

# The Impact of Participatory Democracy

## Evidence from Brazil's National Public Policy Conferences

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In her 2011 APSA Presidential Address, Carole Pateman lamented that the role of political participation continues to attract scant attention from mainstream empirical scholars of democracy around the world, besides taking a back seat to arguments about deliberative democracy.<sup>1</sup> This has remained true despite the “third wave” of democratization, despite established democracies’ efforts to consolidate new democratic regimes, and despite a boom in practices of participatory governance around the world.

Pateman sought to draw attention to new participatory practices and urged greater scholarly focus on the impact of participation on democratic performance. Yet the status of “participatory democracy” in political science, we suggest, will only change if it can be demonstrated that institutions of participatory governance can overcome two key theoretical challenges, both of which speak to participation’s relevance for national politics: whether it threatens the stability of democracy, and whether it can contribute to the performance of democracy. That is, in this article we are unconcerned with the main normative argument advanced about the impact of participation (or deliberation), rooted in Rousseau and J.S. Mill: its hypothesized transformative or educative effect on individual citizens.<sup>2</sup> Instead, departing from previous research, through an exploration of Brazil’s National Public Policy Conferences (NPPCs), we seek to demonstrate that participatory governance practices can directly impact important public policy decisions at the national level.

To root our argument, we need to define participation and to define democracy. In this article we rely on Pateman’s definition of participation: citizens’ participation in making decisions about collective life.<sup>3</sup> This is a “thick” rather than “thin” notion of participation, as it entails greater political engagement than merely voting. However, while this may sound counterintuitive, we define democracy “thinly,” in procedural terms, as an institutional arrangement in which leaders acquire control over government through a competitive electoral process.

We define democracy this way because our findings suggest that participatory and representative democracies are not, as some assume, necessarily incompatible; indeed, participation and representation can complement each other. We aim to demonstrate precisely what has frustrated both advocates and critics of participatory democracy: that participatory practices can deepen actually existing democratic regimes by opening the doors for extensive civil society influence over national governance. To date, research on participatory practices has focused on the impact of participation in “minipublics,” small-scale and/or local practices.<sup>4</sup> We provide the first evidence that participatory governance practices can, through a process that does involve representation and delegation, be both scaled up to the national level and shape important outcomes at the “macro” democracy level. This finding undermines the most obvious objection to the significance of participatory practices: that they are impractical and thus unimportant to the functioning of democracy.

## **Two Critiques of Participatory Democracy**

Pateman offered two explanations for why scholars continue to pay relatively little attention to the relationship between participation and democracy, one normative and one practical. First, from ancient times through the advent of modern representative government, many have associated mass participation with political instability. Mainstream 20<sup>th</sup>-century democratic theory emerged in the shadow of the collapse of Weimar Germany, a country thought to have a participatory culture,<sup>5</sup> and during an era of extreme pessimism about democracy’s future, as totalitarianism based on mass mobilization threatened democracies from left and right. Participation was seen as dysfunctional for democracy.

Joseph Schumpeter formulated his “realist” definition of democracy in this context, reducing democracy to a procedure in which elites compete for citizens’ votes. Distilling centuries of disdain for popular participation, Schumpeter sneered: “The electoral mass is incapable of action other than a stampede.”<sup>6</sup> Nevertheless, Schumpeter has become the default starting point for defining modern representative democracy, described alternatively (whether approvingly or not) as “elitist” or “minimalist.”<sup>7</sup> Dahl added details to this procedural definition, but his own pluralist notion of democracy still offered scant space to participation in governance itself.<sup>8</sup>

Huntington reinvigorated this critique of participation,<sup>9</sup> but in recent years normative arguments against participation have grown ambivalent. On the one hand, Huntington again tied participation to radicalization (and thus to authoritarian backlash) in his *The Third Wave*.<sup>10</sup> This view became consensual among mainstream scholars of democratization, even if only implicitly.<sup>11</sup> Yet other scholars have turned this argument on its head. For example, Powell revealed that voter turnout and political instability were negatively correlated.<sup>12</sup> Similarly, Putnam reinvigorated Tocqueville’s notion that a participatory “civic” culture could sustain democracy.<sup>13</sup> However, several critiques undermined confidence in this argument.<sup>14</sup>

The focus on “civic culture” also exposed a tension in research on new democracies: most scholars grudgingly accepted the Schumpeterian definition of democracy, yet also lamented the lack of democratic “consolidation,” which demands more than procedural minimalism. Scholars have disparaged new democracies as “delegative”<sup>15</sup> or “illiberal”<sup>16</sup> and pessimistically concluded that while transitions had played out among elites, consolidation was unlikely to play out among the masses.<sup>17</sup>

In addition, much like critiques of Putnam, critiques of the concept of consolidation left scholars unsure of its meaning or importance.<sup>18</sup> In turn, this left the importance of political participation to the fate of new democratic regimes unclear. Although some scholars argue that a *lack* of mass participation (whether in terms of voting turnout, engagement in social movements, or otherwise) might weaken democracy, no consensus exists today about whether a participatory culture can bring about or sustain democracy.

In short, skepticism has replaced pessimism about the relationship between participation and democracy. This leads to the second objection, which is practical rather than normative. Quite simply, many suspect that it is unrealistic to expect participation to matter for democratic performance. Modern democracy is necessarily representative, because modern polities are too big to allow mass participation in the process of government. It is worth noting that the normative and practical objections to participation are themselves in tension. After all, if participation can affect regime stability, then obviously its practical importance is not in question, and no one has ever defined the difference between “bad” and “irrelevant” participation. What the latter claim boils down to is the alleged irrelevance of small-scale participatory practices, as compared against the danger of mass mobilization in a context of intense political polarization.

