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**Moving away from liberal democracy:
Participation, representation, and political experimentalism in Brazil**

Abstract: The national public policy conferences are arguably the largest and most innovative participatory experience currently being held in Brazil. Summoned by the Executive branch, and organized at the national level along with civil society, the policy conferences have been proving themselves successful enough to affect the policies drafted by the administration, and to influence the legislation enacted by the Congress. While redesigning the policy-making process, and changing the pattern of the State and civil society relationship, the national policy conferences are perhaps the best example of Brazil's pragmatic democracy: a strong commitment to political experimentalism, in which the false contradictions between representation and participation, and State and civil society, are dialectically superseded through a process of institutional redesign that moves the country away from liberal democracy. This seminar will discuss the national policy conferences as a case of constitutive political representation, that is, an interplay between participatory experiments and representative institutions that allow civil society to act within the state therefore promoting a cooperative policy making process.

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**Moving away from liberal democracy:
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That political representation is presently in a state of crisis has become an old and worn-out discourse. Yet it refuses to leave the stage, there is always a voice willing to come to its defense. This discourse is arguably as old as political representation itself, given that the guiding principles of representative government have been translated into the institutional mechanisms which remain in place almost intact since the eighteenth century (Manin, 1996; Urbinati, 2006). If the structure of representative governments has not been significantly modified since its inception, perhaps the assumptions justifying its crisis are unfounded. The signs of what some call a crisis can therefore simply be indicative of a transformation concerning how political representation manifests itself.

At this point in history, we are certainly in the face of one such transformation. In the last years, we have increasingly observed the emergence of concurrent models of governance. Participative and deliberative designs of democracy have been several times proposed as alternatives capable of correcting the purported flaws of representative government and its institutions. Strong engagement to participative and deliberative proposals of democracy has become an observable trend within academia, as suggested by the massive adhesion of democratic theory scholars, but it has extended itself beyond the campus and reached other spheres as governments institutionalizes new participatory practices and deliberative experiences.

Brazil has always followed in step with this trend, especially since 1989, when the participatory budget was first implemented in Porto Alegre and became a standard case study on this topic and was replicated by other cities in Brazil and abroad. Since then, several participatory practices, propelled by the 1988 Constitution and by the democratic governments which followed it – notably Lula’s Presidency – have been increasingly institutionalized. Such practices range from the more traditional (referendums and plebiscites) to the less well-known, such as the public policy conferences, the restructuring and expansion of previously existing experiences, such as the national policy councils, public hearings and local administration councils, and the rehabilitation of less famed practices, such as audit offices and discussion and negotiation roundtables.

In observing these new democratic practices, one quickly notes the common purpose of expanding the participation of citizens beyond the right to vote. The main underlying assumption of these experiences is thus to allow citizens to become more directly involved in the administration of all things public, particularly the design, implementation, and control over public policy. The expected effect of these practices on its turn consists of allowing that the exercise of democracy is not restricted to suffrage and elections, enabling citizens to express their preferences in a manner that is not mediated by political parties and professional politicians and by means other than casting a vote.

This is all true. Yet there are other truths which must be uncovered. If the new democratic practices expand the direct participation of the citizens, this does not mean that traditional political institutions have become less apt to represent them. Participative practices strengthen democracy by broadening the role of citizens. However, this does not occur at the cost of diminishing the importance of political representation and its institutions. The strengthening of supposedly non-representative forms of democracy does not correspond to the undermining of representative government.

The relationship between, on one hand, representative democracy, and, on the other one, participatory experiences is not trivial. Its elucidation is necessary in order to avoid academic opportunism, prejudicial as it is to ideas, or political opportunism, harmful as it is to institutions. Those who endorse the discourse of crisis of political representation eventually become engaged in the defense of participative and deliberative models of democracy as a means of delegitimizing the Legislative branch, jeopardizing its true capacity to express popular sovereignty. However, the emergence of new democratic spaces, as well as of new actors involved in the administration of public goods, can, on the other hand, be perceived as a form of strengthening political representation rather than a sign of its weakening.

This is certainly the case of the national public policy conferences (*conferências nacionais de políticas públicas*), arguably the largest and most innovative participatory experience currently being held in Brazil. The national conferences consist of spheres of deliberation and participation designed to provide guidelines for the formulation of public policy at the federal level. They are summoned to convene by the Executive branch through its ministries and secretariats, are organized according to policy areas and issues, and involve the equal participation of representatives from the government and civil society. The national conferences are as a rule preceded by rounds at the municipal, state or regional levels, and the aggregate results of the deliberations occurring during those stages are the object of deliberation in the national conference, attended by the delegates from the previous rounds. At the end a final document containing the guidelines for the design of public policy is

produced, as the result of a long process of deliberation and consensus formation between government and civil society.

The first time the national conferences were held dates back to 1941, which means this is not an entire novelty in Brazilian political history, although it has only recently acquired clearer deliberative and participative contours, especially after the 1988 Constitution. They became particularly broader, wide-ranging, inclusive and frequent after 2003, when Lula took office as president. They became *broader* due to the fact they have involved a progressively larger number of people, either directly participating as delegates in the national stage of deliberation, or indirectly in the preceding state, municipal or regional levels, or in parallel in the so-called free conferences, or virtually in the so-called virtual conferences. They have become *wider-ranging*, since they encompass an increasingly greater number of issues, no longer being restricted to health-related issues, from which the conferences originated from in the 1940s and to the human rights and social assistance issues, which have become increasingly institutionalized since the latter half of the 1990s. The conferences now cover a vast plurality of new areas of public policy the discussion of which have been divided into over thirty issues, separated based on peculiarities and united by the cross-cutting character of some. They have also become more *inclusive* as a result of the increase in their range and breadth, since they progressively assemble more diverse and heterogeneous social groups, especially representatives of civil society originating from NGOs, social movements, labor unions, business associations and other miscellaneous entities, professional or not. Lastly, national conferences have become more *frequent* as they have incorporated to their own guidelines demands for periodic reproduction, being sustained by the policies of ministries, secretariats, and national councils involved in its convening and organization and in some cases in legislation which establish that some must be held biannually.

Also starting in 2003, after Lula took office, the participative conference process, notwithstanding its non-binding character, can be said to have undergone a deliberative and normative turn. *Deliberative* in the sense that the national conferences have been oriented towards consensus formation based on intercommunicative processes aimed at opinion and will formation in the public sphere, involving representatives from civil society and from the government in a process of public justification of rationally motivated arguments. *Normative* in the sense that the deliberations of the national conferences have been culminating conclusively in the drafting of a final document, which is submitted to debate, voting and approval based on different strategies and methods of preference aggregation, and as a result gains credentials to generate expectations that are not only cognitive but also normative for

those involved in the process and for those who, despite non-participation, are indirectly affected by its eventual consequences.

The participative format of composition and organization of national conferences, the deliberative dimension of its working groups, panels and final assembly sessions, and the normative character of the final reports, which condense the resolutions, guidelines and motions debated and approved by majorities after the compliance of a set of rules structured as a procedure which seeks to ensure the legitimacy of the outcome, regardless of its content: all of these factors reinforce a strictly *representative* dimension, inherent to the national conferences as instances of participation and deliberation. Whether by the implied delegation of the Executive, which summons the conference, or by delegation derived from the Legislative, which harbor them, the national conferences certainly are an addition to the ensemble of practices that constitute the so-called “new ecology of representation,” embodying a mode of “informal representation” (Castiglione and Warren, 2006), or “gyroscopic representation” or “surrogate representation” (Mansbridge, 2003).

More than practices pertaining to “informal representation” which, in the condition of participative and deliberative instances, engender and reproduce the logic of representation, I am interested in viewing the national conferences on public policy as exclusively participative and deliberative experiences that nonetheless strengthen formal political representation and reinforce the functions and activities of traditional political institutions. In this sense, national conferences allow a new form of expression of participative and deliberative elements which constitute the concept and practice of political representation, as testified by the genesis of the former and the history of the latter.

Participation has long been a component of the grammar of representation, whether through universal suffrage, proportionality in electoral systems, mass political parties or even in the activity of lobby and interest groups. Deliberation too, on its turn, has long been part of the repertoire of political representation, whether in the procedures adopted for the formation of public opinion which characterize political campaigns and party mobilization preceding elections, in the identification and stabilization of preferences set in motion by voting systems during elections, or, finally, in parliamentary deliberation per se, both in the more restricted realm of commissions or in the broader context of the congress floor deliberation in inter-electoral periods. Hence, participation and deliberation can be understood as constitutive elements of political representation; not as an attempt to add new semantic content, but rather as a distinct form of putting political representation into practice.

