associated with an increase in the chances of electoral success, yet the strength of this association is different for incumbents and challengers, as well as for men and women.

The second hypothesis is that this relation between finance and electoral success is moderated by the "incumbency" factor. Therefore, the importance of money for electoral success is greater for challengers than for incumbents.

The third hypothesis is that the relation between funding and electoral success is moderated by the candidates' sex. The importance of money for electoral success is greater for women than for men.

Analysis of the data

The initial part of this section is dedicated to a presentation of descriptive statistics showing the association of the main independent variable (political finance) and the control variables (incumbency and gender) with the dependent variable (electoral performance) and with each other. The final part of the section is dedicated to presenting logistic regression models that measure the effect of the independent variable on the dependent variable while also showing how this effect is affected by the interaction of the independent variable with the control variables. In other words, before analyzing how gender and incumbency influence the relation between finance and electoral performance, which in terms of statistical analysis corresponds to the analysis of the effects of the interaction between the main independent variable and the control variables, we will analyze the association between the variables selected. Chart 1 summarizes the associations that will be analyzed in the initial part of this section.

Chart 1: Association between variables

Independent and control variables	Most voted (dependent variable)	Finance	Incumbency
Finance	Table 1		
Incumbency	Table 2	Table 3	
Gender	Table 4	Table 5	Table 6

Source: Chart prepared by authors.

Table 1 illustrates the difference between campaign funds received by the top vote-winning candidates and other candidates[15]. Whatever the statistic chosen, it is absolutely clear that the amount of funding received by the first group is significantly higher than that received by the second one. For example, in the case of state deputies, the average amount received by the most voted candidates is 9.4 times higher than that received by the least voted; and the median amount, less sensitive to variation in extremely low or extremely high values, is 34 times higher for the first group. In the case of the federal deputies, the most-voted candidates received, on average, funding 12.1 times higher than the other candidates. The median amount received by the most-voted candidates for federal deputy is 110 times higher than that received by all other candidates.

Table 1. Campaign funding for candidates to state legislative assemblies and Chamber of Deputies in 2010. Comparison by electoral performance (% of total finance for office, in each state)

		25th percentile	Median	Mean	75th percentile	N
State deputy	Most voted	0.56	1.02	1.32	1.75	1059
	Least voted	0.01	0.03	0.14	0.12	9119
	Most/Least voted	56.0	34.0	9.4	14.6	
Federal deputy	Most voted	1.08	2.20	3.38	4.31	511
	Least voted	0.00	0.02	0.28	0.12	3487
	Most/Least voted	-	110.0	12.1	35.9	

Source: Prepared by authors based on Higher Electoral Court (TSE) data.

However, when analyzing the association between political finance and electoral performance, one must consider the importance of other variables. As explained in the previous pages, in this article we highlight the importance of two elements: incumbency and gender.

15   All the following tables that show funding amounts only include candidates who declared some income to the Electoral Court.

It is reasonable to expect a positive and significant association between incumbency and electoral performance because incumbents can leverage their offices to build or strengthen ties with the electorate by, for example, meeting constituency demands and/or performing well in the lawmaking and oversight activities typical of a parliamentarian's work. Table 2 provides proof for this association for the 2010 elections.

Table 2. Electoral performance by incumbency. Candidates to state legislative assemblies and Chamber of Deputies in 2010

		Most voted	Other	Total
State deputy	Incumbents	564 53.3%	162 1.4%	726 5.8%
	Other	495 46.7%	11375 98.6%	11870 94.2%
	Total	1059	11537	12596
	χ^2= 4801.669 (0.000) Odds ratio= 80.004			
Federal deputy	Incumbents	279 54.4%	76 1.7%	355 7,3%
	Other	234 45.6%	4279 98.3%	4531 92,7%
	Total	513	4373	4886
	χ^2=1888.827 (0.000) Odds ratio= 67.412			

Source: Prepared by authors based on TSE data.

Incumbents accounted for only 5.8% of all state legislature candidates (726 of 12,596) and 7.3% of all federal representative candidates (355 of 4,886). However, the proportion of incumbents among the top voted rises to, respectively, 53.3% (564 of 1,059) and 54.4% (279 of 513). The chi-square test suggests that the chance of error is minimal with regard to an association between the variables "incumbency" and "electoral performance". In the case of state legislature candidates, the likelihood of an incumbent being in the most-voted group is 80 times higher than the chances of a challenger being in that same group. In the case of the federal representative candidates, it is 67.4 times higher.

It is also reasonable to expect an association between reelection race and the independent variable, that is, campaign funding. For one, incumbents can raise more funds than challengers because they have a track record to inform potential donors. For another, donors may prefer incumbents precisely because they know these have a greater chance of electoral success, thus rendering their political investment much safer. Table 3 presents evidence of that. Regardless of the statistics, the amounts raised by incumbents who are

running for reelection for state and federal legislatures is many times higher than the amounts raised by other candidates[16].

Table 3. Campaign funding for candidates to state legislative assemblies and Chamber of Deputies in 2010. Comparison by incumbency

(% of total finance for office, in each state)

		25th percentile	Median	Mean	75th percentile	N
State deputy	Incumbents	0.54	0.96	1.26	1.64	723
	Other	0.01	0.03	0.19	0.14	9455
	Incumbents/Other	54.0	32.0	6.6	11.7	
Federal deputy	Incumbents	0.97	2.11	3.14	3.87	354
	Other	0.00	0.02	0.43	0.16	3644
	Incumbents/Other	-	105.5	7.3	24.2	

Source: Prepared by authors based on TSE data.

The candidate's gender is another element that, according to the literature, may be associated with electoral performance and total funds raised. In the first place, it is important to underscore women's underrepresentation in the group of candidates. In the 2010 elections, the percentage of women candidates for state legislatures was 20.9% (2,638 of 12,598) and 19.1% for the federal Chamber of Deputies (933 of 4,886). These are very low percentages, since women account for about half of Brazil's population and electorate. Still, the proportion of women among the top-voted candidates is even smaller: Only 13% in state legislatures (138 out of 1,059) and 9% in the Chamber of Deputies (46 out of 513). Table 4 shows a consistent negative association between female sex and electoral performance, that is, even when we take into account the fact that there are fewer women candidates than men candidates, there are even fewer women among the top voted than expected. Respectively, in the cases of state and federal representative candidates, the likelihood of a woman being among the top-voted group corresponds to 54.2% and to 38.7% of the chances of a man being in this group.

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16   As one of the anonymous reviewers correctly remarked, both for incumbents and challengers the mean is higher than the median, which is indicative of an asymmetric distribution of campaign finance. The asymmetry is more noticeable in the challengers' subgroup, where the mean exceeds even the 75th percentile. Therefore, this subgroup is quite heterogeneous and it might be worth analyzing the extreme cases of well-funded challengers. The same comment is applicable to Table 1, which compares most voted and least voted candidates.

Table 4. Electoral performance by gender. Candidates to state legislative assemblies and Chamber of Deputies in 2010

		Most voted	Other	Total
State deputy	Men	921 87.0%	9037 78.3%	9958 79.1%
	Women	138 13.0%	2500 21.7%	2639 20.9%
	Total	1059	11537	12596
	χ^2= 43.715 (0.000) Odds ratio= 0.542			
Federal deputy	Men	467 91.0%	3486 79.7%	3953 80.9%
	Women	46 9.0%	887 20.3%	933 19.1%
	Total	513	4373	4886
	χ^2= 38.061 (0.000) Odds ratio= 0.387			

Source: Prepared by authors based on TSE data.

The more recent literature (SACCHET & SPECK, 2011) suggests that gender and finance are associated with each other, not just with electoral performance. The data in Table 5 confirm this. The descriptive statistics below show that men's political finance is consistently higher than that of women. The average funding raised by male state legislature candidates is 27% higher than that of women, while male candidates running for the federal Chamber of Deputies raise, on average, 48% more than their female competitors. In terms of median value, the difference is, respectively, 100% and 200%.

Table 5. Campaign funding for candidates to state legislative assemblies and Chamber of Deputies in 2010. Comparison by gender (% of total finance for the office, for each state)

		25th percentile	Median	Mean	75th percentile	N
State deputy	Men	0.01	0.04	0.28	0.24	8303
	Women	0.00	0.02	0.22	0.11	1875
	Men/Women	-	2.0	1.27	2.2	
Federal deputy	Men	0.01	0.03	0.71	0.35	3355
	Women	0.00	0.01	0.48	0.13	643
	Men/Women	-	3.0	1.48	2.7	

Source: Prepared by authors based on TSE data.

Also worth investigating is the association between incumbency and gender. Table 6 shows that women are significantly underrepresented in the group of incumbents running for reelection, both among state and federal legislature candidates. The likelihood of a woman being among the incumbents corresponds to 43.8% of a man's likelihood of being

in this group in the case of candidates running for state legislatures; and to 37.1%, in the case of federal lower house candidates.

Table 6. Incumbency by gender. Candidates to state legislative assemblies and Chamber of Deputies in 2010

		Incumbents	Other	Total
State deputy	Men	648 89.3%	9310 78.4%	9958 79.1%
	Women	78 10.7%	2560 21.6%	2638 20.9%
	Total	726	11870	12596
	χ^2= 48.404 (0.000) Odds ratio= 0.438			
Federal deputy	Men	325 91.5%	3628 80.1%	3953 80.9%
	Women	30 8.5%	903 19.9%	933 19.1%
	Total	355	4531	4886
	χ^2= 28.077 (0.000) Odds ratio= 0.371			

Source: Prepared by authors based on TSE data.

So far we have seen that political finance, incumbency, and gender are variables associated with electoral performance and with each other. Our next step is to argue that the association between campaign finance and electoral performance is influenced by the interaction of the main independent variable with the control variables[17].

The difference between the concepts of association and interaction is important for our discussion. Let us consider three different settings. In the first setting, money, incumbency, and gender matter for electoral success, yet there is no association between the three variables. In this case the results of the univariate analysis of the associations between money, incumbency, and gender with electoral performance would not be different from multivariate analysis results. In the second setting, each one of the variables is associated with electoral success, yet in addition is associated with each other. For example, women have poorer electoral results but, in addition, are more poorly funded; and besides, they are the minority among incumbents, which also diminishes their chances of electoral success. Multivariate analysis will identify the contribution of each of the variables, which are controlled by each other. Eventually one of the variables might lose significance and/or weight because its contribution is explained by another variable. Women's lower chances at the polls might be attributed to lower access to resources or to lower political capital. In the third setting the impact of money on election results is affected by the interaction with

17   On the importance of accounting for variable interaction in an explanatory model, see Brambor, Clark & Golder (2006).

other variables, such as incumbency and gender. In this case, the intensity of the association between finance and electoral performance is significantly different for incumbents and challengers, and also for men and women.

Table 7. Logistic regression model with interactions. Candidates to state legislative assemblies and Chamber of Deputies in 2010

Variables	State deputy		Federal deputy	
	B	Odds ratio	β	Odds ratio
7a. Reference group: Women incumbents (Challenger= 1, Incumbent= 0; Men = 1, Women = 0)				
Finance	2.184**_	8.882	.143___	1.153
Incumbency	-3.393***	.034	-5.192***	.006
Gender	1.530*__	4.619	-.021___	.979
Finance* Incumbency	.935___	2.547	1.049***	2.853
Finance*Gender	-1.434*__	.238	.132___	1.141
Incumbency*Gender	-1.088___	.337	1.247___	3.481
Finance*Incumbency*Gender	.868___	2.382	-.615*__	.541
Constant	-1.018___	.361	.690___	1.994
7b. Reference group: Women challengers (Incumbency= 1, Challenger= 0; Men = 1, Women = 0)				
Finance	3.119***	22.622	1.191***	3.291
Incumbency	3.393***	29.762	5.192***	179.840
Gender	.442*__	1.555	1.226**_	3.408
Finance* Incumbency	-.935___	.393	-1.049***	.350
Finance*Gender	-.567*__	.567	-.483**_	.617
Incumbency*Gender	1.088___	2.970	-1.247___	.287
Finance*Incumbency*Gender	-.868___	.420	.615*__	1.849
Constant	-4.411***	.012	-4.502***	.011
7c. Reference group: Men challengers (Incumbency= 1, Challenger= 0; Men = 0, Women = 1)				
Finance	2.552***	12.837	.708***	2.031
Incumbency	4.482***	88.377	3.945***	51.661
Gender	-.442*__	.643	-1.226**_	.293
Finance* Incumbency	-1.803***	.165	-.434***	.648
Finance*Gender	.567*__	1.762	.483**_	1.621
Incumbency*Gender	-1.088___	.337	1.247___	3.481
Finance*Incumbency*Gender	.868___	2.382	-.615*__	.541
Constant	-3.969***	.019	-3.276***	.038
7d. Reference group: Men Incumbents (Incumbency= 0, Challenger= 1; Men = 0, Women = 1)				
Finance	.750***	2.116	.275**_	1.316
Incumbency	-4.482***	.011	-3.945***	.019
Gender	-1.530*__	.217	.021___	1.021
Finance* Incumbency	1.803***	6.065	.434***	1.543
Finance*Gender	1.434*__	4.197	-.132___	.876
Incumbency*Gender	1.088___	2.970	-1.247___	.287
Finance*Incumbency*Gender	-.868___	.420	.615*__	1.849
Constant	.512**_	1.669	.669**_	1.952
	Likelihood ratio test -2LL: 3263.806 χ²: 3532.803 DF: 7 p: .000		Likelihood ratio test -2LL: 1606.761 χ²: 1449.389 DFGL: 7 p: .000	

* = $P \leq 0.05$; ** = $P \leq 0.01$; *** = $P \leq 0.001$.

Source: Prepared by authors based on TSE data.

We used logistic regression to test for a positive and significant association between campaign finance and performance in the 2010 elections for state and federal deputies, controlling by gender, incumbency and by the interaction terms of these control variables with each other and with the main independent variable. The inclusion in the model of the main independent variable, of the control variables, and of the interaction terms were theoretically justified in section I and, empirically, by the descriptive statistics presented in the initial part of this section III.

As explained earlier, the main independent variable is a continuous variable that indicates the share of funds raised by each candidate in relation to total capital raised by all candidates running for the same office in the same state. The dependent variable "electoral performance" is a dummy variable. This variable indicates whether the candidate is in the top-voted group or not, in accordance with the number of seats in contest in each district. The top-voted candidates were codified as 1 and the remaining candidates as 0. The variables incumbency and gender are also dummies. Incumbents and challengers, men and women, were codified as 1 or 0, as shown in Table 7[18]. We also included the interaction terms between finance and incumbency (finance*incumbency); finance and gender (finance*gender); incumbency and gender (incumbency*gender); and between the three elements simultaneously (finance*incumbency*gender) in order to come to hierarchically well formulated models, i.e., including all the possible components of the highest order interaction term (JACCARD 2001: 15).

In short, the model proposed in this chapter is:

logit (π)= α + β1*x1 + β2*x2 + β3*x3 + β4*x1*x2 + β5*x1*x3 + β6*x2*x3 + β7*x1*x2*x3

or

π (x)=exp (α + β1*x1 + β2*x2 + β3*x3 + β4*x1*x2 + β5*x1*x3+

β6*x2*x3 + β7*x1*x2*x3)/(1+exp (α + β1*x1 + β2*x2 + β3*x3+

β4*x1*x2 + β5*x1*x3 + β6*x2*x3 + β7*x1*x2*x3))

where:

x_1 = campaign finance,

x_2 = incumbency,

x_3 = gender.

Table 7 allows three main conclusions concerning the association between electoral finance and electoral performance, and the interaction effect of the campaign finance variable with gender and political capital on this association.

18   This way of presenting results is based on Jaccard (2001).

The first conclusion is that, in almost every case, electoral finance shows a positive and significant association with electoral performance, but the strength of this association varies with the type of candidate.

The table shows that the strongest association between finance and performance is in the group of women challengers (subtable 7b). For this subgroup, which faces a twofold bias, against women and those with less political capital, reception of one percentage point of the campaign finance raised by all candidates running for the same office, in the same state, would increase, on average, 22.6 times the chances of a woman running for a state legislature to be among the most voted candidates and 3.3 times for women running for the federal chamber. For the case of men challengers (subtable 7c), the same increase of money would boost the likelihood of being among the most voted state legislature candidates by 12.8 times and 2 times for the case of candidates running for federal representative. In the case of incumbent women state representatives running for reelection, receiving the same increase of campaign funding would improve their likelihood of being among the most voted (subtable 7a) by 8.8 times. The only case in which the association between finance and performance was not found to be statistically significant was for incumbent women federal representatives bidding for reelection (subtable 7a). Lastly, among the incumbent candidates running both for state legislatures and the Chamber of Deputies, the above mentioned increase of funding would enhance the chance of their being among the most voted candidates by 2.1 and 1.3 times, respectively (subtable 7d).

The second conclusion is that, controlling for gender, the association between finance and electoral success tends to be more significant for challengers than for incumbents, which suggests the existence of the "Jacobson effect" also for the Brazilian case. The present study confirms, for the 2010 elections, what had been verified by the literature in previous national elections (FIGUEIREDO FILHO, 2009; LEMOS, MARCELINHO & PEDERIVA, 2010; PEIXOTO, 2010).

Among federal representative women candidates, the effect of the same increase in campaign financing is 2.8 times higher for women challengers than for women incumbents; in other words, the effect for women incumbents corresponds to 35% of the effect for women challengers (subtables 7a e 7b). As for male candidates running for this office, the impact of the same increase in funding is 1.5 times higher for challengers than for incumbents; in other words, this impact for incumbents is equivalent to 64.8% of that on challengers (subtables 7d and 7c)[19]. On the other hand, for candidates running for state

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19 In the case of candidates running for the Chamber of Deputies, the penultimate lines of subtables 7b and 7d show that the difference in impact between women challengers and incumbents (2.8 times) is 85% higher than between men challengers and incumbents (1.5 times). The penultimate lines of subtables 7a and 7c point to the same result, though from a different perspective: The difference in impact between male challengers and incumbents corresponds to 54.1% of that found between women challengers and incumbents.

deputy, the effect of the same increase in funding for challengers is 6 times higher than for incumbents or, seen from a different perspective, this effect for incumbents corresponds to 16.5% of the effect for challengers (subtables 7d and 7c). No significant contribution-related impact was verified regarding state representative women candidates, incumbents and challengers alike (subtables 7a and 7b).

The third conclusion is that, controlling for political capital, the association between finance and electoral success tends to be stronger for women than for men. Using an analogy from biology, our study suggests that the "Jacobson effect" is of a species that belongs to a broader genus. Thus, overall, the effect of finance tends to be more robust for candidates who have to come to grips with specific electoral disadvantages, whether these are linked to lower political capital, gender, and in all likelihood to other similar-effect factors not approached in this article. Electoral finance would function as a tool capable of offsetting the negative effect of other factors in terms of electoral performance.

In this regard, the table shows that, in the race for state legislature seats, the effect of the same increase of money is higher for women than for men. This is so not only among challengers, a category in which the effect is 1.7 times higher for female candidates than for male candidates, or in which the effect for the latter corresponds only to 56.7% of the effect for the former (subtables 7c e 7b). We find similar effects among incumbents, since the effect of money for women is 4.2 times higher than for men, or the effect of campaign finance for men corresponds to 23.8% of that effect for women (subtables 7d and 7a). As for the race for federal chamber seats, the effect of the same amount for women challengers is 1.6 times higher than that for men challengers, or the effect for the latter corresponds to 61.7% of the effect for the former (subtables 7c and 7b). No statistically significant difference was found with regard to the impact of the same finance for incumbent women and men (subtables 7a and 7d)[20].

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20   Upon testing the same model (multivariate, with interactions) with other forms of operationalizing the dependent and independent variables, we obtained the same results. First, we replaced the dependent variable "most voted" versus "others" with "elected" versus "not elected". Next, we replaced the independent variable "% of finance" with the Índice *de Sucesso de Receita, or* "Income Success Index", as proposed by Sacchet and Speck (2012b, p. 188), which accounts for the number of candidates in the contest. All the regression coefficients that were significant in the original model retained the same sign, indicating that the model is robust and does not depend on the operationalization of the variables. These additional tests can also be requested from the authors.

Graph 1. Logistic regression results for state deputy in 2010
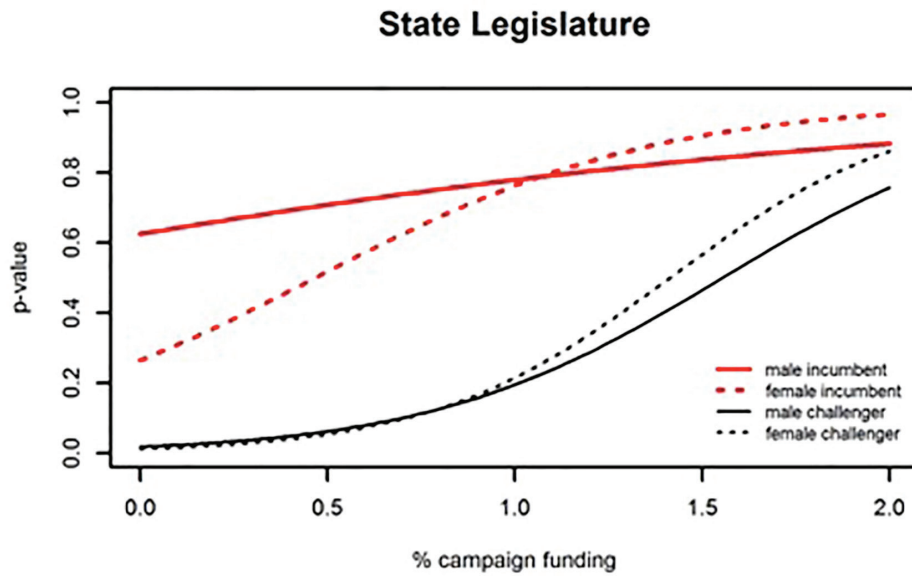
Source: Prepared by authors based on TSE data.

Graph 2. Logistic regression results for federal deputy in 2010
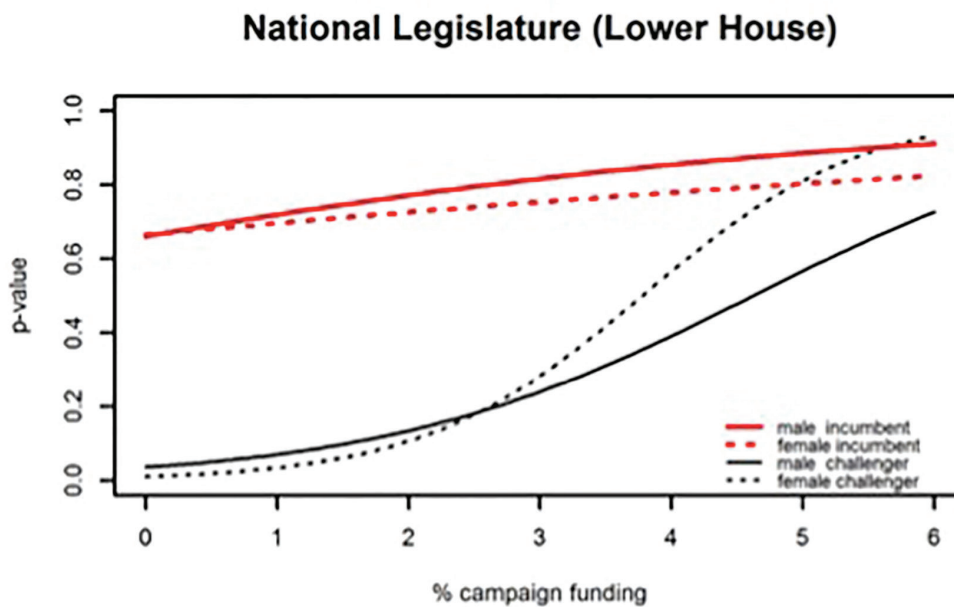
Source: Prepared by authors based on TSE data.

Graphs 1 and 2, plotted in line with the second equation mentioned earlier, allow us to visualize these results. In accordance with our hypothesis, the graphs show that receiving political finance always favors electoral performance, but the effect of this variable depends on the type of candidate. The challengers' curves tend to slope more upwards and rightwards than those of the incumbents' (there is no statistically significant difference between women challengers and incumbents running for the state legislature). Similarly, women's curves tend to be steeper than those of men. There is no significant difference between male and female incumbents running for reelection for the federal chamber. Therefore, although campaign finance is electorally useful for all types of candidates, it is capable of offsetting initial disadvantages of challengers and women.

To illustrate what was said above, let us focus precisely on women challengers, the subgroup with the worst initial prospects. The likelihood of a woman challenger with no campaign funds making it to the top-voted group is just 0.012 for state legislature candidates and 0.011 for federal chamber candidates. In the case of female state legislature candidates, raising 1% of finance would suffice to make this likelihood soar to 0.216. If finance reached 2%, the likelihood would go to 0.861 – getting quite close to that of male and female incumbents receiving the same amount of finance. The rapid growth of the likelihood of being among the top-voted candidates as a result of the percentage of finance raised is indicative that money is a powerful lever in increasing the chances of success of this electoral subgroup. In contrast, financial resources have less impact for male incumbents, though equally important for this subgroup. Male incumbents with no finance already enjoy an initial probability of being among the most voted of 0.625. For the candidates in this subgroup who get to raise 2% of finance, the likelihood increases to 0.882. It is also worth mentioning the remarkable effect of campaign funding for male challengers and women incumbents, too. Without funding, the initial likelihood of electoral success of these subgroups is, respectively, 0.019 and 0.265. With 2% funding, the likelihood goes up to 0.757 and 0.966, respectively.

The contest for seats in the federal chamber is even fiercer, which increases the ratio of finance necessary to close the gap between the likelihood of electoral success of women challengers and that of men and women incumbents. Women challengers without finance have a very low probability of electoral success (p = 0.011), whereas women and men incumbents depart from much higher levels– respectively, 0.666 and 0.661. The chances of the three subgroups begin to converge as from the 3% level of finance. With 5% finance, the chance of women challengers (0.811) outweighs that of women incumbents (0.803). If finance reached 6%, the likelihood of success of women challengers (0,934) would also surpass that of male incumbents (0.910).

Final remarks

In summary, this study found evidence that confirms, to a great extent, the three hypotheses presented in Section II. Firstly, we found a positive and significant association between political finance and electoral performance. The intensity of the association varied depending on the type of candidate, being stronger for women challengers, followed by men challengers, women incumbents (in the case of state representatives), and male incumbents. Secondly, by controlling for candidate gender, we found that the association between finance and electoral success is stronger for challengers than for incumbents – except among state representative women candidates. And thirdly, with incumbency as the control variable, we found that this association was stronger for women than for men – except among federal representative male and female officeholders running for reelection.