In this regard, Sartori suggests that participation is impossible if one takes the meaning of “self-government” literally.<sup>19</sup> If participation is “taking part in person, a self-activated willed taking part,” then it “can hardly be denied...that taking part is meaningful, authentic and real only within the ambit of small groups,” with a maximum size of a few thousand.<sup>20</sup> Przeworski concurs, assuming that only the few can have causal efficacy on the exercise of government in a large modern polity.<sup>21</sup> Because equality and effectiveness are incompatible, “the program of ‘participatory democracy,’” he concludes “...is not feasible at the national scale.”<sup>22</sup>

Przeworski highlights the key challenge confronting Pateman’s lament about the place of participatory democracy in political science, by implying that participation is only politically meaningful if it has causal impact on the exercise of government. Yet such efficacy, he suggests, is impossible. Using the logic of social choice theory, he reasons that since collective decisions under democracy are made by majority rule elections in which all adults have equal formal influence, only the decisive voter can have a direct causal effect on the outcome. It is not only the election’s losers who have no effect; all other voters have zero causal efficacy since their decisions do not affect the outcome. Citing Isaiah Berlin, Przeworski suggests that only a unanimous-consent rule gives causal efficacy to individual participation.

This understanding of “causal efficacy” under democracy is too narrow. First, it suggests that even electoral democracy is a one-shot game rather than a process in which winners become losers and vice versa and in which losing arguments one day will gradually gain adherents and eventually win out over formerly dominant views, or vice versa. It also precludes the possibility that even those who lose a majority vote have causally influenced the outcome through complaint, debate, negotiation, or even threats to disobey eventual collective decisions. Przeworski’s approach denies causal efficacy to all but the most proximal of causes, but few social scientists interested in causal explanations accept such a narrow definition. Some actions have proximal and some have distal effects on the exercise of government; determining which do and which do not is an empirical question.

Przeworski’s claim is ontologically restrictive, yet advocates of participatory democracy appear to have internalized the “realist” critique that participatory practices lack even a distal effect on national democratic performance, because scholars have focused almost exclusively on local-level, small-scale participation. Attention to such practices is indeed impressive given the small numbers of citizens typically involved—a few dozen in citizen juries, a few hundred in citizen assemblies, a few thousand in municipal participatory budgeting processes in Brazil, for example—and also given the narrow impact of such practices on national public policy. Pateman, for example, gushes over the fact that “tens of thousands” have participated in participatory budgeting in Brazil but then concedes that mini-publics offer no evidence that participation has altered or improved democratic performance at the national level.<sup>23</sup>

In a review of recent research on representation in democratic theory, Urbinati and Warren seem to agree that participatory practices may never satisfy critics<sup>24</sup> who suggest that the “flaw in the pluralist heaven is that the heavenly chorus sings with a strong upper-class accent.”<sup>25</sup> While acknowledging that new participatory practices can “capture voices and opinions that typically go unheard,” Urbinati and Warren also suggest that because the numbers of citizens who actively engage in participatory governance practices are so small, such practices inevitably embody not participation but a form of republican representation in that the few (informally) represent the many.<sup>26</sup> Here we see why Pateman continues to worry about the place of participation in democratic theory.

## **Participation and Minimalist Democracy**

Despite the boom in research, skepticism from within and without weakens intellectual and political support for the notion that participation can deepen democracy. We seek to provide a basis for revisiting such skepticism. To do so we set the bar high, asking whether participation can shape the core relationship between state and society in a democracy, even if we define democracy in a “minimalist” way.

In the Schumpeterian framework, elites win elections to exercise control over government. As Bobbio explained, this definition implies that the fundamental difference

between democracy and autocracy is that in the former, universal suffrage authorizes coercion.<sup>27</sup> Under democracy, elections therefore serve the salutary normative purpose of minimizing the use of violence for political ends.<sup>28</sup> Given this, the purpose of democratic theory should be to ponder ways to minimize the illegitimate use of force.<sup>29</sup>

In this vein, and echoing themes found in Machiavelli and Madison, Sartori suggests that participation is meaningful if it helps limit state domination over society.<sup>30</sup> Similarly, echoing Rousseau yet contradicting his narrow definition of causal efficacy, Przeworski approvingly cites Hans Kelsen's more expansive notion of democracy as a process in which individual freedom and liberty derive from participating in the creation of the political world, rather than by passive consent.<sup>31</sup>

In short, if one accepts Bobbio's insight about the normative aim of "minimalist" democracy, then the gap between "thin" and "thick" definitions of democracy narrows, if not completely, then sufficiently so as to wonder whether there is more room for participation in the former. The question remains, however, whether participatory governance mechanisms can serve Kelsen's purpose in practice. The key to answering this question is to show that participation—personal, self-motivated engagement in politics—can have causal efficacy on the exercise of governance at the national level.

It is important to underline the extent to which both advocates and critics agree that this is the critical test for a participatory conception of democracy and not whether it has the effect of educating individuals or transforming their preferences and views of politics. It may have this effect, but the crucial question is participation's causal efficacy on the exercise of power. Most scholars appear to assume such an effect is impossible, and the absence of observable "macro" participatory processes that put the hypothesis to the test has left skeptics in control of the discussion. Until recently, no country had ever attempted to implement national-level participatory governance programs in which large-scale, uncoerced, and active participation shapes national-level policies. This is what Brazil's National Public Policy Conferences accomplish.