As the widely propagated crisis of political representation means nothing but another one of its metamorphoses in history, the practices of participation and deliberation which have

evolved expressively in civil society in the last two decades are nothing but expressions of a shift concerning the nature of representative democracy, in that the extent of its legitimacy increases as it deepens, and its institutions are consolidated by redesign.

The national conferences on public policy consist of a participative practice marked by peculiarities which further contribute to its comprehension as an instance which strengthen political representation within the formal institutions of the state. First, they are summoned, organized and held by the Executive. Second, they are jointly organized by the state and civil society, as the latter is already active in different national policy councils or in the several working groups established by ministries and secretariats.¹ Third, they are summoned by the Executive with the manifest intent of providing guidelines for the formulation of public policy, with a particular focus on the elaboration or revision of national policy plans concerning several fields, sectors, and groups of civil society. Fourth, they consist of participatory experiences that are national in its scope and range, which ensures the universal validity of the definition of the policies deliberated and the reconfiguration of the proportionality of any party interests eventually present.

For as much as the holding of national policy conferences and the implementation of its results are not, save for a few exceptions, sustained by laws and that are thus dependant on the political will of federal governments, institutionalization has been achieved so as to ensure some autonomy within the State. Since they became institutionalized as part of the process of

¹ The national policy *councils* have also been highly institutionalized during Lula's government and are often confused with the national policy *conferences*, although both participative experiences work in different ways. While the conferences are summoned to convene and are held in a determinate period of time through several stages until it scales up to the national level, the national policy councils are permanent institutions that work within the structure of the federal Executive branch, usually housed at ministries, special secretariats, or the Presidency itself. As it happens with most of the conferences, the councils are composed half by representatives from government and half from civil society. While participation in the conferences is entirely open and free in the local level when the delegates that will attend the coming stages are elected or appointed, participation in the councils depend on a public process of selection of national level representative entities from civil society that will have a seat on it for a (on average) two years mandate. While certain conferences have engaged over 500.000 people from the local to the national level, the councils count with a permanent body of up to 60 members. As for the aims and purposes, the conferences are summoned with the aim to deliberate and provide guidelines for policymaking in certain predefined areas and issues, while the national councils ordinarily meet every two months (and extraordinarily whenever there is need to) and deliberate on issues brought up by their members or eventually by external demands of either government or civil society. As for the nature of the deliberations, although the national conferences' final reports are normative in the above explained way and are seriously taken into consideration policymakers, they are not binding; the councils for instance have competence to issue normative acts called resolutions, which as well as other administrative acts may contain policies. The councils take an active part in the organization of several conferences, and they also implement and especially monitor some of their deliberations making sure the approved policy guidelines are followed. Brazil has currently around 33 operating national policy councils, 18 of them created between 2003 and 2010, and 15 significantly reformulated in the same period so as to contemplate civil society's demands and further its inclusion and participation.

formulation and oversight of Executive public policy and, therefore, as part of its structure, the national conferences generate consequences that impact on the agenda of the Legislative, which can choose to use them as informational support, as mechanisms of legitimization through participation, or as deliberative input for its representative activity.

The national conferences are thus certainly an example of a “participative institution” (Avritzer, 2009) alongside other participative practices and deliberative experiences that have been undergoing institutionalization in Brazil, from participatory budgets, at the local level, to policy councils, at the national level. Yet, more than this, I believe the national conferences should be taken as representative institutions – not because they simply internally engender the representative logic (by means of election of delegates and majority voting, among other features) and sustain some “informal” mode of representation. Rather, more sophisticatedly, they consist of a more complex structure of political representation within the State and its institutions which include the participation and deliberation of civil society in a more direct and less mediated fashion compared to traditional mechanisms of accountability, as the elections, and of the preferences it expresses, such as political parties.

Despite the suspicion raised by the assumption of the eventual formation of consensus in civil society, the extent of its autonomy when acting within the State, the disputes for hegemony in different political projects and social movements which characterize it, among other factors, the fact is that the national conferences on public policy consist of very effective forms of political mediation and are therefore apt to redefine the liberal democracy model by redefining the relationship between civil society and the State. Brazil puts into practice what scholars of democracy and democratic policy-making process attempt to do by creating theoretical models and producing hypothetical simulations: amplifying the extent of participation and deliberation in political decisions via an approximation between the State and civil society.

Such approximation is verified not only when the State brings in civil society to its inside, employing the national conferences as a participative component of governmental policymaking process in all spheres of the federal Executive branch and the public administration, but also when it is receptive and responsive to their demands by converting them into legislative proposals and legal propositions, thus conceiving the national conferences as a deliberative component of political representation as it is exercised in the Legislature. The interplay of participation/deliberation and representation, and the dynamics between civil society and the State thereby put in motion, reveal the national policy conferences as new forms of political mediation which can potentially deepen democracy in Brazil. Far from replacing political representation or menacing established representative

institutions, the national policy conferences may strengthen both, and allow for a more democratic and stable government.

Experimenting with Politics: Participation *as* Representation

The greater the extent of institutionalization of participative and deliberative practices the greater the stability of institutions of political representation. Brazil's national policy conferences are arguably a case that supports this proposition. Since the adoption of the new Constitution in 1988, Brazilian political institutions are increasingly turning stable and solid: these include a very competitive multi party system, periodic and universal elections, an active and plural Congress, a strongly accepted and highly approved Presidency, an increasingly respected Supreme Court, a fair system of judicial review, a legitimate legal order, a quite comprehensive system of rights, a free and open media, not to mention the massive turnout in elections due to the pedagogic experience of compulsory voting, and the always clear electoral processes.

Besides all that, particularly from 2003 onwards one can observe in Brazil a surprising proliferation and empowerment of social movements, the flourishing of a vivid public sphere, and a breakthrough of participative and deliberative practices increasingly institutionalized and supported by the State, from the local to the national level. As has been recently stated by the Minister of the General-Secretary of the Presidency, since Lula took office "social participation has been adopted as a democratic method of public administration". He went further, and declared that neglecting the national policy conferences implies "neglecting the struggles and accomplishments of Brazilian civil society, as well as its contribution to the enrichment of representative democracy".²

Participation has therefore become a democratic method of governance in Brazil. As a method, participation enriches representative democracy. While turning political institutions more representative, participation accommodates civil society within the State, and impels the redesign of both policymaking and lawmaking processes. Such institutional changes have for their turn proven themselves to produce not only more legitimate political decisions, but also more effective social outcomes. If the notable poverty reduction is due to income transfer and other successful redistributive policies adopted by Lula's government, the political representation of social minorities (especially the culturally-defined groups) is an achievement

² This statement was made on August 20th, 2010, in an official address from Minister Luiz Dulci to the press. The full address is available at:
http://www.secretariageral.gov.br/noticias/ultimas_noticias/2010/08/20-08-2010-nota-a-imprensa-resposta-do-ministro-luiz-dulci-as-declaracoes-de-jose-serra

of the institutionalization of participatory experiences such as the national policy conferences. At this point, I cannot help but recall Dewey: “there is nothing more radical than insistence upon democratic methods as the means by which radical social changes be effected. (Dewey, 1937: 339).

As I have argued elsewhere (Pogrebinschi, 2010b), the experimentalism, practicalism, and reflexivity that can be observed in Brazilian politics allow one to describe it as a *pragmatic democracy*: a dialectical overcoming of the false contradictions between representation and participation, and State and civil society, through a process of experimental institutional redesign. The interplay between the national policy conferences and the Congress (Pogrebinschi and Santos, 2010), as well as between the former and the Executive branch, is perhaps one of the best examples of Brazil’s commitment to political experimentalism, and the process of institutional redesign that slowly moves the country away from liberal democracy.

The impact of the national policy conferences in the Legislature is a growing reality. The final report containing policy guidelines approved by the conferences activate and impel the legal activity of the Congress, and its effect on the lawmaking can be measured by the number of bills proposed and statutes enacted, as well as by the content addressed in them. As shown by a research I have recently coordinated, from 1988 to 2009 about 19.8% of all bills proposed in the Congress were substantively convergent with the national conferences policy guidelines, and the same is true for about 48.5% of the constitutional bills. As for the approved legislation, 7.2% of all statutes and 15.8% of all constitutional amendments enacted by the Parliament can be said to deal with specific issues deliberated by the national conferences (Pogrebinschi and Santos, 2010). More than setting the Congress’s agenda and influencing congressmen preferences and choices, one can note that the national conferences also improves and increases the deliberative component of lawmaking since they have a larger effect on bills proposed rather on statutes approved, and this points mostly to a qualitative (increasing on variety) rather than quantitative (timing of consent achievement) impact on the Legislature. Moreover, the significant number of constitutional amendments whose content coincide with the guidelines of the national conferences points to their unanticipated legitimacy role and unforeseen potential for institutional redesign.