The findings suggest that campaign funding can function as an element that partially offsets the effect of factors associated with electoral disadvantages such as scarcity of political capital, gender discrimination, and probably other factors not analyzed in this paper.

In our view, there remain three challenges for later analysis. The first one is to sophisticate the political capital criterion adopted in studies about political finance. Thus far, the most often used political capital proxy has been incumbency, i.e., running for reelection for the same office. However, incumbency is just a specific form of political capital. Candidates running for the federal Chamber of Deputies, for example, include state representatives and mayors who also command significant political capital. Given the dichotomy adopted in studies focused on the impact of incumbency, these candidates would be classified together with the newcomers, with no experience at all. Secondly, candidates for an elective office often run in several elections without success before winning. It is reasonable to separate candidates who ran in elections in the past, yet were not successful, from other candidates without any electoral experience. Thirdly, we should also assess the effect of political capital associated with the holding of other important offices, such as high offices in the city, state or federal administration, or in party executive offices. In short, it is necessary to acknowledge the limits of incumbency as a proxy for measuring political capital which has been used extensively in literature and also in this article. In thesis, the results found in this article could be affected by variables measuring with greater precision the candidates' "quality" as stemming from their political backgrounds[21]. Once the data on the candidates' political careers is more complete and

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21 We would like to thank the anonymous reviewer for recommending emphasis on this point.

accessible, it might provide clues for future analyses on the relation between resources and success at the polls.

The second challenge is to better understand the findings in response to our initial hypotheses. With regard to state representative elections, why is the initial probability of success of women incumbents so much lower than that of men incumbents, bringing the effect of finance on women incumbents closer to that of women challengers? Concerning federal representative elections, why isn't the effect of political finance significant for women incumbents seeking reelection? And why do women and men incumbents constitute the only case where the candidate's gender does not significantly affect the impact campaign finance has on the electoral outcome?

Lastly, the third challenge is to break down the analysis and study the situation of each one of the 26 states and the Federal District separately in order to verify whether the patterns exhibited on a national basis are the same in all subnational units[22]. Should there be any significant differences between these regional contexts, researchers will have to combine sociological imagination and knowledge of each local context to come up with convincing explanations for these differences.

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A R T I C L E

The Place of Normativity in the Political Ontology of Ernesto Laclau*

Daniel de Mendonça

Universidade Federal de Pelotas, Brazil

This article is a reflection on normativity in the field of political theory, with the ontological dimension found in Ernesto Laclau's discourse theory as a presupposition. We base ourselves on the premise that, as a political theorist (rather than a political philosopher), Laclau has developed a political theory with great analytical applicability, which is also significantly useful for thinking about the role and limits of political normativity. We sustain that the normative, widely understood as a set of precepts or politically desirable situations, has a limited place in the area of discourse theory. In order to carry out our proposal, this paper is divided into five parts. Firstly, we deal with the post-foundationalist position found in Laclau's thought. Following that, we present him as a political theorist. We then analyse the notions of ideology and discourse, central to the political ontology present in discourse theory. Following that, we discuss antagonism and dislocation, categories used to explain the incompleteness of social meanings, according to Laclau. Lastly, in the light of the ontological presuppositions presented, we seek to establish the possibilities and limits of political normativity, bearing in mind the discourse theory developed by him.

Keywords: Post-structuralism; post-foundationalism; discourse theory; normativity; Ernesto Laclau.

Introduction

The work of Ernesto Laclau has been a theoretical effort to present an interpretation of the political as an area specific to and explanatory of social relations, particularly since *Hegemony and Socialist Strategy* (HSS from now on), co-authored with Chantal Mouffe. In spite of his work sometimes having been "accused" of being abstract,

philosophical, – in a word – "unconcerned" with daily political practices, this is absolutely not Laclau's objective. On the contrary, he calls himself a "political theorist", in the sense that all of his intellectual effort has analytical and normative applicability in the field of politics.

This article is an exercise in thinking about the field of normativity in political theory, based on the ontology present in Laclaunian discourse theory. As we have already stated, we base ourselves on the premise that, as a political theorist (rather than a political philosopher) Laclau seeks to present a political theory with analytical applicability that is also useful for thinking normatively. Considering this theoretical perspective, we sustain that normativity is inexorably dependent on the conception of political ontology elaborated by him, the main presuppositions and elements of which will be explored in this article.

To this end, the paper is divided into five parts. Firstly, we will deal with the post-foundationalist position defended by Laclau. Following that, we will present him as a political theorist. We will then analyse the notions of ideology and discourse, central to the political ontology of discourse theory. Following that, we will discuss antagonism and dislocation, categories used to explain the incompleteness of social meanings, according to him. Lastly, bearing in mind the ontological presuppositions presented, we will seek to establish the possibilities and limits of normativity in view of discourse theory.

Laclau and the post-foundationalist position

Although it is not the only one, a reasonable starting point for understanding Laclau's work is the awareness that his theoretical effort is related to a post-foundationalist matrix. Post-foundationalism consists of a constant critical questioning of theoretical projects aimed at structuring themselves on an ultimate ground, as if such a ground underlay political practices *sensu stricto*. One example of this is the economic essentialism in the last instance present in the Marxist tradition (LACLAU and MOUFFE, 1985). Although post-foundationalism is a criticism of an ultimate ground that would explain and close all meanings in a totality called society, according to Marchart, it

> "must not be confused with anti-foundationalism or a vulgar and nowadays somewhat out-dated 'anything goes' type of postmodernism, since a post-foundational approach does not attempt to erase completely such figures of the ground, but to weaken their ontological status. The ontological weakening of ground does not lead to the assumption of the total absence of all grounds, but rather to that of the impossibility of a final ground, which is something completely different, as it implies an increased awareness of, on one hand, contingency and, on the other, the political as the moment of partial and always, in the last instance, unsuccessful grounding" (MARCHART, 2007, p. 02).

Bearing the post-foundationalist presupposition in mind, Laclau structures his notion of the political based on the ascertainment that political relations are always unstable and contaminated by antagonism, precariousness and contingency. Thus, any normative efforts that seek to establish future emancipatory scenarios *a priori* or to prescribe the best way to make public decisions – such as the Marxist tradition and deliberative theories – are the target of constant criticism by the Argentinian theorist.

Hence, his intention is to demonstrate that any political ground is always provisional and dependent on the actual conditions of its inscription. It is against this backdrop that hegemony acquires a central role in Laclau's perspective, since such a notion has the ability to be both an important tool for social analysis and one for normative prescription, as it presupposes precisely the constant instability of concrete political relations (at the ontic level) and of the ever precarious attempts to normalise "good politics".

Every political ground is discursively structured when it is hegemonised, that is, when a certain political position comes to represent various different social sectors. Thus, hegemony is the moment at which a political decision is made, when a certain discourse is consolidated. However, given the ontological instability of the political, or even, the endless contamination of the ontic by the ontological, all hegemony presupposes counter-hegemony and both can only be known at the moment in which political practices arise as such.

In this way, to Laclau, the constant instability in political relations cannot be perceived as abstract. The author is completely aware that his intellectual project is theoretical in the strictest sense of the term, that is, that all of his thought's structure is aimed at its application to political analysis and action. Hence, we understand that to him, any normative proposal that does not consider post-foundationalist elements is of limited theoretical-scientific value.

Laclau as a political theorist

Laclau moves between political theory and politics with a very precise objective: his thought is not contained within an eminently philosophical field, given the fact that it has a concern for social analysis, with being a theoretical application tool. This impression is shared by Oliver Marchart:

> In the proceedings of a conference on deconstruction and pragmatism, Ernesto Laclau once again began his contribution by reminding us that he is 'writing here as a political theorist rather than a philosopher in the strict sense of the term' […]. Laclau does not tell us how we should imagine a philosopher 'in the strict sense of the term'; but we can assume that he seeks to differentiate his own

project – which is exclusively concerned with questions of politics and political
theory – from the practice of doing 'pure' philosophy, be it in the sense of an aca-
demic discipline or a freely floating mode of metaphysical reasoning without any
particular realm of application (MARCHART, 2004, p. 54).

In his interviews, Laclau clearly perceives that his political theory cannot be disasso-
ciated from his practice as a social activist, that is, his thought has indeed the normative
bias of a radical political theory. Here we cite two excerpts from interviews published in
New Reflections on the Revolution of Our Time (NR from now on). The first one clearly
illustrates the point at which he highlights the understanding of socio-political phenom-
ena based on two categories central to his theoretical contribution – articulation and
hegemony:

> The idea of politics as hegemony and articulation, for example, is something
> that has always accompanied my political trajectory. I remember that in 1984, af-
> ter many years, I travelled to Buenos Aires with Chantal Mouffe and we were able
> to consult early works of mine. Chantal was surprised to read my leading articles
> in *Lucha Obrera* (of which I had been the editor) of twenty years earlier, in which
> socialist struggle was already spoken about as the struggle of the working class for
> the hegemonization of democratic tasks (LACLAU, 1990, pp. 177-178).

The second one reveals in an even clearer fashion the intimate relationship between
his theory and the phenomena he seeks to shed light on:

> That's the reason why I didn't have to wait to read post-structuralist texts
> to understand what a 'hinge', 'hymen', 'floating signifier' or the 'metaphysics of
> presence' were: I'd already learnt this through my practical experience as a politi-
> cal activist in Buenos Aires. Therefore, when today I read *Of Grammatology*, *S/Z*,
> or the Écrits of Lacan, the examples which always spring to mind are not from
> philosophical or literary texts; they are from a discussion in an Argentinian trade
> union, a clash of opposing slogans at a demonstration, or a debate during a party
> congress (LACLAU, 1990, p. 200).

From the excerpts above, it is evident that to him his task as a theorist is not to be a
"political philosopher in the strict sense of the term", but to produce a theory that explains
socio-political phenomena and that simultaneously points to means of social transforma-
tion. Therefore, there is not a strict separation between political theory and practice. In
this sense, his undertaking has two functions: to be normative and explanatory.

The explanatory side of his theoretical effort is initially clearer when reading his
texts. Laclau usually presents his analytical categories and illustrates them with political
events. This operation seeks to elucidate the notions employed by him – often considered
abstract by his readers – and, at the same time, to demonstrate their explanatory power.

Grasping his explanatory structure is only possible if one also comprehends the elements that compose it. For example, to understand the notion of hegemony one must be aware of how how it is operationalized from a series of other notions such as elements, moments, articulation, nodal points, and antagonism, among others.

Initially, when reading Laclau's work, the normative aspect does not seem so evident. The key to comprehending it lies precisely in realising that to him, the theoretical and the practical are indissociable. In the introduction of a collection of texts, whose authors use his theoretical structure in empirical analyses, Laclau, having established that the separation between political theory and political practice is an "artificial operation", categorically states that "as theoretical-political categories do not only exist in books but are also part of discourses actually informing institutions and social relations, these deconstructive operations are an integral part of the making of political life" (LACLAU, 1994, p. 02). This means that – at least in Laclau's view – the role of political theory is to be explanatory, but it should also point to a normative line, the true task of the intellectual activist.

We believe it is also important to mention that the normative in discourse theory depends on the explanatory structure of socio-political phenomena built by the author. Here, the normative is not an ideal normative, linked to a hypothetical situation, difficult or impossible to realise. It is a normative limited by structural constraints, but that can be wished for. In a well-known essay published with Chantal Mouffe, *Post-Marxism without apologies*, answering to criticisms of HSS, they focus on the possibility and place of normativity:

> We are living, on the contrary, one of the most exhilarating moments of the twentieth century: a moment in which new generations, without the prejudices of the past, without theories presenting themselves as 'absolute truths' of history, are constructing new emancipatory discourses, more human, diversified and democratic. The eschatological and epistemological ambitions are more modest, but the liberating aspirations are wider and deeper (LACLAU and MOUFFE, 1990, p. 98).

In this passage, the criticism focuses particularly on Marxist theory, understood by Laclau as essentialist and objectivist. Essentialist in the sense that economic determination in the last instance is understood by this tradition to be an *a priori* truth and a characteristic necessary to every type of social formation. And objectivist in the sense that Marxism does not consider a crucial ontological element: the impossibility of attaining ultimate objectivity. The "objective" is when one believes that an object can be fully constituted. To Laclau, essence and the objective are impossible to attain and every political and social theory that postulates such goals will harm its normative content. What we mean by harming normative content goes back to what we called ideal normativism a short while

ago, that is, it being practically or completely impossible to realise. Thus, to think normatively, inspired by Laclaunian post-structuralism, is to consider the occurrence of actual political happenings, real political movements[1].

It is in this sense that the eschatological ambitions of political theory and practice must be looked at more modestly, since there is no such thing as the liberation of humanity, in the Marxian sense of human emancipation. However, paradoxically, the aspirations of liberation are deeper and wider, as a practically infinite range of struggles that can legitimately claim to be hegemonic opens up; that is, these struggles can occupy the ever precarious and contingent space of the political representation of identities connected amongst each other in opposition to a common oppressor. There is therefore no need for the prominence of moral or political leadership by any group, stratum or social class, which results in much freer conditions for identity-based action. In *Beyond Emancipation*, Laclau is even clearer about the fact that we are living in a theoretical and political moment different from modernity's great eschatological narratives:

> Contemporary social struggles are bringing to the fore this contradictory movement that the emancipatory discourse of both religious and modern secularized eschatologies had concealed and repressed. We are today coming to terms with our own finitude and with the political possibilities that it opens. This is the point from which the potentially liberatory discourses of our postmodern age have to start. We can perhaps say that today we are at the end of emancipation and at the beginning of freedom (LACLAU, 1996, p. 18).

This is a decisive point for understanding Laclau as a post-structuralist political theorist. Because it presupposes that social dynamics trail an undecidable path, his theory does not allow forecasting of future political scenarios that might be even slightly defined *a priori*. Given this, the role of theory is, firstly, to get to know the ontological elements of the political, that is, to promote a reflection on the political as such. This reflection touches on knowledge of discourse as a central ontological category. To understand how discourse is formed and how its existence is precarious and contingent helps us understand why normative formulations aimed at "freezing" the inconstant flux of life and social relations are innocuous.

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1   This is precisely the normative task undertaken by Aletta Norval, inspired on Laclau's work: "(...) the aim of this exercise, though theoretical in character, is not to produce an account of democratic discourse that is abstracted from the 'stream of life' and removed from each and every context. There is no presupposition here that political grammars in general, and democratic forms of argumentation in particular, could or should be abstracted from ordinary contexts, and from the interests and passions that inspire engagement in democratic politics in the first instance. This desire to separate politics from the concerns of the ordinary usually stems from a Platonic denigration of rhetoric and as excessive valorization of the claims of reason" (NORVAL, 2007, pp. 61-62).

Ideology and discourse

Much is said about the fact that we live today in era marked by the end of ideologies, therefore, to speak of the ideological seems to be to propose a senseless discussion. However, this depends on how we define Ideology. If we believe that Ideology is constituted in false consciousness (or alienated consciousness), in the sense of classical Marxism, then we would undoubtedly be dealing with an out-dated notion.

If, on the other hand, we base ourselves on the 20th century *topos* that in the West there were two hegemonic ideologies – the capitalist (right) and the socialist (left) – and believe that we are in the presence of tight political models, or, even more seriously, transhistorical ones, then we would be making a fatal analytical error. From this perspective, the greatest problem we identified in political studies, in which authors often see the need to define the term "Ideology", is that they do not do so based on its conceptual specificity, or, as Max Weber would say, based on an ideal type, but with the concrete cases they are analysing in mind. They often fail because they take the ontic aspects of concrete ideologies for the ontological level of Ideology as a notion, which is a significant theoretical mistake. Significant because the practice of a certain political group with a certain ideology cannot necessarily dictate all future political behaviours by other groups, as each ontic political experience has particularities that depend on a historical, precarious and contingent context.

Subjects assume ideological positions that guide their conduct. Thus, when we consider political groups with certain ideologies, we are dealing with ideology at the ontic level. However, the ontic level does not itself determine the ontological level. This means that we cannot take a concrete ideology in order to define Ideology, that we cannot take an effect for its cause and, lastly, that we cannot take the ontic to define the ontological.

The initial point we would like to make, as per Althusser (1985), is that Ideology has no history because it is itself omnipresent and transhistorical. To Althusser, "ideology is eternal" (1985, p. 85). Therefore, it does not have an actual end. We are, by nature, ideological and symbolic beings, which allows us to state two facts: 1) in general terms (the ontological level), there will always be Ideology; and 2) in concrete terms (the ontic level), ideologies are born, undergo variations and die out. The notion of ideology in Laclau's theory (LACLAU and MOUFFE, 1985; LACLAU, 1990) articulates at once the two points above. In the author's words:

> The ideological would consist of those discursive forms through which a society tries to institute itself as such on the basis of closure, of the fixation of meaning, of the non-recognition of the infinite play of differences. The ideological would be the will to 'totality' of any totalizing discourse. And insofar as the social

is impossible without some fixation of meaning, without the discourse of closure,
the ideological must be seen as constitutive of the social. The social only exists as
the vain attempt to institute that impossible object: society. Utopia is the essence
of any communication and social practice (LACLAU, 1990, p. 92).

The above excerpt leads us directly back to the discussion in the last section, that
is, about the impossibility of normatively forecasting the most appropriate solution for
socio-political issues. Such a type of normativity seeks to control situations which are, in
truth, uncontrollable, given we are faced with a social whose meanings cannot become
objective, that is, discursively complete and transparent to comprehension. All attempts
at fixing meaning, at carrying out their final suture, are always in vain, impossible. It is
precisely regarding this that Laclau speaks of the "impossibility of society".

However, in spite of a fixation of meaning being impossible, at the same time it is
required and necessary. Its necessity arises from the fact that in all political ideology
there lies a "will to totality". Thus, the search for a conformation of the social according
to its own worldview is characteristic of political discourse, because political discourse is
imbued with ideology. The reason is this: since an "ideological certainty" regarding the
best (albeit momentary) political form to be followed exists – which Laclau calls "closure
of discourse" –, a political party's politico-discursive task, e.g. in a democracy, is to try to
hegemonise its own view of society in electoral agonism. As we live democratically, that is,
presupposing a series of concurrent ideologies, there is no way one of them can promote a
complete closure of meaning. As we mentioned above, at the same time that such a fixation
is impossible, it is equally necessary for an additional reason: establishing a certain ideo-
logical view in a democratic political space is vital for there to be order, for governability to
exist. In this way, ideologies at the ontic level, that is, linked to daily political practice, are
always precarious and contingent and threatened by opposing ideologies. However, at the
ontic level, Ideology, in the Althusserian sense, is omnipresent and transhistorical. This
means that if we cannot live without the presence of Ideology, any attempt to eliminate it
will always be in vain, as this could be interpreted as merely another ideology in action.

In analytical terms, according to Laclau (2000), the notion of ideology must be un-
derstood based on the idea of false representation. But this does not mean that this idea
signifies a return to Marxism, for that would be a *contradictio in adjecto*. In the Marxian
ideological conception, ideology is necessarily the opposite of truth, a semantic inversion
of relations actually existing in a societal context[2]. This conception presupposes that the

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2   This passage from Ideology exemplifies the point I am discussing: "and if in all ideology
men and their circumstances appear upside-down as in a *camera obscura*, this phenomenon arises
just as much from their historical life-process as the inversion of objects on the retina does from
their physical life-process" (MARX and ENGELS, 1978, p. 25-26).

inversion of meaning produced by the ideological phenomenon obliterates the reach of truth, of transparency and of the non-inverted view.

Thus, to Laclau (1990, 2000), to keep alive the idea of false representation in order to explain the ideological phenomenon means to say that there is nothing untrue to be made true, because what must be let go of, in this case, is the very conception that there is an absolute truth contrary to the numerous falsehoods that hide it. It is not through this lens that Laclau suggests that we understand the phenomenon of ideology. This renunciation of the truth/untruth dyad, however, is a merely analytical renunciation, meaning that we have to admit to it because we are basing ourselves on the presupposition that there are no meanings that can become objective, that is, fossilised for all eternity. To him, we live in an everlasting war of interpretations as an ontological presupposition of the social. It is in this sense that the truth or non-distorted meaning will never be attained.

We said that this renunciation takes place at the analytical level because at the level of political dispute, subjects perceive and act based on their (distorted) ideological views as if they were truths. It is in this sense that false consciousness must not be abandoned, as distorting the world is constitutive of social objectivity. It occurs because there is an identity-based renunciation of the recognition of the non-closure of social meanings, formed by the simultaneously impossible and necessary attempt to objectify the world[3]. This is a "constitutive distortion". Regarding this, the author establishes that:

> (…) what we are dealing with is a constitutive distortion. That is, that we are positing both an originary meaning (for this is required by any distortion) and withdrawing it (for the distortion is constitutive). In that case, the only logical possibility of pulling together these two apparently antinomic dimensions is if the original meaning is illusory and the distortive operation consists in precisely creating that illusion – that is, to project into something which is essentially divided the illusion of a fullness and self-transparency that it lacks (LACLAU, 2000, p. 17).

Ideology materialises in discourse. Discourse, in its turn, should not be understood as the simple reflexion of a series of texts or utterances, in a merely linguistic dimension. Discourse is a category that unites words and actions that have a material nature, not a mental and/or ideal nature. Discourse is a practice – hence the idea of discursive practice –, as any actions undertaken by subjects, identities or social groups are significant actions.

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3   Zizek's conception is similar: "This is probably the fundamental dimension of 'ideology': ideology is not simply a 'false consciousness', an illusory representation of reality, it is rather this reality itself which is already to be conceived as 'ideological' – *'ideological' is a social reality whose very existence implies the knowledge of it participants as to its essence* – that is, the social effectivity, the very reproduction of which implies that the individuals 'do not know what they are doing'. *Ideological is not the 'false consciousness' of a (social) being but this being itself in so far as it is supported by 'false consciousness'"* (ZIZEK, 2005, pp. 46-47 – his italics).

The social is therefore a significant, symbolic, overdetermined social. It does not arise as something to be revealed, unveiled – as if reaching the truth in its most transparent and final form were possible –, but as something to be understood in its myriad forms and from the many possibilities through which to reach multiple certainties, which are always contingent and precarious. Thus, the truly known real, as a possibility to be examined, as a transparent positivity, is an impossibility, given that it is signified in various forms by the overdetermined[4] lenses of subjects. This conception of the real in multiple forms is the basis of the critique that Laclau makes of Marxism, as the latter is constituted not as a theory of overdetermination of the social but as a theoretical undertaking, which, at most, bases social relations on an evolutionist and economic determination in the last instance, thus simplifying them[5]. In short, we present the material, not the ideal nature of a discourse. However, for this piece of work, what matters is the following question: why should discourse be perceived from an ontological viewpoint[6]? Simply because it names the being of existence, as existence requires a series of symbolic relations in order to attain the status of being, and this is only possible through discursive articulation. "What is denied is not that such objects exist externally to thought, but the rather different assertion that they could constitute themselves as objects outside any discursive condition of emergence" (LACLAU and MOUFFE, 1985, p. 108).

Let us spend a little more time on this point so as to clarify the difference between being and existence in the context of this discussion. Such a distinction is crucial, as it indicates that at the same time as Laclau seeks to distance his theoretical contribution from an idealistic dimension, as we mentioned a short while ago, he also seeks to differentiate his thinking from a strictly realistic dimension. According to this philosophical view, realism is not reducible to ideology, "*reality* being the 'way of being of things such as they exist outside the human mind or regardless of it'" (PORTINARO, 2007, pp. 17-18 – his italics).

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4   Overdetermination is a term derived from psychoanalysis, especially Freudian psychoanalysis, which designates "the plurality of certain factors that generate a given final effect" (ZIMMERMAN, 2001, p. 392). Further, "overdetermination is the effect of the workings of two mechanisms: that of condensation, (which aggregates several factors as if they were just one) and that of dislocation (which can give greater or lesser apparent importance to an insignificant factor, as the most relevant factor is dislocated to it" (ZIMMERMAN, 2001, p. 392).

5   The idea of economic determination in the last instance, dear to Marxism, is the main criticism that Laclau uses to oppose Althusserian theory, even considering the fact that Althusser incorporated into his theoretical project the Freudian category of overdetermination, which is one way of widening the analytical reach of Marxist theory. However, this category lost its heuristic potential when Althusser did not definitively break with the Marxist dogma of economic determination in the last instance.

6   Laclau is clear regarding the ontological character of discourse: "Discourse is, in our perspective, a field of general ontology, that is, of a reflection on *being as a being*" (LACLAU, 2008a, p. 189 – his italics).

In this sense, to Laclau, discourse has a realistic dimension marked by the notion of existence. Existence indicates the material reality of things, of objects. However, mere existence in itself does not have the capacity to explain its own being, which, therefore, does not exhaust itself and cannot be comprehended based only on its realistic dimension. We need to understand that existence only has a being if it is immersed in a symbolic, discursive dimension. And it always is. In political terms, the discursive dimension is polemical, a symbolic struggle undertaken to establish the being of existence. A simple example given by Laclau and Mouffe (1990) will aid the comprehension of the existence/being relationship present in discourse:

> Now, turning to the term discourse itself, we use it to emphasize the fact that every social configuration is *meaningful*. If I kick a spherical object in the street or if I kick a ball in a football match, the *physical* fact is the same, but *its meaning* is different. The object is a football only to the extent that it establishes a system of relations with other objects, and these relations are not given by the mere referential materiality of the objects, but are, rather, socially constructed. This systematic set of relations is what we call discourse. (LACLAU and MOUFFE, 1990, p. 100 – their italics).

Hence, as well as a real dimension (existence), objects have a dimension of meaning (being), and both are constitutive and inseparable parts of discourse. The real is not realisable in itself, but requires discursive objectifications. Outside the discursive context, objects have no being, only existence (LACLAU, 1990). Furthermore, considering the political dimension, these meanings are not liable to being closed. The complete fixation of meaning constantly escapes us; it is always beyond our reach. Two fundamental reasons explain the inconstant nature of meaning – antagonism and dislocation. We will analyse them in the following section.

