

THE PUBLIC ESPHERE: ONE OR MANY^{1*}?

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ABSTRACT:

The objective of this paper is to introduce ways democracy has taken from the multicultural theory of paths, especially considering the perspective of broadening representation. In this picture, democratic process is deepened and expanded from the presence of demands of groups that up to were not present, implying in the deconstruction of democratic theory that believed in parliamentary representation as the only possible way. With the arrival of other actors into this political space, both public sphere and a reconfiguration of participatory processes are redefined, especially those connected to decision-making processes, such as Management Councils. When working as deliberative spheres, these Councils may define public policies in working area and monitor them.

Introduction

My objective in this case study is to analyze ways democracy has taken, particularly from the perspective of broadening representation. As an example: a set of groups is in a situation of exclusion because of being unemployed for not fulfilling "market demands", facing problems related to its identity as workers³ and/or because of a process of stigmatization suffered when they cannot enter formal job market.

In this scheme, democratic process must be deepened and expanded from demands of groups that up to that moment were not present, implying in the deconstruction of democratic theory that believed in parliamentary re-

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3. See Richard Sennett (2003, p.164).

presentation as the only possible way. With the arrival of other actors into this political space, both public sphere and a reconfiguration of participatory processes are redefined; especially those connected to decision-making processes, such as Management Councils, that working as deliberative spheres may define public policies in working area and monitor them.

Literature has enhanced dialogical characteristics of Councils, the idea of transparency in discussions, diverging in thesis, memories/reminders of co-optation and political favoritism, traits of Brazilian political culture. Councils are seen as a way to do the democratic reform of the State, since they perform an important pedagogical function in the construction of a participatory democracy and citizen action⁴.

In this sense, first step is analyzing in theoretical terms changes that have taken place in democracy and the representation with participation of civil society from trade unions and segments excluded or stigmatized by public policies and consequently from public sphere. My concern regarding democratic process comes from existing uneven distribution of political resources, as Robert A. Dahl states: education, money, *status*, prestige, information, knowledge and position making some citizens having more political capacity to influence in government actions and decisions than others, therefore violating democracy⁵.

In this way, lived experiences by organizations started in decade of 1970 in Brazil, reflecting in decade of 1990 to perception of need for strengthening civil society in order to make it influencing public policies, and broadening society participation spaces in addition to traditional political intermediation representative formats⁶. One of these mechanisms were sectorial Management Councils that began acting in three government levels (municipal, state and federal) as formulators and supervisors of public policies in areas of social assistance, health, education and work, among others.

Regarding specific sense of the working area, participation of Federal Government into the National Employment System in Brazil was through the Ministry of Labor and Employment, by the FWA - *Fund for Workers' Assistance* (Fundo de Amparo ao Trabalhador - FAT). The FWA was instituted by the Federal Constitution of 1988, and works as a fund of unemployment insurance to financially assist people temporarily unemployed. In 1990, Law 7.998 of February 11 reformulated the use of FWA aiming also financing economical development programs. The Deliberative Council of the *Fund for Workers' Assistance* - Codefat - is responsible for this fund. Its aim, based in ILO Convention 88, is to guarantee participation of the organized society in the administration of Public Employment System⁷.

4. See Draibe (1989, p. 36); Esmeraldo & Said (2002, p. 252); Fuks (2002, p. 253); Raichelis (2000, p. 132); Tatagiba, (2002, p. 54-55).

5. Dahl (2001, p. 195-196).

6. See Doimo (1995, p. 210).

7. Resolution 80 of CODEFAT 19/04/1995.

In the federal level, workers' lobby is composed by General Workers Central (Central Geral dos Trabalhadores), Unified workers' Central (Central Única dos Trabalhadores – CUT), Union Force (Força Sindical) and Trade Union Social Democracy (Social Democracia Sindical). The entrepreneurs' lobby is composed by National Confederation of Industry (Confederação Nacional da Indústria), National Confederation of Agriculture (Confederação Nacional da Agricultura), National Confederation of Commerce (Confederação Nacional do Comércio) and the National Confederation of Financial Institutions (Confederação Nacional das Instituições Financeiras). The federal government lobby is composed by Ministry of Labor and Employment (Ministério do Trabalho e Emprego), Ministry of Social Security (Ministério da Previdência Social), Ministry of Agriculture, Livestock and Food Supply (Ministério da Agricultura, Pecuária e Abastecimento) and National Bank for Economic and Social Development (BNDES).

The above composition of the Council brings reflection on two issues: first one is positioning of groups and organizations within these spaces of representation built as an alternative way of management of public issues such as the Council, fact that creates tightness among these spaces and the Legislative Power⁸. This type of structure triggered a parallel situation with big power structures, such as political parties, the Parliament and even the Executive Power, inserting in decisory process the presentation of interests related to groups that up to that moment had not existed in the public sphere. The second problem are social inequalities regarding unemployment situation while connected to particular social conditions such as Black people, women, individuals with special needs, age discrimination and informal or undeclared workers⁹. In this scenario, we have to prove in

theoretical terms, the importance of alternative spaces of representation such as Federal Labor Council¹⁰, a “strong public sphere” because of its deliberative power, at least in the formal level here analyzed.

From above topics, we can introduce three issues to be examined: a) reflect about the Council in theoretical terms as a strong public sphere, since it has deliberative power, like the Legislative; b) mention - in theoretical terms, how important is the presence of excluded groups¹¹ in the Council, as decisory public sphere; c) exemplify transformations and strengthening of Brazilian civil society regarding labor relations.