### **Brazil's National Public Policy Conferences**

The best known of Brazil's innovative participatory governance experiments is "participatory budgeting" (PB). Numerous cities in Brazil and elsewhere have implemented this process in which citizens help decide the allocation of a portion of local capital expenditures. PB is but one of several efforts to democratize and decentralize Brazilian politics since the country's emergence from two decades of military rule in the 1980s.<sup>32</sup> During the regime transition, civil society organizations (CSOs) pushed for greater inclusiveness in policy-making and successfully inserted several new participatory mechanisms into Brazil's 1988 constitution.<sup>33</sup>

Some of these practices have inspired political elites to undertake national-level reforms, but, no matter how widespread their use, most of these participatory governance mechanisms have had limited impact on the quality of Brazilian democracy

because of their small scale and local scope. However, since the ascension of the Workers' Party (*Partido dos Trabalhadores*, PT) to power in 2003, Brazil has also reinvigorated and expanded a decades-old, national-level participatory process, the National Public Policy Conferences. NPPCs have as yet gone largely unnoticed by the international academic and policy community, but this situation is unlikely to last, as the NPPCs provide an unprecedented opportunity for grassroots participation in the design of important national policies. In this section we describe the origins of the NPPCs and highlight their key features: the joint state-society governance of their process, their openness to grassroots participation, their policy scope, and their scale in terms of number of participants. The next two sections will describe how their open design facilitates citizen input into the formulation and implementation of national policies.<sup>34</sup>

**Origins** The NPPCs are not technically an innovation in terms of participatory governance practices. Ironically, they were created during the autocratic reign of President Getúlio Vargas (1930–45) to help federal government officials learn about the nature of public-health problems across the country. The first national conference was held in 1941 and focused on health care. It included representatives from all three levels of Brazilian government, national, state, and municipal, as well as representatives from relevant CSOs. Although it has been improved significantly in recent years, the same general process of the conferences remains in place today.

The creation of the NPPC process is unusual in that it embodies governance practices not commonly associated with autocracy or populism and does not fit comfortably within the top-down corporatist understandings of governance that scholars suggest characterized this era, both in Brazil and elsewhere in Latin America.<sup>35</sup> In fact, the creation of the NPPCs on public-health issues is owed to the early 20<sup>th</sup>-century “bottom-up” influence of Brazil’s sanitary health movement.<sup>36</sup> Also of note are the facts that NPPCs on health care were held under both democratic (1950 and 1963) and autocratic (1941, 1967, 1975, 1977, and 1980) auspices and that the NPPC process predates the PT’s founding in 1980. The PT did not create the NPPCs, although the conferences certainly embody longstanding PT principles. The important point is that joint state-society influence characterized the origins of Brazil’s NPPCs.

**Process** Joint state-society influence also characterizes the process through which NPPCs operate. Formally, NPPCs are summoned by presidential or ministerial decree. However, the catalyst for any conference typically comes from the joint mobilization of government officials and key CSO representatives, particularly those who sit on joint state-society councils within national-level government ministries. An example is the National Council of Women’s Rights (*Conselho Nacional dos Direitos da Mulher*, CNDM), created in 1985 within the Ministry of Justice and now residing within the National Secretariat for Women’s Policies (SNPM). Membership of the CNDM consists of sixteen members from different government ministries, fourteen members from

feminist and women's rights groups, and seven members from other CSOs that work on issues germane to gender policy.

An example illustrates how the joint NPPC process works: In July 2006, following the issuance of a presidential decree, the CNDM began organizing the 2<sup>nd</sup> NPPC on women's rights, to be held the following year. The CNDM first created an organizing committee composed of four CSO representatives and four officials from the Secretariat, including the minister herself. The committee set the dates for the municipal, state, and national meetings, adjusted the NPPCs' internal rules of order, and determined that the conference agenda would focus on 1) evaluating the first two years of the implementation of the government's "National Plan for Women's Policies" and 2) discussing ways to increase women's influence in politics. This organizational process was then repeated at the state and municipal levels, before the first stage of the conferences began, so that local concerns from across Brazil could be incorporated into the deliberations. National ministries and state and local government secretariats provided funds for preparations and the meetings.

With minor variations, all conferences follow this process. The actual conference process begins at the municipal level, with meetings in hundreds or even thousands of cities held simultaneously across the country. It is here that the participatory nature of the NPPCs becomes apparent as municipal-level conferences are open to anyone. The government advertises their dates and locations, and CSOs spread the word. The broad agenda structures the deliberations, and each municipal conference is charged with producing a final report, which typically contains dozens or even hundreds of policy recommendations and which is voted on in a final plenary session. Each municipal conference then elects delegates to one of 27 state-level conferences; any individual who shows up to a municipal meeting has, in principle, the right to voice his or her opinion and to vote on the policy proposals and in the election of delegates to the state-level meetings. In addition, anyone who shows up to the municipal meeting can potentially be elected as a delegate.

The process then shifts to the state level. State-level meetings are not fully open, but both the state and national meetings maintain the principle of joint state-society collaboration. At both the state and national levels, rules typically require that a majority of voting delegates come from CSOs. At the state-level meeting, participation transforms into representation, as the delegates elected from the municipal conferences join representatives from relevant state-government organs to repeat the deliberative process, discussing and systematizing the policy recommendations that emerged from the municipal meetings. Each state meeting produces a final report that lists every proposal approved in the meeting's concluding plenary session and then elects delegates to the national-level meeting.

Just as with the municipal and state-level conferences, before the national meeting a mixed state-society commission systematizes the proposals from all the state reports. The national meeting then deliberates and votes on the set of proposals, resulting in a single final report containing national-level policy recommendations. The goal of the process is to provide elected officials and high-level government bureaucrats with

information about what their priorities for amending existing or formulating new national policies should be.