Antagonism and dislocation: the limits of objectivity

To understand antagonic logic, firstly, one must understand in what context the notion of antagonism is elaborated by Laclau and Mouffe in HSS (1985). The authors' main aim is to demonstrate that political relations are not built from struggles between finished identities. More specifically, they understand that we cannot consider political identities in the essentialist sense, that is, constituted previously to the antagonic relation itself. Rather than being a relationship between already given objectivities, antagonism is the very moment at which they are constituted. Antagonism is the condition of possibility of formation of political identities, not merely a battlefield that forms between two ready-made forces.

Laclau and Mouffe (1985) illustrate the logic of antagonism with the example of a landowner who expels peasants from his land. At the moment of expulsion, an antagonic relationship is established inasmuch as the landowner, through his action, is preventing the peasant from fully being a peasant (he becomes a landless peasant). Likewise, in the logic of antagonism we are not dealing with pre-constituted identities, but with those that have their own constitution denied, as the presence of the other makes their full constitution impossible. According to the authors: "It is because a peasant *cannot be* a peasant that an antagonism exists with the landowner expelling him from his land. Insofar as there is antagonism, I cannot be a full presence for myself" (LACLAU and MOUFFE, 1985, p. 125 – their italics). Antagonism is therefore an experience of negativity, a relationship that shows the limits of objectivity or of the full constitution of identities. David Howarth is clear on this:

> The mere existence of antagonisms confirms their view that there are no necessary laws of history and no universal political agents motivated by preconstituted interests and identities. Instead, antagonisms introduce social experiences, such as 'failure', 'negativity', or 'lack', which cannot be accounted for by any positive or essentialist logic of society. They also reveal the contingency and precariousness of all identity and social objectivity, as any identity is always threatened by something that is external to it (HOWARTH, 2000, pp. 105-106).

Considering that discourse theory is based on the presupposition that discourses are constituted antagonically, that is, because of the real threat originating from other discourses, let us look more closely at the manner in which Laclau and Mouffe expound the concept of antagonism in HSS. Antagonism is presented through its theoretical-analytical difference from the notions of real opposition and logical contradiction (cf. COLLETTI, 1975).

According to Laclau and Mouffe (1985), real opposition indicates that 'A – B' are different terms whose positivities exist regardless of the relation they might have to each other. Real opposition takes place in the realm of real objects. As an example, the authors present a hypothetical car crash involving two vehicles and state that: "(....) it is clear that an antagonism cannot be a real opposition. There is nothing antagonistic in a crash between two vehicles: it is a material fact obeying positive physical laws" (LACLAU and MOUFFE, 1985, p. 123 – their italics).

Now, the idea of logical contradiction is represented by the formula 'A – not A'. According to this notion, the relationship between the two terms exhausts the reality of both. Logical contradiction occurs in the realm of propositions, of concepts. Yet contradiction does not result in antagonism since "we all participate in a number of mutually

contradictory belief systems, and yet no antagonism emerges from these contradictions" (LACLAU and MOUFFE, 1985, p. 124).

After presenting the difference between "real opposition" and "logical contradiction", the authors explain what these categories have in common and what makes them completely different from the notion of antagonism. Real opposition and logical contradiction "share something, and that is the fact of being objective relations – between conceptual objects in the second case, and between real objects in the first" (LACLAU and MOUFFE, 1985, p. 124 – their italics). In other words, the authors are stating that in both cases we are talking about positivities, fully constructed objects that are totally complete and intelligible. We are therefore dealing with "objective relations", "objects already in existence" and "complete identities" (LACLAU and MOUFFE, 1985).

In the case of antagonism, something completely different is being referred to. Here there is no longer any reference to "objective relations", "already existing objects" or "complete identities", but to the opposite. Antagonism indicates that "the presence of the 'Other' prevents me from being totally myself" (LACLAU and MOUFFE, 1985, p. 125 – their italics). This means that when faced with a situation of this kind, one should always presuppose a relationship between incomplete identities, precisely because of the fact that the relationship established between them is antagonic. While "real opposition" and "logical contradiction" must be considered as relationships between positivities, in the case of antagonism, we see the limits of objectivity itself, which means that ultimately, what is antagonistic is outside, excluded and limits the complete positivity of that which it antagonises.

The status of antagonism is reduced after HSS. In NR, Laclau (1990) reorganizes its place in his thought. If previously antagonism was understood as the limit of a system's systematization, or even, the limit of meaning that the discursive system could reach given the presence of its antagonistic feature, from NR onwards this category loses that dimension. Laclau begins to admit that antagonism cannot be the limit of a system's constitution of meaning, since the very condition of an antagonic other already infers some type of symbolisation, some form of meaning production. Thus, "what I am not" and "what I antagonise against" are already part of a system of signification. In an interview given to Yannis Stavrakakis, Laclau argues:

> There was a certain ambiguity in the way the category of antagonism was formulated in *Hegemony and Socialist Strategy*. Today I believe that the constitution of the other as antagonistic already presupposes a certain discursive inscription – in other words, conceiving the other as an enemy presupposes a prior identification of ourselves with a particular position within the framework of the Symbolic order [It also presupposes, in most cases, the imaginary-fantastic construction of both antagonistic poles]. That's why in my more recent work I moved

my attention to the category of "dislocation" as a level prior to that of "antago-
nism" (STAVRAKAKIS, 2003, p. 324 – his italics).

Our understanding is that the introduction of the category of dislocation is a signif-
icant change in Laclau's discourse theory. Initially, the author does away with the privi-
leged status of antagonism as the sole party responsible for constituting social relations,
which remain political and contentious. Antagonism now appears as part of a system of
signification, as a condition of identification, as something symbolised. The antagonistic
other, the enemy, is no longer the "non-symbolised", but the very possibility of symbolisa-
tion, of identification.

As we have said, from NR onwards, Laclau develops the concept of dislocation and
assigns it a central role in the series of notions that make up his theory. His use of this
concept clearly marks the marriage of discourse theory with Lacanian psychoanalysis,
which allowed the idea of political subjectivity as an alternative to structural development
to be developed. Let us take a closer look at this.

Firstly, the marriage of Laclau's theory with Lacan's thought had already begun tak-
ing shape since the 1980s. In HSS, for example, the notions of nodal points, suture and ar-
ticulation already announced this trend. However, his introduction of the idea of disloca-
tion marks an important theoretical shift. If in HSS Laclau and Mouffe (1985) criticised
Foucault, rejecting "the distinction between discursive and non-discursive practices" and
stating that "every object is constituted as an object of discourse, insofar as no object is
given outside every discursive condition of emergence" (1985, p. 107), from NR onwards
the situation changes considerably. But in what sense?

According to Laclau, every object continues to be an object of discourse, given that
it is also marked by the context of its constitution, even if its existence is due to its mate-
riality. For example, as was mentioned earlier, a ball unarguably has a material existence,
but that also goes hand in hand with a symbolic-discursive context. So, it is a football, a
basketball, a volleyball or a tennis ball, depending on the discursive context in which it is
contained. In this sense, the critique of the Foucauldian non-discursive remains the same
for Laclau. Therefore, what changes when the dislocation category is introduced is not the
status and the functioning of the logic of discourse and of the constitution of signification,
but how to deal with a situation in which the very possibility of signification has reached
its limit. Dislocation is the exact moment of the impossibility of signification. Dislocation
is the point at which Laclau executes the marriage of his theory with the Lacanian Real[7].

7   Stavrakakis is absolutely clear on this aspect: "dislocation, by replacing antagonism as the
kernel of the political, can only be understood as an encounter with the Lacanian real par excel-
lence. Both are unrepresentable; both are at the same time traumatic/disruptive and productive.
Dislocations are traumatic in the sense that they "threaten identities" and they are productive in

The Lacanian Real is precisely that which cannot be symbolised, the impossibility of producing meaning. On the Real in Lacan, Homer argues:

> The difficulty of understanding the real is partly due to the fact that it is not a 'thing'; it is not a material object in the world or the human body or even 'reality'. For Lacan, our reality consists of symbols and the process of signification. Therefore, what we call reality is associated with the symbolic order or 'social reality'. The real is the unknown that exists at the limit of this socio-symbolic universe and is in constant tension with it (HOMER, 2005, p. 81).

As we have mentioned above, dislocation, according to Laclau, is precisely the moment of the Real, that is, of the unknown, of the impossibility of signification. If previously Laclau and Mouffe (1985) understood this moment as antagonism, which Zizek correctly refutes[8] as antagonism is part of the very process of signification, from NR onwards the moment of this impossibility is represented by the notion of dislocation.

To reflect on a certain discursive structure requires a set of sedimented hegemonic meanings that constitute a certain order. This order evidently presupposes a series of antagonisms, given that politically, every discursive constitution is, on one hand, an act of inclusion of meaning, but on the other, a series of other exclusions. For example, a democratic State has a number of constitutive characteristics (universal suffrage, individual rights etc.) at the same time as it presupposes its own exclusions (xenophobic discourses, racism etc.). We are evidently not dealing with fully constituted discourses, given that they are always liable to be resignified and that these resignifications reflect the validity of the notion of hegemony (in order for there to be hegemony there must necessarily be counter-hegemony). A democratic discourse is always threatened by non-democratic practices and the idea of democracy is itself under constant negotiation and the object of endless argument. Thus, according to Laclau and Mouffe (1985), discursive logic is the result of articulatory practices that fix partial meaning through nodal points that articulate

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the sense that they serve as "the foundation on which new identities are constituted." Similarly, the traumatic real always disrupts all attempts at symbolization; and yet it never ceases to call for new symbolizations. It is clear that the emergence of this concept of real dislocation as the kernel of the political is one of the most important products of Laclau's dialogue with psychoanalysis and one which directly links his argument on the impossibility of society with the irreducibility of the real in Lacanian discourse" (STAVRAKAKIS, 2003, p. 324).

8   Zizek has noticed this attempt by the authors of HSS to give the notion of antagonism the status of the Lacanian Real: "The real achievement of *Hegemony* is crystalized in the concept of 'social antagonism': far from reducing all reality to a kind of language-game, the socio-symbolic field is conceived as structured around a certain traumatic impossibility, around a certain fissure which *cannot* be symbolized" (ZIZEK, 1990, p. 249 – his italics).

elements/moments. Any discursive constitution symbolises, structures and restructures meaning, as we are dealing with a process of constant signification.

The moment at which dislocation takes place is different. It occurs precisely when the structure cannot process, cannot semantise the new, whose signification therefore escapes it. Dislocation is thus an encounter with the Real, the moment at which discourse reaches the limit of its meaning. In socio-political terms, a dislocated structure is one that experiences a moment of crisis, of great jeopardy. Dislocation precedes signification; it is external to it and therefore external to antagonism – it is a traumatic experience that disarranges the structure, which needs to be recomposed from new processes of signification. Thus, we are talking about processes of signification substituting other processes of signification because of a structural fault caused by dislocation, that is, precisely because of the impossibility of signification.

If we cannot attain the Real because the real cannot be signified, dislocation is the evidence of a structure's incompleteness, of the impossibility of its final structuring. If the Real exists but cannot be symbolised and if the structures are structured from processes of signification, then, at most, we are always faced with incomplete structures, marked by the possibility of the trauma of dislocation. In short, they are structures of lack. It is at this moment that the subject assumes a central position. According to Laclau: "the location of the subject is that of dislocation. Thus, far from being a moment of the structure, the subject is the result of the impossibility of constituting the structure as such – that is, as a self-sufficient object" (LACLAU, 1990, p. 41). According to Howarth:

> It is this 'failure' of the structure to confer identity on social actors that 'compels' the subject to act. In this sense, the subject is not simply *determined* by the structure; nor, however, does it *constitute* the structure. The subject is forced to take decisions – or identify with certain political projects and the discourses they articulate – when social identities are in crisis and structures need to be recreated. It is in the process of this *identification* that political subjectivities are created and formed (HOWARTH, 2000, p. 109 – his italics).

So, from a dislocated structure, a need is generated for it to be restructured from new meanings or from the reactivation of meanings already in existence. It it is at this moment that antagonism assumes a definitive place in discourse theory – as part of processes of signification, of constitution of new forms of inclusion, but also of exclusion of discursive meanings. In the words of Laclau: (...) the response to the dislocation of the structure will be its recomposition around particular nodal points of articulation by the various antagonistic forces. Centring – the action of 'centring' – is therefore only possible through dislocation and unevenness. To repeat: dislocation is both the condition of possibility and impossibility of a centre at the same time (LACLAU, 1990, p. 40).

Therefore, the structure's (re)centring is necessarily related to the constitution of new antagonisms and new hegemonic processes. Although social antagonism loses its centrality in discourse theory to dislocation, it is still a *conditio sine qua non* to the possibility of the existence of discourses.

The place of normativity in Ernesto Laclau's thought

Broadly understood as a set of precepts or politically desirable situations, the normative has a limited place in discourse theory. Considering the more general context of Laclau's thought, even with the category of dislocation taking the privileged status of that of antagonism, we must not forget that we are dealing with a post-foundationalist theoretical perspective, that is, we are constantly questioning theoretical projects that seek to structure themselves on an ultimate ground, whatever that might be.

We could say that the impossibility of finding an ultimate ground is at the ontological basis of Laclau's political thought. His entire theoretical trajectory from HSS until *On Populist Reason* (2005) possesses this essential characteristic: there is no way to escape from the antagonism, precariousness and contingency that dominate socio-political relations. This conviction marks all the analytical categories of discourse theory, which are based on a post-foundationalist system of thinking. This is the main reason for Laclau having been quite critical of the Marxist tradition, a great influence on his own thought, especially the Althusserian current. This is the also main reason for which he disagrees with deliberative political solutions, based on instrumental reason, on the projection of ideal, artificially constructed scenarios. The core of Laclaunian criticism, whether aimed at Marxism or deliberation, is the fact that each one seeks, in its own manner, to "domesticate", to dominate social meanings, when they cannot attain an ultimate ground. Furthermore, Laclau suspects that solutions of this type – which do not take into account other possibilities for dealing with the challenges of the political world – are one step away from totalitarian practices:

> An apodictic decision, or, in a more general sense, a decision that claims for itself an incontestable 'rationality', is incompatible with a plurality of points of view. If the decision is based on a reasoning of an apodictic character, it is not a decision at all: a rationality that transcends me has *already* decided for me, and my only role is that of *recognizing* that decision and the consequences that unfold from it. This is why all the forms of radical rationalism are just a step away from totalitarianism (LACLAU, 1990, p. 194).

Discourses that promise final political solutions and that are constructed with ideal, interesting and desirable arguments, which promise possible new worlds, capture

followers for two main reasons. Firstly, because they present a set of concepts, solutions and rhetorical arguments that are based on a genuine desire to resolve numerous social and political disparities. The other reason is precisely because of what we previously discussed regarding Ideology. We saw that, to Laclau, "the ideological would be the will to 'totality' of any totalizing discourse" (1990, p. 92). This will is present in all discourses, as well as in all the subjects involved in them. The Laclaunian criticism of normative proposals is obviously not because they are "incorrect" or even unviable. The main point of the criticism lies precisely in the fact that they should always be perceived on the ontic level, which invariably means that they are political decisions made in a field marked by indecisiveness. This means that a normative proposal will never be able to dominate all social meanings, never eliminate all existing antagonisms. In order to actually be decisions, all decisions must inhabit an undecidable world, that is, one marked by the myriad possibilities of other decisions occurring. An apodictic decision, in this sense, is not a decision but an ever-inefficient attempt at closing down all other normative proposals that the world's contingency makes possible. In this case, as Laclau emphasises, we are one step away from totalitarian will.

Having said that, how is it possible to think about the normative with discourse theory as a presupposition? Before attempting to answer this question, we must make a preliminary observation. In the beginning of this text, we presented Laclau as a political theorist, in the sense that his work seeks to explain the logic of the political phenomenon at an ontological level and, at the same time, to propose normative scenarios. However, he always has in mind the notion that all political action, all decisions, are always marked by precariousness and contingency. These characteristics are present, for example, in all the notions presented in this article. They serve to say more or less the following: all right, you can think whatever you want normatively, but all political decisions always take place at the ontic level and are therefore marked by their own finitude, given the ontology of the political. Ideology, antagonism, contention around the meaning of the being of existence and events of structural dislocation are not simply eradicable through normative wills. On the contrary, they are ineradicable for as long as the political world exists.

The Laclaunian perception of the finitude of the ontic decision – in the sense that a complete fixation of meaning always escapes us, given the infinitude of the social – lies at the core of his criticism of the Habermasian tradition, for example. In response to Aletta Norval, who attempts to elaborate a normative political theory from a deliberative and post-structuralist perspective, Laclau clearly presents the distinction between ontological and ontic, as well as demonstrating the theoretical limitation of taking the former for the latter:

I am now in a position to answer Norval's charge that, in my analysis, I

have neglected the question of democratic institutional arrangements, and that this results from my exclusive emphasis on the ontological side of the question and my concomitant lack of consideration of the ontic aspects. My answer is that a general theory of democracy can only specify its constituent dimensions, but has to be very cautious about their institutional articulation. Precisely because this articulation is a contingent historical matter, it cannot be determined at the level of a general theory of democracy. To try to proceed to that determination within general theory would lead to results which are the opposite of what Norval tries to achieve – i.e. to transform a particular ontic arrangement into an ontological category. This is the best prescription to end in ethnocentrism and sociological essentialism (LACLAU, 2004, p. 298).

Given the scenario presented in this quote, the normative expectations that open up from discourse theory cannot be regarded *sensu stricto*, as in the case of deliberative approaches. If one cannot take the ontological for the ontic, real political experiences are necessarily limited and surrounded by historical precariousness and contingency. This means that the normative depends on the moment of its occurrence and varies according to the situation. It cannot be conceived *a priori*, outside of the context in which it emerges.

The normative therefore arises with a practically unrestricted degree of freedom. On one hand, because we cannot speak of a privileged political subject, such as in the case of the proletariat in the Marxist tradition, and on the other, because the normative possibilities are many as they are directly related to the occurrence of concrete political situations. Yet this theoretical approach also takes into consideration the possibility of political advances retrogressing, precisely because of the fact that the possibilities of political change are manifold. For example, the advances in civil rights achieved by the feminist struggle in the 20th century are not forever – they are always surrounded by the threat of retrogression. "The feminist or ecological political subjects, for example, are up to a certain point, *like any other social identity*, floating signifiers, and it is a dangerous illusion to think that they are assured once and for all, that the terrain which has constituted their discursive conditions of emergence cannot be subverted" (LACLAU and MOUFFE, 1985, p. 141 – their italics).

The only way to guarantee consistent political advances lies in the constant (re)negotiation between identities articulated from hegemonic discourses. In this case, taking the quotation above as an example, ecological and feminist subjects must join their identity demands with other subjects around hegemonic discourses able to ensure a maximum continuation of the victories attained and, along with other demands for more social inclusion, promote strategic movements so as to further advance politically. Yet there are no effective normative prescriptions that can be stipulated before a given political situation – it all depends on the context in which the political demands themselves emerge. Thus, there are no ready-made politico-normative formulas: there is no world to invent prior to

its own occurrence. It is in this sense that Laclau is a political theorist. He does not believe that theory should be disconnected from political practice, as both are ultimately one and the same thing.

We believe that, as an ontological theory of the political, the fundamental role of Laclaunian theory is to outline the general lines of the political phenomenon. Bearing in mind its interpretation from a post-foundationalist position – which necessarily presupposes ontic relations that are always contingent and precarious –, it is impossible to think about normative scenarios that will be constant once they are implemented. This means that all political achievements must be constantly defended. In the same way that a struggle does not actually have an end, all political change is possible: there is no harm that can be perpetrated forever with impunity. For discourse theory, the sole ground possible, in the sense of Heidegger's *Urgrund*, is the abyss itself[9].

Final considerations

As we have seen, Ernesto Laclau's theoretical-political contribution is clearly located at the ontological level, as he himself has stated on many occasions (LACLAU, 2008b). Laclau develops a reflection on the political being, seeing any social arrangement as fundamentally contingent and precarious. We understand that this perception does not leave any space for constructing essentially stable and lasting ontic scenarios, given that the latter are inexorably contaminated by the instability of the political. Hence his recurrent criticisms of Marxism's political solutions and of numerous deliberative postulations. Although normatively very diverse, both have a feature in common: when seen through the lens of discourse theory, they seek to "freeze" the instability of political dynamics and aim for their closure. However, this instability of the political, which initially can understandably demotivate some of the spiritual heirs of Enlightenment, opens a whole new range of perspectives from which to consider political articulation between collective identities. For Laclau, the struggle against the most distinct forms of oppression – and this would be his theory's strong normativity – must be the result of wide articulation among the discourses of the oppressed, antagonised by excluding political practices. It is therefore not a case of seeking out an arche, an explanatory origin of existing inequalities and, based on that knowledge as a type of diagnosis of a social disease, seek out the cure. Perhaps that would be "the best of both worlds", were this not a legacy of essentialist and reductionist ways of thinking. To Laclau, on the contrary, there is no cause, no origin that can explain

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9   The Heideggerian idea of abyss as a ground has been a constant in Laclau's more recent thought (LACLAU, 2013).

exclusion, since it is overdetermined in various ways: there are many oppressors for the most varied of reasons. Thus, only articulation between different identities will make a political struggle effective. This articulation will result in a hegemonic process, which is nothing short of the construction of a universal discourse able to represent the most different of demands for a collective emancipation. In this way, basing ourselves on the Laclaunian proposal, it is not a matter of thinking only – and idiosyncratically – about the political emancipation of women, ethnic minorities, sexual minorities, etc., but also about the construction of a common political project, because it is only by articulating their differences that they will be strong enough to fight against the many forces that oppress them. It is only possible to think about emancipatory projects based on the political solidarity of those involved.

By way of a conclusion, we would like to cite a quote at the end of one of the most thought-provoking essays by Ernesto Laclau.[10] At the peak of his argumentation, he quotes a proverb well known in the deserts of Libya and mentioned by Ortega y Gasset, which, in our opinion, is remarkably related to the idea of solidarity present in any hegemonic articulation: if thirst is the common enemy, "drink from the well and leave the place to your neighbour" (LACLAU, 1990, p. 84).

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The Path of Brazilian Social Assistance Policy Post-1988: the Significance of Institutions and Ideas*

Natália Guimarães Duarte Sátyro
Universidade Federal de Minas Gerais, Brazil

Eleonora Schettini Martins Cunha
Universidade Federal de Minas Gerais, Brazil

This paper analyzes the construction of the social assistance policy at the federal level in Brazil over the last two decades. It focuses on the Federal Constitution of 1988 and subsequent infra-constitutional legislation, especially that enacted during the Fernando Henrique Cardoso (FHC) and Luiz Inácio Lula da Silva (Lula) administrations, which showed very different conceptions of social policy. For both administrations, we analyze the consequences of the institutional changes and legal framework introduced as well as the social policy ideas that informed them.

It is argued that the construction of social assistance in Brazil demanded much more than the constitutional provisions enacted in 1988. It included the entire set of subsequent constitutional legislation, a process in which the ruling party played a critical role. Categories of neo-institutionalism and the method of process tracing, plus in-depth interviews with relevant actors, were employed. Our findings point to the impact of the interaction between institutional structures, like constitutions and policy legacies, and the political projects of governing parties. Constitutional provisions, even if not bound to a policy, can prevent setbacks and anchor the action of pressure groups. They can also allow progressive administration to change the status quo.

Keywords: Social policies; assistance policy; institutional change; political party; policy legacy.

Introduction

The 1988 Constitution's recognition of social assistance as a public policy and its inclusion in the Brazilian Social Welfare System[1] makes that year a milestone from which this policy began to find its place in the Brazilian governmental decision-making arena. Given this context, studies on this policy became fertile ground for the understanding of a key issue in public policy analysis: the consolidation of a policy and the role of political and institutional factors in such process.

This article is a case study of the construction of the social assistance policy at the federal government level in Brazil over the last two decades. It focuses on the 1988 Federal Constitution and all infra-constitutional legislation produced in subsequent years, especially during the administrations of Presidents Fernando Henrique Cardoso – Brazilian Social Democracy Party (PSDB) – and Luiz Inácio Lula da Silva (Lula) – Workers' Party (PT). Both these administrations implemented institutional changes while presenting distinct conceptions of social policy. Our analysis depicts these changes and their impact for the building of the social assistance policy as well as the ideas and political projects that guided each administration initiatives.

The central argument is that the construction of social assistance as a public policy in Brazil demanded much more than the 1988 constitutional provisions. It required a subsequent infra-constitutional legislation to which the political project of the ruling party was also of great importance[2]. Hence, previous legal determinations operated as essential constraints (IMMERGUT, 1996; SKOCPOL, 1995) but the change in the image of social assistance in the political arena and in civil society was also a strong factor. This image was being prepared since the 1970s, in an incremental process which was influenced by the influence of formal and informal political actors and, in particular, by the role of presidents as representatives of specific political orientations.

The constitutional provisions and the institutional changes introduced by each administration constitute fertile soil for understanding the evolution of this policy. The changes can be understood mainly as the regulation of social assistance policy and the resulting functional reorganization of the State, which took place starting with the Constitution and more significantly during the Cardoso and Lula administrations.

1   In the 1988 Federal Constitution, Social Security (*Seguridade Social*) was defined as the system that encompasses three social policies: Social Security, Health and Social Assistance. In this paper we will translate this concept as "Social Welfare".

2   The Brazilian multiparty political system induces the formation of coalition governments for the formation of majorities. However, considering the leadership that the presidents' parties under analysis showed in the coalitions that were established, our position is that the political projects of their respective parties carried the greatest weight in determining the direction of social policies.

This analysis of the construction of social assistance policy aims to identify the relationship between institutional structure and political action. Presidents are taken as references for the depiction of the conception of social policy that guided their administrations. According to Kingdon (2003), the president is the actor in the political system with the greatest ability to set policy priorities, as he has the prerogative to allocate institutional resources, to veto and to appoint key persons in the decision-making process. Furthermore, Kingdon highlights the president's capacity to manage "organizational resources" and "resources that command public attention." In addition, it is necessary to emphasize the political and social movements capacity to pressure as well as its alliances with parties on the left, as noted by the power resources theory (ESPING-ANDERSEN, 1990).

To this end, we use neo-institutional analytical categories that highlight the relevant determining factors in the explanation of public policy trajectory, as well as the role of ideas and values that legitimize some interests over others and guide institutional design (ESPING-ANDERSEN, 1990, 1999; OLSEN, 1997; SKOCPOL and AMENTA, 1986; SKOCPOL, 1995). Our thesis is that legal constraints affect the action of actors and the shaping of public policies. We agree with Immergut's view, which holds that "all these institutional norms determine distinct logics in decision making that define the parameters of government action and of the influence of interest groups" (IMMERGUT, 1996, p. 03). By setting different rules, institutions have the ability to facilitate or obstruct the action plans of stakeholders and of those involved in the decision-making arena. Moreover, the establishment of these rules is influenced by values and ideas defended and disseminated by certain agents.

