

Civil Society and State-Building in Latin America

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In this essay we will suggest that significant barriers to deepening democracy in much of Latin America include not just the weakness of civil society vis-à-vis the state, but also the weakness of the state itself vis-à-vis its public administrative, technical, and enforcement functions. This is not a recent phenomenon, though it has become more visible and has probably worsened under the regime of neoliberal state-slashing. Latin American states have often been thought of as “strong states”. But this strength was a combination of hierarchy and authoritarianism, of military might and the capacity to spend large quantities of money. It did not represent the kinds of strength that are relevant in a democracy—the ability to provide routine services efficiently, to provide for the security of citizens, to administer public business, to enforce the law in an appropriate manner, to regulate, collect taxes, respond to emergencies, and so forth. Latin American states were strong on the ability to act irregularly—repressive actions with excessive force, big development projects—but rather weak, with pockets of capacity, on the everyday qualities of stateness. Recent work by O’Donnell and associates on horizontal accountability and the quality of democracy has made the connection between democratization and state (and not just regime), stressing especially the requirement that the actions of state officials be legally bounded¹. But most of the work on civil society participation in Latin America has paid scant attention to the debilitating effect that state weakness has on the prospect of greater social or grassroots control of the state.

Scholars of social movements, civil society, and deliberative or participatory democracy in Latin America have thus far not paid a lot of attention to state-building. Studies of civil society flourished as the wave of authoritarian military regimes that took power in the 1960s and 1970s began to recede. It was (and to a large extent remains) a politically engaged literature, in which scholars of both contemporary and historical movements were consciously trying to build a stronger scaffolding for emerging civil societies. In Brazil, where the transition period lasted the longest, this literature retained a strongly oppositional tone in which “the state,” encompassing everything from authoritarian and/or elitist institutions to a generalized system of social hierarchy and injustice, was opposed by a “civil society” comprising both organizations seeking inclusion and justice and an emergent public sphere of deliberation. During the 1990s, the disappearance of the unifying “enemy” that the authoritarian state had represented seemed to pronounce the end of a cycle of radical mobilization. At the same time, two other phenomena increasingly dominated studies of civil society in Brazil: the growth of a private non-profit or NGO sector and the establishment of a tremendous number of deliberative bodies, mainly at the municipal level, in which representatives of a range of civil society organizations (community groups, NGOs, unions, religious groups, private sector associations) join with representatives of state agencies to discuss problems and make policy recommendations in areas like health, education, child welfare, and the

environment. This council format has been replicated in some instances at state levels, and more recently, at the level of the river basin (through river basin committees, the subject of our current work in the Watermark Project / Projeto Marca d’Água)². At the same time, some municipalities experimented with participatory budgeting as pioneered in Porto Alegre, in the state of Rio Grande do Sul, through which community members deliberate over priorities for capital expenditures.³

In general, these new arenas of decision-making and partnership have been studied primarily from the standpoint of civil society organizations. The key issues addressed in this literature are: a) whether civil society can influence policy through these new deliberative bodies; b) whether they can hold states accountable for their actions; c) whether these spaces genuinely represent the constituencies in whose names they speak; d) whether the “politically excluded” are effectively represented by them; and e) how democratic decision-making is within them. There has to our knowledge been very little work on the state side of these participatory processes. Despite the influence in the 1990s of ideas such as Evans’ “State-Society Synergy”,⁴ many scholars of civil society and of the public sphere seem to resist breaking down the state-society divide when it comes to the roles actors play in participatory decision-making forums. Leonardo Avritzer’s approach to participatory publics and political renovation recognizes that democratization impulse cannot remain insulated at the societal level, but his solution is the proliferation of spaces for

public deliberation.⁵ Civil society should express interests, deliberate, and make decisions, and should leave concern with their implementation to the state. The emphasis remains on either the input side of policy (deliberation, participation) or on the output side (accountability). Neglected in this story is the throughput: Is the state capable of implementing the decisions deliberative bodies make, taking into account both political and technical capacity? Of what do these capacities consist? How widespread are they—that is, are they concentrated in the main population centers or distributed over the national territory?

We believe that answering these questions requires taking two important steps away from the vision of civil society and state as alternative (and mutually exclusive) spheres of activity that has characterized much of the literature in Latin America to date. First, as implied at the beginning of this essay, we must stop taking for granted that if only the political will existed, state institutions have the capacity—managerial, administrative, technical, human—to do their jobs properly. This is not the same question asked by those seeking to privatize state functions, who were concerned mainly with the scope of state action, nor are we entering here into the issue of the contracting out of state services to NGOs or private firms. Instead we are interested in the flow of decisions and their implementation through state agencies. Secondly, we must pay a great deal more attention to the role of state-society networks in pushing policy decisions and implementation through both political and administrative process.

Especially relevant for studies of civil society participation is the role of activists within the state who are committed to the goals espoused by the civil society groups—indeed, who upon coming home from work at the end of the day may even be members of the civil society groups in question.⁶ In a forthcoming book on environmental politics in Brazil, Kathryn Hochstetler and Margaret Keck show that the implementation of environmental policy frequently requires continued coordinated action on the part of activists both inside and outside the state, from lobbying for policy decisions all the way through implementation.⁷ Similarly, the Watermark Project has found that state technical employees must often collaborate with activists outside the state to force agencies that resist coordinating their activities to do so in the ways that socially inclusive and environmentally sustainable water management requires. We suspect that these policy areas are not unique, but unless the black box of bureaucracy is opened up to demonstrate *how* these interactions occur, they remain opaque.