The openness at the grassroots and joint state-society collaboration throughout makes the NPPC process distinctive in terms of formulation of national policies. It is not technocratic in that it does not suppose that experts know best; it counterbalances lobbyists' influence because deliberations at all levels are open to the public; all participants have, in principle, an equal vote at the municipal level; and CSO representatives and/or front-line workers' representatives tend to outnumber high-level government authorities at each stage. Finally, it is not corporatist, as the government does not determine who gets to sit at the table and jointly determines the agenda with a rotating set of CSO leaders, and even then, only in very general and not substantive terms.

This process is designed to ensure that a diverse set of voices from across the entire country is heard, from the local up to the national level. This is the last and crucial way that the NPPCs differ from other participatory mechanisms: the possibility that participation at the grassroots can result in not just the assertion of new policy claims but in actual new policy output. In short, the NPPC process represents a break from state-led, elitist, and "delegative" methods of democratic governance commonly said to dominate across Latin America and elsewhere.

**Scope** In the fifty years after 1941, only fourteen National Conferences were held, and all except one focused on health care. Since 1992, however, NPPCs have occurred more frequently and have come to encompass a broader range of policies. Eighty-three National Conferences were held from 1992–2010: two under President Fernando Collor (1989–92) and six under his successor Itamar Franco (1992–94) were related to healthcare. President Fernando Henrique Cardoso (1995–2002) convoked seventeen conferences: seven on healthcare issues, seven on human rights, but only three on other policy areas.<sup>37</sup>

During Luis Inácio Lula da Silva's presidency (2003–2010), NPPCs covered a far wider range of policies. Lula convoked fifty-eight conferences, expanding the topics to include urban development and the environment, issues related to marginalized populations such as Afro-Brazilians, women, and the LGBT community, education, sports, and culture. This expansion of participatory opportunities reflected his and his party's longstanding connection to organized civil society as well as the PT's goal of "deepening" Brazilian democracy through participation.<sup>38</sup> Lula's successor Dilma Rousseff has continued the pace of NPPCs and has also expanded their scope into additional areas.

**Scale** Since 1994, but especially since 2003, NPPCs have provided new spaces for grassroots participation to shape important national policies. However, the number of NPPCs does not adequately convey their size in terms of number of participants. Both their scope and the scale of participation, not just their openness, differentiate Brazil's National Public Policy Conferences from other experiments in participatory democracy. In fact, the scale of participation makes other experiments in participatory democracy

look quite small. Each conference, from the local to the national levels, can involve hundreds of thousands of people; in total, about seven million people participated in at least one of the NPPCs held between 2003 and 2011, which is about five percent of Brazil's adult population.<sup>39</sup> Given that one can hardly expect most people who are intensely interested in a particular policy to have the time and interest to actually attend a national conference process, this is a truly remarkable level of popular participation.

The number of participants in each conference does vary considerably. For example, over 600,000 participated in the 14<sup>th</sup> National Conference on Health in 2011, perhaps the largest so far. About 400,000 participated in the 8<sup>th</sup> National Conference on Social Assistance, and about 525,000 participated in the 1<sup>st</sup> National Conference on Public Security. Some conferences have far fewer participants; for example, “only” 70,000 participated in the 3<sup>rd</sup> National Conference on Rights of the Elderly in 2011.

An example illustrates how the participatory process is scaled up. About 200,000 people participated in 2,160 municipal-level meetings held for the 3<sup>rd</sup> National Conference on Women's Policy in 2011. In the state of Rio de Janeiro, 7,915 people participated in municipal-level conference meetings, which were held in fifty-two of the state's ninety-two municipalities. Although the numbers attending any single municipal-level meeting may be relatively small, the picture to hold in one's mind is of literally thousands of such meetings being held simultaneously around the country, deliberating the same issues.

The NPPCs are clearly in a different league as far as participatory democracy is concerned: they are by far the world's largest experiment with such practices in terms of number of participants, policy scope, and potential impact, and their success demonstrates that large-scale participation is both salutary and feasible for outcomes at the macro-democracy level. Millions of average Brazilians have participated, and their efforts have shaped policies relevant to millions more. It is to this question—the NPPCs' impact—that we now turn.

## **Assessing the Impact of Brazil's NPPCs**

Existing research suggests that participatory mechanisms can ensure greater policy responsiveness and help hold government officials accountable through the normal channels of democratic governance: groups of citizens articulate demands, and government officials agree to act in response.<sup>40</sup> Yet because scholars have mostly focused on local participatory processes, positive assessments are frequently coupled with advocacy for greater policy decentralization, which observers believe will promote responsiveness and accountability. The more decentralized the polity, so the idea goes, the greater the possibilities for popular engagement in politics.

It is certainly possible that decentralization promotes more responsive and accountable government. However, no matter how intense the pressures for decentralization or for popular participation, centralized government control over most areas of policy-making will remain the dominant fact of politics. Some advocates of participatory

governance might take this as a reason for despair, but we take it as an indication of the imperative to investigate the possibility that participation could be scaled up to the national level and shape national-level policy outcomes.

We adopt two strategies to demonstrate the impact of NPPCs on national-level policy production in Brazil: quantitative and qualitative. Both connect the policy proposals that originate in the NPPC process to new national-level policy proposals and actual policies. The quantitative approach matches proposals to policies over time, to establish how many NPPC proposals end up as new public policies. Although this approach confirms our main claim, it is also a “thin” account of NPPCs’ importance, because several new policies make only minor alterations to pre-existing laws. Even if all new statutes in a particular policy area could be traced to NPPC proposals, we would have no way to know whether they substantively impacted citizens’ lives or not. Hence there is a need for a second, “thicker,” qualitative approach, which details how substantively important proposals that originate in NPPCs are incorporated into national legislation. This combination of quantitative and qualitative approaches offers evidence that participation can be scaled up and that it can impact important national policy: that participation can deepen the practice of democracy on a “macro” scale.