Given the entire sample of legislative activity whose content is substantively convergent with the national conferences guidelines in a twenty years time frame (1988-2008), 85.2% of the bills, 91.6% of the constitutional bills, 69.2% of the enacted statutes, and 66.6% of the amendments to the constitution came to light in the first six years of Lula’s government (2003-2008). Even though the impact on the Legislature is expected to grow correspondingly to the increase on the quantity and frequency of the national conferences

during Lula's mandates, and even though bills and constitutional bills become inactive if not voted nor reintroduced in a new legislative season, one cannot deny that both participation increase and representation impact are facts that become politically relevant after Lula took office. Since the above numbers serve as indicators of the influence and civil society has on the State, one can realize that policy-making and decision-making have been significantly altered in Brazil over the last few years.

The impact of the national conferences on the Legislature presents them as an effective political mediation that run parallel to (and in a way cooperate with) the political parties. Since the normative policy guidelines arisen in the national conferences are apparently randomly supported by political parties (that propose bills which are coincident with their contents), one can say that such participatory experience point to a way of overcoming the traditional ideological channeling of interests and the party-structure that typically retains them. The support of policies addressing social minorities' interests and cultural groups' rights is a good example of how that happens, as I will argue later.

Through the national conferences, civil society has an important share on public policy design, and plays a fundamental role in the process through which political decisions are taken. While transforming liberal democracy from the inside, Brazilian pragmatic democracy allows for a dialectical relation among State and civil society, whose supposed contradiction might be overcome by the increase of mediations such as the participatory experiences that take place *along with* representative institutions. The national policy conferences enlarge citizens' direct participation, but that does not imply that the traditional political institutions have become less able to represent them.

Official data estimates that about five million people have participated in the 73 national policy conferences that took place since 2003. These people are distributed in all levels comprised by the conference process. By conference process I mean the deliberation that starts in the local (municipal) or regional (aggregation of municipalities) levels, continues in all the 27 states, and is concluded in the national conference that is usually held in Brasília, the country's capitol. Some national conferences also preview upon convocation the undertaking of 'free conferences' that may be organized by any groups in civil society, and of 'virtual conferences' that reunites contributions submitted over the internet. Once a formal procedure is followed, the results of the free and virtual conferences are taken into consideration in the basis-document that will be deliberated in the national level, along with the results from the local, regional and state conferences.

Although the national conferences usually last three or four days, the entire process takes over a year to be completed. Every national conference begins to be prepared by the

moment the executive act that summons it to convene is enacted, and the commission that will coordinate it is installed. This commission is constituted by members of the government and of civil society, just like happens on most of the conferences themselves in all levels (some have a three-part composition, being the third constituted by representatives of the workers/professional associations involved on the policy area under discussion). A very planned and detailed agenda follows the enactment of the internal rules that will organize the process, as well as the methodology that will be used to aggregate the deliberations from all levels to the last, national one.

There is not a single methodology that is applied to all conferences, and some of them involve very complex systems of preference *prioritization* (instead of simple preference aggregation) which are applied both in the several stages of a single conference (from working groups deliberations to the final plenary) and in the several stages that precedes the national one. No guideline approved in the local, regional or state levels are excluded from the deliberation that takes place in the national conference, and even conflicting guidelines approved in the different levels are resubmitted to deliberation in the national stage. Even when the deliberation ends on voting, as it happens to be true in the final plenary that concludes the national conferences, majority is not the rule: an equal proportion of votes among State and civil society delegates must be achieved in order to form a consensus and have a policy guideline included in the final report.

As for the level of participation, picking the I National Conference on Public Security held in 2009 as an example one reaches the total amount of 524.461 people involved in the entire process. In all stages, *direct* participation engaged 225.395 persons in face-to-face deliberation, while 256.598 took part indirectly through the web. In the entire country, 514 municipalities were involved in 266 municipal conferences, reaching an amount of 44.651 *participants*. All the 27 states hold its conferences, and 17.439 *representatives* deliberated in those stages the policy guidelines that followed to the national level. Besides all that, 1140 free conferences were organized by different sectors of civil society, agglutinating 66.847 people that have not taken part in the other stages. Lastly, the national conference was held gathering together 3.060 *representatives*.

I was at that national conference on public security, and I am not counted among those 3.060 people. That is so because I was not a representative, but a participant. The way language is ordinarily employed in the conferences process is meaningful, and it is worth analyzing that. The local level conferences are entirely open to participation, and there have been over the past few year strong advertising calling up people to come and engage. In this stage one main purpose is electing the delegates that will take part into the following levels.

Among the elected delegates, there are those representatives that are appointed, both by government and civil society institutions. In the state and national levels, elected and appointed representatives get together along with the other participants. All of them take part into the deliberation, and may raise opinions, make points and claims, and present arguments, but not all of them can prioritize guidelines in the working groups, nor vote in the final plenary: those tasks are reserved to the representatives no matter they were elected in the local level or appointed at any previous stage. Participants and representatives have an equal share of *isegoria*, the right to have a voice, and thus deliberate. Representatives, though, are those participants that may not only deliberate, but also vote.

The active role that civil society organizations have been playing in the national conferences shall not be understood as a form of cooptation that undermine social movements or that empowers only few of them. Conversely, what is at stake is a *cooperation* among social and political actors that go beyond electoral bounds and party compromises allowing for a unprecedented closeness of State and civil society. The latter has been effective in proposing new areas of policies to be approached by national conferences. Once the Executive accept and supports those proposals, it is not only responsive to social demands, but also allows the policy agenda (and not only the content of a given policy agenda) itself to be defined by civil society.

The national conferences on public policy shall therefore not be understood as a simple legitimatory device that allows the Brazilian government to implement its predefined policies. Conversely, through the national conferences civil society has been enlarging policy areas and bringing up new issues to policymaking. The conferences have been decisive to increase the (participative and deliberative) design and implementation of national level public policies in general, and, in particular, in areas where there were yet no national policies implemented by the Executive. Recent examples of the latter fact would include the conferences on food and nutritional security, which brought to light the first national policy in this area enacted in August 2010, the national conference on youth which decisively contributed to the drafting of the first national policy on youth which is currently under appreciation of the Congress, the national conferences on culture that helped to design the national policy of culture that is presently in its last stages of deliberation in the Congress, and the national conference on public security which was convened with the precise purpose of providing guidelines to the drafting of the first national policy of public security.

Some of the newest and most innovative policy areas and issues brought up by civil society through the national conferences are however concerned with interests and rights of social and cultural minorities. From 2003 onwards were held national conferences on policies

for women, elderly people, indigenous people, racial equality, people with disabilities, and gays, lesbians, bisexuals, transsexuals and transvestites. Minorities groups take advantage of the conferences to shape their concerns and frame their identities, turning participation into representation while being successful a) in having their demands translated into public policies implemented by the Executive despite the resource to lobby or advocacy, and b) in having them converted into law despite their previous engagement with any political parties.

The national public policy conferences have established themselves as spaces in which social and cultural minorities are able to eventually yet successfully convert themselves into political majorities. Of the 80 national conferences held from 1988 to 2009, 20 specifically involved deliberation concerning cultural groups – and of this total, 17 took place more recently, between 2003 and 2009. There have been an additional 11 conferences on human rights which always host discussions on policies for women, the handicapped, the elderly, indigenous peoples, children and adolescents, ethnic and racial minorities, as well as gays, lesbians, transvestites, bisexuals, and transsexuals. In fact many of the demands initially presented by minority groups in national conferences on human rights are taken up by the specific national conferences for each of those minorities while, inversely, several demands presented by minority groups in specific national conferences for minorities are presented once again in the national human rights conferences. Furthermore, since many of the policies demanded by minority groups, in spite of their often very specific character, demand actions that span across different fields of action and issues, these groups are also present – through civil society representatives – in national conferences in which various other issues such as healthcare, education, and social assistance are discussed. At any rate, by summing together the 20 specific minority conferences and the 11 human rights conferences, 31 of the 80 national conferences (38.8%) held between 1988 and 2009 constitute spaces devoted primarily to the participation of minority groups and to the deliberation of public policies which interest them.