We work with the hypothesis of the importance of the conception of social policies found in a governmental project for institutional choices, assuming that these choices are indicators of ideology. The classic hypothesis is that parties on the left of the ideological spectrum tend to invest more in social policies than parties on the right. Furthermore, the neo-institutional literature on Welfare State suggests that it is not only constitutional structures that establish constraints on the actions of policy-makers and affect the possibilities for action by authorities. State structures (HUBER, RAGIN and STEPHENS, 1993) and the rules of the game do the same thing (IMMERGUT, 1996). Huber et al (1993) suggest that state structures in particular act as contexts that differently constraint actors:

> State structures serve as points of institutionalized veto against state welfare and are particularly constraining to leftist administrations. The existence of such veto points makes it difficult for leftist incumbents to implement generous and universalistic programs. In contrast, these veto points may have less effect on the policies of rightist administrations because the objective of such administrations is generally to preserve the status quo (HUBER, RAGIN and STEPHENS,

1993, p. 745).

It is interesting to see how this proposition, which applies to countries with advanced economies, translates inversely to the Brazilian case, where the 1988 constitutional provisions became particularly constrictive for conservative governments[3] that aimed at paradigmatic changes in the type of social protection offered. In the period being analyzed, unlike the countries to which Huber et al (1993) refers, institutional constraints facilitated the action of the left and made it difficult for those who sought to change the status quo toward less comprehensive patterns of protection.

Our analysis is also guided by the concept of reform used by Draibe (2003), which is restricted "to cases in which the changes affected the principles, structures, tough rules of a given policy" (DRAIBE, 2003, p. 67; free translation). The author divides the reforms' analytical time into two phases: "the introduction - referred or confined to changes in the legal framework, in the new rules definition and even the initial institutional changes - and the implementation – referred to the execution process previously decided and initiated." (DRAIBE, 2003; free translation).

To develop this analysis we used, basically, the techniques of process tracing, indepth interviews, as well as assumptions that it is possible to make inferences from descriptive analyses (KING, KEOHANE and VERBA, 1994, p. 34). Process tracing is suitable for analysis of inductive theories and hypotheses. Through case studies, the technique also makes it possible to construct relevant causal stories based on cause-and-effect relations (GEORGE and BENNET, 2005; MAHONEY, 2012). We carried out an analysis of the laws, governmental programs, programs of political parties and other documents produced by federal policy coordinators. We also held interviews with four technicians[4]

3   In general, the literature on parties seeks to identify them on an ideological spectrum ranging from the extreme right to the extreme left (LIMONGI and FIGUEIREDO, 1999; NICOLAU, 1998). In the Brazilian case, given the coalition governments, this classification (left and right) does not contribute to the present analysis, since the same coalition may contain parties in different positions along the left-right spectrum. In this study we therefore use the distinction between conservative and progressive governments, with reference to the ideas that guided them regarding proposed and implemented social policies. We understand that there were no substantive differences in economic policy between FHC and Lula, but there were differences in their social policies: these policies were more residual and showed compensatory characteristics in the Cardoso administration, while there were changes in coverage, total spending and the structuring of an institutionalized field of non-contributory policies by the Lula administration. We therefore consider the Lula administration more progressive.

4   The identities of the interviewees were preserved, being identified as 1, 2, 3 and 4. All are social workers with over 25 years of experience in the field of social work. Three were active at the municipal state and/or federal level and one at the federal level only. Their careers in the area began before the changes envisaged by the Constitution. The interviews were conducted in 2011,

who worked in the federal government for both administrations and who personally accompanied the implementation of legal provisions.

The paper is organized into five sections. The first briefly analyzes the constitutional provisions as a structural element of the subsequent construction of the social assistance policy; the constitutional assembly was the moment used by stakeholders to introduce a first reform cycle. In the second section we analyze the emergence of a conservative agenda by actors aiming at reversing or blocking policy change when they noticed the importance of the institutional framework established by the 1988 Constitution. The Cardoso administrations are analyzed in the third section. There we suggest that even when complying with the legal provisions the absence of an orientation to defend the structuring of a national social assistance policy made these two presidential terms a period with no effective progress in building and consolidating this policy, despite the implementation of important aspects anticipated in the infra-constitutional regulation. In the fourth section, we show how a president who indeed placed social assistance in his political project brought in structural elements for implementing the policy at the national level. Lastly, we present some final considerations.

The moment of introduction: the constitutional assembly

The construction of the legitimacy of social assistance as a public policy could be seen during the administration of President José Sarney (member of the Brazilian Democratic Movement Party – PMDB) (1985 to 1990). Sarney recognized the existence of a "social debt" to the poorest strata of the population and considered this a pressing issue (MINISTÉRIO DAS RELAÇÕES EXTERIORES, 2008). Although this problem took on a public dimension only during this period, debates among specialists working in the social assistance area had been going on since the 1970s in the search for alternatives to the conservative ways of understanding and addressing the social issue.

The social policy issue had mobilized social workers during the II Brazilian Congress of Social Workers (1976) and the closing session of the III Congress (1979) was attended by the then labor leader Luiz Inácio da Silva. The event was strongly marked by the professional's option to align with the working class. Since then, groups of intellectuals and professionals organized around the idea of social assistance as a citizen's right, to be assured by the State, as opposed to the century-old practice of leaving to philanthropic institutions (especially religious organizations) the care for those who had no access to the necessary

during the Eighth National Conference on Social Assistance, in Brasilia, and had the objective of reconstructing the history of Social Assistance policy. They complement other interviews that have been conducted since 2005 with the same purpose.

minimum social conditions for their survival[5]. Several academic and professional events were held during the following decade to address the issue, and spread the idea-force of social assistance as a right.

Here we highlight the importance of the political-institutional context of this brief but intense period that preceded the end of the military regime. During the 1970s semi-competitive legislative elections were held and the military opted for a gradual political liberalization as a way to weaken the opposition. There were only a pro-government party and a formal opposition party, respectively named National Renewal Alliance (ARENA) and Brazilian Democratic Movement (MDB). The dictatorial government suffered a significant defeat in the 1974 elections, when the MDB party won 59% of the votes for the Senate and 48% of the House of Deputies, and elected the mayors of most of the major cities. This political setback forced the military government to re-establish the multiparty system in the country in 1979. This was followed by a rearrangement of the party system and the birth of PMDB, the Workers' Party (PT) and the Democratic Labor Party (PDT) (FLEURY, 1994; HAGGARD and KAUFMAN, 2008). In the 1980s, a slow and negotiated political opening process began, culminating in the election of the civilian Tancredo Neves as President of Brazil, in 1985.

In the second half of the 1980s there was, on the one hand, a new political scenario, with a new power distribution in which political actors were articulated in a new composition of the party system, with the comeback of an electoral arena as an important element of control and pressure of the political class. On the other hand, one could see social groups organized around the theme that were connected to members of the Executive and Legislative Branches and with the bureaucracy at the national level in order to produce changes in the way social problems should be treated. The creation of the Ministry of Housing and Social Welfare during the Sarney administration, which was later dismembered, and the creation of the Ministry of Social Security and Social Service (MPAS) with a Social Assistance Department were institutional changes that defined the locus in the federal administrative structure with specific jurisdiction for the area of social care (Interviewees 1 and 2).

The National Constitutional Assembly (ANC), first convened in 1986, was the arena where the first reforms in the area of social care occurred. Draibe called this moment the *introduction* (2003) when principles and rules were established to guide the changes. At this point political actors supported the idea of establishing social assistance as a

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5   There is a vast literature which presents the characteristics that differentiate the Social Assistance organized on the basis of a conservative design from that guaranteed as a public policy, a duty of the State and the right of citizens. In this sense, we suggest the reading of Cardoso Júnior and Jaccoud (2005); Couto, Yasbeck, Silva and Raichelis (2011); Cunha (2013); Fagnani (2009); Sposati (2003a).

citizen's right and the State's duty in providing it as public policy. As interviewees 2 and 3 reported, among the actors in the parliamentary arena at that time, Deputy Lúcia Vânia (PMDB later PSDB) stood out as a member of the Social Order Commission, who had a personal history in the area and would later, under Cardoso, assume the Department of Social Assistance. Alongside the Ministry of Social Security and Social Service (MPAS) created the Social Assistance Restructuring Commission comprised of technical experts. Another point to note is that the public policy community was comprised of a diverse set of social players including the LBA's Workers National Association (ANASSELBA), social worker's organizations, university professors (especially from the Catholic University of São Paulo), various professionals, members of numerous non-governmental organizations (PINHEIRO, 2008).

Skeptics may minimize the importance given to the National Constitutional Assembly, to the extent that it is a constitutive Lowian arena by nature and, therefore, is naturally like a window of opportunity for all possible reforms. However, we emphasize that not all possible or desirable reforms succeeded or were made possible at the time, as was the case of the land reform. From that point on, not only did social assistance enter the public agenda, but it was also instituted as a citizen's right, which significantly changed the conservative paradigm that had guided actions in this policy area until that point, having traditionally left them to philanthropy, charity and uncoordinated programs at various governmental levels. Since then, many authors have shown how the 1988 Federal Constitution was a milestone in the construction of social protection in Brazil. The beginning of the paradigm shift was thereby presented as the recognition of social assistance policy as part of social welfare together with social security and health (COUTO et al, 2011; CUNHA, 2013; IPEA, 2009; SÁTYRO, 2010). That is, at that time, there was a change in the principles that orient our object of analysis and that were achieved on the basis of subsequent regulations.

Among many paradigm changes brought about by the Constitution, Sátyro (2010) highlights those allowing the creation of legal redistributive mechanisms that tend to generate equality and create paths towards promoting national solidarity. This implied a different institutional design for social protection than previously existed, strongly based on the idea of social insurance, supported by contributions through work and formal employment. Since the 1930s, the social security system had been based on the nationalization of the pension system by President Getúlio Vargas (OLIVEIRA and TEIXEIRA, 1986) or, more specifically, since 1942 with the creation of the Brazilian Legion of Assistance (LBA). This setup was change at that moment by means of a shift from a Bismarckian paradigm to a Beveridgian one (BEVERIDGE REPORT, 1943) based on universal principles and social solidarity. There is no doubt that this step led to the overcoming of the

previous social protection system based on contributions and merit, identified with the "regulated citizenship" concept (SANTOS, 1979) and made possible the construction of a new concept of citizenship.

Sátyro (2010), IPEA (2009), and Cardoso Jr and Jaccoud (2005) highlight these changes. First, it is noteworthy that in Chapter II, entitled "On Social Welfare," in Article 194, the Constitution states that by law, it is the government's duty to organize social welfare based on the following principles: "the universality of coverage and care," "the uniformity and equivalence of services and benefits for urban and rural populations," "the selectivity and distributiveness of benefits and services," "the irreducible value of benefits," "the equity in funding participation," "the diversity of the funding base," and the guarantee of a "democratic and decentralized administration." Articles 201 and 203 are added, concerning social security and social assistance, respectively, and state that no benefit payment may be below the minimum wage. This results in equal wage levels for men and women, persons from rural and urban areas, and, finally, to contributors and non-contributors. This, coupled with the principle of irreducibility, eliminates the possibility of mere symbolic value benefits as previously provided, thus minimizing their use for political patronage.

Second, the introduction of the right to access to services by populations that need them strengthens the idea of social assistance as a public policy and allows the development of a series of governmental initiatives. Hence, the institutional construction of this policy was reinforced.

Third, it is important to note that elderly and disabled persons in extreme poverty have the right to a solidarity income. The explicit recognition of this right is one of the highlights in the creation of a legal redistributive mechanism that tends to generate equality. It was based on this constitutional precept that the Continuous Cash Benefit (BPC) was created and it has become a major income transfer program. We also call attention to the recognition of the not entirely contributive retirement right to rural workers who live in regimes of family-based economies. As Sátyro (2010) points out, these are aspects that clearly place national solidarity as defining characteristics of social protection. A fifth important aspect was the linking of the benefit amount to the minimum wage, which took on even greater importance during the Lula administration, with an explicit policy of protection of minimum wage benefits.

Thus, a new social protection paradigm emerged guaranteed by the Constitution, which directly impacted the construction of new social agendas, since it established rights, principles and provisions that directly affect governmental action. In the implementation that then took place the constitutional protection produced a profound change in policy conception, supply conditions, institutional organization and coverage. This step was

essential in the long, still ongoing, process of establishing social rights in the institutional and legal framework of the Brazilian State, with real consequences in the government's role of ensuring these rights through public policy.

The changes that shaped this constitutive arena (LOWI, 1964, 1972) led to intense institutional movements, much discussion and intense mobilization, including the approval of important laws in the 1990s. This implies, as Draibe (2003) suggests, that during this period we can identify the introduction of reforms, since changes were made in legal principles and rules. But the effective implementation of social assistance policy according to the new legal frameworks occurred only in the 2000s. This long period for the implementation of the changes in social assistance was different from the changes made to health policy (MENICUCCI, 2007), another component of the Brazilian Social Welfare in which social assistance policy-makers sought inspiration.

1989-1993: a conservative agenda

With the enactment of the 1988 Constitution, there was a change in the setting and locus of the decision-making arena. At that moment decisions left the congressional arena and migrated mostly to the executive arena, which in this moment consisted of administrations with significantly conservative profiles. This allows one to see the importance of the basic framework set in the Constitution in order to protect the social assistance policy from more conservative moves. Constitutional constraints, in neo-institutionalist language, may not necessarily oblige action, but they constrain the attempts at backlashes at processes that have moved ahead.

Initially, certain important aspects of the period from 1989 to 1993 should be noted. The enactment of the Federal Constitution showed that there was a need for further legislation to regulate various articles, including those regarding social assistance, since the Constitution itself determined that the transitional provisions on Social Welfare should be regulated within a maximum of twelve month's time. The following year, still during Sarney's administration, the first legislative elections were held for the federal level, and enacting this new legislation became the job of the newly elected Congress. In the executive area, Fernando Collor de Melo, a member of National Renovation Party (PRN), was elected president of Brazil, with a conservative discourse on social care, and imposed restrictive economic measures, which directly affected the quality of life of the workers. He created the Ministry of Social Action, led by Margarida Procópio, a technician by career and leader of the LBA in Alagoas, the president's home state (Interviewees 2 and 3). In this scenario, the Institute of Applied Economic Research (IPEA) created a commission to effect the project of the Organic Law on Social Assistance. Professors at the University

of Brasília also articulated with the same objective. Other representative organisms of social workers also became involved, such as ANASSELBA, the Local and State Managers National Front, Persons with Disabilities, Senior Citizens, Children and Adolescents, and researchers with rights movements from several universities. They organized events to collect subsidies for drawing up the organic law and pressured political actors to regulate social assistance (SPOSATI, 2003b).

Meanwhile, Deputy Raimundo Bezerra (PMDB) proposed Congressional Bill No. 3.099/89, which legislated on social assistance. After approval in the House of Deputies in July 1989, the project was approved by the Senate in May 1990. However, in September the law was entirely vetoed by President Collor, who claimed the bill had been inadequate since its inception. A new initiative from the Legislative Branch, by Congressman Alckmim Filho (PSDB) and Reditário Cassol (then in PTB) in April 1991, resubmitted the Bill with minor changes (MINISTÉRIO PÚBLICO DO ESTADO DO ESPÍRITO SANTO, 2000). That year, professionals from the area held the 1st National Seminar on Social Assistance, in Brasilia, which gave rise to a "Commission for Organic Law on Social Assistance." There they wrote a document entitled "Viewpoint that we support." This document was used by Deputy Eduardo Jorge (PT) and others, who submitted Congressional Bill No. 3154-91, with Deputy Fátima Pelaes (PSDB) as the rapporteur, and was widely discussed with society at seminars across the country jointly promoted by the Ministry of Social Welfare LBA, SESC and SESI. Congressmen from civil society organizations, Legislative Branch, FLBA workers and leaders, members of the Congressional Commission on Social Security and Family, Movement for Ethics in Politics, Brazilian Association of Non-Governmental Organizations (ABONG) and the National Food Security Council participated in the seminars. This intense mobilization culminated in the National Conference on Social Assistance in June 1993 (Interviewees 3 and 4).

In mid-1993, during President Itamar Franco's administration (PMDB), with Jutahy Magalhães Júnior (PSDB) as Minister of Social Welfare, there was a position from the Executive Branch of Government against the project, which had been under discussion by social and political actors involved in the movement in favor of the Organic Law on Social Assistance (LOAS). A different proposal for regulation had been drawn up that was fundamentally contrary to the expectations of these actors. At that conference, under the leadership of then councilwoman for the city of São Paulo, Aldaíza Sposati (PT), a specialist in the area, a stand against the project of the organizers arose. The main items of Bill No. 3154, analyzed point by point by the members of the conference, were agreed upon by acclamation. The organizers upheld the results and submitted the bill to the National Council on Social Assistance, which approved it, but with restrictions proposed by the Finance Ministry in order to avoid a negative impact on the government budget.

The Ministry of Social Welfare presented the bill to President Itamar in July 1993, who sent it to Congress. With the support of Congressman Fátima Pelaes, the bill was approved by Congress in September and signed into law by the president in December of that year. The Organic Law on Social Assistance was born at that point , even if by forceps (MINISTÉRIO PÚBLICO DO ESTADO DO ESPÍRITO SANTO, 2000; Interviews 1, 2 and 3).

What is clear from this brief history is that the construction of the Organic Law on Social Assistance was a much more lengthy and polemic process than the inclusion of the right in the Constitutional Assembly, as it took five years to be approved. The disputes took place among political and social groups in the legislative and executive arenas, especially the former, given the issue's legislative character and the fact that Congress was more favorable to regulation. In this process, the relationship among players from Congress, from the bureaucratic structure and from society was crucial to achieve the necessary social support to approve the Organic Social Assistance law. The democratic environment based on universal suffrage and multiparty system allows for real pressure from social and political organized groups creating constraints to state intervention, in this case, the state veto (ESPING-ANDERSEN, 1990; KORPI, 1983). Constitutional provisions were regulated, on the one hand, according to the power pressure of these groups and, on the other, to the obligations imposed by the Constitution itself and subsequent regulations in this specific area. We understand that changes in the rules of the game allowed the social assistance policy community (KINGDON, 2003), then a minority, to pressure the government to regulate what was determined by the constitution. The rules undermined the ability of the majority in the bureaucratic apparatus and government to block such innovations in the Brazilian social protection policy, barring any reversion to the previous model[6].

However, despite all conservative approaches, the overall outcome was positive, as the Organic Law on Social Assistance was approved in 1993. An important aspect of this law is that it consolidates a decentralized and participatory policy which is constituted in the three spheres of government, by administrative agencies and deliberative institutions of a collegial character with a single command per government level. It establishes instruments for planning, management, finance and social control at national, state and municipal levels.

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6   If we make a brief comparison between the time-length and processes of social assistance and health care construction we see that social assistance, despite having constitutional status was considered less legitimate than health care. If the efforts at structuring health stalled its implementation (MENICUCCI, 2007), in social assistance, structuring processes greatly slowed down its effective entry in the decision-making process. In 1990, two years after the 1988 Federal Constitution approval, the Organic Law on Health (LOS) was enacted (Law 8080 of September, 1990 and Law 8142 of December, 1990).

Another determination in the Organic Law on Social Assistance was the provision that assistance is a State's responsibility in partnership with civil society organizations. Here one can see the importance of the legacy of earlier policies. Since the colonial period social assistance had been provided social organizations with little investment by the State, which had insufficient equipment and human resources to take the responsibility for guaranteeing rights (CUNHA, 2013). Therefore, the Organic Law on Social Assistance points to a necessary institutional reorganization that enabled its implementation, which depended on subsequent governments.

Cardoso administrations: two terms, two positions

The entire legal process in the first half of the 1990s was an important step toward the consolidation of social protection in Brazil, particularly of the social assistance policy. However, the institutional evolution since the 1988 Constitution was marked by sharp discontinuities. Clearly, it was a process that qualified the public sector on the one hand, and political decisions on the other. In each administration during that decade one could see the institutional fragility marked by the setting up and dismantling of institutions.

In his plan of government submitted as presidential candidate in 1994 (CARDOSO, 1994), Fernando Henrique Cardoso recognized the Brazilian social debt and proposed a new model of development as an alternative to right this debt, supported by investments in health , education, sanitation, housing and security. His plan proposed the Community Solidarity Program as articulator of emergency actions and reforms in these areas and called for partnerships between the state, philanthropic institutions and community associations as the best strategy for this type of action. Therefore, two guidelines stand out: the guarantee that social policies should give priority to areas of chronic poverty and the understanding that the most important role is in society and not the state as guarantor of protection. It mentions social protection when it comes to social security, identifying it as one of its central aspects. Specifically with regard to social assistance, it only offers goals and objectives for specific segments, such as children, the elderly and persons with disabilities.

On his first day in office, Cardoso issued Provisional Measure 813/95, which rearranged the social assistance area. He extinguished the Ministry of Social Welfare, the National Council for Food and Nutrition Security (Consea), the Brazilian Legion of Assistance (LBA) and the Brazilian Center for Childhood and Adolescence (CBIA). At the same time, he created the Ministry of Social Security and Social Service (MPAS), with a Department of Social Assistance, headed by Deputy Lucia Vânia (PSDB) who had served on the Social Order Commission of the Constitutional Assembly. The National Council

on Social Assistance (CNAS), which had been created during Itamar Franco's previous government, was subordinated to the Department of Social Assistance (Interviewees 1, 3 and 4).

President Cardoso also created the Solidarity Community Program and the Council of the Solidarity Community Program to replace the National Council for Food and Nutrition Security (Consea), which coordinated the Plan to Fight Hunger and Poverty for Life (PCFM). This program initially incorporated the Emergency Food Distribution Program (PRODEA, also known as Basic Agenda) which was later extinguished. The Solidarity Community Program worked with an agenda of its own, defined by the president and the first lady, Ruth Cardoso, and was aimed at combating poverty and social exclusion through the mobilization of public resources and society, focusing on transferring tasks from the public to the private sector (TESSAROLO and KROHLING, 2011). There was obvious competition for responsibility and institutional overlap between the Program and Department of Social Assistance/Ministry of Social Security and Social Service (MPAS), clearly evidencing that the presidential agenda was centered on the former, disqualifying the institutionalization process initiated at the ministerial level. It can be inferred that the issue of combating poverty, even though part of the political project, took its own course, channeling budgetary resources earmarked for the Solidarity Community Program[7].

Thus, the Cardoso government was characterized by the State's ambiguity in its role in social assistance policy, mainly as regards the federal government scope. Still, Department of Social Assistance/Ministry of Social Security and Social Service (MPAS) produced the First Basic Operational Norm (NOB), the National Social Assistance Policy (PNAS-1998[8]; 2001) and Basic Operational Norm/02[9]. Moreover, the Continuous Cash Benefit (BPC) program, as anticipated in the Organic Law on Social Assistance, was regulated (1996) and implemented (1997), with a more restrictive interpretation than that

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7   According to Valente, when Cardoso suspended Basic Agenda, which was the articulation and focus of governmental actions at the municipal level, he left about ten million people without access to food allotments. Exemplary action of treatment by this administration was the suspension of international tenders for the purchase of iodate used to fortify salt and to prevent a number of diseases and disorders related to iodine deficiency (VALENTE, 2004). During a period of over two years, not only this, but other programs were suspended, meaning a break with a long period of evolution, since organizations caring for the elderly, persons with disabilities and children had their resources cut off abruptly. According to Valente, the extinction of these programs was "part of compliance with the standards required by international agreements that established the suspension of policies of building up inventories and reducing spending on social programs of a more universal character" (VALENTE, 2004).

8   This National Social Assistance Policy is rarely reported in the literature. For more, see (ALCHORNE, 2013).

9   Basic Operational Norm approved by Resolution No. 204/CNAS of December 4th, 1997 and Basic Operational Norm 2 approved by Resolution No. 207/CNAS of December 16th, 1998.

provided in the Law for disabled persons and their families, reaching 346,219[10] beneficiaries during its first year.

The normative instruments produced during that period became regulatory efforts to make it feasible to implant the Organic Law on Social Assistance. However, despite the apparent volume, these instruments were timid in their proposals, with some exceptions. The main contributions of the National Social Assistance Policy (1998) were toward establishing roles for social assistance (still aimed at social integration, which kept the focus on individuals and/or social groups), the organization of the management, and the designation of more detailed competencies for each level of government. But, in general, this regulation is considered insignificant by the social assistance policy community (Interviewees 2, 3 and 4).

Basic Operational Norm/02 brought more significant contributions by better defining manager's roles at each level of government and instituting automatic transfer of resources among levels of government, through the Social Assistance Fund, based on criteria that took into consideration social indicators, giving the states and municipalities autonomy to manage them. Even so, the "historical series" were retained in order to ensure funding to private institutions, as they were already maintained by federal resources, showing the importance of legacies from earlier policies. Another important innovation was the creation of bipartite interagency commissions in each state and the Tripartite Interagency Commission at the national level, instances with the mission of negotiating on the management system, respecting the state's autonomy (Ministry of Social Development, Basic Operational Norm/02).

The state and municipal processes effectively begin during this period, but direct transfers were replaced with agreements signed between public administration managers and the Federal Savings Bank (*Caixa Econômica Federal*) (Interviewees 1 e 2). Even with some innovative content, these norms did not lead to the implementation reforms (DRAIBE, 2003) that would significantly alter the structure of the Social Assistance Policy System. Efforts at regulation, which can be attributed to the presence of political community members in the Ministry staff, failed to affect the implementation process because they were not in line with government priorities.

When applying for reelection, Fernando Henrique Cardoso presented a (*Avança*, 1998) program in which he reiterated his intention to fight poverty with actions focused on critical areas through partnerships between the State and civil society. This program expanded the range of actions of the Community Solidarity Program by changing its main

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10   This data was extracted from the MDS website. Figure: "Evolução da concessão e dos gastos com o BPC - LOAS no período de 1996 a 2001," Issued between 1996 and 2001. Link: http://www.mds.gov.br/relcrys/bpc/1_tab_evolucao_concessao.htm

strategy to support local development. It also highlighted the role of the Council for Community Solidarity, understood as the space for political dialogue between government and society, where the council would develop a "Basic social agenda" for the country. His position was that the combined cash transfer programs constituted a system of social protection that was fundamental to the strategy to fight against hunger and poverty. When dealing specifically with social assistance, Cardoso enhanced the selectivity and focus of actions, with special attention to population groups including those in extreme poverty.