**Quantitative Assessment** Our claim is simple: the NPPC process can be a source of new national-level policies. We do not claim that all, or even most, new policy in a particular area will emerge from NPPC deliberations, nor do we claim that all NPPC recommendations will become law. It is also not necessary for us to claim that such policies always and only result from grassroots input. We suggest that NPPCs expand the public sphere by creating ongoing dialogue about national policy priorities among the state’s policy elites, elected officials, and average citizens and that such dialogue can and does contribute to the creation of new national policies.

Let us explain how we connect NPPC policy recommendations to actual new policies. Simplifying greatly, we took lists of all NPPC proposals in particular policy areas and sought to match them against lists of enacted legislation in the same policy area. To establish a baseline for comparison, we gathered federal policy proposals in relevant areas between 1990 and 2010, independently of when the first NPPC was held for a particular area. We describe our search process in more detail below.

Because the process of matching NPPC proposals to policies is extremely labor-intensive, we selected three of more than three dozen conference themes for analysis: Public Policies for Women (which focuses on fostering social, economic, cultural, and political gender equality), Food and Nutritional Security (which focuses on questions of government provision of access to adequate food for Brazil’s poorest citizens), and Social Assistance (which deals with issues relevant to social workers as professionals, as well as the issue of citizens’ access to and government support for social welfare programs).

We chose these policy areas for two reasons. First, although NPPCs on Policies for Women were held only during Lula’s administration (in 2004 and 2007), the other two themes are among the few outside of healthcare that also held conferences during

Fernando Henrique Cardoso's two terms. It is crucial to explore the impact of NPPCs under both Cardoso and Lula, given the assumption that in Brazil, participatory mechanisms function well only when the PT is in power. To the extent that we can show that NPPCs contributed to policy under both Cardoso and Lula, we gain support for our argument.

Second, these themes represent not just three distinct types of policies, but policies with very different constituencies and levels of support from organized civil society. Our intent is to show that the participation through the NPPC process can influence policy across a range of public policy themes, from those widely supported across wide swaths of the population to those that appeal only to a narrow slice. For example, the first theme focuses on questions relevant to the rights of a historically under-represented group, but that group constitutes half of Brazil's population. Moreover, Brazil's feminist movement has historically been well organized, and its membership has historically been predominantly upper-middle class.<sup>41</sup> In contrast, although Food and Nutritional Security embodies a longstanding theme in Brazilian public policy—feeding the poor—it entails a relatively narrower policy focus, requires the investment of large sums of government resources for policy success, and is focused on the needs of Brazil's poorest citizens (i.e. those with extremely little political influence). Finally, while conferences on Social Assistance are also relevant to questions of access to government services for disadvantaged Brazilians, they also largely focus on the regulation of a set of related “helping” professions.

Let us now describe more specifically how we matched NPPC proposals to policies. We started with the proposals contained in NPPCs' final reports, which are published after a national-level conference concludes. These final reports can be quite lengthy, as they contain a summary of the conference's deliberations as well as the full text of all proposals the conference approves. Proposals can be vague or specific. For example, in the Final Report of the 3<sup>rd</sup> National Conference on Food and Nutritional Security, one proposal suggests “adopting the ‘solidary economy’ as a political strategy of national development and of promotion of food and nutritional security,” while another suggests “implementing Inter-Ministerial Order #1.010/2006, regarding formulation of adequate menus for schoolchildren and for diversification of school nutrition programs.”<sup>42</sup> Others are even more specific.

From these final reports, we created a database of all proposals from the conferences held on the themes we chose to analyze. We sought to match these proposals to subsequently enacted policies, which we separated into those coming from the legislative branch (in the form of constitutional amendments, ordinary laws, and what are called “complementary” laws, which require an absolute rather than simple majority for passage) and from the executive branch (in the form of presidential decrees).<sup>43</sup>

To determine the extent to which NPPC deliberations were substantively incorporated into proposed and enacted policies, we had to generate a much larger database of all enacted policies that were potentially germane to the conference themes. After all, many NPPC proposals are never incorporated into subsequent policy, and many

policies that are proposed and/or passed do not owe their origins to NPPC deliberations. Overall, Pogrebinschi and Santos found that about 26 percent of all NPPC proposals, across all NPPC themes, were incorporated into some sort of policy proposal.<sup>44</sup> To determine how many NPPC proposals ended up as policy proposals and/or enacted legislation, we conducted keyword-based searches in the public on-line databases of Brazil's Chamber of Deputies<sup>45</sup> (for ordinary and complementary laws and constitutional amendments) and Brazil's Presidency (for presidential decrees).<sup>46</sup> To create the lists of proposals and enacted statutes germane to each conference theme, we searched these databases with the following keywords:

- For Public Policies for Women: women, gender, reproductive rights, and domestic violence
- For Social Assistance: social assistance, social service, social protection, and benefits
- For Food and Nutritional Security: food security, nutrition, nourishment, agricultural policy, and provision.

We then sought to match each NPPC proposal to the policies. A team of research assistants considered every NPPC proposal individually, checking to see whether or not it was substantively congruent with the intent of any subsequent promulgated law or decree.

At this point we can provide results of our searches. On average, 3.1 new statutes were enacted per year between 1990 and 2010 on women's issues. Between 2004 (when the first conference was held) and 2010 the average was 3.0, but we found that over half of those, an average of 1.6 statutes per year, were congruent with NPPC proposals. In terms of presidential decrees, the president issued an average of about three decrees per year since 2004 that are germane to women's policy issues, and about one per year can be traced to the substantive intent of an NPPC proposal.