In this specific sense and with aim of developing these three problems, the study is divided into three sections, besides present introduction and a con-

8. See Raichelis (2000, p. 85).

9. According to Luciano Gallino, the informal sector is an area where working conditions are pre-modern or pre-formal. “It is an area without any state legislation, without trade unions (except some projects in planning stage), without a contract specifying salary or working hours; without environmental regulations. This is an area where people face on their own fighting for a decent life or just survive”. (GALLINO, 2002, p. 10-11).

10. In order to avoid repeating Codefat, I have adopted the expression Federal Labor Council.

11. I take and share from Robert Castel the Word exclusion, used in reference to those that are dissociated, disqualified, socially invalidated, or using Castel's word: simply *desaffiliés* (in French) (CASTELL, 1998, p. 26).

clusion. In the first section, I discuss Habermas understanding of public sphere, and Nancy Fraser's critic to such conception. In second section, I discuss the importance of recognizing inequalities in the public sphere. In third section, I reflect about regarding the sense of exclusion of work and the importance of public spheres having an space in working area, and also the transformations civil society has lived, especially regarding most excluded groups; and finally, the conclusion.

Unfolding of the public sphere

Hannah Arendt thought about human plurality as the basic condition of both action and speech, being necessary a double aspect to make men and women understand each other; uniqueness and distinctness, because if it would not be like this, there would be no need of speech or either action. But being different does not mean being other person. "Otherness, it is true, is an important aspect of plurality; the reason why all our definitions are distinctions, why we are unable to say what anything is without distinguishing it from something else"¹².

It is from this perspective of differences that I intend to reflect about Councils as public spheres and plurality of identities that might be presented in them. The public sphere category presented in terms of plurality is essential to understand democracy and to think it from a revised perspective. Taking this in consideration, I start from Nancy Fraser critique of Habermas public sphere proposal: she thinks it is not satisfactory because he conceived a liberal public sphere where private interests¹³ had been excluded, and he did not analyze not liberal public spheres. Fraser especially studies four premises of Habermas work: 1) admitting that social equality is not a necessary condition for political democracy; 2) a comprehensive public sphere is always preferable than public multiples; 3) speech in public sphere is restricted to deliberate about common good and presentation of private interests is not desirable; 4) a democratic public sphere demands separation between civil society and state¹⁴.

Nancy Fraser rethinks first premise of Habermas reviewing history. According to her it is possible to verify that not everyone had access to public sphere, because women and ethnical groups were excluded from participating. And one condition for participation to be equal is that inequalities be eliminated.

12. Arendt (1981, p. 189).

13. There are many ways of thinking the incoming of private questions in the public sphere related to working area, such as corporatism and neo corporatism. Here we approach of Ernesto Laclau's concept: he discusses universalism and particularism in terms of a public reflection, as ineradicable dimensions of construction of political entities. Laclau thinks that the universal has not content of its own, it consists in the idea that peak emerges from the particular, because only from denial of the particular content, and he becomes universal. Universal in itself is empty; it is necessary a relation between it and the particular, considering different contexts and the antagonism (LACLAU, 1996, p.33-34). Mediation between particular and universal must be hegemonic, implying in the comprehension of the universal while empty place, and from this relation there will be a transformation of both particular and universal identities.

14. Fraser (1996, p. 117).

Regarding the second premise, Nancy Fraser argues that Habermas thought the public sphere in singular. To deconstruct Habermas assertion, Fraser reflected over stratification and multicultural egalitarianism, present in societies.

Fraser states that in stratified societies a sole public sphere may increase inequality and domination, because people in a position of subordination do not have space to deliberate. Historiography shows that groups of women, Black people, sexual minorities and workers¹⁵ explored the advantages of fighting against the public sphere, creating identities and speeches. When these groups assume a public position, they create an emancipating potential, by producing a counter speech to form identities as a reply to the exclusion generated by the dominant speech. In multicultural egalitarian societies, apart from speech it is important creating identities with freedom of expression and association, of its values and cultural styles¹⁶.

When rethinking third argument of Habermas, the author questions herself regarding the common good, because for him in public sphere deliberations must be about common good and questions of private order are not desirable. But what is the common good? What is a private matter? There are different meanings for private or public, and only participants may define what a public matter is; sometimes a private sphere matter becomes public¹⁷.

To discuss the notion of private and public, and how these questions are in dispute as presented in Fraser's thinking, we may back in both European and Brazilian historic examples.

In the European case, Eric Hobsbawm highlights the fact that from decade of 1880, free trade began suffering pressure of workers' demands regarding social security, and public measures related to unemployment and minimum wage. The interesting point is that capital owners could not speak anymore in name of the workers, because from that moment own workers found mechanisms to impose its demands by organizing strikes and heavy pressure to obtain the universal right to vote¹⁸. So with this example it becomes clear that European workers joined the public sphere and also began creating what is known as the common good, taking their demands to the State.

Like in the European example, in the Brazilian case we can also reflect historically about rise in citizens rights for workers, a process through which State making pressure included a more democratic running of society. "Under the pressure of democratic challenge, acting not only over it in a political dimension, but mainly in the social one, a set of transformations arouse and let reorientate role of the State, redefine meaning of private in front of the public

15. Fraser does not mention workers, but includes them when based in other analysis - especially from Aníbal Quijano, quoted by José Nun (2000, p.57) she analyzes the informal sector, and considers the most important finding of his research having found operating a group identity (ethnic, religious, regional, familiar or political) within this informal sector as main cohesion support of the unit, the economic activity and as way of resistance to the situation.