During Cardoso's second administration, the most representative action of institutional strengthening was the conversion of the Department of Social Assistance (*Secretaria de Assistência Social* - into the State Department of Social Assistance (*Secretaria de Estado de Assistência Social - SEAS*), giving it status as a Ministry. Heading this department was Wanda Engel Aduan, indicated by the Liberal Front Party (*PFL*, now named *Democratas*). It was a period of stagnation of the ongoing process and reflected the political and ideological debate in the political arena. On one side there were proponents of the new social protection paradigm, in other words, defendants of the Constitution itself; on the other, there were neoliberals advocating a leaner State, although contrary to the provisions of the 1988 Constitution. It was a period characterized by attempts at opening up national solidarity principles in order to redirect policies and State accountability and ensure social minimums (BOSCHETTI, 2006). Although Cardoso was considered to be from a center-left party, he made the clear choice for structural adjustments that, in practice, minimized actions geared toward social assistance through income transfer in various areas of public policies[11]. According to Dye (2003), considering that public policy is "whatever the government chooses to do or not to do," a concept based on the premise that a choice indicates the top authority's preferences, Cardoso's choice was for fiscal adjustment rather than for social protection as the trademark of social assistance policy.

In the absence of a strong action by the federal government, this was a period when municipal actions expressed the need for policies for social care. During the second half of the 1990s, several municipalities created income-based cash transfer programs, especially Brasília, Campinas and Ribeirão Preto. The Brasilia program received the broadest

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11 It was a period of isolated actions carried out by different ministries and public agencies, focusing on income transfer programs and food distribution. In 2001, the Scholarship Program (*Bolsa Escola*) by the Ministry of Education, and Food Grants (*Bolsa-Alimentação*) were set up by the Ministry of Health, this latter program meaning the conversion of the former Institute to Fight Malnutrition (ICCN) into a National Minimum Income Program linked to health. In 2002, the Cooking Gas Allowance (*Auxílio-Gás*) was put into operation by the Ministry of Mines and Energy. In 2002, the Scholarship Program reached 5.1 million beneficiaries and the Food Grants and the Cooking Gas Allowance reached 8.5 million. Benefits could overlap, a fact that led to the need for Unified Registration Files in the attempt to control the program's coverage and results (IPEA, 2009, p. 214).

funding and marketing[12] and served as a reference for initiatives taken later by the Cardoso administration. These experiences expressed an issue that had been gaining solidity, especially in the assistance policy community: the need for federal income transfer programs that could produce broader redistributive effects (SPOSATI, 1996; NÚCLEO DE SEGURIDADE E ASSISTÊNCIA SOCIAL, 1996). Even though consensus was not reached, the idea took on greater importance during the Lula government[13].

Our analysis shares with Draibe (1998a) the perception that the reform instituted in social assistance policy by the Federal Constitution and by the Organic Law on Social Assistance found neither acceptance or encouragement from the State during either of the Cardoso administrations, in the sense of there having been any radical change, in Olsen's (1997)[14] terms. None of the innovations were implemented or made routine operations . What happened was an incremental process, both in the recognition of issues as problems to be addressed by social assistance, and in the setting up of an administrative or bureaucratic system to uphold these policies. In other words, no institutional foundations were set down to implement any social assistance policies. However, some linear and incremental changes were processed, but they cannot be considered as implementation of a reform that radically altered the policy. That is, Cardoso's actions from the point of view of social assistance remained a fragmented set of actions and programs working from a perspective of residual protection and provision of minimum social standards that had little to do with the provisions of the 1988 Constitution.

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12   Besides these three, many other municipal governments also adopted some type of transfer program, including Belém, Belo Horizonte, Boa Vista, Catanduva, Ferraz de Vasconcellos, Franca, Guaratinguetá, Guariba, Goiânia, Jaboticabal, Jundiaí, Mundo Novo, Limeira, Osasco, Ourinhos, Paracatu, Piracicaba, Presidente Prudente, Santo André, São Francisco do Conde, São José do Conde, São José dos Campos, São Luiz, Tocantins and Vitória (LAVINAS, 1998; NÚCLEO DE SEGURIDADE E ASSISTÊNCIA SOCIAL, 1996).

13   The debate in the assistance policy community encompassed two basic sides. On the one hand, there was a focus on the economic aspects of this type of program, with the argument that it would reduce the solution of inequality to the monetary aspect of social differences. Some used this argument to reject the strategy. On the other hand, among those who accepted the idea, the debate revolved mainly around the scope of the program – whether it should be universal or focused – and the establishment of conditions to be set down for persons to have access to it (SPOSATI, 1996; NÚCLEO DE SEGURIDADE E ASSISTÊNCIA SOCIAL, 1996).

14   Olsen (1997) considers that institutional changes are revolutionary when they occur quickly and significantly, and thus alter the social order. They are radical when they occur quickly and significantly, altering governance but not the social order. And they are incremental when they occur slowly and gradually, with long-term consequences.

The Lula administrations: two terms, one attitude

Poverty and hunger were issues strongly debated in the academy and public administration when Lula's government began. Federal, state and local programs all around the country were targeted at poor households, although based on different poverty lines but all recognizing poverty as a social risk. On the other hand, social assistance was part of the political project of the new president's party, the Worker's Party (PT, *Partido dos Trabalhadores*), which had been slowly built up through government programs formulated to compete in presidential elections since 1989[15].

PT's plan for government for the 1989 campaign included the commitment to meet the "basic requirements of large marginalized sectors" of the population and the proposal to improve income distribution, without specifically mentioning social assistance. The 1994 government program has its central goal "to fight poverty and destitution which affects half of the Brazilian population" stating that all objectives should be subjected to that goal. The planned actions were presented by segment (persons with disabilities, children and adolescents, the elderly), following the way social assistance was organized at the time but defining that "social assistance policy, limiting its scope, should give attention to children and adolescents in personal and social risk, and to persons and groups who are in vulnerable situations". In its 1998 program PT expressed the intention to adopt minimum income programs as well as to face "the serious problem of hunger". Thus, it proposed to extend the School Grants (*Bolsas-Escola*), "progressively implement the Minimum Income Program for low-income Brazilians who do not benefit from other programs," and set up a program to fight hunger (MINISTÉRIO DO PLANEJAMENTO, ORÇAMENTO E GESTÃO, 2003).

The 2002 government program specifically refers to the social assistance policy, seeing it as part of a set of social policies that should promote social inclusion in an articulated way. It assumed criticisms made by the policy community regarding the fragmented, focused and overlapping aspects of previous programs. The new program proposed a revision of the various existing income transfer programs by rationalizing governmental action and reaching potential users not yet included. It reaffirmed the universal and public conception of social assistance policy, as anticipated in its legal framework. It was also committed to the implementation of the Zero Hunger Program (*Programa Fome Zero*), to eradicate extreme poverty and hunger. The "Brazil for Everyone Plan: participation and inclusion (*Plano Brasil de Todos: participação e inclusão*)" is a strategic document that indicated the Lula governmental orientation, with the clear intention of confronting

15 For more details see: http://www.fpabramo.org.br.

problems considered fundamental, including the concentration of income and wealth, and social exclusion (*Programas*, undated).

The first year of his first term was marked by a lack of clarity in institutional guidelines. Lula dismembered the Ministry of Social Security and Social Service (MPAS) (created by Cardoso) and created the Ministry of Social Assistance (MAS) and appointed Benedita da Silva (PT) as minister, and the Special Ministry for Food Security and Fight Against Hunger (MESA)[16] headed by José Graziano da Silva (PT), who was responsible for the Zero Hunger Program. Consea, previously extinguished by Cardoso, was also reconstituted. However, according to all interviewees, this institutional arrangement received strong criticism from the social assistance policy community, not only because it reproduced a restrictive way of conceiving social policy, but also because it maintained the earlier program's overlapping and fragmentation. It also disregarded the single command guideline for actions aimed at social protection recommended by the Organic Law on Social Assistance. Very sharp criticisms were also made specifically to the Zero Hunger Program, regarding the lack of structure and clarity in its strategies beyond those that were in clear disparity with the nature of the program by an ideological issue. Moreover, according to Almeida (2004), the Program showed lacunas in its implementation, especially due to problems with inter-ministerial coordination.

A year later, through Provisional Measure No. 163/2004, the Ministry of Social Development and Combat Against Hunger (MDS) was created and became responsible for social assistance policies, food security and nutrition, and income transfer, unifying the two ministries created a year earlier (Ministry of Social Assistance (MAS) and Special Ministry for Food Security and Fight Against Hunger (MESA). Heading it was Minister Patrus Ananias (PT).

The lack of coordination observed at the beginning was replaced by a new rearrangement of actors in the political arena. The party that had long been opposition was learning how to govern and impose its governance projects, while the long-time situation groups were learning how to be opposition. There was an unprecedented political context

16 The Special Ministry for Food Security and Fight Against Hunger (MESA) was responsible for structuring and implementing the Zero Hunger Program the first initiative of the new government to coordinate actions to fight hunger, malnutrition, and extreme poverty by promoting food and nutritional security. The program gave greater public visibility to the government's social agenda and, at the same time, had the merit of returning obligations in this area to the State, which had been diluted into organizations of civil society in the previous administration through the Community Solidarity Program, which financed them. However, the expected applause was not forthcoming. The program came under heavy fire from experts on the conception and the strategies used and it resulted in failure. A year after being launched, it was abandoned as the government's main action, but its space was quickly occupied by the Family Support Program (*Programa Bolsa Família*).

in Brazil in which social and political groups who had long been external actors in decision-making were now able to directly pressure and act within the government. Not only was the president's party importance and influence in defining the presidential agenda reinforced, but the ability of organized groups to pressure also became much greater.

At this point it is important to call attention to the central role of Minister Patrus Ananias de Sousa as Minister of Social Development and Combat against Hunger (MDS) in the executive arena. This is a relevant factor, since individuals who occupy the upper levels of bureaucracies as ministers and ministerial executive secretaries not only can reorient the priorities of the government agenda, but also pay attention to and observe previously existing issues (EVANS, RUESCHEMEYER and SKOCPOL, 1985; KINGDON, 2003). This minister, who had been mayor of Belo Horizonte, where he implemented significant reforms in the social welfare policy, firmly stated his commitment to the presidential political project, and organized the Ministry by appointing experts in the area to the top board and to the upper levels of the bureaucracy, all being persons with recognized expertise, some of them having been active in this field since the formulation of the pertinent articles in the constitution and in the Organic Law on Social Assistance as well as they were active militants of the Social Assistance Movement (Interviewees 2, 3 and 4).

The new political context with a progressive administration having reached the federal government proved extremely favorable for the implementation of reforms that, according to Draibe (2003), would give continuity to the introductory reform expressed in the Federal Constitution and the Organic Law on Social Assistance. Lula's political project for social assistance included three dimensions: the regulation of social assistance, the construction of the administrative apparatus, and an institutional framework for providing social care services and income transfers. In the first dimension, in 2003, the Fourth National Conference on Social Assistance was held, and called for the immediate implementation of the Unified Social Assistance System. The decision found positive and converging resonance in the Ministry, initiating efforts to regulate the system, which occurred the following year, with the approval of the National Social Assistance Policy (PNAS-2004) by CNAS. The policy was widely discussed across the country with congress members, other levels of government and other political actors, such as managers, representatives of non-governmental organizations, social movements, experts, forming a broad coalition of support for its development and implementation (Interviewees 1, 2 and 3).

The National Social Assistance Policy (PNAS-2004) can be considered a new regulatory framework for social assistance. One major change was the shift in the logic of protection. Social assistance had previously been focused on "target groups," in different segments considered vulnerable, but the focus was redirected to ensure "securities" (security of acceptance, of coexistence, of development, of autonomy, of circumstantial risk

survival, of income). Together, they aimed to protect people unable to provide basic needs for themselves such as food and shelter, those without family and incapable of providing themselves with a safe and independent life, people who suffer the consequences of loss of family or job, who are in situations of isolation, and also to protect those who do not have sufficient cash funds to ensure their own survival and that of their families (income security), including the elderly, the unemployed, the disabled and those in large families (IPEA, 2007, 2009; MINISTÉRIO DO DESENVOLVIMENTO SOCIAL E DO COMBATE À FOME, 2004).

This conceptual shift clearly introduces the idea of social protection detached from any specific target audience including removing the focus from the poorest or the unemployed segments. The National Social Assistance Policy stated that social protection should be provided to all those living in insecure social conditions, regardless of their social group, but rather based on their level of exposure to risk. This policy takes a real step in constructing a Marshallian notion of citizenship as a person belonging to the national community, regardless of age, population segment, or income.

The National Social Assistance Policy reinforced the guidelines found in the Organic Law on Social Assistance for political and administrative decentralization, with greater interaction among the three spheres of government. It emphasized the primacy of State responsibility at every level of government, and highlighted the idea of popular participation through representative organizations both in the formulation process and in social control. It also reinforced the process of negotiation and agreement of the Inter-agency Commissions and highlights the role of Social Assistance Forums as instances of participation by civil society (MINISTÉRIO DO DESENVOLVIMENTO SOCIAL E DO COMBATE À FOME, 2004).

As a result of the National Social Assistance Policy -2004, one year later the Basic Operational Norm of the Unified Social Assistance System (NOB-PNAS)[17] was approved by CNAS. It consolidated important changes in social care services. The Basic Operational Norm-Unified Social Assistance System presented important advances compared to previous Basic Operational Norms. It organized, in a clear and detailed way, the two planned levels of social protection provided in National Social Assistance Policy – basic and special – that structured how social assistance services would be provided. The definition of services that are specific to this policy area, not only give it its own identity. It also guided providers of public and private services as to the actions for each type of security and how they should be offered.

17   Basic Operational Norm 3, known as Basic Operational Norm-Unified Social Assistance System, was approved by Resolution No. 27/CNAS, of February 24th, 2005.

The new social assistance regulatory framework significantly altered social assistance and referred to the necessary institutional reorganization, at all government levels, not only in organizational structures, but also the provision of services[18], the articulation and coordination of actions (public and private) in the form of funding, training and recruitment of human resources, among many other aspects, which constituted the second component of the government's agenda. The Basic Operational Norms of the Unified Social Assistance System established the minimum level of spending related to the two levels of social protection, with criteria for distributing resources that guaranteed automatic transfer of federal funds to states and municipalities. This change was substantial because it disconnected them from agreements. The newer system also promoted greater municipal autonomy for allocating federal funds. It became clear that one of the main goals of this third Basic Operational Norm was to transform the social assistance policy into a truly federal policy through the effective cooperation among the Federal Government, States, Federal District and municipalities. Thus the process of negotiation carried out at Tripartite Intermanager Commission (CIT) became extremely important since the complexity of the changes would affect all levels of government in Brazil. This process radically changed the effectiveness of the provisions of the Organic Law on Social Assistance, which had remained virtually inert during the Cardoso administrations, whose agenda gave priority to the Solidarity Community Program.

The third flank of the Lula administration was income transfer. Already in October 2003, other four previously created programs[19] were added to the Family Support Program (*Programa Bolsa Família*), making it the largest conditioned income transfer program in Brazilian and world history. An important aspect is that the four previous programs were not articulated among one another, each one having its own executive agency, overlapping objectives and target audience, with separate information systems that did not communicate. This allowed one family to receive all four benefits while others would receive none, even with the same conditions of eligibility. None of these programs was intended to become universal, nor was any of them nationwide. The sizes of benefits and inclusion

18   The National Social Assistance Policy sets the groundwork for the consolidation of social care services by reaffirming the public responsibility in providing these services and confirming the new role of the State in this area, providing for the integration of private organizations as co-participants, reaffirming the propositions in Organic Law on Social Assistance. Finally, an important step standardized the protections provided under its responsibility and establishes them not only by territory but also by complexity (MINISTÉRIO DO DESENVOLVIMENTO SOCIAL E DO COMBATE À FOME, 2004).

19   The Family Support Program (*Programa Bolsa Família*) is the combination of the Scholarship Program (*Bolsa Escola*), Food Grants (*Bolsa Alimentação*) and Cooking Gas Allowance (*Auxílio-Gás*), Programs created in 2001 and 2002 during the Cardoso administration. Food-cards (*Cartão-Alimentação*) were created seven months later by the Lula administration.

criteria differ among programs, so the federal government was making different transfers to families in similar situations, justifying them with virtually the same arguments. By controlling overlapping of beneficiaries and applying the eligibility criteria, the Family Support Program went into existence benefiting 3,615,596 families, with average benefits being higher than the previous ones (IPEA, 2007).

Therefore, the change in the structuring of the social assistance policy is evident, as described by Sátyro (2010). Until the early 2000s the government's participation in providing social care services was limited to financing the Continuing Action Services (SAC) offered by states, municipalities or nonprofit organizations with historical links with the Ministry. The program was structured according to target audiences, especially persons with disabilities, the elderly, children and adolescents, through agreements with local governments, which monitored and inspected the service providing organizations. This structure was changed by the Lula administration.

In summary, at the first stage two important regulatory milestones were established: the National Social Assistance Policy-2004 and the Basic Operational Norm-Unified Social Assistance System-2005, which allowed the system to be structured, and the strengthening of income transfers aimed at universal coverage for its target population. A second stage was the actual implementation of the social care service system, which ensured protection and guaranteed security. Finally, a conditional cash transfer program was implemented with a universalizing logic. It reached very significant numbers of persons.

The intensity of the changes promoted by the Lula administration allows us to say that effective reforms were implemented and produced radical changes. They represented a turning point in the history of social assistance policy, especially in view of the lack of significance of previous regulations. The question that now comes up is, why were the actions under Cardoso restrictive regarding social assistance policy and under Lula they were not? There is no denying the innovations brought about by Fernando Henrique Cardoso, such as the Continuous Cash Benefit (BPC), the Child Labor Eradication Program (PETI) and the incipient cash transfer programs. However, the norms lacked significance from the point of view of the construction of the social assistance policy. Cardoso carried out necessary innovative actions based on solidarity, but they only partially complied with what was constitutionally determined and followed a restricted and fragmented agenda. But institutionalized policies were not sufficiently constructed to respond to the principles of universal social protection determined by the Federal Constitution of 1988. There was a different project: certain social rights for specific groups were set up and the idea of a security system based on solidarity entered the specific guidelines of the area during the Cardoso administration. But the social assistance policy was only residual in his political project.

It was under Lula that social assistance found the political and institutional conditions that allowed for significant changes that have come to redefine the social assistance policy and effectively implement it in the conception of a single decentralized and participatory system, as provided in the first round of reforms when social assistance was assured as a citizen's right. The president had the orientation of his party, now governing the country and facing issues related to social assistance. Thus, he gave this policy weight and significance during his administration, transforming it into a decisive agenda. It was for this purpose that persons who were also committed to this political project were placed at upper levels of this area, especially the minister, and all functioned as important political actors in the process of change.

It can therefore be said that the construction and consolidation of a social protection system called for by the Federal Constitution was only possible from the moment that two factors interacted. On the one hand, the existence of institutional rules that determined the construction of more generous and comprehensive programs, granting rights to the most vulnerable segments of the population and including the principle of solidarity in the system. On the other hand, a more progressive party took over the country, interested in changing the status quo. Also, alternatives for driving the agenda were available and relied on the presence of a broad spectrum of different political groups, including experts, professionals, non-governmental organizations, social movements and other civil society actors. The conditions for making changes were established.

Final considerations

The analysis of the recent history of Brazilian social assistance policy make it clear that the social protection right set in the 1988 Constitution was crucial to ensure both the institutionalization of this right in the Brazilian State and its construction during the federal administrations that followed. We have tried to show the differences in the initiatives taken at the Federal Executive Branch in regulating this new public policy by pointing out the importance of the ideology of each president's party in determining his own political project, especially his social policy.

Both President Cardoso and President Lula, early in their terms, brought about significant institutional changes in social assistance policy. However, under President Cardoso, changes were heavily marked by the attempt to minimize the actions in this area whereas, in Lula administration, changes were directed to building up a new conception of social protection.

A first aspect of these changes concerns the organizational structure itself, since, at the beginning of each administration, important changes took place involving the

extinction and creation of ministries, departments and programs, meaning, in both cases, new institutional frameworks for non-contributive social protection. Thus, both the creation of the Ministry of Social Security and Social Service (MPAS) during the Cardoso administration and the creation of the Ministry of Social Assistance (MAS) and the Special Ministry for Food Security and Fight Against Hunger (MESA), and MESA's subsequent merger with the Ministry of Social Development and Combat Against Hunger (MDS) in 2004, became new points of channeling the demands of the social players involved.

However, a second aspect, and certainly the most important, concerns social assistance policy itself and its correspondence to the directions of each administration. As other authors already pointed out(ALMEIDA, 2004; COSTA, 2009; DRAIBE, 2003), it is not possible to identify a continuous social and political project between the Cardoso and the Lula administrations. First, because the decisions and actions taken during the Cardoso administration failed to replace the fragmented and uncoordinated way that social assistance had inherited. This fact is evidenced by the creation of a structure parallel to the Ministry of Social Security and Social Service (MPAS) – the Community Solidarity Program – which clearly took over the government's social agenda at the expense of the Ministry of Social Security and Social Service (MPAS), which, legally had the power and authority to coordinate the policy at the federal level. The National Conferences on social assistance in 1995 and 1997 criticized this situation and proposed the extinction of the program, which the government did not do. Besides, the initiatives for constitutional and legal precepts provided in the Organic Law on Social Assistance were very timid and did not produce significant changes in the organization and operation of a policy system as determined by the norms.

Only after a more progressive administration assumed power could a social agenda clearly take place as a responsibility of the State. It was therefore a point in the government's strategic plan that allowed for a national social assistance policy to be institutionalized, replacing a mere fragmented variety of assistance programs. This policy was strongly based on two pillars, one being conditional cash transfer and other being the structuring of the Unified Social Assistance System. This system introduced significant changes in the relationship among the states and their role within the system, in the form of federal funding, in the organization of social protection, in the role of negotiation levels, agreements, deliberation and participation. In the case of participation, one can affirm that the Lula administration fulfilled a determination that had been taken at the National Conferences on Social Assistance since 1995 and that was evident again in 2003, namely, the implementation of the Unified Social Assistance System.

It is this distinction between the two administrations that this article points out. There were substantial differences in the governmental programs of the two administrations in

regard to social issues and they can be seen as well in their political projects. This allows us to say that it was the presence of a more progressive party in power that enabled the institutionalization of new policies, since political groups, specifically, the policy community had their capacity to act enhanced.

Finally, a finding of this paper is the importance of the backing for the rules of the game from other factors. The study strongly suggests that the action of the administrations analyzed was based on constitutional provisions and their subsequent regulations, but they alone did not determine the final result. The introduction of new rules constrained the government's choices regardless of specific orientations or fiscal pressures. This became a protective barrier against the action of the conservative Collor administration, for instance. The Cardoso administration only partially fulfilled the legal provisions, as it inserted important aspects of social protection based on national solidarity but failed to structure a policy. It was only the combination of the institutional foundation with more progressive orientations that made it possible to consolidate the National Social Assistance Policy. In other words, it is clear that the first moment of reform, the National Constitutional Assembly, was crucial for the construction of the social assistance policy during these two decades, but the ideological orientations of the parties in government were also decisive for its effective implementation.

Therefore, the explanatory potential of the new structures called for by the Constitution and its regulations occurred in interaction with the arrangement of political forces within each government, either more conservative or more progressive. Constitutional provisions by themselves did not push the social assistance policy when the ideological preferences of the ruling party were more conservative. Instead, its effect was to avoid backslides desired by conservatives in reaction to the new rules, especially regarding the allocation of new funding sources (FAGNANI, 1999). We understand that in politics not to move backwards can be as significant as moving ahead at other times. The constitutional rules allowed the action of external pressure groups to block vetoes imposed by the president. In more conservative administrations, closer to the center, as were the Cardoso's, the implementation of programs were clearly determined by the 1988 Constitution, such as the Continuous Cash Benefit. Then, given the preference for fiscal adjustment, the result was mainly lack of action in restructuring the social assistance policy. Finally, a more progressive administration used these new rules to change the status quo, then structuring the social assistance policy toward principles of non-contribution and more comprehensive entitlement that represents the attainment of full citizenship.

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Critical Theory and Social Justice*

Álvaro de Vita

Universidade de São Paulo, Brazil

In *Elements of a Critical Theory of Justice*, the Uruguayan political philosopher Gustavo Pereira (2013a) does an admirable job of combining, in an original theoretical formulation, contributions for reflection on the nature of justice in a democratic society, deriving from two distinct traditions of contemporary political philosophy. One tradition is the "Critical Theory" of society, as expressed in writings by the contemporary heirs of the Frankfurt School, especially Jürgen Habermas, Karl-Otto Apel and Axel Honneth. Let me call the other tradition "post-Rawls theories of justice". At least for the aims of the present article, this latter broad category can include the theoretical formulations of authors who have significant differences with Rawls, such as G. A. Cohen, Amartya Sen and Martha Nussbaum. The idea is to propose a "critical theory of justice" or, we might say, a conception of "critical social justice." The basic elements of this conception are extracted from theoretical perspectives that belong to these two traditions and are then articulated "in a new and systematized fashion, in such a way that the new theory can overcome the shortcomings of the original theories and express a higher commitment to application" (PEREIRA, 2013a, p. 05). The intellectual ambition of this effort can hardly be underestimated. Regardless of how one appraises the success of this project by judging it according to its most ambitious aspirations, the discussion developed by Pereira to specify the "elements" of his conception of critical social justice makes this book highly relevant for students of normative political theory, especially those concerned with social justice issues.

It would be impossible to summarize here all the steps of the intricate reasoning – of an essentially conceptual nature – by which Pereira articulates elements from theoretical perspectives of both traditions mentioned above to build his own theory of critical social justice. In fact, the discussion that follows is quite selective. It consists essentially of an indication of a number of controversial issues that an undertaking like this brings up,

especially when considered from the point of view of Rawlsian justice. Two preliminary observations are necessary regarding the scope of this discussion. The first observation is that, even though I stated above that Pereira combines elements taken from the two philosophical traditions in question here, it is a theoretical effort that, in its most characteristic aspects, remains solidly located within the intellectual structure of the critical theory. It would be a mistake, therefore, to characterize it as an attempt at theoretical syncretism. But what I want to stress, as a note of caution, is that the appropriation Pereira makes of the critical theory will not be discussed in this article[1]. This leads us to the second observation. My purpose here is to examine a theoretical effort to formulate, mainly on the basis of the critical theory, a conception of social justice that is capable, or so it is argued, of dealing with certain deficiencies (which will be described shortly) of Rawlsian justice in a normatively appropriate way. It is the critical interlocution with the Rawlsian perspective that constitutes the focus of the concern behind this article. Beyond presenting a review of Gustavo Pereira's book, what I intend to do here is to bring up controversial issues that deserve further research efforts by practitioners of political theory who dedicate themselves to normative reflection on social justice.