Thus while the advent of NPPCs on women's policy in 2004 did not increase the aggregate level of policy output, NPPC deliberations played an important role in producing new public policies for women. For example, prior to 2004 no category of "domestic violence" existed in Brazilian law; men enjoyed considerable legal impunity. The "Maria da Penha" law (named after a woman who pursued a decades-long case to prosecute her husband, who had shot her and left her a paraplegic) changed this. Although many factors contributed to its passage, several of its elements are congruent with the 2004 women's NPPC's final policy deliberations. Among the law's notable innovations, it created special courts to handle domestic violence cases, imposed longer prison sentences on perpetrators of domestic violence, and created special shelters for women fleeing abusive relationships. In just the five years after the law's passage, Brazil counted 331,000 prosecutions for domestic violence.<sup>47</sup>

NPPCs had less impact, in relative terms, on the production of policy related to Social Assistance. A total of forty new laws on this topic were passed between 1990 and 2010, and of these only three were congruent with NPPC final deliberations. A similar pattern emerges for presidential decrees: about 10.7 decrees were issued

per year since the first NPPC on Social Assistance in 1994, of which only about 1.3 were congruent with NPPC recommendations.

However, NPPCs had greater impact on policy related to Food and Nutritional Security. On average, about 5.2 new statutes were passed per year in this area between 1990 and 2010, of which about 1.5 were congruent with NPPC proposals, almost thirty percent. Likewise, about two of the six presidential decrees per year issued on average in this area emerged from NPPC deliberations.

In sum, a quantitative assessment confirms our key point: deliberations in and recommendations from Brazil's National Public Policy Conferences can and do provide the source of important new national-level policies. Quantitatively at least, input from NPPCs is responsible for a substantial proportion of all new statutes in two of the three policy themes we considered. This analysis also confirms that NPPCs contributed to policy production under both Cardoso and Lula; thus, their impact does not depend on the PT holding power.

These three policy areas typically generate about ten new statutes per year total, including constitutional amendments, complementary laws, and ordinary laws, and about three of these on average were congruent with proposals contained in NPPC final reports. Brazil produces about 200 total new statutes per year. Our research only considered 3 of the 36 themes NPPCs had covered through 2010, suggesting that broader analysis would likely find dozens more new policies per year that are congruent with NPPC deliberations.<sup>48</sup>

It is also important to consider the fact that many new Brazilian statutes pertain to topics that NPPCs do not cover, such as international trade and finance, national defense, and macroeconomic policy. This reduces the “denominator” measuring the potential influence of NPPCs in the policy process and suggests that participation can have a wide-ranging impact on the production of national policy in contemporary Brazil. In short, NPPCs have become credible institutions for channeling the interests of citizens—particularly from historically under-represented groups such as women and the poor—to elected and appointed government officials.

**Qualitative Assessment** The raw number of statutes that emerge from participatory processes leaves unanswered many questions about National Conferences' impact. Most importantly, can we be sure that participation not only impacts policy creation but that participation via the NPPC process contributes to the creation of substantively important policies? In-depth analysis suggests the answer is yes, but given space constraints we take a closer look at only one of the three policy areas analyzed above: Food and Nutritional Security.

Four NPPCs on Food and Nutritional Security have taken place: 1994, 2004, 2007, and 2011. The 1<sup>st</sup> followed the creation of an important new participatory space, the Council of Food and Nutritional Security (CONSEA), in 1993. CONSEA has its origins in popular mobilizations against corruption during Fernando Collor's presidency. As the drive to impeach Collor gained momentum in 1992, sociologist Herbert de Souza (known as “Betinho”) sought to channel demands to reform democracy

into broader claims for socio-economic equality, and in 1993 he founded what remains to this day one of Brazil's most prominent CSOs: *Ação da Cidadania Contra a Fome e a Miséria e pela Vida* (Citizen Action Against Hunger and Misery and for Life). *Ação da Cidadania* engaged hundreds of other CSOs and hundreds of thousands of people, energizing social activism against hunger and providing the incentive for President Itamar Franco to create CONSEA and to organize the 1<sup>st</sup> NPPC on Food Security in 1994.

When Fernando Henrique Cardoso took office in 1995, he shut CONSEA down, and dialogue with civil society on food and nutritional issues was severely curtailed.<sup>49</sup> Cardoso and his party approach policy-making more technocratically and do not place as much programmatic value on participatory governance practices as the PT.<sup>50</sup> The next NPPC on this policy area would take place only after Lula took office.

On the campaign trail in 2002, Lula made a point of repeatedly emphasizing that his government would endeavor to eliminate hunger and misery. Demonstrating this commitment, in his first months in office Lula reestablished the CONSEA, created a special Ministry to deal with food and nutritional security, the Ministry of Social Development, and launched or greatly expanded national social policies like the *Programa Fome Zero* (Zero Hunger Program) and the world-famous *Bolsa Família* (Family Grant) conditional cash assistance program. Moreover, Lula issued the call for the 2<sup>nd</sup> NPPC on Food and Nutritional Security, which took place in 2004. CONSEA also organized Food and Nutritional Security NPPCs in 2007 and 2011.