16. Fraser (1996, p. 122-123).

17. Fraser (1996, p. 128).

18. Hobsbawm (2000, 119; 420-421).

order, and legal intervention in the labor market through the gradual development of a Labor Law.

The study of Vianna was referred to the construction of Labor Law in Brazil. He demonstrates that this law broke the notion of harmony in the relations between capital and work by,

(...) opposing to a market composed by subjects formally equal when founding - as a particular juridical body, the existence of an *economic weak partner* - the seller of the workforce - and making prevail substance over the form. This is, he recognizes real inequality between buyers and sellers of this good, rejecting legal equality as sole assumption to celebrate workforce sales contracts.¹⁹

When workers begin to contest economic exploitation methods, this fact turned public something that was private (the factory space), and the State was put on the pressure to intervene in the conditions that business of buying and selling workforce should be carried out. Then labor market goes partially under public intervention, and regulates working hours, the underage working, women's working, holidays and insurance²⁰.

Therefore, through Brazilian and European historical example, we can clearly see how the idea of private and public connected to the common good is a value in dispute. In this case we saw recognition of the State of existence of an economic weaker partner, from conflicts between capital and work and the presentation not only of workers as an abstract category, but of specific identities such as women and minors, that suffered a more accentuated process of exploitation²¹.

In this sense, Fraser thinking of what is public, private and what is the common good, is more efficient and includes many social organizations, besides admitting there is a conflict in the construction of matters discussed in public sphere, precisely because these contents are in the political dispute. I understand that this notion strengthens the concept of democracy, since demonstrates it from diverse interests.

In this same discussion, Habermas and Fraser are in opposite sides. Habermas noticed interpenetration between public and private spheres as a degenerative change in the social structure of bourgeois / middle class public sphere, when the State institutionalized a politically active public sphere in the process of change between private persons, ascribing public *status* to groups of interests²². According to Habermas, this broadening resulted in a substitu-

19. Vianna (1978, p. 20 - bold type in the original).

20. Vianna (1978, p. 28).

21. We must add, as Céli Pinto (s/d, p. 09) states that guarantee of rights would be a way of granting existence of multiple public spheres or counterpublic in Fraser's sense. Labor law, historically constructed in Brazil, recognized workers as weakest entity in relation capital and work, is redefined especially from 2004, when changes in the Consolidation of Labor laws (CLT in Portuguese) such as end of *extra month's salary paid at Christmas*, non clearance of 40% of fine at termination of contract, among other polemic issues, were discussed. Problems regarding working area would be the end of acquired rights and deregulation of labor law, becoming another problem in the organization of counterpublic when right would be suppressed by Legislative Power.

22. Claus Offe (1989, p. 225) gets inside this notion.

tion of public power for social power, demolishing separation between society and State. "Between both of them, and at the same time from them, arises a re-politicized social sphere that cannot be distinguished between 'public' and 'private' (...). A decomposition of public sphere is made evident in alteration of its political functions, based in structural change of relations between entre public sphere and private sector" (HABERMAS, 1984, p. 170-171).

For Habermas, the promise that everyone would have access to the public sphere reinforced tendency of economically weaker to be against, based in the political agenda. Electoral reforms happened in England, France and Germany, thus guaranteeing a formal possibility formal of political participation for the poorest that,

(...) tried to gain influence to politically compensate equal opportunities, violating economical sector (in case one day it existed). Dissociation from public sphere in face to private interests failed when own conditions where privatization of interests were brought to the dispute of organized interests. Trade unions not only develop an organized counterbalance in labor market, but also through socialist parties they try to influence own laws; on the other side businessmen and conservative State forces in a general way - as they have been called since them, go meeting this with the immediate conversion of its private social force into a political one (HABERMAS, 1984, p. 173-174).

Habermas thinks that the State took on many additional functions besides police, justice, taxes and armed forces, a structural function of protection, indemnities and compensations to weakest social groups, such as workers, in fact assuming income distribution function²³.

In this conception, social and state institutions summarize a unique complex of functions, and that interdependence has a juridical expression, thus breaking with classical system of Private Law. Regarding working area, collective rights took the place of individual rights. "Collective agreements among businessmen associations and trade unions lost its Private Law character in the strict sense, directly adopting a Public Law character (...)"²⁴.

So, Habermas sees that Private Law becomes public and Public Law becomes private. The private disappears in the sphere of social work, because workers are much more connected with institutions than with persons. At the same time, these companies assume public functions by building homes, public parks, schools, libraries and professionalization of its employees. This brought a transformation into families; they had no longer risk of unemployment, accidents and ageing, because these questions began being conducted by the State²⁵.

23. Habermas (1984, p. 175).

24. Habermas (1984, p. 180).

25. Habermas (1984, p. 182-185).

Habermas considers that bourgeois public sphere model kept a rigid separation between public and private sectors "(...) He defined *public sphere* as the sphere of *private people* who join a public one, mediating between the State and society's needs, and counted in the private sector. As far as the public sector interweaves with the private one, this model will become useless. A re-politicized social sphere will arise, that has not to be subsumed, nor sociologically or lawfully under public or private categories" (HABERMAS, 1984, p. 208).