As I have argued elsewhere (Pogrebinschi, 2010a), cultural minorities not only are able to rely on a significant number of national conferences in which public policies targeting them are the specific object of deliberation, they have also succeeded in advancing a considerable number of normative guidelines in their final resolutions: in addition to the fact that 18% of the guidelines originated from the national conferences between 1988 and 2009 dealt exclusively with demands by minority groups, it is also possible to reasonably assume that a significant portion of the 26.7% of the guidelines of the total sample which originated from the national human rights conferences take into account the demands of cultural groups which actively participate and are represented by NGOs and social movements that are traditionally

active in the debate on these issues. In other words, since it is reasonable to suppose that those guidelines that come out of the national conferences inform parliamentary activity, a high percentage of the information passed on to Congress deal with demands made by minority groups. The concrete impact of such legal activity in the actual inclusion of the social and cultural minorities is however an issue yet to be addressed, as well as it is the redistributive effects of the policies designed accordingly to the demands brought up by those groups in the national policy conferences.

The national public policy conferences are participative and deliberative experiences which not only give minority groups a voice but also make them heard in Congress. Even if these groups are not able to elect their candidates, national conferences provide them with an opportunity to have their interests represented in the Legislative branch. The legitimizing force of a bill strongly supported by the national conferences can function as what Mansbridge (2003) called “retrospective representation,” – this concept aptly applies to situations in which congressmen may be presented with strong incentives (which eventually transcend party agendas or the priorities of traditional constituencies) to come to the defense of demands presented in national conferences and thereby gain new electors or reestablish severed ties with former ones. National conferences are thus capable of achieving political representation for political minorities which would otherwise not be able to construct party majorities.

The national public policy conferences therefore serve as a form of political mediation which runs parallel to elections and party politics which is nonetheless, not unlike them, capable of converging to achieve democracy through representative institutions. The participation of civil society and the deliberation they engage in with the government in the national conferences produce more representative institutions (insofar as they are able to appreciate with greater emphasis broader and more inclusive interests) and bolster political representation by creating new incentives for congressmen to conduct legislating activities in a certain, more representative, direction.

Participative democratic practices such as the national policy conferences make it therefore possible to represent the interests of minorities groups in the Legislative even when they are not being defended in traditional party platforms. The guidelines for public policies contained in the final resolutions produced by the national conferences initiate legislative activity in the Congress, offering congressmen a broad menu of demands directly formatted according to the preferences of civil society in a non-electoral setting – one that is therefore free from party influences, the need to appeal to the media or any other form of interference in the formation of citizen opinion and will. The policy guidelines originating from the national conferences are imbued with a strong assumption of popular legitimacy which allows them to

overcome the traditional logic of interest distribution. This is what can eventually enable a major party to decide to represent a previously unrepresented interest, one hitherto not represented by any other party or perhaps supported by a minor party. The way national policy conferences have been serving the interests of minority groups proves how democracy is able to express itself as representation in yet another way through participation and deliberation.

Constitutive Representation and Pragmatic Democracy

For a long time it has been stated that political representation is in crisis, and that the Legislative has become incapable of expressing the much sought after and idealized general will, which, according to Rousseau, is ultimately and by nature unrepresentable. Many are the arguments employed in defense of this discourse: decreasing electoral participation, surging political apathy, discredit in (and of) institutions, party inability to mobilize its electorate, the loss of the ideological and representative character of parties, the pernicious influence of the media, etc. As I have made clear earlier, I do agree with Manin (1996) when he says that there is historically no crisis, but a metamorphosis of representative government. However, despite his description of the *démocratie du public* (based on communicative expertise) as its last stage, I believe it is time to go further and recognize another transition not only in the meaning of political representation (as have been successfully done by several political theorists) but also in the kind of government it implies.

I have argued throughout this paper that Brazil's national conferences on public policy are participative practices that strengthen political representation. First, they do not present themselves as an alternative aside of representative institutions since they are engendered *within* them: it is the Executive branch that summon, convene, and organize the national conferences together with civil society organizations involved and affected by the policy area to be deliberated in the confederal process. Second, they do not compete against representative institutions since they act in *cooperation with* them: the Legislative branch has been quite responsive to the demands brought up by civil society in the national conferences, and the Executive has been consistently turning the guidelines deliberated in those participatory practices into policies to be applied in national scale (and this is precisely its purpose when it summons the conferences to convene). Third, they do not imply a parallel type of representation since they do not engender simply 'informal' or 'social' types of representation: through the national policy conferences, social and cultural minorities have been successful in having their interests *politically represented* through representatives in both

the Legislative and Executive branches that have not been elected by them nor have been elected to represent the type of interests favored by them.

The national policy conferences are thus a case that empirically supports an argument I have been making in the theoretical level (Pogrebinschi, 2008, 2010a and 2010b): participation and deliberation should be taken as *constitutive* parts of representation. In fact, as I have argued earlier in this paper, they have always been so – elections, lobby and interests groups are certainly forms of participation, as well as parliamentary commissions and floor activities have always involved deliberation. In the past few years, however, new forms of participation through deliberation have arisen, and although they consistently require the intervention of representative institutions in order to be conclusive, decisional and binding, they are often thought of as pointing to a different (because non - or less - representative) form of democracy.

Such participative and deliberative practices certainly avoid the electoral side of representative democracy when they are implemented in civil society, as have been correctly pointed out by several political theorists. However, such practices can only be considered politically representative when they are conclusive, and thus produce decisions *on political issues* which impact *on the political system* even if they are not binding. There is yet no other way to do so then through representative institutions and elected representatives. Those, for their turn, have been showing themselves over the last few years more and more open and responsive to the participative and deliberative practices. The most known, successful and replicated case of participation, the participatory budgeting, was after all the product of a specific government, and its implementation and success have been proven to be dependent on the election of certain political parties (Avritzer, 2009).

Participative and deliberative practices of democracy are also often linked with civil society's ability to associate, mobilize and coordinate social groups and institutions, as if it were able to govern itself through its own self-empowerment, regardless of the State. However, the political and redistributive effects of such practices can only be undertaken by the State, and it is certainly partly the awareness of this fact that has been giving rise to the process of their increasing institutionalization. In Latin America, where participative experiences proliferate and scale up as to reach the national level, institutionalization seems to be the rule. And this rule is in most of the cases designed and applied by the State, which houses civil society's initiatives and propose new ones along with it. Institutionalized participation is thus something that goes together with the State.

As participative and deliberative practices become political in their scope and institutionalized in their form one moves towards *constitutive representation*. Such kind of

representation takes institutionalized political participation and deliberation as its constitutive parts. And it is constitutive representation that lies at the basis of the most recent transformation of representative government, one in which the mediations between State and civil society have been changing so as to also transform the relationship between those that have at least since the foundation of political modernity been seen as separate spheres.

Brazil's national policy conferences, as I have argued earlier in this paper, are one of such new mediations between State and civil society, and one in which participation and deliberation come true as representation. If the so propounded crisis of political representation is not extensive to Brazil, perhaps this is so because the country has been successful in institutionalizing participation and deliberation, as well as turning them political in their scope as they deal with essential political issues and impact on the policymaking. Instead of a crisis, the country faces a transformation on its representative government, one that moves it away from liberal democracy dualisms (such as State *versus* civil society, political *versus* social, universal *versus* particular, individuals *versus* groups, representation *versus* participation), and brings it closer to a pragmatic governance in which such false contradictions might be dialectically overcome through political experimentalism.

Political experimentalism as a method of pragmatic governance implies converting facts into norms, practices into institutions, and ends into means. It calls for the political empowerment of social groups by furthering the institutionalization of democratic practices conducted in, for, and through civil society. Experimentalism is the invention of the new and the transformation of the old, the replacement of normativity with factuality. Situated somewhere between the ideals of revolution and reform, experimentalism is politics conjugated in the future perfect tense: contingency renders democracy at once an experience and an experiment.

Applied at the political level, experimentalism requires the adoption of a critical stance towards principles and a practical attitude towards facts. To critically interrogate principles implies substituting action for speculation and contemplation. Facts shall be the driving force behind any political action aspiring social intelligence; they aim at creative interventions into the future through the transformation of present conditions, and that implies substituting experimental methods of democracy for the fixity of the liberal principles that for centuries have been shaping it. Facts revise principles, and once they are conferred normative strength one might rely on them as sources of legitimacy for political action. In other words, taking facts as the driving force of political action means assuming the social demands present in each and every context as determinants of institutional choices and decisions. If facts are the bearers of social demands, they must also be the conductors of political and institutional innovations.

Taking political experimentalism as a democratic method requires facts to be heard and to be taken seriously, and such disposition to lead contingency drive political decisions ultimately conduces to pragmatic governance. The latter can be understood as an open-ended set of institutions, experiences and practices aiming to mediate the relationship between State and civil society. The performance of democracy therefore varies according to the performance of such mediation. The success of mediation, on its turn, is gauged according to the success in overcoming the antagonism between State and civil society. The more an institution, experience, or practice succeeds in approximating State and civil society, the greater is its capacity to promote democracy. In other words, the narrower the structural gap and the functional differentiation between State and civil society, the greater the degree of democracy in a given political system.