This opacity is a problem. As long as the state is assumed to have the capacity—or the ability to get it—to implement decisions produced by deliberation, then the solution to its frequent failure to do so can only be to increase the pressure, or perhaps eventually to vote out the government in power in the hope that another one will do better. But increasing the pressure without getting results undermines the authority of deliberative institutions and the willingness of participants to continue trying to make them work. In other words, deliberation

and participation in decision-making will only deepen democracy if the decisions that are made can be carried out by the appropriate public agencies, and if upon mandating that those decisions be carried out, public agencies have the enforcement ability to ensure that they are.

The issue of state weakness has gained a lot of attention over the last few years. Many economists who supported the Washington Consensus in the 1990s have come to see the costs of cutting back on the state vis-à-vis its economic activities without simultaneously strengthening its regulatory and fiscal capacity. According to Francis Fukuyama, even famed free market exponent Milton Friedman came to realize that privatization should not have preceded the consolidation of the rule of law.⁸ Capacity-building and institutional strengthening programs roll regularly off the drawing boards of a wide variety of development agencies, often in the form of training programs for state officials. The rule of law—by which economists mean above all secure property rights—has moved to center stage in economic discourse. For students of political institutions, making the rule of law apply universally has come to be seen as a major stumbling block in democratic consolidation. However, to capacitate the state to operate effectively and responsively requires a political process that goes beyond training, planning, and property rights guarantees.⁹

We believe that for this purpose, empirical studies of *the process of* state-society interactions for policy implementation could be very relevant. The focus would be less on “best

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practices” than on the pathways the ideas for them traveled, and the strategic moves of their carriers. New practices often result from active attempts to steer policies through bureaucratic pitfalls, find ways to shift agency agendas, and build bridges between agencies that do not normally collaborate. Proponents identify veto points in the bureaucracy and seek out ways to gain leverage over them. We often expect powerful actors to use informal channels of influence to get policies they care about implemented, but have paid less attention to efforts by the less powerful to do the same. Yet this kind of political entrepreneurship provides a veritable map of the functioning—and dysfunctions—of state administration. By illuminating the dead ends and routes around them, the points in policy implementation where brokerage is necessary to get agencies to collaborate, and other key landmarks along the bureaucratic pathway, such studies provide key insights for democratic state-building. In one of the water committees we are studying, the committee was eventually able to convoke a working group of state employees from environmental agencies and from the Ministério Público to pressure other state agencies to do their job—without which their own activities could not be carried out. Studying these kinds of state-society interactions could provide valuable information for democratic state-builders. In fact, these state-society interactions might be the seeds of building alternative forms of public political organization, or an alternative proposal for stateness.

Civil society has a major stake not only in state-building, but also in the *kind* of state-building that takes place. For that reason, scholars of participatory processes in Latin America should study more carefully the administrative process through which decisions are or are not effectively implemented. As long as the state is understood as a sealed system, it is difficult to imagine what democratic state-building would actually look like. The fierce defense of the necessary distinction between the two spheres reflects the long struggle to establish the “autonomy” of civil society, especially in Latin America—where populist and/or corporatist traditions of state control of social organization are particularly strong. But if democracy is understood as self-government, then the state cannot be a separate “other.” Just as civil society organizations must defend their own autonomy from control by the state or other powerful organizations, they must also defend the state from capture by powerful private interests or political clientele. From this perspective, it makes no sense to posit a realm of state responsibility from which civic participation and/or oversight should remain absent. Deepening democracy requires not simply the creation of a countervailing sphere of deliberation—but also an active process of making the state public—of rebuilding the state so that it can actually defend public interests.

Endnotes

- ¹ See Andres Schedler, Larry Diamond and Marc F. Plattner, *The Self-Restraining State: Power and Accountability in New Democracies* (Boulder: Lynne Rienner, 1999) and Guillermo O’Donnell, Jorge Vargas Cullell, and Osvaldo M. Iazzetta, eds., *The Quality of Democracy: Theory and Applications* (Notre Dame: University of Notre Dame Press, 2004).
- ² This is a multi-year collaborative study that began in 2001, comparing the development of participatory river basin councils (committees and consortia) in 20 river basins in 12 Brazilian states, involving Brazilian and U.S. scholars and activists. See <www.marcadagua.org.br>.
- ³ Rebecca Abers, *Inventing Local Democracy* (Boulder: Lynne Rienner, 2000); Leonardo Avritzer, “O Orçamento Participativo: As Experiências de Porto Alegre e Belo Horizonte,” pp. 17-46 In *Sociedade Civil e Espaços Públicos no Brasil*, ed. Evelina Dagnino (São Paulo: Paz e Terra, 2002); Gianpaulo Baiocchi, *Militants and Citizens: The Politics of Participatory Democracy in Porto Alegre* (Stanford: Stanford University Press, 2005).
- ⁴ Peter Evans, ed., *State-Society Synergy: Government and Social Capital in Development* (Berkeley: University of California, Berkeley, International and Area Studies no. 94, 1997).
- ⁵ Leonardo Avritzer, *Democracy and the Public Sphere in Latin America* (Princeton: Princeton University Press, 2002).
- ⁶ See Evelina Dagnino, “Sociedade Civil, Espaços Públicos e a Constituição Democrática no Brasil: Limites e Possibilidades,” In Dagnino, *op. cit.*, pp. 287-88, who nonetheless ties this collaboration to the political project of the government in office rather than activists in the regular bureaucracy.
- ⁷ *Greening Brazil: Environmental Activism in State and Society*, forthcoming.
- ⁸ Francis Fukuyama, “The Imperative of State-Building,” *Journal of Democracy* 15:2 (April 2004): 28.
- ⁹ On the difficulties of state administrative reform, see the excellent edited collection Ben Ross Schneider and Blanca Heredia, eds., *Reinventing Leviathan: The Politics of Administrative Reform in Developing Countries* (Miami: North South Center Press, 2003. ■