According to Pereira, critical social justice should appropriately take on questions of foundation and questions of application of a criterion for social and political justice. The questions of normative foundation are faced by referring to the discourse ethics of Habermas and Apel. On the basis of the "universalization principle," formulated by Habermas, a valid criterion of justice, like all moral norms that have any pretension to normative validity, should satisfy the following norm of dialogical argumentation: "All [those] affected can accept the consequences and the side effects [that] its [a proposed moral norm's] general observance can be anticipated to have for [the] satisfaction of everyone's interests (and these consequences are preferred to those of known alternative possibilities for regulation)" (HABERMAS, 1990, p. 65, italics suppressed). The next step in Pereira's construction consists of sustaining that Habermas's universalization principle should be complemented by Apel's co-responsibility principle (PEREIRA, 2013a, pp.57-60), which, for Pereira, already represents a step towards applicability. This principle establishes the co-responsibility of the potential participants in the argumentative discourse to contribute to the abolition of the injustices that exist in real societies. By preventing the citizens involved in the communicative interaction from adequately participating in the dialogue, these injustices also prevent the attainment of discursive solutions to controversial moral questions in conformity with the universalization principle.

But Pereira's greatest concern is not with questions of normative validity. He notes Apel's statement to the effect that discourse ethics is comprised of two parts, one being

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1   Here I answer to a comment made by an anonymous reviewer of this journal.

"Part A," referring to normative validity, and the other, "Part B," focused on social and political justice and on applied ethics. Pereira then goes on to stress that "my interest is restricted to social and political justice" (PEREIRA, 2013a, p.57). Although he does not specifically say so, it is implied that the greatest deficiency of Habermas's and Apel's discourse ethics lies in not being concerned (to the necessary extent) with the "conditions that allow for the realization of the ideal community of communication in the real community" (PEREIRA, 2013a, p. 57). One of the main aims of Pereira's book, as far as the critical theory is concerned, is to fill in for this failing of "Part B" of discourse ethics. Another important aim is to show that this can be done by formulating a normative criterion and a conception of social justice that can offer a more morally appealing alternative than that which the liberal-egalitarian conceptions of justice can offer – than Rawls's perspective in particular – to address, especially, two problems seen as interconnected. These two problems are, namely, that of the specification of the scope of a theory of social justice and that of the constitution, among the citizens, of the motivational structure that is needed for a person to become an "agent of justice" and commit herself to the realization of justice in society. Pereira holds that, by offering more adequate answers to these two problems, the critical theory of justice can be considered superior to Rawls's theory as to how the relationship between a model of ideal justice, and its application to real societies, should be conceived. As compared to the Rawlsian perspective, therefore, it is based on this question of applicability that one should appraise the credentials of critical social justice. This question will be the main focus for the remarks that follow and, of course, they will in no way exhaust the discussion of all the conceptual elements that Pereira deals with in articulating his conception of justice.

Let us start with the central element of this conception. Since Pereira is concerned with "Part B" of discourse ethics, he holds that there must be a conceptual element that articulates the normative point of view of discourse ethics with a "conception of justice highly committed to intervention [in] and transformation of actual societies" (PEREIRA, 2013a, p. 102). This conceptual element provides a normative guide for selecting principles of justice and, especially, a metric for social justice. Specifically, he is referring to the idea of "reciprocal recognition autonomy," which is the guiding principle of the book. For Pereira, a central component of any normative conception of justice is an idealization of subjects able to demand justice and give support to just institutions and just policies. For a theory of justice that is in conformity with the normative foundation of discourse ethics, this idealization is expressed through an idea of autonomy, "understood as the capacity to take part in dialogue by offering and accepting reasons to support one's claim" (PEREIRA, 2013a, p. 61).

As the form of autonomy that should provide the *telos* of social justice is that of "reciprocal recognition," the moral language used is that of recognition. The central conceptual and normative element of Pereira's critical theory is taken from Honneth's theory of recognition. An initial comment should be made on this point. For authors such as Charles Taylor, Iris Young and even Nancy Fraser, the idea of the recognition of the cultural identities of groups that suffer experiences of social discrimination and stigmatization is placed in contrast to, or at least in strong tension with, what Taylor (1994) calls the "politics of equal dignity." For the latter idea, the realization of justice in society has the purpose of guaranteeing a form of equal treatment that is only possible for those who, as citizens, are bearers of equal rights. This contrast cannot be reduced to "redistribution or recognition," as Fraser (1995) would have it. The opposition is established between a moral language that interprets certain forms of injustice as the absence of recognition of the "group's 'groupness,'" as Fraser says (FRASER, 1997, p. 19), on the one hand and, on the other, a moral language characteristic of egalitarian liberalism, which interprets these same injustices on the basis of a lack of equal rights for all. For this second point of view the forms of social discrimination and stigmatization suffered by homosexuals, for example, does not call for remedies either of redistribution (of material resources) or of the recognition of the moral value of a way life or a cultural identity. It rather demands the guarantee of equal legal rights or, to put it more generally, the guarantee of an equal social status for the homosexuals (BARRY, 2001, p. 274⬜279). The extent to which gender or racial inequalities, or the discrimination suffered by national minorities or immigrant ethnic groups, should be interpreted (primarily) on the basis of an idea of "privation of recognition" or, alternatively, on the basis of an idea of privation of the social resources, opportunities and rights that are granted to others in the same society, is part of the theoretical and public debate between these two moral languages. But it is not within the scope of this debate that Pereira incorporates the idea of recognition into his critical theory of justice. This becomes even more evident when one recalls that this idea, which has a Hegelian pedigree and is usually expressed through a "collectivist" moral language, is incorporated to qualify an idea of autonomy that applies above all to *individuals* rather than to collectivities.

Here I will limit myself to defining what seems to be the main concern expressed in the incorporation of Honneth's theory of recognition. The notion of autonomy is understood as the capacity a person has (or should have) to participate in dialogues and to offer and accept arguments in a variety of practical contexts. As stated above, autonomy connects the critical theory of justice with discourse ethics. Pereira holds that autonomy cannot be adequately fostered by a conception and a metric of social justice that have an exclusive or strongly institutional focus, and this is exactly the case with Rawlsian justice.

It is to confront this problem that the three dimensions of recognition in Honneth's approach (HONNETH, 2003) – the sphere of the relationships of love and affect, the sphere of law and rights, and the sphere of achievement – are incorporated into Pereira's arguments. The effect of this is not so much to give normative weight to a "group's groupness," in Fraser's terms. It is much more to extend the scope of the theory of justice beyond the institutional sphere that constitutes the central object of Rawlsian justice, and that corresponds approximately to the sphere of law and rights in Honneth's theory. Among the necessary conditions for a person to develop as an autonomous agent are an egalitarian treatment by the institutions of her society, and equal rights. (However, as we will see below, whether or not critical social justice endorses a conception of egalitarian justice is a dubious matter.) These conditions provide strong support to citizens' "self-respect," and on that count there is convergence with Rawls's perspective. For Rawls (1971, pp. 62, 92□95; 2005, pp. 178□187), an equal or fair (depending on the case) distribution of "primary social goods" that are either distributed directly by institutions, or whose distribution is determined by institutions, is the condition under which the most important primary social good (that cannot be distributed by institutions), the self-respect of the citizens, can be guaranteed in a just society. An equal or fair distribution of basic rights and liberties, freedom of occupation, powers and prerogatives of offices and positions of responsibility in society's economic and political institutions, income and wealth (RAWLS, 2005, p. 181) is not an end in itself, as if the "mere" distribution of certain resources could be the sole end of social justice. Rather, it is a means to what really matters morally, i.e., citizens' self respect and the guarantee of an equal social status to all citizens. But for Pereira, this is not enough. Based on Honneth's theory, Pereira holds that the development of the capacities required for autonomous agency, which constitutes the touchstone of his conception of critical social justice, requires reciprocal relationships of recognition that give support to "self-confidence" in the sphere of personal relationships and family life, and to "self-esteem" in a sphere where people exercise their distinctive talents and capacities and receive recognition for the value of their contribution to society.

The two interconnected problems mentioned above, then, are the attainment of justice and the constitution of a motivational structure by which someone can become an "agent of justice." But before going further into the discussion of these problems, there is another point where the conception of critical social justice differs from a Rawlsian perspective. As stated above, the idea of reciprocal recognition autonomy provides the normative criterion that guides the choice of principles and of a metric for social justice. Pereira devotes an entire chapter of his book (III.1) to this topic. According to him, the focus on capabilities, proposed by Amartya Sen (2009) and Martha Nussbaum (2000; 2006), conceives a normative metric for social justice that is more closely attuned to the

telos of reciprocal recognition autonomy[2]. Pereira agrees with Sen's criticism to the effect that the focus on the distribution of institutional resources, or resources whose distribution is determined by institutional arrangements, such as educational and occupational opportunities, income and wealth, causes the Rawlsian conception of distributive justice – and other conceptions that adopt a "resourcist" metric, e.g., the real income approach – to ignore the unequal capacity that persons have to convert institutional resources into "freedom to achieve well-being." Personal heterogeneities and certain social and environmental contingencies (SEN, 2000, pp. 70-71) account for that unequal capacity. The greater sensitivity of the capabilities metrics to these inter-individual variations and to forms of vulnerability (such as those generated by circumstances of poverty and social marginalization) that keep people from developing as autonomous agents, explains Pereira's preference for Sen's approach. Although Pereira's discussion on this topic shows a high level of mastery over the theoretical debate in question, which is a characteristic of the book as a whole, he fails to consider all the objections to the capability approach made by those who subscribe to an egalitarian resourcist metric for distributive justice. Here it is only possible to mention them briefly.

For those who defend that justice requires equality, one of the problems of Sen's approach lies in its difficulty to formulate a plausible conception of social equality. His approach becomes more convincing when used to specify a minimally adequate level of

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2   One anonymous reviewer of this journal remarked that to treat Sen's and Nussbaum's positions as equivalent, as I do here, fails to take into account that what is distinctive in Nussbaum's position is her defense of a form of moral perfectionism as a basis for her theory of social justice. My impression is that, even though the two versions of the capability approach are based on a view of "good functioning," or of the good life, only Nussbaum clearly asserts the objective and perfectionistic grounds of her theory of justice. Nussbaum's starting point is a conception of good , "a life that is worthy of the human being" (NUSSBAUM, 2006: location 843), to specify a list of central human capabilities (NUSSBAUM, 2006: locations 905⎵963) that constitute the core of a "minimal account of social justice" (location 896). In contrast, Sen does not offer any systematic interpretation, or even a canonical list, of the valuable "functionings" of his theory of social justice. But in abstractly formulating the idea of "capability," he asserts that "the 'good life' is partly a life of genuine choice, and not one in which the person is forced into a particular life ⎵ however rich it might be in the other respects" (SEN, 1985a, p. 70). This and other passages with the same content seem to confirm the judgment by Robert Sudgen, in his book review of *Inequality Reexamined* (SEN, 1992): "In presenting his account of well-being, Sen sees himself as participating in a search for truth, and not as presenting a set of subjective value judgements. [...] Sen's philosophical position might be characterized as Aristotelian: he is searching for a true answer to the question, 'What makes a good life?'" (SUDGEN, 1993, p. 1952). Although Sen is more ambiguous than Nussbaum about the perfectionistic grounds of his (Sen's) version of the capability approach, the distance between the two authors, on this point, may not be so great after all. Surely, in simply asserting that the capability approach has perfectionistic grounds – whose implications are not the same as those related to the form of moral perfectionism that will be examined below – it is not sufficient to show what is problematic about that. But this would require a separate discussion.

"capability to function." This can be done by taking into account a small number of basic "functionings" – such as access to adequate nutrition, educational level, access to basic health services, and longevity – which constitute an identifiable and interpersonally comparable capability set. But when the question involves capability sets that are above this threshold it is impossible in practice to dissociate what, on the one hand, is due to morally arbitrary social or natural circumstances, which can respond for distributive inequalities that should be the object of a conception of social justice, from what, on the other hand, is due to conceptions of good, preferences and life plans of each person. This criticism is not based on the "reified concept" (PEREIRA, 2013a, p. 139) according to which only metrics that can be quantified and operationalized, e.g., methods of evaluation and comparison of levels of well-being based on the measurement of real income, can make sense cognitively and guide intervention into social reality. The problem that is being brought up here is not the difficulty in making the capabilities metric operational, but rather the normative problem of value incommensurability of different capability sets (DANIELS, 2003, p. 259; 2010, p. 139-140; POGGE, 2010, p. 49-58). And this incommensurability makes the implications of the interpretation of equality uncertain. Sen himself, in his most recent work, seems to forego giving any precise meaning, normatively speaking, to the idea of equality of capability (SEN, 2009, p. 295-298). But if this is the case, we would have to classify Sen's and Nussbaum's approach to distributive justice as a variant of sufficientarianism, and not of egalitarianism[3].

Although not exactly for the reason I mentioned above, this is precisely the stance taken by Pereira. He says, "The capabilities metric is very useful when it comes to securing a minimum or sufficient development of the elementary capabilities that allow an individual to pursue a life plan, share social cooperation and take part in the life of society; that is, to be a free and equal citizen" (PEREIRA, 2013a, p. 95). Pereira holds that this standard of sufficiency, specified on the basis of the capabilities metric, should be complemented by the difference principle, from Rawls's theory, according to which inequalities in income and wealth are justifiable only if they are established for the maximum possible benefit to the least advantaged members of society. This combination is necessary to enable critical social justice to confront the distributive inequalities that are above the minimum level of capability for functioning (PEREIRA, 2013a, p. 120-123). This ecumenical position has much to recommend it. But the difference principle is incorporated in an ad-hoc way, almost like an appendix of a non-egalitarian conception of distributive justice and does not seem to play any normative role of its own. The strength of Pereira's ecumenical position resides in the standard of sufficiency. On this point I have two observations to make.

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3   Nussbaum, for whom the list of central human capabilities is part of "the minimal account of social justice" (see Note 2, above), would have no problem admitting this.

My first observation in this regard is that the interpretation of the difference principle itself is not accurate. Pereira points out the corrosive effects of the inequality of income and wealth on the equality of social status, on self-respect and on the political equality of citizens. In this regard he asserts that these effects should be "counteracted by endorsing the well-known Rawlsian difference principle that justifies distributive inequality if it improves the social situation of the least advantaged" (PEREIRA, 2013a, p. 121). That this formulation is not precise becomes all the more evident in a passage that appears farther down in the text, where Pereira mentions the argument by Paula Casal that the shortcomings of the difference principle should be corrected by supplementing the principle with a guaranteed social minimum. I quote Pereira's comment:

> Her [Paula Casal's] argument is particularly useful when justice is concerned with intervention in real societies that are not well-ordered societies, and it is accurate in the face of problems of severe inequality, social marginalization and extreme poverty. These circumstances generate pervasive inequalities and injustices not adequately captured and counteracted by the difference principle. For example, extreme poverty creates a scenario that requires not only improving the condition of the least advantaged group but also ensuring them a social minimum (PEREIRA, 2013a, p. 121).

I agree with the point on a social minimum. But it is not correct to say that the difference principle "justifies distributive inequality if it improves the social situation of the least disadvantaged," as is affirmed in the passage I quoted above, if the status quo on the basis of which the distributive inequality is justified is characterized by "severe inequality," "social marginalization" and "extreme poverty." That is, this principle calls not only for improvements in the situation of the least advantaged if circumstances of this nature are taken as the baseline to be adopted. On what basis could we say that circumstances of severe inequality, social marginalization and extreme poverty are justified on the basis of the difference principle in the first place? The correct interpretation of this principle is expressed in the idea that economic inequalities morally authorized by the difference principle – as they contribute to raising (in absolute terms) the share of income and wealth of the least advantaged – should be appraised by reference to a hypothetical state of equality of social primary goods. This is the appropriate baseline for appraising the distributive inequality authorized by the difference principle, and not a status quo characterized by severe social injustices. Based on this stronger interpretation of the difference principle, economic inequality is, at best, a necessary evil, and any departures from equality must be justifiable to the least advantaged (BARRY, 1989, p. 234; COHEN, 1989). In a simplified way we can say that, if the demands of the other components of the Rawlsian conception of justice are taken into account, the difference principle recommends the choice of a basic

institutional structure under which the distributive share (of income and wealth) of the least advantaged are as high as possible.

My second observation flows from the first. It seems clear that the difference principle is only one of the components of a conception of justice. There is another fundamental component related to social justice, namely, a principle of fair equality of opportunity. It is beyond the scope of this article to examine this principle in detail or discuss how the difference principle is articulated with this idea. But it is nonetheless important to stress that, beyond fostering "a minimum or sufficient development of elementary capabilities" (PEREIRA, 2013a, p. 95) – and the importance of this for the abolition of severe poverty is not in question – this principle demands that *equal* opportunities be guaranteed. If the condition of free and equal citizens is to be assured to all in a democratic society, it is not enough to have an "expansion of social opportunities" or that "elementary functionings" be within everyone's reach. Fair equality of opportunity must not be confused with meritocratic criteria, which is quite popular in liberal societies, according to which the most desired and rewarded jobs should be allocated to those who are best qualified to exercise them and who make the most strenuous efforts to develop their talents and their productive skills. Beyond the slogan "careers open to talent," it is necessary that, at a sufficiently previous moment in time, everyone has had the same opportunities for acquiring the qualifications required to compete on an equal footing for access to elite universities and to the most rewarded occupational positions (VITA, 2012, p. 306). With this demand in mind, if we look at education, social justice requires not only that the functioning basic education be guaranteed for all, but also that equality of educational opportunity, interpreted in an appropriately strong sense, be guaranteed by institutional arrangements and public policies.

An egalitarian conception of social justice may incorporate, as one of its components, an idea of guaranteed social minimum. But a conception of social justice that has as its center of gravity, we might say, an idea of this nature could lead to recommendations of public policy according to which reduced social resources are sufficient to satisfy the needs associated with a capability set defined by basic functionings. In the 1980s Peter Townsend (1985) criticized Sen's conception of absolute poverty because it offered a minimalist definition of the needs of the poor. For Townsend, such conception seemed more closely associated with a list of basic functionings than with the demands of resources related to the performance of certain roles in society, among which is that of being a citizen. According to Townsend, without a clearer definition of the range of resources required to satisfy the needs associated with the absolute component of the notion of poverty, Sen's approach could imply the recommendation that reduced resources may be sufficient to satisfy needs that are more closely associated with subsistence than with social needs

related to the performance of certain roles in society (those of citizen, parent, professional, etc.). Sen responded to this criticism numerous times (SEN, 1985b; SEN, 1992, p. 116; SEN, 2009, p. 256), always emphasizing the distinction between a relativistic approach to poverty, such as Townsend's, and Sen's own approach, which has an irreducibly absolute component. This distinction serves to show that, what is seen as socially and culturally variable relative privation in the evaluative space of income and commodities, can be seen as absolute privation in the evaluative space of the capability approach. To use an example from Sen himself (2000, pp. 21-24), black Americans not only feel poor because they suffer relative privation of income (as compared with the income of white Americans); they are indeed poor, in an absolute and objective sense, when one evaluates their level of well-being on the basis of the elementary functioning of longevity. Although they have much higher incomes (even when the comparison is made on the basis of purchasing parity power), American black men have a much lower life expectancy than Chinese men or than men in the state of Kerala, in India. Sen may have a point in arguing that there is an absolute component in the notion of poverty, but this line of answer to Townsend fails to address the objection that his normative approach leads to minimalist distributive recommendations. Townsend's criticism mainly targets Sen's conception of poverty. But a somewhat similar objection is being raised here against Pereira's critical social justice. A conception of social justice based on an idea of "minimum or sufficient development of elementary capabilities" and unconnected to or inadequately articulated with a conception of distributive equality, leads to a minimalist definition of "citizens' needs", i.e. of persons as free and equal citizens.

I defended above that the modest egalitarianism of critical social justice contrasts with the expanded view this conception has of the telos of justice and, in connection with this, of the conditions needed to foster among individuals the motivational structure needed for them to become what Pereira calls "agents of justice." These are the two areas of controversy that can only be dealt with briefly here. Beginning with the first question, Pereira says that "I have introduced the telos of ensuring reciprocal recognition autonomy as a duty of social justice" (PEREIRA, 2013a, p. 77). The problem here is that, in both academic and public discussions, a conception of social justice is generally thought to refer to what the State may and should do[4]. When we talk about duties of justice (in contrast to duties of beneficence), we are referring to duties that, at least potentially, can be translated into binding rules. In other words, we are talking about claims that can justify the use of collective coercion in society. As "this conception of autonomy is the normative concept that provides the basic guidance to construct principles of justice and identify

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4   Whether or not there are international duties of justice is an important question that I leave aside here.

normative criteria for designing social policies" (PEREIRA, 2013a, p. 61), what is at stake is a justification for the use of collective coercion. The question that comes up is: Can the conception of autonomy defended by Pereira serve as grounds for what the State should do to foster justice in society?

Pereira argues that this conception of autonomy is "procedural." That is, it is not committed to any substantive form of life. In saying this, what he has in mind is to dissociate this ideal of autonomy from a form of moral perfectionism that could authorize paternalistic interventions into individual freedom (PEREIRA, 2013a, p. 77). It is also important to note what he says in another part of the book: "The assumption of negative freedom as an unsurpassable achievement of modernity blocks any attempt to provide substantive content that can undermine that freedom" (PEREIRA, 2013a, p. 193). But it is not by refusing to endorse any specific substantive idea of good that a conception of autonomy becomes compatible with negative freedom. This can be seen in a conception of human good like that of John Stuart Mill, formulated in Chapter 3 of his *On Liberty* (COHEN 1961, pp. 187-319.). Mill forcefully defends the moral superiority of active and autonomous individual characters who are capable of rational self-determination, in the sense of being able to choose the ends and way of life they want to practice in their lives. They do not let this choice be determined by custom, by the moral majority of society or by religious authority. To oblige someone to be autonomous in this regard – "to oblige them to be free," in Rousseau's paradoxical formulation – may sound like an oxymoron. But as soon as one admits that a conception of the good as individual autonomy might justify what the State should do – a step that Mill did not take but that someone could take on the basis of his ideal of free individuality – the implications could be problematic. This could justify, for example, an educational policy aimed not only at teaching children (of evangelical families, for example) that they have liberal rights that allow them to leave behind values or ways of life into which they were socialized, if they so wish, but also aimed at persuading them that the beliefs and ways of life practiced by their families are incorrect because they are heteronomous. Liberal rights that protect negative freedom guarantee only a "right to exit" (to use a term coined by Albert Hirschman). They do not guarantee that the autonomous formation of preferences deserve any special treatment when what is at stake is the use of society's collective power to deal with forms of life in which individual autonomy is inconceivable. This also applies to a Kantian conception of moral autonomy, but further elaboration would be necessary to show why this is so.

This problem becomes broader when the notion of autonomy adopted is normatively more ambitious than Mill's. It seems to me that this is the case of Pereira's conception of reciprocal recognition autonomy. As was mentioned above, according to this conception, those who exercise, to the required degree and in the required way, "the capacity to take

part in dialogue, offering and accepting reasons to support one's claim," are acting autonomously. The phrase "to the required degree and in the required way" (the formulation is mine, not Pereira's) lays heavy demands on what can be considered an exchange of reasons and arguments among autonomous agents. A "deep reflective use of practical reason" (PEREIRA, 2013a, p. 154) should take place, in contrast to a "superficial reflection" that would merely reiterate prevalent beliefs in society. Such a use of practical reason should respond to an "emancipatory interest" in two interconnected ways. In the first place, it should make possible a "self-reflection" that enables the agent to criticize the process of socialization that resulted in his or her own practical identity and that, in circumstances such as severe poverty, domestic violence or social humiliation, can lead, and often does lead, to the introjection of a depreciative view of oneself. Second, a "deep reflective use of practical reason" is what makes possible a criticism of certain "social pathologies" (PEREIRA, 2013a, pp. 67; 153-164). Among these pathologies, three especially conspire against the autonomy of reciprocal recognition:

(1) Reification, which is associated with the predominance of instrumental reason in a capitalist and bureaucratized society, and which means that people are treated as things rather than as ends in themselves, in inter-personal relationships in the three spheres of recognition. More specifically, Pereira attributes to "reifying trends" the social and political apathy and the reduction in the possibility that a strong cooperativist movement can emerge (PEREIRA, 2013a, pp. 159-160);

(2) The constitution of "adaptive preferences" - a notion formulated by Elster (1987) – to explain the process of formation of individual preferences where agents, in order to avoid the suffering caused by cognitive dissonance, adjust their preferences to what they realistically think they can obtain in their circumstances; this is especially important to explain why people submitted to circumstances of severe poverty and destitution can develop overly modest tastes, and this leads them to expect and demand very little of society's scarce resources; and

(3) The adoption of consumerist styles of life, which, to some degree, is an inversion of the process described in (2), above; for, in this case, the process of preference formation gives rise to "expensive tastes": "It is possible that the most talented ones who embrace consumerist lifestyles press for higher pay from their jobs, which generates a social differentiation beyond reasonable or egalitarian terms" (PEREIRA, 2013a, p. 40).

Now, this notion of autonomy, which aims at capturing the value of an "emancipatory interest in radically exercising such capacities [necessary for participating in the dialogue that enables a deep reflection, in the sense described in the previous paragraph]," could hardly be considered a form of perfectionism "so weak that there would be no objection to accepting it" (PEREIRA, 2013a, pp. 66; 79). If guaranteeing the telos of reciprocal

recognition autonomy is a duty of justice, it would seem to be an obligation of justice to make consumerists change their tastes in order to conform them to a non-pathological way of life, perhaps one in which their reflective capacities would flourish. What if severe poverty, domestic violence and social humiliation were abolished from society? In this case, taking into account that the guarantee of a sphere of negative liberty is an "unsurpassable political value", what would lead us to suppose that people would rather carry out this "emancipatory interest" – a form of self-realization – in the many different practical spheres, than, let us say, to have a life style that combines "alienated" work in capitalist companies with a life style devoted to private consumption?