A pragmatic democracy puts into question the principle of separation of power, just like it happens when Brazil's policy agenda is cooperatively defined by the Executive branch and the Legislature by means of the national conferences. It challenges the centrality of individual rights when social and cultural groups' rights become a key focus of both policymaking and lawmaking, turning particular demands into universal policies and thus redefining the meaning of political equality. It interrogates the electoral foundation of democracy, allowing interests to bypass the party system and achieve representation in the Legislature through participatory institutions. It redefines representation as the main political mediation by institutionalizing participation and deliberation. And, finally, a pragmatic democracy redesigns institutions in such a way as to blow the separation of State and civil society, as it happens when the latter act along with the State, and achieves that from within it.

Once endorsing constitutive representation, a pragmatic democracy must also experiment with forms of accountability that go beyond elections, democratic criteria other than the majority rule, and legitimacy mechanisms able to transcend both by privileging *ex post* assessments (that is, assessments based on the consequences of decisions) rather than *ex ante* assessments (based on the choices of the decision maker). Political experimentalism makes it possible to deal with the problems of justification, evaluation and legitimacy of democracy on the basis of the *consequences* engendered by the actions of institutions and political actors. The true parameters for gauging democracy become the desirability, feasibility and acceptability of such consequences. That, in turn, brings one closer to a realistic practice of democracy, and not an idealized version thereof.

This approach must be further developed in order to account for the fact that Brazil's national policy conferences allow all those citizens and groups who are affected by the design

of public policies and share the consequences of their implementation to have their interests represented in political institutions despite their choices in a previous election. The conference process has been legitimizing itself as a democratic method of governance through the positive effects it has been producing on political institutions, and this can be especially measured by the introduction of new areas and issues dealt with in policymaking, and by the inclusion of new groups and demands in the lawmaking. Those are some facts we will take a look at in the next section.

The National Conferences on Public Policy at a Glance

Given what has been said in the previous pages, the national conferences on public policies have been contributing to a) strengthening representative institutions in Brazil, b) bringing civil society and State closer, c) allowing for a dialectical interplay between participation and representation; d) increasing the participation and providing the representation of minority groups; e) allowing for a civil society's influence on policymaking and lawmaking, and thus f) presenting political experimentalism as a source of permanent institutional redesign as the representative institutions themselves become more deliberative and participative.

Let's now take a look into some data that support some (although not all) of the above statements. Between 1941 and 1988, twelve national public policy conferences were held in Brazil, all of them related to the health sector, the field in which most pioneering participative practices have occurred in the country due to the very active professional associations and social movements that have historically engaged politically with health policy issues. Although by that time the so-called health national conferences did not follow the same national structure, participative composition and deliberative format practiced today, those events cannot be dismissed when one considers the origin and the background of current national policy conferences. Between 1988, when the new Constitution was enacted and democracy had finally found its place after the military dictatorship, and 2009, were held in Brazil 80 national conferences concerning 33 different policy issues.³ Table 1 below presents the sample of national public policy conferences held in the country from 1988 to 2009, according to the policy issue addressed, the years in which they took place, and the frequency achieved by them.

³ In reality, and accordingly to official data, this number is a bit higher. The methodology employed in the research I have coordinated, however, required the exclusion of some conferences from the sample, namely those which did not classify as a) deliberative, b) normative and c) national in scope. For a description of such methodology see Pogrebinschi and Santos, 2010.

Table 1: National Public Policy Conferences: issues, years in which took place and frequency

N.	Conference/Policy Issues	Years	Total
1	Aquaculture and Fisheries	2003/2006/2009	3
2	Social Assistance	1995/1997/2001/2003/2005/2007/2009	7
3	Cities	2003/2005/2007	3
4	Science, Technology and Innovation in Health	1994/2004	2
5	Communication	2009	1
6	Brazilian Communities Abroad	2008/2009	2
7	Culture	2005	1
8	Sustainable and Solidary Rural Development	2008	1
9	Children and Adolescent Rights	1997/1999/2002/2003/2005/2007/2009	7
10	Rights of Persons with Disabilities	2006/2008	2
11	Rights of the Elderly	2006/2009	2
12	Human Rights	1996/1997/1998/1999/2000/2001/2002/2003/2004/2006/2008	11
13	Solidarity Economy	2006	1
14	Basic Education	2008	1
15	Indigenous Education	2009	1
16	Professional and Technological Education	2006	1
17	Sports	2004/2006	2
18	Gays, Lesbians, Bisexuals, Transvestites, and Transexuals	2008	1
19	Management of Healthcare Work and Education	1994/2006	2
20	Youth	2008	1
21	Medications and Pharmaceutical Care	2003	1
22	Environment	2003/2005/2008	3
23	Public Policies for Women	2004/2007	2
24	Indigenous peoples	2006	1
25	Promotion of Racial Equality	2005/2009	2
26	Health	1992/1996/2000/2003/2008	5
27	Environmental Health	2009	1
28	Dental Health	1993/2004	2
29	Workers Health	1994/2005	2
30	Indigenous Health	1993/2001/2005	3
31	Mental Health	1992/2001	2
32	Food and Nutritional Security	1994/2004/2007	3
33	Public Security	2009	1
Total			80

The above table reveals that human rights are the policy area with the largest number of national conferences: 11 were held over a period of 12 years. Social assistance and children and youth rights follow thereafter: there were 7 conferences for each of these policy areas. In the case of children and youth rights, the 7 conferences occurred within a 12 year period, whereas in the case of the social assistance conferences, the 7 of them are distributed within a 14-year time span. Health, a pioneering policy area in the history of national conferences and the only one found in the period preceding 1988, was the object of only 5 conferences after that year. However, it is worth noting that, starting in the 1990s, health policies become the object of specialized conferences on different health issues, which comprise specific conferences on ‘oral health’ (2), ‘workers health’ (2), ‘health of indigenous peoples’ (3), ‘mental health’ (2), ‘environmental health’ (1), in addition to ‘management of labor and education in health’ (2), ‘science, technology, and innovation in health’ (2), ‘medication and pharmaceutical care’ (1), responding altogether for 20 conferences in 17 years time. Conferences on policy for ‘aquaculture and fishing’, ‘cities’, ‘environment’, ‘food and nutritional safety’ come next, with 3 conferences each. There were 2 conferences held on ‘sports’, ‘rights of the persons with disabilities’, ‘rights of the elderly’, ‘Brazilian communities abroad’, ‘promotion of racial equality’ and ‘policies for women’. All remaining policy areas listed in the above table had only one national conference during the timeframe examined: ‘culture’, ‘solidary economy’, ‘professional and technological education’, ‘youth’, ‘solidary and sustainable rural development’, ‘gays, lesbians, bisexuals, transvestites and transsexuals’, ‘public safety’, ‘communication’, and ‘indigenous peoples’.

Once the national conferences are aggregated and classified in policy area sets and one analyses their frequency distribution, it becomes clear that “health” and “minorities” policy area sets led the field, each one with 20 occurrences, divided into 9 different policy issues. Among the conferences within the health policy area set there have been the 5 aforementioned health conferences in addition to 15 specialized conferences in the subject, also summing up 20 conferences. The “minorities” policy area set includes the national conferences on the ‘rights of the elderly’, ‘rights of people with disabilities’, ‘gays, lesbians, bisexuals, transvestites and transsexuals’, ‘indigenous people’, ‘public policies for women’, ‘children and youth rights’, ‘promotion of racial equality’, ‘youth’, and ‘Brazilian communities abroad’ - therefore 20 conferences for 9 policy areas, being that 8 of them (the exception is only ‘children and youth rights’) have only began to be addressed on national conferences in 2003. The policy area sets “State, economy and development” and “education, culture, social assistance and sports” come next, tied with 13 conferences apiece. The former policy area set is further divided into 7 policy issues: ‘solidary economy’, ‘aquaculture and fishing’,