Public gave way to other institutions where private interests are collectively agreed so to have a political configuration.

Public sphere began to be overloaded with interest compensation tasks, getting away from traditional ways of celebrating agreements and parliamentary commitments; and it is there where we can still see the origin of market sphere: - agreement has literally be 'negotiated' through pressure and counter-pressure, taking obtained result immediately from a precarious balance of a constellation of forces between State apparatus and groups de interests. Political decisions finally became new 'bargaining' ways, developed together with ancient forms of exercise of power.²⁶

Habermas states that there was a displacement of competences, since integration between State and society suffers a temporary "conciliation", not linked to political institutionalized public sphere of the Legislative. Associations subverted the bourgeois right to associate, by transforming private interests into public, thus making representation of these associations to be understood as universally reliable. For Habermas these associations may manipulate public opinion and are controlled by them. These associations must justify before the public opinion, trying to guarantee engagements not publicly assumed. Organizations are interested in "the representativeness of its members within the public sphere". For Habermas it is not a representative public sphere, but a bourgeois public sphere "re-feudalized", the opposite of a public sphere working as a space for critic²⁷.

Together with discussion of separation between public and private spheres, there is another one. Habermas discusses about foreseeing separation between State and civil society, fourth item of Nancy Fraser's critique to the argument of Habermas. For her, this premise instigates notion of "weak public" the one that discusses, but does not take decisions and "strong public" the one that discusses, and takes decisions, such as the Parliament. However, the Parliament is a public sphere within the State; therefore separation between State and civil society is not clear, and if it is conceived in this way, disqualifies self government ways, an inter-public coordination and political accountability, all essential for a democratic and equalitarian society²⁸.

26. Habermas (1984, p. 208).

27. Habermas (1984 p. 234-235).

28. Fraser (1996, p. 136).

From this point of view, the concept of public sphere described by Habermas, according to Nancy Fraser, is not adequate to criticize democracy in post socialist societies. This may be summarized in four arguments: 1) the public sphere concept requires eliminating social inequality; 2) it is preferable to have a multiplicity of publics than just one public sphere, in both stratified and equalitarian societies; 3) a public sphere must include and not exclude interests, issues that bourgeois or dominant ideology labels as private; 4) concept of “strong public” and “weak public” and its recognition help improving relation between both of them.

As a counterpoint to Habermas proposals, Nancy Fraser introduces four ways to be pursued in another theoretical line regarding the public sphere: 1) show that social inequality corrupts deliberative processes in post socialist societies; 2) demonstrate how inequality affects relations between publics qualified in a different, and see how this may generate subordination; 3) discuss why some questions are presented as private; 4) demonstrate how subaltern character of some public spheres reveals a “public opinion” of practical force making its ideas, proposals and interpretations to flow²⁹.

In this work we will follow paths mapped by Fraser with the concept of counter public spheres, important to reflect about the emergency of groups in situations of economical and social exclusion, considering that its identity is generated from this picture of not belonging, showing that inequality, when not recognized and transformed, corrupts democratic deliberation processes, and making use of Dahl words: violates democracy.

Counter-public spheres and Recognition of inequality

Social inequality problem is clear, but to face this situation it is necessary inequality to be recognized. Nancy Fraser³⁰ also talks about this in theoretical terms, defending relation between “political culture of difference” and “social equality policy”. The author names these conflicts as post socialists, where group identities replace class interests as main incentive to political mobilization.

The author tries to elucidate relation between recognition and redistribution by analyzing economical disadvantages and cultural disrespect, and from this relation understand political dilemmas that arise when trying to fight two injustices at the same time. Fraser wants to find an answer to the following question: under what circumstances a policy of recognition can support a policy of redistribution?

This is an extremely pertinent issue to reply questions presented in relation to complexities in the world of work, by recognizing working category as the weakest entity in relation to capital structure; the other one is an issue linked to women, Black people, individuals with special needs, those suffering

29. See Nancy Fraser (1996, p. 137).

30. See Nancy Fraser (2001).

age discrimination, the informal sector of the economy; and at last men and women unemployed that need inequality to be recognized, to launch a process of recognition not only of identities, but also of economical redistribution.

In order to advance in the discussion of the question, I introduce here conceptualization made by Fraser of redistribution and recognition as different justices, and how she formulates dilemma of redistribution versus recognition. For her, social movements move around interrelated differences, fighting against a series of injustices where demands for cultural changes are mixed with economic demands.

The author proposes two strategies to face these two problems: first regarding economic injustice; it would imply in an economical restructuration such as income redistribution, reorganization of division of work and investments decisions to be taken from democratic decisions. The result of these new positions would be redistribution. The second strategy would involve cultural changes, from a positive assessment of identities valuing cultural diversity, and therefore including marginalized groups and transformation of social standards of representation; these policies would bring recognition.

In Fraser's analytical scheme, recognition may be linked to redistribution procedure, but we have to evaluate relation between demands for recognition trying to repair cultural injustice, and claims regarding redistribution with the objective of repairing economic injustices. Fraser tries to understand mutual interferences that may arise when two demands appear at the same time.

Actions of groups searching recognition of their identities try to foster its specificities, and this brings groups differentiation. And redistributive demands try to abolish economic agreements taking groups to have specificities, and then demand is based in homogeneity. So political search for redistribution and recognition appear to be contradictory and this generates tension, called by Fraser recognition dilemma versus distribution, as far as people in a situation of cultural and economic injustice need not only recognition but redistribution³¹.