One of the main goals of the 2004 NPPC on Food and Nutritional Security was “to institutionalize a sustainable system of Food and Nutritional Security, assuring the regulation of food and nutritional security policies as a comprehensive public policy, provided with a proper Organic Law and a budget.”<sup>51</sup> This far-ranging goal was met two years later, with the enactment of the Organic Law of Food and Nutritional Security (Law 11.346 of September 2006, known as LOSAN). This law, following an NPPC suggestion, created the National System of Food and Nutritional Security (SISAN), fulfilling several other NPPC demands in the process. It institutionalized joint state-society participation in all future discussions of food and nutritional security-related policies by giving the responsibility of providing new policy suggestions and evaluating the effectiveness of existing policies to NPPCs and by requiring CONSEA to convene an NPPC at least once every four years. In short, the SISAN now requires open grassroots participation in the creation and evaluation of policies related to Food and Nutritional Security.

Let us now describe the evolution of policy in this area, at each stage revealing the participatory nature of the process. The LOSAN was only the first step towards consolidating a participatory framework for food and nutritional security policy. In 2007 the 3<sup>rd</sup> NPPC on Food and Nutritional Security took place. One of its primary recommendations was the creation of an Inter-Ministerial Chamber of Food and Nutritional Security that would coordinate the work of all government agencies dealing with food and nutritional security.<sup>52</sup> The NPPC also recommended that this working group elaborate the new National Policy and long-range National Plan for Food and Nutritional Security, “based on guidelines provided by CONSEA,” which,

as noted above, takes its own cues from NPPC deliberations, ensuring that grassroots input guides national policy decisions.

A second important step that emerged from the NPPC process moved Brazil closer to guaranteeing all its citizens adequate nutrition. In February 2010, Constitutional Amendment 64 was promulgated, converting the “right to nourishment” into a human right by including it alongside other social rights guaranteed in Brazil’s 1988 Constitution. This constituted a victory not merely for the NPPC process but for all Brazilian citizens who could now claim proper nourishment as a constitutional right and demand that the government undertake concrete action in defense of this right. To this end, in August 2010, Presidential Decree 7.272 enacted the National Food and Nutritional Security Policy (PNSAN), Brazil’s first comprehensive policy in this area. This decree fulfilled the broad aim of the 2004 NPPC of comprehensively regulating food and nutritional security policies and took into account several specific deliberations from the 1994, 2004, and 2007 NPPCs on Food and Nutritional Security. The decree was not mere window-dressing; it defined the policy, determined how it should be managed, financed, monitored, and evaluated, and provided a role for the NPPCs in all of those stages.

In September 2011, a third and perhaps most important step was taken: the Inter-Ministerial Chamber of Food and Nutritional Security finalized the draft of the long-term National Plan of Food and Nutritional Security. This proposal was the fruit of the joint work of representatives from nineteen Ministries and members of CONSEA, about two-thirds of whom were CSO representatives. As with the 2006 Organic Law, the 2007 Presidential Decree, and the 2010 Constitutional Amendment, the drafting of the Plan also took into consideration the deliberations of all previous NPPCs on Food and Nutritional Security. The resulting Plan, a 132-page document denoted the “PLANSAN,” is far more comprehensive than the “PNSAN” enacted one year earlier (see above), and it defines precisely how policy in the area will be implemented.<sup>53</sup> It provides a policy guide for a four-year period (2012–2015), describing policy aims, goals, and objectives and determining different federal agencies’ responsibilities and attributions. The PLANSAN fulfills the broad goals of the 2004 NPPC and consolidates all the policies and programs that followed it, reproducing almost word-for-word several recommendations from the 2007 NPPC, particularly those concerning new issues that were not deliberated in earlier NPPCs, such as genetically modified food crops, agro-ecology, and the human right to adequate nourishment.

The PLANSAN has been translated into specific actions and programs largely through Brazil’s Ministry of Social Development and Combat against Hunger (MDS). The Ministry’s activities allow us to see how the NPPC deliberations are translated into new policy, which is in turn translated into effective government action impacting the lives of millions of Brazilians. Let us consider two examples. The first is the Food Acquisition Program (*Programa de Aquisição de Alimentos*, PAA), which provides food for malnourished people and promotes social and economic inclusion in rural areas through improvements in family agriculture. In 2011, the PAA attended to the needs of 19,728,731 families, using about 233 million USD in budgetary funding. The program also spent an additional 78 million USD fomenting the production and consumption of milk.

Two key principles from the PLANSAN orient this program. The PLANSAN's first guideline seeks to "promote universal access to adequate and healthy nourishment, prioritizing families and persons in a situation of food and nutritional insecurity."<sup>54</sup> This guideline is grounded in the content of eight proposals from the 1997 NPPC, eight from the 2004 conference, and eleven from the 2007 conference. The PLANSAN also seeks to "enable tools that finance, support and protect production and income as a strategy of productive inclusion and income enhancement of family agriculture..."<sup>55</sup> and this goal is grounded in five recommendations from the 1994 NPPC, seven from 2004, and ten from 2007. Clearly, NPPC proposals have directly contributed to the development of important new national policies.

A second example is the First Water Action program (*Ação Primeira Água*), which is grounded in PLANSAN's 6<sup>th</sup> major guideline, "to guarantee access to water for human consumption and for production by rural and low-income populations, in order to provide sufficient quality and quantity for food and nutritional security."<sup>56</sup> This guideline, in turn, is grounded in one proposal from the 1994 national conference, four from the 2004 national conference, and ten from the 2007 national conference. Again illustrating the connection between participatory processes and important policy output, the MDS estimates that this program will result in the provision of potable water to approximately one million needy families across Brazil through 2015.<sup>57</sup>

The PLANSAN was drafted just in time to be deliberated at the national stage of the 4<sup>th</sup> NPPC on Food and Nutritional Security in 2011, where representatives from all twenty-seven state governments formally signed it, signaling nationwide government adherence to the policy goals CSOs and government officials had jointly deliberated. All 1,626 delegates to the national conference, representing the 75,237 people from 3,200 municipalities that held prior meetings, also signed a "political document" that prefaces the 2011 conference's Final Report, declaring their support for the National Plan "as a tool for planning, managing and implementing the National Policy of Food and Nutritional Security, as well as for realizing the human right to an adequate and healthy nourishment."<sup>58</sup>

After the deliberations and debate at the 2011 NPPC, the PLANSAN was officially and legally enacted through Resolution #1 of the Inter-Ministerial Chamber of Food and Nutritional Security in April 2012. In short, over a span of about eight years, the participatory process helped bring about a major new public policy that provides benefits to millions of poor Brazilians. Although, we could also say the process has just begun, because the last sentence of the political document opening the 2011 NPPC Final Report declares: "the future of Brazil and the world depends on the deepening of participatory democracy."