What reasons are there to adopt this normatively expanded conception of the end of social justice? Pereira is not in accord with a statement made above, namely, that a conception of social justice is essentially about what the State can and should do. Nor, as noted above, is he in agreement with the strictly institutional focus and with the resourcist metric of Rawlsian justice. The main reason for both these disagreements is the supposition that an institutional conception of social justice does not have an interpretation of the conditions necessary for a person to become, according to Pereira, an "agent of justice," that is, an agent able to support and demand justice. Rawlsian justice supposes that persons, as citizens, have a moral power of rationality – which is understood as the capacity to effectively pursue a conception of the good, be it a plan of life limited to a person's self-interest or a "comprehensive doctrine" (such as a religion) – and a moral power of a sense of justice or reasonableness – which is the capacity to give support to, and to do one's own part under just institutions. But, Pereira holds, this perspective of justice "does not address the problem of the acquisition of that identity" (PEREIRA, 2013a, p. 102). Facing this problem in an appropriate way demands an extended conception of both the end and the scope of social justice (to encompass the three spheres of reciprocal recognition). It also requires the constitution of an "egalitarian and democratic ethos," i.e., a background of egalitarian and solidaristic values supposed to guide individual behavior and provide a public perspective for discussing and criticizing life styles (PEREIRA, 2013a, pp. 168, 170). What is clear from Pereira's discussion on these topics is that his conception of critical social justice is not limited to the institutional sphere. It also aspires to reach the values and norms that guide personal conduct. In another text, in which the arguments of his book are briefly presented, Pereira asserts that "the main reason on which rests the advantage of reciprocal recognition autonomy over other conceptions of the subject is that, to be realized, this autonomy requires not only material means, but also intersubjective circumstances where others function as triggers for reflection and criticism. This opens the way to reflective processing of ends, preferences and circumstances that affect

life itself, and those circumstances propitiate the constitution of subjects capable of confronting social pathologies such as consumerism and adaptive preferences" (PEREIRA, 2013b, p. 10).

As I see it, the central point of disagreement is not about the conceptions of subject adopted by the two ways of conceiving justice. The main issue is about the object of a conception of social justice and, specifically, 1) whether the main object of such a conception should consist of institutions and public policies, especially those that are most important for the ends of social justice, or 2) whether the object should also embrace a moral evaluation in a variety of practical "informal" spheres (in opposition to the institutional sphere), of the norms and values that guide citizens personal behavior. With respect to the constitution among citizens – at least among a great majority of citizens – of the motivational structure necessary to give support to social justice, Rawlsian justice leans toward the first position, whereas the critical theory of justice leans toward the second. The main issue of Pereira's book – how to constitute the motivational structure needed for a person to become an agent of justice – is important and does not lend itself to simple answers. But, when comparing the relative merits of the two normative perspectives in this respect, it is not the case that one of them is concerned with a central issue that is largely neglected by the other. Rather, they differ in the ways to tackle the problem. Here it is only possible to point out two ideas that are part of the Rawlsian perspective.

The first of these ideas was mentioned above. The assumption mentioned above is that citizens are characterized by a dual structure of motivations, one to exercise a moral power of rationality, and the other to exercise a moral power of reasonableness. No doubt, there are persons who see themselves as efficient machines to maximize their own self-interest, as "rational fools," to use the term coined by Sen (1977). Others cannot conceive of themselves but as zealously or even fanatically devoted to a specific comprehensive doctrine. From a Rawlsian perspective, these are two ways of unilaterally exercising the moral power of rationality. At the opposite pole, there may be persons who are altruistically dedicated to the common good. But the assumption of this perspective is that the great majority of citizens are neither unilaterally rational, in this restricted sense, nor altruists. They want to contribute to the attainment of justice in society if they can trust that it can be attained and that it is really being attained. At the same time, they also want to attend to their own individual interests and dedicate themselves to their individual conceptions of good – which may or may not include an autonomous way of life, in the strong interpretation that the critical theory of justice offers of this value. One important implication of this assumption of a dual structure of motivations is that citizens may be willing to give support to institutions that represent demands of principles of justice as long as they can trust that the great majority of their fellow citizens will do the same thing. But they may not feel compelled to adopt the very same principles to guide their personal conduct in a

variety of social contexts. This is a proposition on the *scope* of the principles of social justice. Such a position was the target of heavy criticism, especially from G. A. Cohen (2001). For Cohen, a just society cannot exist unless there also exists a culture, or an ethos, of solidaristic and egalitarian norms and values that are in harmony with the same principles that are expressed in the institutions and that serve as guides for citizens' personal behavior. For Cohen it is inconceivable that citizens, *qua* citizens, will accept giving support to institutional arrangements that express demands of the difference principle (or of some similar principle of distributive justice), such as a tax system or social transfers of a redistributive nature if, at the same time, they are not willing to guide their personal choices and decisions (especially their economic behavior in the market) by this same principle. With some qualifications, Pereira (2013a, pp. 164-178) takes on a perspective similar to Cohen's.

The second idea refers to the relationship of mutual reinforcement between political institutions, especially those that are most directly involved in social justice, on the one hand, and the norms and values that guide the behavior of citizens, as citizens, on the other. If citizens and their representatives implement institutional arrangements and public policies that are generally considered to satisfy a publicly defensible criterion of social justice, such arrangements and policies exert a powerful appeal to the citizens' sense of justice. And when this sense of justice is strengthened, it constitutes the basis of continued support from the citizens (at least from a great majority of them) for these same institutions. A conception of institutional justice plays a major role in the theory that Rawls calls "reasonable moral psychology" (RAWLS, 1971, pp. 490-496; RAWLS, 2005, pp. 86-88). On the basis of this conception, he explains how a sense of justice can be acquired and strengthened, and that offers an interpretation on "how people acquire enough self-reliance to demand justice" (PEREIRA, 2013a, p. 101).

The Swedish political scientist Bo Rothstein, in his *Just Institutions Matter*, uses this relationship of mutual reinforcement to explain the existence of a certain type of social norm, especially the willingness of citizens to act in a just and solidaristic way. But to explain the emergence of social norms, Rothstein is concerned specifically with the values and attitudes of Swedish citizens that lead them to give political support to the institutions of a universalist welfare state. For him, the most important factor is the institutional design[5]:

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5   In an article where he examines G.A. Cohen's criticism on the institutional focus of Rawlsian justice, Joshua Cohen (2002) notes that the Rawlsian position does not ignore the importance of the social ethos for distributive justice (COHEN, 2002, p. 383). What is distinctive in Rawls's position is the supposition (shared by Rothstein) that social institutions play a major role in molding individual preferences, attitudes and aspirations, that is, molding what G. A. Cohen calls "social ethos". Joshua Cohen (2002, pp. 385-386) sustains that only if we were confronting a social ethos that both produces unacceptable inequalities and is entirely impermeable to institutional

Social norms, I want to argue, *can be explained by the manner in which political institutions structure the decision-making situation faced by actors and influence trust.* [...] This idea has a politically interesting corollary, moreover, namely that a society's norms are not structurally given (by culture, history, the World Spirit, etc.). If instead norms vary with the character of political institutions, then we as citizens have a role to play. We can, at least on some occasions, decide which norms shall prevail in the society we live in, *because we can choose how to design our political institutions.* It has proved possible, for example (at least during special moments in Swedish political history), for centrally placed political actors to shape political institutions consciously, and in such a manner as to favor the generation of certain social norms (and interests) (ROTHSTEIN, 1998, pp. 134-135).

To create or to change institutions that are directly important for social justice, such as tax systems and social policies, is only possible, as Rothstein says, "on certain occasions." But no matter how great the obstacles to making society more just may be, it is not at all clear that the most promising alternative for dealing with them would be to replace an institutional and resourcist conception of justice with a normative perspective, such as the critical theory of justice proposed by Pereira, which adopts a conception that is normatively more demanding and broader both in terms of the ends and of the scope of social justice. To change the focus from criticism of political and social institutions to criticism of norms and values that, in a variety of social contexts, guide personal behavior, could lead us even farther from the objective of developing "a theory of justice committed to intervening in and transforming real societies" (PEREIRA, 2013a, p. 96).

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changes and egalitarian public policies, would we (the egalitarians) have to extend the object of the principles of justice beyond the institutional scope, to make it also directly address individual preferences, attitudes and aspirations. Although Joshua Cohen does not discard this possibility, my impression is that, differently from G. A. Cohen, he treats it as a limit case and not as the standard case with which a theory of distributive justice should concern itself. I thank an anonymous reviewer of this journal for having called my attention to Joshua Cohen's article.

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Lula, the Workers' Party and the Governability Dilemma in Brazil*

by Rachel Meneguello

Universidade Estadual de Campinas, Brazil

(Gómez Bruera, Hernán F. *Lula, the Workers' Party and the Governability Dilemma in Brazil*. New York: Routledge, 2013)

"Lula, the Workers' Party and the Governability Dilemma in Brazil" analyses how the Workers' Party (Partido dos Trabalhadores – PT) coped with the constraints imposed by governability during the two terms of President Lula. Inspired by reflections on the possibilities of the transformative politics of progressive political projects in power, Gómez Bruera certainly shares in what he terms the "great disappointment" in the party's pragmatic changes and the limited reach of the policies pursued, present in the criticisms made by some of those who have studied the PT and the Lula government. As the author states in the Introduction, "given its trajectory, the PT in the national government seemed determined to make a dramatic impact in state-society relationships", but an examination of aspects of the *petista* agenda shows that "the Lula administration embarked on a very different political path, away from the party's main goals and strategies".

The book promotes a constant dialogue between the party's mobilising and participatory legacy of its formative years, the innovations undertaken in its experiences in local government and the constraints imposed by the interests of dominant strategic actors present in the context of national government. In an attempt to elucidate the ways in which the *petista* government managed the conflicts caused by the dilemma of governability, the book makes an important contribution towards understanding the strategies of integrating interests within the state.

Given the great production already in existence about the party and its recent transformations, the book's main novelty is this: an approach that essentially focuses on the

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relationships with conflicting interests of civil society entered into by the PT in national government. To this end, Gómez Bruera based his work on perceptions and interpretations obtained from 140 interviews held between 2008 and 2010, with actors from the party and members of the wide relations network around it. The work results from a difficult analysis of interpretations by different actors, also based on documents, newspaper articles and surveys from various sources.

The author introduces the notion of governability as a process, that is, the way through which it is attained, and, considering many of its dimensions as being 'highly subjective'(p.08), develops his analysis based on the perceptions and interpretations of political actors.

Although relatively imprecise, this notion of governability contributes towards understanding the dilemma of reconciling conflicting interests according to a particular rationale that moulds the behaviour of left-wing parties in government and is executed by a dynamic that goes beyond the electoral dimension and relations between the executive and legislative spheres.

The features of *petista* identity are highlighted in his argument – Gómez Bruera focuses not only on the party, but also on the socio-political field around it and their ways of relating to each other. The party socio-political field (the 'PT field', as the author terms it) is a network of wide, informal relations among political and social actors, which includes a large network of cadres, leaders and activists who identify strongly with the party even though they are not members. His thesis is that these types of relations, that have been taking shape since the party's founding, were essential for achieving and guaranteeing wide governability when the party came to power in 2002, as well as for maintaining such ties.

Echoing part of the party literature on the transformations of the Workers' Party after it arrived at the presidency in 2002 (AMARAL, 2010a, 2010b; HUNTER, 2010, 2011), the author ascribes the singular and intense relationship with its social allies to the PT genetic model and, therefore, to the process of formation of its identity.

One of the main arguments regarding the construction of governability refers to the relations between the party and social movements. Herein lies an important contribution made by the book: it helps to understand the relationship dynamics between progressive parties and social movements when state power is reached, in which new forms of involvement with state institutions alter the nature of these relations.

In part, these changes originate from the strengthening of popular representation in public management observed since the early 1990s in many of the Workers' Party subnational experiences of government. These experiences showed the possibility of altering the features of public management through the introduction of innovative actions and actions

that redefined priorities, among which the Participatory Budget stood out the most. This dynamic expressed the viability of the "PT way of governing", focused on integrating into state institutions the desires and demands structured in civil society. However, transposing these innovations or creating new ones was the challenge lost by the *petista* government when it came to office at the national level in 2003. To the author, once in power, the PT – seeking wide economic, social and political governability – promoted forms of engagement and participation by civil society "deprived of innovation" (p.118), thus expressing the results of having distanced from its originally counter-hegemonic strategies.

The book is structured in nine chapters and organised in two parts. The first part deals with the years prior to the Lula Government, explains the PT's formative phase, the construction of the "socio-political field", the transformations associated with the prioritisation of electoral politics, and analyses the governability strategies pursued in some *petista* experiences of local government. The second part deals with the federal government years between 2002 and 2010, analyses the ways in which the party achieved support and strategic actions in the 'PT field', and points out the political resources utilised in the Lula government to accommodate conflicting interests.

In the analysis of the Lula years, the argument develops in several dimensions, dealing with aspects such as the pragmatic administration of economic policy and dominating interests, the prevalence of a technocratic policy design over the original participatory one, and the impositions of electoral logic on the design of policies, specifically, income distribution programmes. The book shows how the governability strategy was fundamentally associated with four elements: the President's strong leadership, the distribution of posts in the state apparatus, the allocation of a massive amount of resources and the existence of ties between personal and party leaders.

Regarding this, the book analyses the relationships that the party established with civil society organisations, maintained through programmatic, interpersonal and reward-related linkages. In the latter case, the distribution of posts among activists and union leaders was crucial for obtaining governability through a recruitment strategy that conditioned the capacity of social organisations to pressure and criticise the government. Another way was through state subsidies. Here, the author argues that the Lula government's willingness to distribute a huge amount of resources engaged civil society organisations into the state dynamic, thus limiting or even avoiding disruptive forms of political action. If that was one way of ensuring social governability, it is also a paradox that, in the presence of a party with a progressive political project, state and social movements entered into a relationship that was potentially constraining of the autonomy of organisations. As the author points out, "this suggests that a process of co-optation may have taken place" (p.145).

In spite of positive results regarding attaining a congruence of interests, the limitations that governability imposed on wider political transformation are unequivocal. Among the aspects dealt with is the limited introduction of participatory mechanisms at the level of federal policy formation and implementation, which marked, for example, the government's main social policy, the *Programa Bolsa Família* (Family Grant Programme).

The Lula government made explicit the difficulties in implementing counter-hegemonic actions in political spheres where the complexity of actors and interests is great and varied. Gómez Bruera states that the ways in which the conflict and diversity of interests were managed during the period had significant implications for the transformative potential of progressive politics. His final reflection is that, if at the national level the party developed relying on state power and not on civil society organisations as the main source of change, the reason for this may be not only the government's and the party's strategic decisions, but also civil society's lack of preparedness for the role imagined by the progressive field in the late 1970s (p.174). Particularly because of the developments of these final considerations, it is worth reading the book as a contribution towards reflecting on the limitations of democratic socialism and the possibilities of what came to be known as the 'social left'.

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Explaining Successes and Failures of River Basin Committees in Brazil*

by Léo Heller

Universidade Federal de Minas Gerais, Brazil

(Abers, Rebecca Neara and Keck, Margaret E. *Practical Authority: Agency and Institutional Change in Brazilian Water Politics*. New York: Oxford University Press, 2013)

A new political-institutional framework for water management was inaugurated in Brazil with the promulgation of Federal Law nº 9.433 of 1997. The model defined by the legislation was the result of a complex debate between political agents, specialists and service users, and generally received very positive reactions celebrating the fact that Brazil was carrying out a reorganisation of the sector attuned to contemporary global trends – more horizontal, decentralised, participatory and... effective. This model would allow for the environmental, economic, political, social and territorial dimensions of water use to be coordinated all at once. Hence, a river basin is defined as a territorial unit for implementing the water resources policy and a basin committee as a managing body for this territorial unit, with important responsibilities including conflict resolution, approval and monitoring of water resources plans, and setting up of systems for charging for water use.

A decade and a half after the launching of the National Water Resources System, there is already a large amount of assessments on the arrangement, especially of its greatest innovation, the participatory management model put into practice by means of the basin committees. The assessments published by the academic community, however, are far from being consensual. The authors oscillate between stating the democratic potential and innovative character of the committees and their belief in the superior nature of this participatory process compared to the previous model (aspects of this position can be

found, for example, in JACOBI and MONTEIRO, 2006; JACOBI, 2009; PERKINS, 2011); a balanced view recognising its potential and the great challenges to its success (see, e.g., MARCON and PHILIPPI JR., 2007; TORTAJADA, 2001; VEIGA and MAGRINI, 2013; VICTORINO, 2003); and even more sceptical views, sometimes from opposite ideological positions, regarding the possibility of making "the participatory dream" brought about by the Law come true (see, e.g., BISWAS, 2008; BRANNSTROM, CLARKE and NEW-PORT, 2004; MEDEIROS and SANTOS, 2009; SAITO, 2011; VALENCIO, 2009). This scepticism of the nature of participation in consultative and decision-making collegiate bodies is shared by a number of authors, who have pointed out the limited participation by civil society related, among other factors, to the quality, legitimacy and accountability of representation; the oligarchisation, co-optation and control of councils; and the suppression of conflicts and diversity of conceptions, intentions and projects (AGUIAR, 2011; CARNEIRO, 2005; MELLO, 2010; RAICHELLIS and EVANGELISTA, 2009; SPOSATI and LOBO, 1992).

Amid these many approaches, Rebecca Abers, from the University of Brasília, and Margaret Keck, from Johns Hopkins University, offer us an innovative, creative, rigorous and shrewd view of the participatory process of water management in Brazil in their 2003 book. It is work of the highest quality, of both content and the narrative style the authors chose to adopt. Brilliantly marrying (good) theory and empirical findings, they use water politics in Brazil as a gateway to analyse institutional change (defining institutions as "commonly accepted ways of doing things", p.03). For this, they "build" the concept of practical authority (defined by them as "a kind of power in which the capabilities to solve problems and recognition by others allows an actor to make decisions that others follow", p.07), which interacts with other concepts re-worked by the authors, such as that of entanglement (creating "new institutional arrangements in complex environments, where power is distributed according to different logics among multiple, heterogeneous organizations, often with ambiguously shared jurisdictions", p.04). If we were to place the book on an optimism-pessimism spectrum for participatory water management in Brazil based on the positions of the academic community referred to, the term "bias for hope" at the end of the acknowledgements and of the book itself would be the best way to classify it. Which is important for understanding how the authors weave their argument.

One of the book's strengths is how, in a constructivist fashion, almost like a sort of "grounded theory", the authors lead the reader through the path trodden by they themselves – a path of perplexity, absence of answers, reflection and of finding new explanations for what they observed in the 16 river basin committees assessed by them in the Watermark Project. In the Prologue, they make clear the question the book attempts to answer: why some river basin committees "got off the ground" (became "vibrant spaces

for decision making and actions") "while others fizzled" (p. xvii, xix). They report that, in their empirical observations, they found that many of the committees were quite similar in terms of their contextual conditions "but experienced radically different outcomes" (p.xvii). This resulted in the conclusion that it is not the context that explains the differences, but "what the people involved did with the resources those contexts provided" (p. xvii). On the other hand, although some committees have already been in existence for several years, many still cannot be considered operational, which prevents their impacts on water management from being investigated. All of this led the authors to essentially rely on the functioning and institutional creation processes rather than placing an emphasis on the context or on outcomes. They anticipate their thesis at the end of the Prologue: "institutions come into existence when people act creatively... persuading influential others in their environments to engage with them in the practice of doing things differently" (p. xxi).

An interesting choice made by the authors, when explaining the committees' success or failure through the concept of "practical authority", is their position rejecting the agency-structure dichotomy. Although the manner in which the actors are involved in the participatory process is the explanatory framework adopted in the book, they argue that "institution builders are normally trying to create institutions because they want to change behaviours and not just minds" (p.17). These and other important theoretical debates can be found in the first chapter, which introduces the book.

Six other chapters follow. In chapters 2 and 4, the historical trajectory that shaped water politics in Brazil is described. Chapter 2 analyses the process of institutional reforms in the country in the 1980s and 1990s, from the legacy of the military dictatorship, and how these reforms produced entangled institutions. These entangled institutions are characterised by them as a "great deal of redundancy, overlap, and jurisdictional confusion" (p.33), fruit of the inertial forces of (strong) institutional reforms of the past. They identify four tensions, which embedded the country's political action in great complexity: "between central and regional governments, between executive centralism and a party fragmentation, between meritocracy and personalism, and between permeability and participation" (p. 39). This scenario shaped and brought determining factors to the water sector reform, which took place in the 1990s and is discussed in Chapter 3 ("How to Make an Unfinished Law"). In this part of the book, the authors assess the process of legislative reforms and the approval of the law that established the water resources policy in the state of São Paulo (1991) and of the national law (1997), showing how a set of different actions by a variety of protagonists caused an "excess of influential positions" (p. 56) and resulted in sometimes considerably ambiguous legal texts. They highlight, by means of an interesting diagram (p.77), how the several interest groups supported or opposed the

four pillars of the national law: river basins as planning units; water pricing; participation by users and civil society; and management for multiple uses. The position of the energy sector, which opposed the new legislation for fear of losing its historical control over the water resources policy in the country, given the great importance of hydroelectric power in the national energy matrix, is an important reference in this diagram.

Chapter 4 deals with the implementation of the new legal and institutional framework and identifies much misalignment between the new legislation, enthusiastically supported by the main actors of the water resources sector but vague in the definition of its instruments, and the frailty of its implementation. The authors posit possible explanations for the low incentive for powerful actors to invest in the new management model and in support of the creation, institutionalisation and strengthening of new forms of organisation for water resources management, such as the basin committees. One of them would be that influential water specialists might have been "caught up in the liberalizing narrative of the 1990s" (p. 109) [would they have previously held different positions?]. They illustrate this point with an enlightening report by a renowned specialist, in which he expresses his lack of belief in the capacity of the State to carry out enforcement and the need for it to be substituted by self-regulation strategies by stakeholders.

The remaining chapters – 5, 6 and 7 – describe the 16 empirically investigated cases to varying degrees of depth, although previous chapters deal with some of their aspects, e.g. an analysis of the implementation of water charges in one of the basins. Chapter 5 deals with the process of creating the committees ("Becoming Committees"), stating that some of them were "false starts" (p. 113), especially because of the absence of groups of people willing to take on the initiative, or because the social agents did not see any advantages in approaching the problems from the perspective of water basins. However, they highlight that a surprising number of committees had at least one highly motivated person, inspired by the idea of connecting people, the possibility of greater effectiveness in solving problems, or by the notion of participation as a driver for strengthening democracy (p. 113). The actions by two of the committees locked in conflicts involving interbasin water transfers, of which that of the São Francisco River is emblematic, are dealt with in chapter 6 ("Power, Perseverance and Struggles") and are a powerful illustration of how actors mobilise their powers of influence in acute situations. The most important of the book's arguments, the "slow accumulation of practical authority" (p. 115), is the subject of Chapter 7 ("Building Practical Authority from Outside the State"), also dedicated to two basins and emphasising the role of leadership in making practical authority dynamic.

With this content, I am fully convinced of the important role that the book can play in aiding a better understanding of the tortuous flows of water and its politics in Brazil. There is an impressive amount of statements, documents and specific literature, which

shed light on the situation of important cases of water resources management in Brazil by means of basin committees. No less important is the historical, critical examination of this process. I believe this book to be indispensable literature for those interested in water politics in Brazil, as it allows for a fruitful dialogue with the literature mentioned in the initial part of this review. But fundamentally, it is an inspiring read for those attentive to good research production and how it can be narrated with creativity and rigour. Research with the ability to avoid the easy route of working with a static object, to develop previously unmovable questions and to test them in a linear investigation process, but with the capacity to mould itself to empirical data with perspicacity and to formulate and reformulate its questionings, its presuppositions, its theoretical basis and its methodological framework, resulting in a piece of undisputable quality. The authors' surgical precision in their use of quotations from different disciplinary fields draws one's attention, revealing their erudition.

My familiarity with the experience of basin committees is very "domestic". I am a professor of the Universidade Federal de Minas Gerais, which hosts the Manuelzão Project, which in turn drives the committee of the Velhas River basin, one of the cases used as an illustration of practical authority in Chapter 7. My perception is that, truly, the Velhas River Committee would not have had its genesis and strong momentum had it not been perseveringly stimulated by this Project. The agency mattered in this case, enabling an outcome closer to that envisaged by the legislation. However, a zoom into it would reveal some concerns regarding the manner in which the process is taking place. One is certainly the Project's massive financing with public funds from the state government, which may have brought about an excessive proximity between the two parties, possibly leading to their agendas overlapping (for an evaluation of a case in which the Project adhered to the interests of the state government to the detriment of those of a municipal government, see NUNES et al., 2011). Uncertainties regarding the Project's continuity and the committee's feasibility, should the Project cease to have its current strong presence, are another point worthy of consideration. That is, the contingency of the situations experienced by the association between Manuelzão and the Velhas Committee does not provide any security for making a projection of the committee's future.

The last paragraph of the Conclusion recognises that the book's lack of closure can only be accepted if we consider that "things are not always as they seem and that people... always act on assumptions about our physical and relational settings that are subject to change" (p. 209). This contingent nature of processes, and, in some cases, of outcomes, is perhaps constitutive of the concept of the influence of practical authority in the life of basin committees in Brazil, which brings lessons for researchers and managers about keeping alive, albeit *vigilantly* and *cautiously,* the "bias for hope".

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Media and Democracy: a Plural Approach*

by Nelson Rosário de Souza

Universidade Federal do Paraná, Brazil

(Porto, Mauro P. *Media Power and Democratization in Brazil: TV Globo and the Dilemmas of Political Accountability*. New York/London: Routledge, 2012)

The central theme of Mauro Porto's analysis is the political role of the media in contexts of democratic transition. His reflection is anchored in a case study of the Globo Television Network, a prominent nationwide network usually referred to as TV Globo. It is interesting to note that the history of theories on political communication runs jointly with the history of the rise of representative democracies. But lacunas still exist in the interface between communication and democracy, and the contributions of Porto's book are significant.