In this case, we may affirm that historically social classes' movements here understood as a way of social differentiation with roots in societies political economic structure could not abolish capitalism. Then it was adopted a series of reformist strategies trying to obtain recognition of its "difference" within the system, increasing its power and supporting demands, establishing a depiction that Fraser calls affirmative search for redistribution, since its differences come from the political economy, and behaves like this while counter-public³².

There is also another characteristic in this theoretical conception: collectivities suffering injustices not of economic order, but of no cultural recognition; the answer for this issue is cultural recognition. Such relation may be proven from Black collectivities, suffering a way of differentiation present in a

31. Fraser (2001, p. 254).

32. Fraser (2001, p. 255).

cultural excluding structure. Still in this analytical question, there are the ambivalent collectivities; the combination between culturally and economically characteristics of the exploited class. Expressions of this case regard to questions of gender and “race”. “Nevertheless each one has peculiarities not shared with the other; both encompass political, economical and cultural value dimensions. Gender and ‘race’ therefore imply redistribution and recognition”³³.

As an example: how to abolish differentiations of gender and “race” and at the same time value its specificity. The solution Fraser proposes is adopting “affirmative and transformative strategies” simultaneously. The affirmative consists in correcting undesirable results, without touching the triggering factor: the content of these identities. The transformative consists in restructuration of factors reproducing differentiation, from deconstruction of cultural value structure. This will increase self-esteem and modify perception of individuality³⁴.

The logic underlying “affirmative redistribution” actions, aiming at the solution of economical injustices, will keep intact the structure, and then will continue generating class disadvantages. Re-allocations must be frequent and classes may be seen as privileged and this may develop injustices of recognition. The “transformative strategies”,

combine social well-being universalist programs, progressive taxes, macroeconomic policies designed to create full employment, a big public sector, public property and/or collectively significant and democratic decision making regarding basic socioeconomic priorities. They try to guarantee access to jobs for everyone, while intending to leave jobs basic consumption fragments. Therefore, trend is to attack class differentiation. Transformative remedies reduce social inequality without creating stigmatized classes of vulnerable people perceived as beneficiaries of special advantages.³⁵

Nancy Fraser thinks that a *way to escape* redistribution/recognition dilemma is socialism in economy, consisting in a deep restructuration of relations of production and eliminating differences between groups; and deconstruction in culture being a deep restructuration of relations of recognition, this destabilizes differentiations between groups and boosts them while counter-public.

33. Fraser (2001, p. 259).

34. Fraser (2001, p. 259-267).

35. Fraser (2001, p. 259). Even adopting Fraser’s theoretical model, it is important to stress that the author in any moment explained to what spaces would be applied these transformative strategies, nor the complexity of these proposals. There are countless divergences regarding this specific study. The author simply proposed creation of jobs, but did not reflect about the complex world of work. How to create jobs, make economy to grow and how would be decision-making, or in other words, how do we have access to main decisions? Because one thing is to reflect about actors as bearers of interests and identities, and another is to think about accessing power structures. This is a question of not minor importance, since which actors would be present when formulating policies? How would work a decisory process ruled by groups with differenced economical and identity interests? We will try to develop these issues along this paper.

The author makes three statements to defend this approach. First one refers to categories gender and “race” and are valid for any ambivalent collectivity. The second one: the dilemma redistribution / recognition experiences classes, “race” and gender and reaffirms the need of transformative solutions. The last refers to a combination of transformation and affirmation promoting construction of coalitions based in countless social antagonisms³⁶.

Once introduced the theoretical picture from which I intend to reflect about some questions linked to the world of work, in next section I will work on it.

“Deconstruction of the world” and “World of work”

For the Brazilian case, we may use Fraser’s theoretical model, trying to analyze interference in political processes starting from formulation of public policies at Federal Labor Council. Here understood as “strong public”, at least theoretically in the present study³⁷, considering that in formal level the Council is deliberative.

Strictly on the working area, Joshua Cohen calls the attention to the relevance of,

(...) organizations and deliberative arenas not localized in the interior of the State may work as problem solvers, consequently adding policy regulations competence, a particularly important element, in view of current limitations to State capacities. We may see this for example in the role jointly performed by trade unions and associations of unemployed to establish workers training standards (...).³⁸

To think about Federal Labor Council as a strong public, I go back to first point of Fraser’s argument, stating that social inequality social corrupts deliberation processes in late capitalism societies. To make use of Fraser’s argument, I will start from concrete conditions of working relations in the Brazilian society.

From an historical point of view, Ana Maria Doimo analyzed emergency of social movements and political participation in Brazil after decade of 1970, calling the attention to the case of people excluded from world of work, such as women and Black persons. For Doimo, this may cause fundamentalism, xenophobia and neofascism³⁹, but also can broaden participation spheres, taking into new ways of representation, such as policies disseminated through Mana-

36. Fraser (2001, p. 281).

37. This must be interpreted in theoretical terms, since present study is not focused to make an empirical analysis of the Council. But perception of literature regarding this issue, considers Managing Councils of public policies as “public spaces of plural and in parity composition between the State and civil society”, of deliberative nature, whose function is formulate and control execution of sectorial public policies” (TATAGIBA: 2002, 54 – Bold type in the original).