## **Conclusion**

Theorists and empirical scholars have long assumed that democracy and participation are necessarily in tension, that modern democracies are necessarily representative and that active participation by average citizens beyond voice or the act of voting cannot

shape actual policy outcomes. Despite its normative shortcomings, this “minimalist” paradigm has become dominant in studies of actually-existing democracies. Democratic theorists have envisioned far more substantive notions of democracy, but most arguments for participatory and deliberative democracy fall short in terms of substantive importance due to their small scale or local-level impact.

Our empirical findings have an important theoretical implication: that the supposedly minimalist paradigm can accommodate a broader notion of participation than is typically supposed. Democracy may not require such participation, but it can accommodate it. Individuals in civil society can inspire and facilitate the creation of new national-level policy. Thus, Brazil’s National Public Policy Conferences pass the crucial test for any theory of participatory democracy, a test critics have long supposed participation could never pass: that uncoerced individual engagement can have causal efficacy on the exercise of governance at the national level.

These findings highlight how our research departs from existing studies of participatory democracy, which have focused on small-scale “mini-publics.” Brazil’s innovative NPPCs have opened space for literally millions of average citizens to play an active part in the creation of new public policies, by engaging elected officials and high-level government officials. This is, to our knowledge, the first evidence that participatory governance practices can, through a process that clearly also involves representation and delegation, be both scaled up to the national level and shape important outcomes at the “macro” democracy level.

We recognize that although our findings support our main contention, many questions remain. For one, we do not know who shows up to the local-level NPPC meetings or who gets elected as a delegate to the state and/or national level meetings. Participation is not random at the local level, and it would be no surprise to discover that most participants are already active in civil-society organizations. Given this, a pertinent question is, to what extent do the political views of NPPC participants differ from average Brazilians?

On the one hand, to the extent that the views of NPPC participants differ from the views of average citizen, self-selection may bias the process and the outcomes that emerge from it. On the other hand, the relevant comparison is with Brazil’s policy process in the absence of the NPPCs. Even with the Workers’ Party in control of the executive branch since 2003, Brazil’s legislature remains dominated by centrist and conservative parties, suggesting that the “normal” policy process might be biased against the participation and influence of civil-society groups, which may lack financial resources to conduct intensive lobbying and/or to finance political campaigns. The NPPC process institutionalizes a novel way to counterbalance the tendency for political elites to dominate the legislative process and/or executive-branch lobbying. Future research could investigate their effect in greater depth.

Other issues we lack space to consider include the question of the extent to which overlap exists between policy proposals that originate in municipal-level NPPC meetings across Brazil and the question of the extent to which we find such grassroots proposals in NPPC final reports, published after the national meeting. Pogrebinski suggests that grassroots input originating at the local level does influence the national-level

conference outcomes as well as national and state policies, but more research is necessary.<sup>59</sup> Likewise, qualitative research would help illuminate the important question of the extent to which “top-down” versus “bottom-up” influence dominates setting the agenda for upcoming NPPCs. The process appears to be a two-way street. For example, CSOs had been active on the question of hunger for years before Lula took office, but Lula also indicated clearly that he would make eradicating hunger a policy priority.

A related question is explaining why some NPPC proposals are converted into public policies and not others. NPPCs make hundreds of policy suggestions. Given scholarly skepticism about the impact of participation on national policy, one might typically expect NPPCs to fail or to have zero influence. Why do politicians take up only some NPPC proposals but not others? And of those NPPC guidelines considered and incorporated into new proposals, why do only a fraction gain passage? What sorts of NPPC proposals are more likely to become new policies? How do elected and/or appointed officials, in the government or the opposition, assess the potential political costs and benefits of different NPPC proposals?

Finally, an important question for understanding the evolution of participatory practices in Brazil’s democracy is the extent to which the participatory process has been institutionalized and made permanent. In some policy areas (e.g. food security and social assistance) it is now a legal requirement to hold an NPPC every few years. To what extent is this true of other policies? To what extent will future governments abide by such rules? At issue is a much broader question: how transformative have the PT’s administrations been in terms of promoting joint state-society governance? Although the PT has sought to identify itself with participatory governance since its founding, our findings suggest that NPPCs can influence policy output regardless of the party in power.

Despite the various questions left awaiting additional research, our article’s empirical findings answer one question with certainty: participatory practices can change the way that government officials understand the nature of political problems and assess the costs and benefits of particular policies, and they can offer elected officials greater information about the potential impact different policy solutions might have on citizens’ lives. Participatory practices can introduce new issues into the policy agenda, calling attention to interests and opinions not captured by the electoral process and thus left underrepresented by the minimalist configuration of representative democracy. Such important outcomes indicate not only how an enlarged role for participation can be accommodated within a minimalist concept of democracy without threatening its actual institutional configuration but also how the latter can be redesigned in order to accommodate civil society’s demands for a more responsive government.

## NOTES

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