Power has been a topic of discussion ever since the first studies on the media were published. The model that opened up the debate, the "hypodermic theory," presented the thesis of the "unlimited effects" of the media over the behavior of individuals, the supposition being that the message acts on them directly and immediately (WOLF, 2005). The exaggeration of this initial analysis regarding the power of the media can be explained on the basis of its early theoretical and political context. The backdrop for the hypodermic theory was the emergence of behaviorism and mass psychology and the use of radio to mobilize the masses in totalitarian regimes, such as Nazism. Several later theories went beyond various drawbacks of the hypodermic theory, such as the fetishism of technique, discrimination toward "the masses," the supposition of the stupidity of audiences, the supposition of insulation, the fragility and passivity of the individuals who receive the messages, and even the fear of a democratization of culture (MAIGRET, 2010). Adorno and Horkheimer had insisted on the thesis of the unlimited power of the culture industry,

but not as an attribute of the new communication technologies in themselves, but rather as an effect of the class struggle.

If today's theses about the power of conspiracy and manipulation of the media are not very appealing in intellectual circles, they are still held by some sectors of society. Porto raises questions about the relationships between the field of politics and the media in contexts of democratic transition. He notes the decline of the "instrumentalization" of the media in this process and gives priority to analyzing the accountability of the media toward the evolution of politics. The thesis of manipulation is clearly unable to explain the crossed influences among media institutions and politics in contexts of democratic transition. Interested in explaining the changes in media institutions involved in processes of opening up of politics, Porto examines the nuances of this relationship.

Criticisms of the hypodermic theory failed to get beyond the paradigm of "effects." It was not by chance that by overcoming initial views brought on the perspective that became known as "limited effects." The power of the media was relativized and even forgotten in favor of the attention given to its functionalistic view, as can be seen in the studies by Lazarsfeld (MAIGRET, 2010). The direction of concerns continued to mean the flow "from the influential media to the impressionable audience." The gradation of the effect of the media is what changed; it became less intense. Studies on the relationships between media and power continued to give priority to the verticality of the "effects," even though they were limited. This perspective, however, tells us very little about the horizontality of the relationships involving political institutions and their actors, and this is a central concern in Mauro Porto's work. This is very clear in his research questions: What do the specific configurations that involve the State, civil society and the mass media tell us about the quality of the representation and of the democracy in political contexts of transition? Is it possible to establish causality between changes in the relationship of the State to civil society, on the one hand, and transformations in political communication in new democracies, on the other? How do different configurations of the relations between State and civil society affect processes of political communication in new democracies?

The concept of agenda setting (McCOMBS & SHAW, 1972) confirmed and sophisticated the paradigm known as "limited effects." This concept was partly inspired by Bernard Cohen's statement that the main success of the press is not to say how "people should think," but "what they should think about." The concept thus emphasizes the role of the press to line up topics, especially in electoral contexts. On the one hand, the concept of agenda setting minimizes the verticality embedded in the notion of "effects" because the media perceives the existence of an agenda of the public that is parallel to the media's agenda, and is not unaware of the disputes over the control of the agenda. This means that

there is no guarantee of the effects of the media[1]. On the other hand, the vertical power of the media is restored when the concept of agenda setting is combined with the notions of framing and prominence or salience, since, in this case, the media is strong not only when setting agenda topics but also when proposing interpretative framing and determining positive and/or negative aspects in advance of the topics released to the audience. Maybe it is because the term "agenda setting" has this vertical meaning that Porto uses it with moderation. His main conceptual investment comes from the debate over representation and democracy.

It seems that theories on mass communication treated power but gave the greatest attention to its verticality, while theories on democracy ignored the mediated communication (MIGUEL, 2000). Therefore, the project Mauro Porto has taken on is not easy to carry out. None of the theoretical currents concerned with democracy give due value to the topic of communication. Those who study limited democracy, even when they defend freedom of opinion, place information in a back seat. There are several reasons for this: information does not protect voters from political manipulation; in their rationality, voters would see more costs than benefits in searching for information; political decisions depend on other factors and levels of willingness; individuals decide on the basis of their immediate experiences and perceptions, and are not susceptible to the mass media; lastly, the information market is self-regulating and, for this reason, there is no need for communication to be an object in political theory. These arguments are associated with the idea that political choices are essentially individual and circumscribed to the private sphere (MIGUEL, 2000).

As for the perspective of republican democracy, even though it exalts the public sphere, it also ignores the topic of communication. This may be because this perspective minimizes the factor of construction and conflict present in the formation of political preferences by presuming that the "general will," or the "overall well-being" are already given. But it may also be because republican democracy focuses more on direct participation and face-to-face communication on small scales, as the solution to problems generated by the mass media (MIGUEL, 2000). Neither does deliberative democracy try to theorize on the relationships between mass communication and politics. When this happens, analyses rise to high levels of abstraction and give great weight to ideal, or even utopian, conditions, about communication among free subjects who are objective, rational and searching for consensus. Even deliberative democrats who are in favor of debates as criteria for legitimating decisions rather than paths toward unanimity fail to face the "real" problem

1   In my understanding, the concept of "scenario of political representation" (CR-P) (LIMA, 2004) also contributes to a perception of the horizontal relationship between media, political institutions and the public.

of mediated communication that is inescapable in mass democracies. These deliberative democrats minimize the central role of the media and give little importance to representation (MIGUEL, 2000).

This brief rundown tends in favor of Mauro Porto's book because the work stands out among the research works that are concerned with studying the proximity between media and politics, along with their institutions and actors. In other words, what is seen as important are contexts of democratization, in the sense that such contexts represent advances in the horizontal relationships between society and political institutions. The approach established by Porto compel him to search for analytic tools in the theory of democracy, namely, accountability and representation. In this direction Porto takes major steps in approximating the theoretical fields of the media and of democracy, proving that this conceptual interaction is strategic for clearer understanding of essential aspects of contemporary political reality. Porto holds that there can be no democratic politics without disputes over representation, in a broad sense, including both electoral delegation and cultural practices as seen by the author. The struggle for representation is also a conflict for the construction of reality and for discursive hegemony. In mass societies, therefore, this involves the field of mediated communication. This means that in the hypothesis launched by Porto, which holds that representation and accountability practices go along a line that connects State, civil society and mass media, may or may not generate crossed increments. This hypothesis is not only pertinent, it is also strategic. The interaction between these agents must be examined in order to explain the quality of the democracy. But it is also necessary in order to measure the accountability of the media, which is more important and more original in contexts of democratic transition. The media can both participate in the improvement of political representation and sustain positive discomforts from this process. In this case, says Porto, the main explanatory variable is the type of political context that emerges from the transition.

The perspective adopted in Porto's book is also different from the position presented by Manin, with his concept of "public democracy" (MANIN, 1995). According to Porto, even though this concept has the merit of opposing the pessimistic exaggeration regarding the role of the media in contemporary democracy, it fails by not perceiving the possibility of resistance of the actors in civil society (PORTO, 2012).

Porto launches the hypothesis that the media, and especially TV Globo, are not immune to transformations in the political sphere. The recent history of representative democracy in Brazil, marked by the transition from a more restrictive (authoritarian) model to a more inclusive one, resounds in TV Globo, the country's most influential media institution. To verify this hypothesis Porto organizes an analysis of the performance of TV Globo during the entire process of transition, divided into the following aspects: 1.

Election coverage; 2. Presidential communications; and 3. Symbolic representation model in its soap operas. The conceptual references, therefore, present a double dimension. On the one hand they are guided by the debate on democracy; more precisely, they stress the importance of the concepts of representation and accountability. On the other hand, the references are anchored in the discussion on the meaning of symbolic representation proposed by the media. The construction of the object on the basis of this double entrance is innovative and contributes to the advance of inter-disciplinary approaches (MAIGRET, 2004; MATTELART & NEVEU, 2004) that can do justice to both political and socio-cultural phenomena, simultaneously. It is essential to look at practices of the media without dwelling too much on economic determinism. But one should not underrate the exercise of power in this field (GRANJON & PARIS, 2009).

The corpus of data sustaining that TV Globo was responsive to stimuli coming from civil society and from political institutions is very broad, as it includes interviews, electoral coverage, communication related to the Brazilian president's office, practices of media accountability, and the symbolic representation embedded in the soap operas. The author analyzes the behavior of the network in electoral and non-electoral situations, with his study going back to the 1960s to recount the history of TV Globo and the more specific history of the soap operas. The book also analyzes the journalistic coverage of five presidential elections, from 1989 to 2006.

To attain his objectives Porto divides the book into two parts. The first, containing two chapters, consists of a discussion on the theories of democratization and representation, giving special attention to the case of Latin America and the evolution of the media and the policies of accountability in contexts of recent democracy. The second part, divided into five chapters, consists of an analysis of the broad corpus of data available

In the first chapter the author discusses theoretical literature on democracy and democratic transition in Latin America. In the process he rejects the minimalist theory, because it emphasizes procedural and institutional aspects, and the ruling classes, in detriment to the role of civic groups. The theories that incorporate civil society and cultural factors offer more resources to the study of political practices of social actors, even though, warns Porto, these theories have not overcome the dichotomy between the elite and the masses; in other words, they lack a vertical glance. With backing from the comprehensive theory of political representation the author seeks to understand the nuances, asking about the role of the media in the quality of the democracy in given contexts and the effects of democracy on communications media. His answer calls for observation of the mediations between political institutions and civil society with the use of two conceptual tools: representation and accountability. Porto says that the media can play a fundamental role in improving the quality of democracy if it strengthens society's mechanisms of

representation and accountability. This realization leads the author to include the media in the model of representative democracy, next to representative institutions, the public sphere, and associative networks. In this way, Porto seeks to fill in the gap he finds in democracy, specifically, the role of the media in democratic regimes. But he also seeks to give more consistency to analyses of the role of civil society in democratic contexts. According to him, even the point of view of political culture shows shortcomings in two aspects: it fails to coherently indicate the link between civic involvement and social capital, and it fails to gradate the impact of different types of associations on the process of democratization, and this leads to a romantization of the role of voluntary associations.

It seems obvious that media systems undergo changes with democratization. The tendency, in these cases, is a decline in instrumentalization and explicit biases. But Porto goes a step further by presenting an explanation as to how the new levels of mediation, beyond the electoral level, operate in the evolution of political contexts. The specific character of the relationships between political society, civil society and media are seen to be the primary factor to explain the generation of inclusive or restrictive representative democracies, and this justifies the attention Porto dedicates to social movements that attempt to make the media become more accountable.

Based on Porto's reflections it is plausible to consider that the virtuous circle of representative democracy could combine social mobilization with inclusive political institutions, thus strengthening political representation. For this reason, observation of the quality of representation is part and parcel of the analyses of democracy. To what extent do citizens have accountable representatives? Porto's question shows up the need to verify the degree of social control over institutions, including the media, in contexts of democratic transition. To this purpose, Porto adopts a sophisticated conception of representation that goes beyond represented interests and includes the dimensions of opinion and perspective. But the analysis would be broader, especially in terms of symbolic representation, if it also incorporated the dimension of the struggle for recognition, on the basis on the appropriation that feminist studies make of the concept of public sphere (FRASER, 2001). In any case, Porto makes an important contribution by incorporating symbolic representation conveyed by the media, as an essential element of communication that operates in the connection between State and civil society.

In the second chapter, Porto advances on the theoretical model that helps his readers understand how the media affects the machinery of political representation. His attention is focused on the type of connection that is established between the transformations in media institutions and the quality of the mechanisms of political accountability. Porto calls this focus the "political context of media transformation." The relationship between control by civil society and accountability of the authorities constitutes an important

criterion for the quality of democracy. The author suggests that the media be included in this equation as part of the sphere of vertical political accountability, in the same way that symbolic representation is included. This perspective enables readers to wonder about the connections between transformations in the media and mechanisms of rendering accounts in contexts of democratic transition. The enterprise he proposes includes both efforts by the media as an agency of investigation and control, on the one hand and, on the other, the role played by citizens jointly pressuring the State and the media itself in processes of social accountability.

Porto holds that symbolic representation is essential for the quality of democracy because it denotes and supports persons and groups, occupying a central place in the struggle for the assertion of identities and legitimation of experiences. Symbolic representation makes it possible to judge whether interests, opinions and perspectives are finding channels for expression and how they change over time. This dimension also informs about the accountability to political pluralism by the system of representation. As stated above, the media plays a major role in this process by publicizing voices and legitimating actors and their demands. Finally, it strengthens representation, but can also raise barriers of invisibility and stereotypes. The perception of the strategic character of the symbolic dimension in the game of democracy is undoubtedly important in order to understand the connection between media and politics. However, I feel that Porto's perspective could be enhanced if he dialogued with the more recent heirs of Cultural Studies. Examples of this include David Morley in Great Britain and the "media culture" group in France, led by Eric Macé, Eric Maigret and Hervé Glevarec. The approximation would be promising because these authors also stress the importance of subjects' capacity to resist, and increase the concept of "public sphere," and making its boundaries less rigid. They also observe both hegemonic and counter-hegemonic procedures in the connections between media and politics.

The composition of Porto's theoretical framework is completed when he draws up a model that seeks to deal with the differences in Latin America regarding the democratic transition and outlines of the media system. He presents two realities without ignoring their possible variations. In the first he includes the countries where an inclusive representative democracy emerged, characterized by the strength of the political institutions, of civil society, of connections between the State and civil society, and of the movements of accountability over the media. In these cases, a virtuous circle can be seen marked by a strengthening of the politics of representation and by an open media system characterized as more balanced, through electoral coverage, more independence from the presidency and more plural representation of citizens. All this results in better performance in the area of social and vertical accountabilities and greater diversity in symbolic representation. A very different situation can be seen in countries marked by limited representative

democracy. There, a vicious circle of inadequate political representation can be seen, with the media system less open and showing less independence, plurality, accountability and diversity in symbolic representation. The analysis of the data in the subsequent chapters of the book applies the model to the Brazilian situation, more precisely, to TV Globo. Porto's objective is to confirm the hypothesis of a connection between political institutions, civil society and the media. This means that the situation of inclusive democracy forces the media to remain open and, in this way, the media itself then operates positively regarding the democratic game.

The empirical analysis begins in Chapter Three, which opens the second part of the book, where the history of TV Globo is recounted. The author emphasizes the network's history, which began its rise in importance and influence (1965-1985) during the period of military dictatorship. He characterizes it as a closed and politically instrumentalized media institution. The context of democratic transition (1985-1995) represented no change in the network's postures, as it resisted the construction of an open media system. Porto divides the transformation of TV Globo into two phases, the first being between 1995 and 2001, and the second having begun in 2001 and continues till the present day. In this first characterization of the changes undergone by the network, the author discusses several explanatory factors. One of these factors was political orientation, and another had to do with undertakings were carried out by the network's owners, and the profile of the media market and the configuration of policies of the media. In the next chapters Porto further discusses the causes and consequences of the progressive opening of TV Globo, characterized by a more independent, assertive and plural model of journalism and by soap operas that progressively represented Brazilian identity in more a diversified way.

A great deal of information about the coverage of five presidential elections (1989, 1994, 1998, 2002 and 2006) by TV Globo sustains the thesis of Chapter Four, according to which Globo went through a process of opening up that contributed to improvements in the quality of political accountability and representation. During the period of election coverage, Globo's prime-time daily news program (*Jornal Nacional*) became less and less explicitly manipulative of the news and gradually allotted more evenly the time allotted to the main candidates. TV Globo set up coverage that became less and less unequal and biased toward one or another party. This stance, concerned with more balanced and pluralistic coverage contributed to the formation of more efficient deliberative space. But the setback of 2006 showed that this course was not linear and without its shortcomings. Emphasis on accusations rather than on topics of interest of the voters, for example, hampers evaluations by voters of the government's responses to the public.

One can always object that, due to its characteristics, electoral coverage is not the best criterion to judge whether a degree of openness has been attained by a television

network. Consequently, Chapter Five analyzes the quality of TV Globo's coverage outside electoral periods, with the purpose of evaluating the performance of the network in terms of the management of communication from the top federal voices in Brasilia. In this chapter Porto analyzes six terms of office of five different presidents in sequence, between 1985 and 2006, the basic question being the dispute between the federal administration and the media about control over the news agenda. The expectation is to contribute to drawing up an analytic model that can apprehend the relationships between the management of news by the federal administration and the power of the media in new democracies. Without exhausting the valuable analysis in a few lines, it can be said that during the period when the network was closed against any independent or democratic positions, the presidents had more success in their strategies to control the news agenda, and the owner of TV Globo had greater influence over government authorities. The opening of the network, in turn, brought about changes in the communication strategies of the authorities, who became more professional, even though President Luís Inácio (Lula) adopted a personal stance for communicating directly with the population. In any case, Porto's position is that by adopting a more assertive and independent style of journalism, TV Globo refined its mechanisms of accountability and contributed to the limitation of presidential power.

The sixth chapter proposes the thesis of the opening up of TV Globo in terms of independence from the government, and notes the symbolic representation carried out by the network in its soap operas, especially in terms of Brazilian national identity. Porto is precise in his attention to the contradictions and tensions involving the construction of a "Brazilian national identity," seeking support in the tradition of Cultural Studies and in the concept of mediation. He therefore correctly disqualifies the idea of culture as a reflection of something. Cultural space is more an environment for negotiating meanings and disputes, basically, of mediation. The author refers to a wide variety of soap operas broadcast during the period extending from the military dictatorship to redemocratization. Due to Brazilian cultural characteristics, this genre is seen by the author as significant public space for the emergence and negotiation of images related to Brazilian national identity and its social problems. Porto explores the connections between the soap operas, their themes and their approaches, on the one hand, and the different historical contexts present between 1965 and 2006, on the other. The genre varied its themes, going from nationalism based on middle class opinions and values, and concretized by the market, to the incorporation of new cultural values generated by the growing mobilization of civil society in the 1980s and 1990s. The soap operas offered space to new themes associated with the new vector, from bottom to top and from the social to the political. Faithful to his optimistic point of view, Mauro Porto holds that despite many stereotyped representations, the greater visibility of marginal viewpoints in the soap operas means advances

for these groups in the disputes in representative democracy. In both analytic and political terms, it would be important to get beyond visibility as a criterion for evaluating the media in conflicts of identities. The concept of acculturation, understood as the media's ability to incorporate and resignify critical discourses and currents of resistance, has the potential to apprehend the nuances of this game beyond visibility (SOUZA, 2013). It is also important to note that resource to studies on reception could strengthen the analyses of this chapter.

The last chapter of the book is dedicated to an analysis of the most recent forms of mobilization of civil society with the objective of making the media more open to its demands. Porto classifies these movements under the label he calls "media accountability movements (MAMs)," a category that includes phenomena ranging from systems of monitoring to forums, and including protest movements. MAMs, sometimes allied with the government, play an important role in bringing about change in media organizations, as well as other factors treated in the book. Porto correctly perceives the diversity of civil organizations occupied in pressuring communication companies, and analyzes the inconsistencies in their criteria for evaluating the media's performance, since such groups reflect social positions and the interests of social classes.

To summarize, the analysis of data presented in the book indicates that TV Globo underwent broad changes and that it is pertinent to associate these changes with the evolution that took place in Brazilian representative democracy. In the restrictive context there was government control over the agenda and interference by the owners of the network, combined with journalism that displayed explicit biases, together with very minimal accountability by both government and the media. The inclusive environment favored a number of factors, including more balanced journalistic coverage, the presence of social organizations of control over the media, more plural symbolic representation of national identity and, therefore, greater accountability of both government and media. In contexts of inclusion the media runs risks if it maintains the old politics of alliances, a factor that led TV Globo along a pathway toward journalistic openness by assuming greater independence and taking plural approaches. Soap operas also went through an evolution to a situation where diversity was incorporated into the representation of Brazilian national identity, but with more pluralism and diversity.

Porto clearly makes an important contribution for developing a model of the political context of the transformation of the media. His analysis opens up valuable possibilities for comparative studies, for example, among Brazil, Venezuela and Argentina, nations that have recently gone through complex historical processes of democratization associated with specific forms of organization in the relationships between political institutions, civil society and the media.

The book is important both for the broad contents treated in depth and for its plural approach. One especially important aspect is that the book points out the need for future studies that will incorporate discussions on the politics of identity in analyses of the role of the media in the democratic game. We must go beyond the perception of new representations of identities in the media and discuss their political meanings on the basis of a broadened conception of power.

Looking at Brazilian television and, more specifically, at TV Globo in a historical perspective favors optimism. A short-term perspective might have expected explanations from Porto about the scarcity of debates, the lack of plurality in TV Globo's journalism and even its practice of disqualifying politics as a whole. But these questions are outside the scope of his book.

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Contributors

Adriano Codato

Adriano Codato received his PhD from the Universidade Estadual de Campinas (2008) and is professor of political science at the Universidade Federal do Paraná, where he also coordinates the Núcleo de Pesquisa em Sociologia Política Brasileira. He is the editor of the *Revista de Sociologia e Política*. Codato is currently the coordinator of the Observatório de Elites Políticas e Sociais do Brasil and the Grupo de Trabalho Elites e Espaços de Poder of the Associação Nacional de Pós-graduação em Ciências Sociais. In 2012, he shared with Renato Perissinotto the ANPOCS Prize for the book *Marxismo como ciência social* (Editora UFPR, 2011). His areas of research are the professionalization of political elites, authoritarian regimes, political representation systems, and political and state elites.

E-mail: adriano@ufpr.br

Álvaro de Vita

Álvaro de Vita holds a PhD in Political Science from the Universidade de São Paulo (1998), where he is full professor of the Departamento de Ciência Política. He published *A justiça igualitária e seus críticos* (Martins Fontes, 2007), *O liberalismo igualitário. Sociedade democrática e justiça internacional* (Martins Fontes, 2008). Representative of his work are "Moral Reasoning and Political Deliberation" (*Quaderni Della Rivista Internazionale Di Filosofia Del Diritto*, 2004), "Inequality and Poverty in Global Perspective", *in* Pogge, Thomas, ed., *Freedom from Poverty as a Human Right. Who Owes What to the Very Poor?* (Oxford University Press, 2007), and "Liberalism, Social Justice, and Individual Responsibility" (*World Political Science Review*, 2012). His research interests are contemporary theories of justice, the relation between democracy and justice, human rights and global justice

E-mail: alvarodevita@usp.br

Bruno Speck

Bruno Speck holds a PhD in political science from the University of Freiburg im Breisgau (1995) and is professor at the Departamento de Ciência Política of the Universidade de São Paulo. He was a researcher at the Arnold Bergstraesser Institut in Freiburg (1989-1993), the Instituto de Estudos Econômicos, Sociais e Políticos de São Paulo (1993), and Transparency International in Berlin (2003-2009). Speck was professor of political science at the Universidade Estadual de Campinas (1995, 2010-2013). He was also a fellow researcher at the Max Planck Institute for Foreign and International Criminal Law in Freiburg (1999), a visiting professor at the Freie Universität Berlin (2002), and a visiting researcher at the Massachusetts Institute of Technology (2013). Speck has published books and articles on good governance, corruption, parties and party systems, money in politics, campaign finance and government auditing.

E-mail: bws@usp.br

Daniel de Mendonça

Daniel de Mendonça holds a PhD in Political Science from the Universidade Federal do Rio Grande do Sul and is Professor of Political Theory at the Universidade Federal de Pelotas. He was visiting researcher at the University of Essex. His most recent book, coedited with Léo Peixoto Rodrigues, is *Pós-estruturalismo e teoria do discurso: em torno de Ernesto Laclau (*Editora PUCRS, 2008).

E-mail: ddmendonca@gmail.com

Eleonora Schettini Martins Cunha

Eleonora Schettini Martins Cunha holds a PhD in Political Science from the Universidade Federal de Minas Gerais where she is also professor at the Departamento de Ciência Política and researcher of the Projeto Democracia Participativa. She is also member of Latinamerican Social Studies Center. Her most recent publication is *Desenho Institucional, Democracia, Participação: conexões teóricas e possibilidades analíticas* (D'Plácido, 2014).

E-mail: eleonora@ufmg.br

Léo Heller

Léo Heller holds a PhD in Epidemiology from the Universidade Federal de Minas Gerais, where he is full professor of the Departmento de Engenharia Sanitária e Ambiental. He carried out post-doctoral research at the University of Oxford. He was editor of the journal *Engenharia Sanitária e Ambiental*. His research areas are public policy, management and environmental health related to water, sanitation and solid wastes management. His international experience includes a strong collaboration with the Pan American Health Organization and the World Health Organization.

E-mail: heller@desa.ufmg.br

Natália Guimarães Duarte Sátyro

holds a PhD in Political Science from the Instituto Universitário do Rio de Janeiro and is professor of political science at the Universidade Federal Minas Gerais. She is the coordinator of the Research Group on Public Policy in the Asociación Latinoamericana de Ciencia Política and Deputy Editor of the journal *Teoria & Sociedade*. Her research interests include social policies, welfare state, institutional capacity and political parties.

E-mail: nsatyro@gmail.com

Nelson Rosário de Souza

Nelson Rosário de Souza holds a PhD in Sociology from the Universidade de São Paulo and is an Associate Professor at the Universidade Federal do Paraná, where he is also researcher at the Centro de Pesquisa em Comunicação Política e Opinião Pública. He held a research internship at the École des Hautes Études en Sciences Sociales and a post-doctoral fellowship at the Université Sorbonne Nouvelle Paris III. His research interests are in political communication, media and elections, sociology of communication, and media and culture. He has published on these topics in *Revista Brasileira de Ciência Política* and *Revista Opinião Pública*.

E-mail: nrdesouza@uol.com.br

Rachel Meneguello

Rachel Meneguello is professor of political science and Director of the Centro de Estudos da Opinião Pública at the Universidade Estadual de Campinas. She is also editor of the journal *Opinião Pública*. She was member of the Executive Committee of the Asociación Latinoamericana de Ciencia Politica (2006-2010), served on the Board of Directors of the Associação Brasileira de Ciência Política (2004-2008) and currently serves as Associate Secretary of the Association (2012-2014). Her publications deal mainly with political parties, elections, political behavior, and mass support for democracy. Her books include *PT. A formação de um partido* (Paz e Terra, 1989), *Partidos e Governos no Brasil Contempor*âneo (Paz e Terra, 1998). She also co-edited with Jose Alvaro Moises *A Desconfiança Política e seus impactos na Qualidade da Democracia* (EDUSP, 2013)

E-mail: racael@unicamp.br

Wagner Pralon Mancuso

Wagner Pralon Mancuso holds a PhD in Political Science from the Universidade de São Paulo (2004), where he is professor of political science at the . He was visiting researcher at the Department of Political Science of the University of California, Berkeley (2002). His research interests include interest groups, lobbying, campaign finance, tax benefits and political careers. He has published articles on these subjects in *Opinião Pública, Revista de Sociologia e Política* and *Revista Dados*.

E-mail: pralon@usp.br

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