38. Cohen (2000, p. 164).

39. Doimo (1995, p. 61-66).

ging Councils producing public policies; it is a presence while being counter-public, as per words of Fraser⁴⁰.

When referring to inequalities, we may think in the working area, regarding people not included in work processes or those already excluded. According to Nadya Guimarães, unemployment in the Brazilian case, not only increased, but has also diversified by hitting “unequally the individuals according to its characteristics of sex, age, social professional category and educational level, variables so dear to the sociological and socio-demographic analysis of inequalities. This is, unemployment, besides involuntary, as demanded our classic model of work normative culture, today became strongly selective, considering that chances of getting a job are unequally distributed among different social groups”⁴¹.

José Nun, in the same line of argument, calls the attention to the increase of precarious jobs and how this question mixes up egalitarian and social justice principles. Reflecting about inequality, he emphasizes the problem of social marginalization, represented by a high rate of unemployment, because Latin Americans do not have same protection networks than European countries. In Latin America, most of workers are not registered; they are low-paid and have unstable jobs, and no chances of professional growth. Labor flexibilization made cost labor even cheaper and increased temporary contracts through precarization processes and huge income concentration⁴².

Based in these facts, the author developed the “marginal mass (of workers)” concept, sectors that cannot be absorbed by the hegemonic sector of economy. By developing this concept José Nun had three objectives: a) introduce the structural relation between capitalist accumulation process and poverty and inequality phenomenon, deconstructing responsibility of victims of this process; b) demonstrate fragmentation of occupational structure, and from it, the formation of social identities; c) demonstrate the process of not counting on the balance of population to avoid them becoming not functional⁴³.

Portrayed scenario by José Nun states: “increase of poverty and inequality and absence of adequate social protection networks is driving to consolidate excluding representative democracies, with a minority of full citizens, or in other words political regimes scarcely democratic or poorly representative”⁴⁴.

From this draft regarding inherent complexities of the world of work, it is necessary to reintroduce Fraser’s argument and think about public sphere. With previous descriptions of working area it remains clear that social inequality corrupts deliberative processes, when policies that should be universal are headed to those that “usually” would already access. And at the same time re-

40. Fraser (1995, p.121).

41. Guimarães (2002, p. 108).

42. Nun (2000, p. 57-59).

43. Nun (2000, p. 61).

44. Nun (2000, p. 62).

veals second Fraser's point of argument, proving that inequality in the process of empowerment may generate subordination, because it demands considering specificities of certain groups such as policies meeting women and Black people.

Still following arguments of Nancy Fraser, we have to analyze the meaning of being unemployed and notice why some questions are treated as private; especially issues referring to the world of work considered in the objective of this study. Then we will continue with the historical European example.

Jérôme Gautié analyzed the unemployment category and explained how it was historically constructed: in the 18th century it was poverty, in the 19th century pauperism and in the 20th century unemployment. The author states that category now seems to be in a deconfiguration process, and tries to demonstrate how this category is inseparable of representation and action of public intervention⁴⁵. Unemployment appears linked to the notion of "social question", and this does not "(...) reduce the existence of poverty: it arises when social problems are represented as such, when conceived as referring together to the society, because are caused by the social system and/or because they endanger this system"⁴⁶.

The "social question" is typified when positioning of poor's in the social system becomes a threat to the traditional social order. From this process arise stigmatization of what is being a "good poor": disabled people, children or old, incapable of working, and "bad poor" which is exactly the opposite. Then the logic presented is the one of assistance/repression⁴⁷.

With the French Revolution, there was a proposal to extinct mendicancy, but there was not an affirmation of the right to work, because the State had an indirect intervention, therefore prevailed the idea that free access to working market would solve questions related to lack of employment⁴⁸. And if freedom working was taken as a pillar to face involuntary poverty, the "voluntary mendicancy became a social crime, and therefore we find again the repressive aspect"⁴⁹. During decade of 1930, in United States, statistics began been used to measure a situation of poor and indigent transformed into unemployed. According to Gautié, nowadays it is the opposite of above described process, since what is intended to do is deconfigure the unemployment category. To show this Gautié takes as base the American and European experiences related to its "public actions" regarding unemployment.

In the American case, measures of employment and unemployment do not provide an accurate outlook of reality, because of the way indexes are prepared. The author shows that methodological weakness distorts unemploy-

45. Gautié (1998, p. 68).

46. Gautié (1998, p. 69).

47. Gautié (1998, p. 70/71).

48. Gautié (1998, p. 72).

49. Gautié (1998, p. 69).

ment as an statistical category“(...) in that country, unemployment and poverty coincide less and less: at the beginning of the years 1990, 20% of workers had an income level that placed them under the line of poverty (...), while in parallel there was a big number of social security beneficiaries (...), however suitable persons are not qualified as unemployed”⁵⁰. To conclude, Gautié thinks unemployment is not the main point of social question in the American case.

In the European case, unemployment is a main question, inclusive because of its high rates. However political adopted form is a result of “specific employment policies” aiming to reduce unbalances, and “insertion policies” assigned “(...) to *specific unemployed publics* (young people, and mainly to people long time unemployed), and after that the *excluded*” (GAUTIÉ, 1998, p. 80 – bold type in the original).

According to the author, this process is the contrary of the one that created the unemployment category, because there was a macro social reading of the situation. This means that current European policy adopted a criteria of localization and individualization of public intervention, so it is “(...) characteristics of individuals what explains difficulty of insertion, and not a bad functioning of the economic and social system”⁵¹.