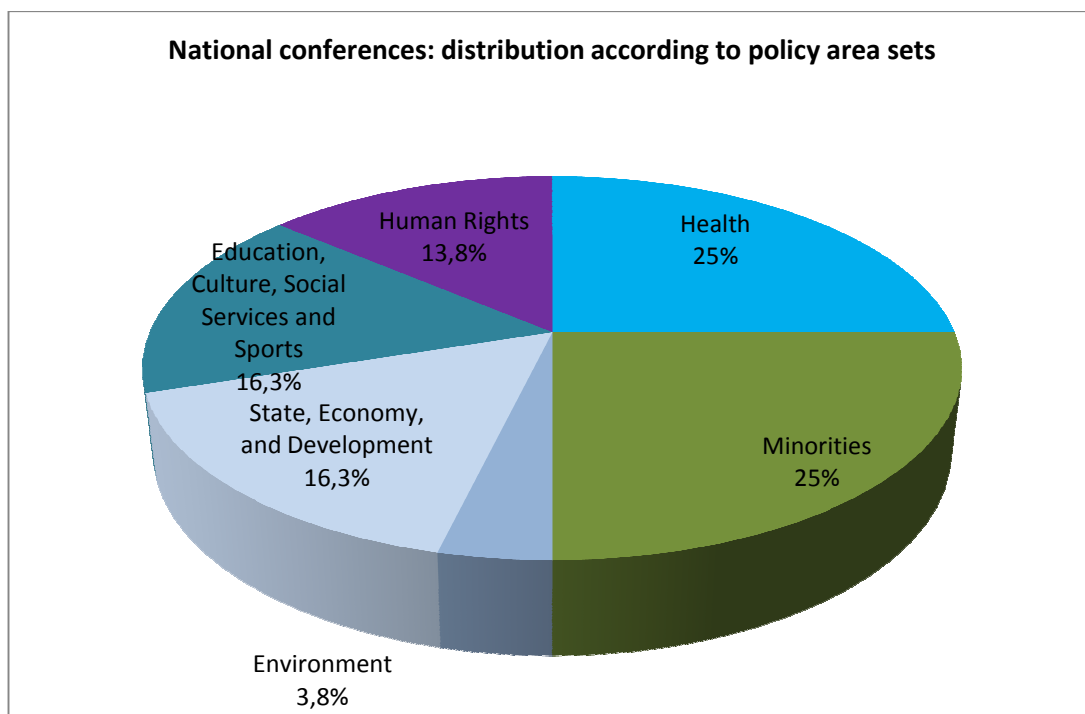
‘sustainable and solidary rural development’, ‘food and nutritional safety’, ‘cities’, ‘public safety’ and ‘communications’. The latter for its turn is further divided into 6 policy issues: ‘basic education’, ‘professional and technological education’, ‘indigenous education’, ‘culture’, ‘sports’ and ‘social assistance’. The national conferences on ‘human rights’, due to its intense and stable frequency (11 editions, most of them held every two years since 1996), the vast number of policy guidelines produced, and the lack of a more exclusive affinity with any of the other policy areas sets count as one in itself. The ‘environment’ also constitutes a single separate policy area set, although only 3 conferences on this issue were held up to 2009.

Table 2: National conferences: distribution according to policy area sets

Policy area	Issues	Quantity of Issues	Quantity of Conferences
Health	Health Oral health Workers health Health of indigenous peoples Mental health Environmental health Science, technology, and innovation in health Management of labor and education in health Medication and pharmaceutical care	9	20
Minorities	Rights of the Elderly Rights of people with disabilities Gays, lesbians, bisexuals, transvestites and transsexuals Indigenous people Public policies for women Rights of children and adolescents Youth Promotion of Racial Equality Brazilian Communities Abroad	9	20
Environment	Environment	1	3
State, economy and development	Solidary Economy Aquaculture and fishing Sustainable and solidary rural development Food and nutritional safety Cities Public Security Comunicação	7	13
Education, culture, social assistance and sports	Basic Education Professional and Technological Education Indigenous Education Culture Sports Social Assistance	6	13
Human Rights	Human Rights	1	11

After classifying the national conferences according to policy area sets based on the similarity of the issues dealt with, it is possible to notice in the graph 1 below that, together, “health” and “minorities” are responsible for precisely half of the national policy conferences held thus far, with each one accounting for 25% of the total. In the first case, there is nothing striking about the fact that the pioneering policy area in national conferences is responsible for a fourth of the total figure, especially given the early and strong institutionalization of professional associations and social movements concerned with health policies. However, this is not the case with the “minorities” policy area set. It is indeed striking that the 9 policy issues it comprises account for a fourth of the national conferences after 1988 given that 8 of them only started being dealt with in national conferences in 2003. This confirms one of the statements previously made: since the beginning of the first term of Lula’s government, the national policy conferences became notably more broader-ranging in terms of policies addressed, and also more plural and heterogeneous accordingly to the positive response of government to the demands of social and cultural groups that claimed to have their interests and rights addressed in national conferences.

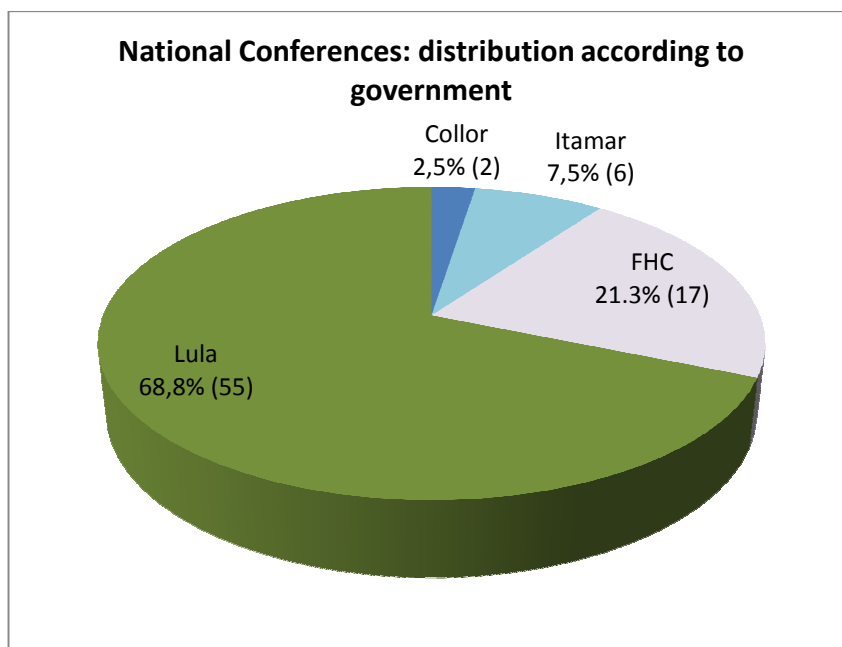
Graph 1: National conferences: distribution according to policy area sets



The patterns of distribution of the national conferences according to policy areas and frequency held become more meaningful when they are listed in relation to the governments

in which they were held. The graph 2 below indicates that out of the 80 national policy conferences held from 1988 to 2009, 55 took place during Lula's government. This means that 68.8% of all national policy conferences held during 21 years occurred within a 7 year period, which means an average of 8 conferences per year.⁴ In the 8 years of Fernando Henrique Cardoso government 17 conferences took place, that is, 21.3% of the total, averaging slightly above 2 conferences per year. The Itamar Franco government comes next, with 6 conferences held in 2 years and 2 months of mandate, comprising 7.5% of the total, followed by the Fernando Collor de Mello government, with only 2 conferences held during his 2 year and 9 month long stint in office, accounting for 2.5% of the sample of national conferences organized in Brazil from 1988 to 2009. One observes that, for as much as conferences entered a new phase of institutionalization in the Fernando Henrique Cardoso government, it was not until Lula's first term in presidency that their frequency became more significant, thus becoming fully institutionalized and incorporated into the Brazilian political agenda. No conferences were held from 1988 until the beginning of the Collor's government in 1990, which explains why José Sarney's period in office was excluded from the statistics.

Graph 2: National Conferences: distribution according to government



⁴ In fact, official data and historical records would indicate an average of 10 national policy conferences per year since Lula took office, but as I have mentioned in the beginning of this section the sample analyzed here only consider those conferences that are deliberative, normative, and national in the sense described throughout this paper.

Furthermore, the pattern of distribution of the national conferences according to governments attributes greater meaningfulness to the classification of policy area sets when the quantity of issues dealt with is analyzed. Table 3, below, reveals that of the 33 policy issues that were object of national conferences in the last 21 years, 32 of them, that is, 97%, were considered during Lula's government. The only issue not dealt with during this government up to 2009 was 'mental health', which had previously been the object of two conferences, one in 1999 and the other one in 2001.⁵ However, looking at the policy guidelines that resulted from the national policy conferences one can realize that mental health was approached by several other national conferences held from 2003 to 2009, as in the case of the conferences of 'medication and pharmaceutical care' (2003), 'human rights' (2003), 'workers health' (2005), 'rights of people with disabilities' (2006), and 'gays, lesbians, bisexuals, transsexuals, and transvestites' (2008). It can therefore be stated (and this is entirely true if one takes 2010 into consideration) that Lula's government approached the entire range of policy areas and issues dealt with in the history of national policy conferences in Brazil.