In this context, employability becomes something particularly relevant in the process of public intervention. Gautié says that to have an understanding of long periods of unemployment and exclusion, economy must be part of social aspects. Collective identities cannot be abandoned in detriment of individualized trajectories, resigning to the social question concept⁵². Elements stated by Gautié point in the sense of third aspect that worries Fraser, regarding public sphere. It is to demonstrate how certain questions are treated as if being from a private forum. In this model, responsibility of unemployment or lack of employability is treated as strictly private, but as Nadya Guimarães emphasizes the question is that it is own employability, much beyond mere individual capacity must be understood as a social construction social. And taking into consideration that search of a job as an individual action is beyond own will⁵³.

In an attempt to transport Gautié’s overview from United States into Europe, I will use the study of Nadya Guimarães. She introduces two approaches of Brazilian unemployment problem. First one is institutional, and deals with the way State faces the problem.

In the Brazilian case, as an example, at the end of decade of 1980 there was not an efficient network to meet unemployment demand, then trade unions tried to meet them. Second perception regards the construction – in each historical moment, of an unemployment identity. At the beginning of de-

50. Gautié (1998, p. 79).

51. Gautié (1998, p. 80). According to theory developed by Nancy Fraser, emphasis is given by the individual trajectory linked to excluded identities, and by the social structure.

52. Gautié (1998, p. 81).

53. Guimarães (2002, p. 109).

cade of 1980 unemployed people looked for an efficient public system where they felt were appropriately recognized, nevertheless they thought this was a temporary situation. In this context, “in its strong sociological sense – to be unemployed [meant] to be *institutionally* recognized, accounted and considered as one, but at the same time leads to, *subjectively*, define, claim and consider oneself as such one”⁵⁴.

According to Guimarães, in Brazil,

*(...)Here, the social construction of unemployment is characterized by breaking equivalence between job deprivation and unemployment. Besides, where border between unemployment and employment becomes very easy to cross, other subjective and political identification categories (homeless and landless workers, for instance) gain strength and appear to negotiate social protection. Not without reason strong unemployed movements of beginning of the 80's gave way to social movements where other collective identities became the mortar spreading individual interests. And, if most of 'homeless' may also be 'jobless' it is not the 'unemployed' subjective identity, collectively shared what is in the base of action.*⁵⁵

To understand the employment and unemployment situation we must know people living this situation and recognizing them as such, the actors and institutions acting in the process, such as the State, Labor Courts, the Legislative Power, Trade Union Centrals, Trade Unions, NGOs, and I include Federal Labor Council to understand strong public space.

Based in these spheres linked to the world of work, we go to the fourth point of Fraser's proposal. When these entities and institutions circulate in weak public spheres, they allow emerging something really practical, which is the expression of lived situations; and the importance of this is circulation of provided ideas.

Some problems regarding the world of work, such as reduced job creation, therefore increasing informal economy, work off the books and sub hiring. These factors generate social exclusion. In this context, public policies may have a main role regarding groups not having assured labor rights and unemployed people, from presentation in the deliberative sphere of the Council due to the reason this is a deepening democracy process. In this context, a social protection network is needed or using Fraser's words, a strategy of recognition and redistribution, to fight against precarious jobs and particularly those linked to women, Black people, disabled persons and those suffering ageing discrimination. If decisions taken in this field come from sectors representing the excluded, they have possibilities by occupying spaces that

54. Guimarães (2002, p. 110 – bold face of the author).

55. Guimarães (2002, p. 110 – bold face of the author).

supposedly could work as experiences of deepening democracy participation, such as the Council, to control programs and resources through public policies to fight discrimination related to cultural stigmas and improve conditions of accessing the working market.

Trade unions⁵⁶, social movements, NGOs and Managing Councils in the three government levels, may have a main role together with other counter-public in the fight against discriminatory practices regarding public policies, including demands and stimulating conditions to include discriminated groups, not from its individual but collective characteristics, disclosing problems when accessing work and not making them responsible for not having “employability” conditions, but recognizing and transforming economic and social system dysfunctions regarding these identities.

For example, “even when it is given to women higher opportunities of access to training, compared with those men have (related to EAP⁵⁷) evidences show that results tend to reproduce gender stereotypes, such as preparing women to work in areas traditionally ‘feminine’: sewing, beauty salon services, manicure and food preparing”⁵⁸.

From Brazilian set of facts, emerges what analytically Fraser called ambivalent collectivities, a difference regarding cultural and political economic structures. To fight these salary inequalities and ways of professional segregation, we need some indicators related to: wages, training, working hour’s duration, stability, working conditions for men and women, White and Black people, disabled people and those suffering ageing discrimination, as well as other factors that may generate discriminatory practices⁵⁹.

According to ILO, some countries have adopted public policies to transform unequal insertion in the working market, and offer courses for most vulnerable groups to help them having organization and representation capacities. These groups may operate together to define policies for the working area, through associations, workers trade unions, employers associations and NGOs⁶⁰.

We may understand surging of these organizations, with what Fraser calls counter-public, questioning what has to get into or not in public sphere from a process of conflict originated on inter-relation between public spheres.

When talking about production environment in universal policies, I understand that if Parliament is recognized as a strong public by Nancy Fraser, within this perspective, the Federal labor Council may also operate as strong

56. According to Hannah Arendt, trade unions working in the defense and fight of class interests, are responsible for economic progress, social prestige and political power of its represented (1981, p.228). In the Brazilian debate, regarding Trade union’s loss of central space, Carvalho Neto mentions new forms of representing temporary workers, women and Black people by acting in network with other social movements to build the so called “citizen-Trade Unionism” (2003, p. 01).

57. Economically Active Population.

58. ILO (1999, p. 462).

59. These issues refer to ILO Convention 111 da OIT, signed by Brazil, and referring to employment and occupation discrimination.

60. OIT (1999, p. 470).

public, since in principle it is deliberative and it is possible to think in the extension of such spaces as deepening democracy participation⁶¹.

Participative democracy, as designed in Brazil, drives to the wall representation as something established only in the Legislative, while search is for the expression of varied interests through social groups dispersed in the political field, trying to find solutions for a situation of social inequality social. This leads to surging of identities that represent its interests and express its differences, and therefore deconstruct naturalized processes carbon copy in exclusion as a critic to representative liberal democracy. If this scenario confirms proposed question, it is not the case of constructing normative spaces to radicalize a participative democracy, but to think in discussion spaces where public could have power to change and build agendas not restricted to the Parliament.

In the specific sense of the world of work, when in face of wide process of exclusion through unemployment, we can see the fragility of representation exclusively as a consequence of following the party. Other processes may be linked to it: presentation of women, Black people, those suffering ageing discrimination and disabled in participative spaces of decision such as Federal Labor Council while strong public, by allowing access to decisory processes, and call the attention to social and economic policies. If these mentioned policies are developed isolatedly, without considering identity questions, they may continue reproducing stigmas in the working field.

Conclusion

The Brazilian state did little to face unemployment, but the point is knowing if it is possible forming free identities to associate and express their needs from its condition of excluded from the world of work, and make them come discuss and interfere in these processes.

Obviously a design of structural exclusion is shaped for people in the working market. However other segments are more excluded, and in this point resides importance of public spaces, that may receive countless social organizations and may turn into real discussed issues construction conflict in these spaces, such as Federal Labor Council, demonstrating that these contents are in a political dispute, and this procedure makes democracy stronger. This picture shows the importance - in theoretical terms of counter-public, since broadens participation spheres, driving to new forms of representation not only restricted to the Party, and social subordinated groups may formulate and decide to make public its interpretations, identities, interests and needs, taking them to a larger political sphere.

61. About this subject, Céli Pinto states that Nancy Fraser says "(...) Parliament is par excellence a public opinion forming space (...), and at the same time a decision taking space. These two characteristics give to Parliament the condition of 'strong public' in opposition to other public spheres that due to lack of power to take decisions would be 'weak public'. If as Fraser arguments, strong public Parliament condition strengthened democracy, this condition will strength it as far as other 'weak public' - only opinion makers - would become strong public, trough the constitution of self-managed institutions" (PINTO, s/d, 9).

One importance of this access regards discussion in itself of problems generating situations of unemployment or informal work - one speech we saw along this study, and responsibility of individuals in relation to unemployment, an issue linked to third aspect of Fraser's worries: public sphere and how to demonstrate certain questions being treated as in a private forum.

There is also an issue regarding problems related with Councils, as literature has mentioned: the resistance of State to become main central actor and share power with society. And problems faced in the Brazilian political culture with classic mediation to be performed by political parties between the State and civil society.

Another arising difficulty is the question of representation; first we have to define which groups will have seats in Councils. And, in second place, it is important understanding how Councils are seen by the Executive and the Legislative, themselves attributing being legitimate representatives, because legitimacy was given through votes, and also the *accountability* question.

Role of individuals introduced in the public sphere as bearers of identities is to prove that unemployment discussion is not a private order matter but a public one, and that sometimes they face actions from the own State, in the sense of strengthening stigmas, making responsible individuals of its own situation, as already mentioned cases of women and Black people.

Many are the factors generating social exclusion. In this context, the Federal Labor Council as promoter of public policies may have a main role in conducting policies of recognition and redistribution. From the Council we may design a social protection network, to avoid precarious working positions being filled by stigmatized identities, such as women, Black people, individuals suffering ageing discrimination, and disabled persons.

If decisions regarding these policies are taken by sectors representing the stigmatized ones, they have the possibility, by occupying democratic spaces, of controlling programs and resources through public policies to fight against discrimination and improve its conditions.

If each time is more difficult to construct an identity through work, from a situation of frequent instability, rotation and lack of safety; worsen by these suffering besides structural effects of problems related to exclusion due to stigma, current overview shows that "identity exclusion" is based in inscription of the subject in structures having a sense. Obviously this is one side of the proposal of occupation of the Council by a representation of the "most excluded", but on the other side, I have to recognize structural unemployment problem, where people become not employable just because of macro-economic policies and because the capitalist system works does not allow employment creation.

One way of facing this situation could be through strengthening of public spaces, both weak and strong, in order to allow civil society present demands and negotiate them in the State, promote public debates and take decisions regarding labor market structural issues. In this sense, the State would have an important function. Using Fraser words: this would be important in redistribu-

tion and recognition, but doing this through policies solving general structure problems such as unemployment, and also of most weakened groups facing this situation. A way of measuring it is Brazilian trajectory, in the sense of pressure to make the State function, from a “strong civil society”.

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