Other Presidencies account for varying proportions of policy issues appreciated in national conferences out of the remaining 33 which constitute the sample under analyzes. Two issues were appreciated by the Fernando Collor government, each one in a separate national conference, which corresponds to 6% of the total sample of issues. The Itamar Franco government, on its turn, appreciated 6 issues in 6 separate conferences, thus accounting for 18.2% of the total amount of issues in the sample. The data shows that these two governments, however, held national conferences that were almost exclusively dedicated to issues within the "health" policy area set. The national conferences held during the two presidential terms of Fernando Henrique Cardoso account for 7 issues, which make up for 21.2% of the sample. Of these 7 issues, 3 belong to the "health" policy area set, 1 to the "minorities" policy area set, 1 to the "human rights" policy area set, 1 to the "State, economy, and development" policy area set, and finally 1 to the "education, culture, social assistance, and sports" policy area set. Table 3 below displays these data.

⁵ Although the sample under analyzes considers only the national policy conferences held until the end of 2009, it is worth mentioning that the third national conference on mental health was held in 2010, in the last year of Lula's second mandate.

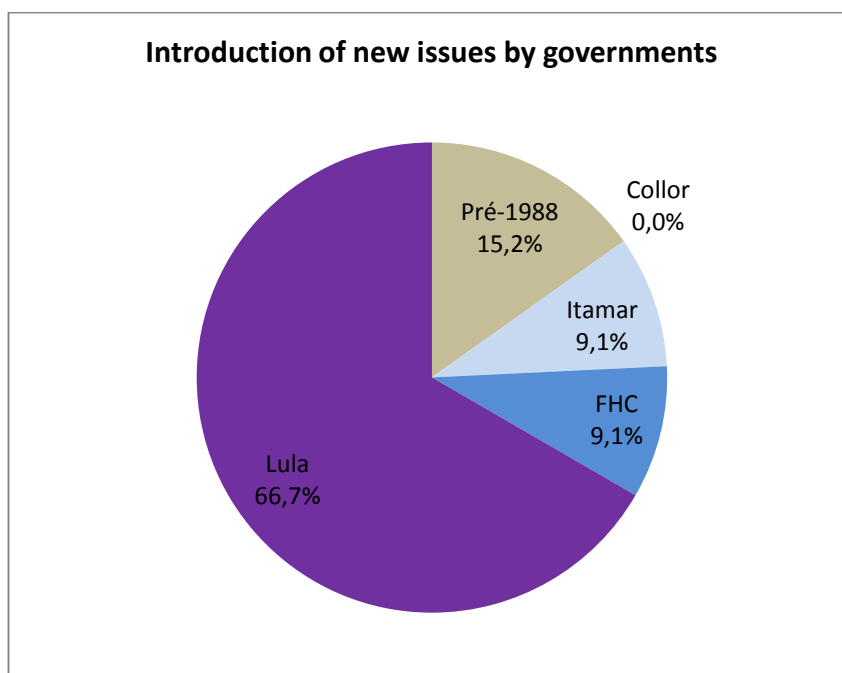
Table 3: National conferences distribution of policy issues by government

Presidency	Quantity of Conferences (%)	Quantity of Issues (%)	Policy Issues
Fernando Collor	2 (2,5%)	2 (6%)	Health (1992) Mental health (1992)
Itamar Franco	6 (7,5 %)	6 (18,2%)	Oral health (1993) Indigenous health (1993) Workers health (1994) Management of labor and education in health (1994) Science, technology, and innovation in health (1994) Food and nutritional safety (1994)
Fernando Henrique Cardoso	17 (21,3%)	7 (21,2%)	Social assistance (1995, 1997, 2001) Rights of children and adolescents (1997, 1999, 2001) Human rights (1996, 1997, 1998, 1999, 2000, 2001,2002) Health (1996, 2000) Indigenous health (2001) Mental health (2001) Food and nutritional safety (1994)
Luiz Inácio Lula da Silva (até 2009)	55 (68,8%)	32 (97%)	Health (2003, 2008) Oral health (2004) Workers health (2006) Health of indigenous peoples (2005) Environmental health (2009) Science, technology, and innovation in health (2004) Management of labor and education in health (2006) Medication and pharmaceutical care (2003) Rights of the Elderly (2006, 2009) Rights of people with disabilities (2006, 2008) Gays, lesbians, bisexuals, transvestites and transsexuals (2008) Indigenous people (2006) Public policies for women (2004, 2007) Rights of children and adolescents (2003, 2005, 2007,2009) Youth (2008) Promotion of Racial Equality (2005, 2009) Brazilian Communities Abroad (2008, 2009) Environment (2003, 2005, 2008) Solidary Economy (2006) Aquaculture and fishing (2003, 2006, 2009) Sustainable and solidary rural development (2008) Food and nutritional safety (2004, 2007) Cities (2003, 2005, 2007) Public Security (2009) Comunicação (2009) Basic Education (2008) Professional and Technological Education (2006) Indigenous Education (2009) Culture (2005) Sports (2004, 2006) Social Assistance (2003, 2005, 2007, 2009) Human Rights (2003, 2004, 2006, 2008)
Total	80	33	

The table above indicates that considering the 8 issues appreciated by national policy conferences held during the governments of Fernando Collor ('health' and 'mental health') and Itamar Franco ('oral health', 'indigenous health', 'workers health', 'management of education and labor in health', 'science, technology and innovation in health', and 'food and nutritional safety'), the Fernando Henrique Cardoso's government makes up for only 3 policy issues addressed ('social assistance', 'children and youth rights', and 'human rights'). This means that 22 out of 33 policy issues appreciated by national conferences in 21 years were introduced during the first 7 years of Lula's government. Based on the previous classification of policy area sets, it is possible to notice that almost all national policy conferences classified under "minorities" (except for 'children and youth rights', "education, culture, social assistance and sports" (except for 'food and nutritional health') and "environment" sets took place during Lula's government. As to the 8 policy issues which make up the "minorities" policy area set, only one was appreciated by governments preceding Lula's. With respect to the 8 policy issues included in the health policy area set, 2 became the object of conferences for the first time after 2003, despite the fact this is the area in which the first conferences have occurred.

It is worth underlying that, in the period preceding 1988, 12 national conferences were held in Brazil, in which 5 issues were appreciated ('health', 'oral health', 'workers health', 'indigenous health' and 'mental health'), all of which are part of the health policy area set. If one is to consider the fact that, out of the 8 policy issues appreciated by the governments of Fernando Collor de Mello and Itamar Franco, 5 had already been the object of national policy conferences before 1988, Fernando Henrique Cardoso's governments have in reality only introduced 3 new policy issues to the entire range of 33 dealt with in national public policy conferences in Brazil. Lula's government was therefore responsible for introducing 66.7% of the policy issues which have been object of national public policy conferences in Brazil, considering its entire history, both before and after 1988. This data is conveyed by the graph 3 below. As discussed earlier in this paper, the policy innovation and group inclusion revealed by such data derives from the close and strong relationship Lula's government has been maintaining with civil society over the years, allowing a considerable amount of professional and workers associations, as well as NGOs and social movements, to have a set on the national policy counsels and take an active part in the national public policy conferences.

Graph 3: National Conferences: distribution according to the introduction of new issues by governments



Of the 22 new policy issues that began being addressed in national conferences in the course of the first seven years of Lula's presidency, the fact that 8 issues, that is 36.4% of the total, is concerned with minority groups is rather remarkable. Those 8 policy issues are distributed within 13 conferences, namely: the National Conference for the Promotion of Racial Equality (2005 and 2009), the National Conference for the Rights of the Elderly (2006 and 2009), the National Conference for Gays, Lesbians, Bisexuals, Transsexuals and Transvestites (2008), the National Conference for the Indigenous (2006), the National Conference for Women Public Policy (2004 and 2007) and the Conference for Brazilian Communities Abroad (2008 and 2009).

This figure is particularly relevant considering some of the questions discussed in the previous pages. Participative practices such as the national policy conferences are capable of strengthening political representation. This is so because they establish the Executive, responsible for summoning and organizing the national conferences, and the Legislative, responsible for converting demands originating in the conferences into legislative proposals, as spheres of representation not only for political minorities, but also for social and cultural minorities – or, more to the point, minorities whose interests are eventually not directly taken into account in party politics. The participative processes such as the national conferences are considered privileged spaces in which those interests can be defined (assuming a less abstract

and more concrete character in the form of specific sectoral policies demands) and thereafter reach the Legislative through other channels, ultimately being able to reconfigure how political parties mediate interests.

This piece of information also supports another claim made earlier: the national public policy conferences have become not only broader and more frequent, but also more wide-ranging and inclusive after 2003 with the beginning of the Lula's government. Since then, national conferences have comprised an increasing number of themes and have covered a vast plurality of new issues for public policy design, several of them social and cultural policies targeted at minorities. The contours of these policy areas are defined to a large extent by the particular nature of the social groups contemplated by the national conferences and yet, at the same time, exhibit features that cross-cut and cross over to different policy issues dealt with in different conferences.

The policy guidelines presented in the national conferences under the "minority" policy area set, aimed at responding to the demands of the women (in the national conference of public policies for women), the indigenous people (in the conference for indigenous peoples), the elderly (in the conferences for the rights of the elderly), the people with disabilities (in the conferences for the rights of persons with disabilities), gays, lesbians, bisexuals, transvestites and transsexuals (in the conference named so), of children and youth (in the conference on children and youth rights) of different races and ethnicities (in the conferences for the promotion of racial equality), and of Brazilian communities abroad (in the conferences on Brazilian communities abroad), necessarily touch other public policy areas, such as health, education, social assistance and culture. Hence, starting in 2003, national policy conferences have become not only more wider-ranging, but more inclusive as well, since, in addition to including increasingly more diverse and heterogeneous social groups traditionally represented by civil society (distributed among NGOs, social movements, worker unions, business entities and other professional or non-professional entities), they have begun functioning as spaces in which social and cultural minorities can represent their hitherto fragmented and scattered interests which had not been channeled into other forms of political participation and representation.

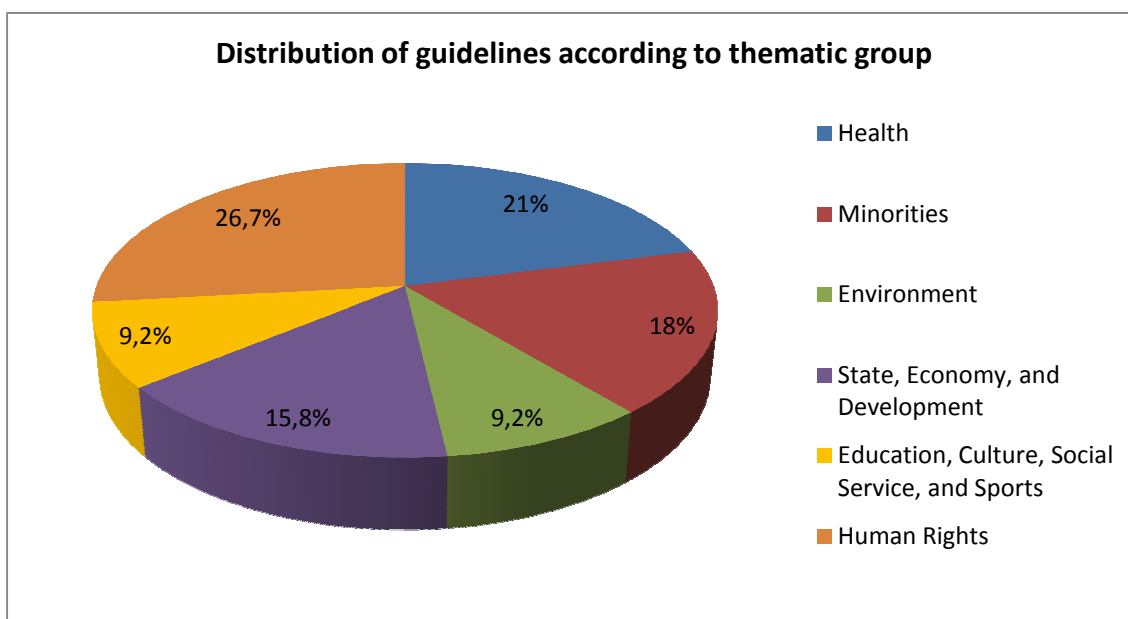
When bringing under closer analysis the policy guidelines which are produced at the end of deliberation procedures in national public policy conferences, it is possible to notice how these participative institutions in fact present themselves as spaces which favor the formulation of legislative expectations for the social and cultural minorities. The policy area set classified as "minorities", which comprises, as demonstrated earlier, 9 issues which are further subdivided into 20 conferences (17 of them on 8 issues, taking place after 2003), responds

alone for 18% of policy guidelines which claimed for incisive legislative intervention. This number is quite significant for at least two reasons.

First, because those groups have become during the same period being analyzed the objects of new secretariats and national councils created with the goal of bringing them closer to the government and designing public policies according to their interests and demands. This is the case, for example, of the Special Secretariat for Public Policies for Women and the Secretariat for the Promotion of Racial Equality, which have been very active alongside national policy councils dedicated to these same issues. One can thus assume that the demands of those groups have been highly contemplated by specific administrative measures, which actually seem naturally more suited to the task of designing specific social and cultural policies. It is thus significant that there is a large amount of minorities groups' demands still requiring legislative activity – in other words, a large amount of demands requiring equal treatment, a strong indication that there is a persistent need in Brazil to formally include those groups.

Second, the demands of those minority cultural and social groups are often and by nature rather particular and require actions that are somewhat more sector-specific. This is another reason which would explain the need to contemplate these demands through administrative, and not legislative, measures. The fact that the number of policy guidelines classified as part of the “minorities” policy area set is almost as large as those relative to the “health” one indicates a tendency towards the dissemination of the demands presented by minority groups. Health is certainly one of the areas which, given the universal nature of policies in this area, requires its demands to be appreciated in the legislative sphere. This explains why a larger number of policy guidelines have been identified for this policy area set, reaching 21% of the total. This, although the “minority” and “health” policy area sets account for the same number of issues (9) and conferences (20), the distinct nature of the policies involved explains why the number of policy guidelines presented by the first group is significantly greater. The graph 4 below presents this data.

Graph 4: Distribution of policy guidelines according to policy area sets



The precise role both State and civil society have been playing in the national policy conferences' institutionalization has been shaped throughout the process, and it is permanently open to redefinitions. Even though all conferences are summoned to convene by a normative act issued by the Executive branch, some of them clearly result from civil society's demands which are almost always promptly responded by the government, and some other result from conjoint deliberations of the latter and of civil society's representatives in the national policy councils. This cooperative undertake is ultimately what defines which policy areas and issues will be prioritized, and will thus become object of the national plans and programs to be implemented in Brazil.

Such cooperation among State and civil society, representative institutions and participatory practices, presents the national policy conferences as a democratic method of governance, one in which social ends might be successfully realized through democratic experimental means. By bringing civil society *within* the State, the national public policy conferences shall be taken as both a form of deepening democracy and democratizing policymaking; and not as signs of neither centralization or leftist-authoritarianism, nor even populism. The national level practices of participation in Brazil seem to be a very fertile soil where the germination of participation can lead to the blossoming of representation. Let the contingency of contemporary world tell us how liberal democracy can be definitely and decisively challenged by such experimental way of doing politics. And let Brazilian reality keeps teaching us lessons on that.

References:

AVRITZER, Leonardo. (2009). *Participatory Institutions in Democratic Brazil*. Johns Hopkins University Press.

CASTIGLIONE, Dario e WARREN, Mark. (2006). "Rethinking Democratic Representation: Eight Theoretical Issues". Manuscript prepared for delivery at the Centre for the Study of Democratic Institutions, University of British Columbia.

DEWEY, John. (1937) [1998]. "Democracy is Radical". In: *The Essential Dewey. Volume I: Pragmatism, Education, Democracy*. Indiana University Press, Bloomington.

MANIN, Bernard. (1996). *Principes du Gouvernement Représentatif*. Paris: Calmann-Levy.

MANSBRIDGE, Jane. (2003). "Rethinking Representation". In: *American Political Science Review*, vol. 97, n.4.

POGREBINSCHI, Thamy. (2008). "Democracia Pragmática: pressupostos de uma teoria normativa empiricamente orientada". Trabalho apresentado no 32º Encontro da Associação Nacional de Pós-Graduação em Ciências Sociais (ANPOCS).

_____. (2010a). Relatório Final da Pesquisa "Entre Participação e Representação: as conferências nacionais e o experimentalismo democrático brasileiro". Ministério da Justiça, Brasília.

_____. (2010b). "Democracia Pragmática". In: *Dados*, Revista de Ciências Sociais, Volume 53, número 3.

_____ and SANTOS, Fabiano. (2010). Participation as Representation: The Impact of National Public Policy Conferences on the Brazilian Congress (2010). APSA 2010 Annual Meeting Paper.

URBINATI, Nadia. (2006). *Representative Democracy: Principles and Genealogy*. Chicago: Chicago University Press.