

Making Culture Under the Rouanet Law: cultural policy as cultural marketing, artists as entrepreneurs

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Abstract

This thesis examines the Rouanet law and the implications of its hegemony in Brazilian cultural policy for cultural productions as well as for those who produce culture. By looking at its emergence in the context of redemocratization of Brazil in the wake of the end of the civil-military dictatorship and its consolidation during the neoliberal period, it shed lights on how that the Rouanet law, while contributing to the progression of the institutionalization of support for culture, also functions as a mechanism through which the state inserts the latter in a market logic. It then follows the implications of this movement to the level of the actors, showing that the structures engendered by the Rouanet law also have subjective implications, in that they orient the conduct of actors and cultural producers who engage with it towards practices which are coextensive with neoliberal subjectivity.

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Introduction

The Brazilian state has historically struggled to constitute something more than a lackluster relationship with the otherwise rich and diverse culture which its society has built and continuously builds. This relationship has been aptly characterized by Rubim (2008) as being marked by three sad traditions: absence, meaning that the Brazilian state has a pattern of not engaging with culture in a meaningful way; authoritarianism, meaning that when it did engage with culture, it did so in a way that enforced a top-down view of what culture should look like; and instability, meaning that these engagements tend to be temporary in nature, with very few institutional advances.

In the wake of the end of the civil-military dictatorship, however, as the intellectual and political climate of *redemocratização* placed the state and its relationships to civil society under scrutiny and debate, novel frameworks were proposed for the ways of engagement by the Brazilian state with the cultural sphere. From these frameworks emerged a series of institutional innovations aimed at breaking the hitherto established mould characterized by the three sad traditions Rubim refers to. While the establishment of the Ministry of Culture can be said to be the most noteworthy of these innovations, the consolidation of the laws of cultural incentive as a paradigm for cultural policy is undoubtedly the most impactful. The subject-matter of this thesis, the Rouanet law, as the longest standing and most successful of these laws, is an integral part of this paradigm.

Established in 1991 by then President Fernando Collor and Secretary of Culture Sérgio Paulo Rouanet, the Federal Law of Culture Incentive, popularly known as *Lei Rouanet*, established the National Program of Culture Support, whose main aim is to contribute to and support the production of culture and access to it. At the center of the Rouanet law's workings

lies the fiscal incentive mechanism, which proposes to provide funds for culture by drawing private sponsors through tax exemptions.

Over the course of the 1990s, as Brazil progressively adhered to neoliberalism and globalization, the Rouanet law became the main cultural policy tool. This centrality, which still stands unchallenged (da Costa et al. 2017, Dias 2021) has a series of implications for cultural production in Brazil, as well as for those who produce it. Such are the fulcral points of this work, which is guided by two main questions: what are the implications for cultural production when it becomes centered around fiscal incentive mechanisms, such as those established through the Rouanet law? What are the impacts of the structures engendered by this centrality of fiscal incentives on artists and cultural producers, particularly in what concerns the formation of their subjectivity?

Though these questions implicate one another and should be considered a set which conforms the larger problem of this thesis, that is, the Rouanet law, they are tackled separately, with one chapter dedicated to each. Thus, the structure of this work is as follows.

The first chapter is dedicated to a literature review of this thesis' main theoretical framework, which is constituted by Foucault's readings on neoliberalism, as well as works inspired by such readings, which view it as a form of government rationality whereby the state shifts its focus of action from the economy to its conditions of possibility. This chapter also covers the historical context in which the Rouanet law rose to preponderance, that is, the neoliberalization of Brazil.

The second chapter examines the inception and development of the laws of fiscal incentive, first problematizing it in the context of *redemocratização* and the restructuring of the Brazilian state in this period. It then goes on to discuss the rise of the Rouanet law to the center of cultural policy in Brazil following the country's neoliberal turn, while showing that, through certain policy decisions, the law became a mechanism which helps promoting a view

of culture as expedient and that turns the state into an enabler of the subsumption of culture to the logic of cultural marketing. Here, despite pointing to the prevalence of a neoliberal logic in what pertains to the Rouanet law and cultural policy in general, I endeavor to stress how the form which the latter two assumed is not simply a function of neoliberalism but is rather a product of its assembling with the notions put forward during the *redemocratização* period.

Finally, the third chapter turns to the experiences of artists and cultural producers with the Rouanet law, using data acquired over the course of my interviews. The main point of discussion of this chapter is the resource raising process, whereby artists and cultural producers lobby private companies in order to secure Rouanet law funding. By analyzing the stories told to me by my respondents in conjunction with the findings of the second chapter, I demonstrate how resource raising operates as a technology for fostering an entrepreneurial subjectivity in said artists and cultural producers.

This thesis methodology is based on semi-structured interviews and archival research. Interviews were conducted online with 12 different respondents 10 of whom were artists while 2 were company employees working with appraisals of projects approved in culture incentive law for potential sponsorships. Archival research was done in two government platforms dedicated to data transparency, Portal Transparência, which is a platform dedicated to general data regarding federal public spending, and VerSALIC, a platform dedicated to data specific to the laws of culture incentive.

Chapter One: On Neoliberalism and the Neoliberalization of Brazil

Neoliberalism as a rationality of government

In their work, *The New Way of the World*, Dardot and Laval characterize neoliberalism as a “great turn,” whereby a novel normative logic emerges and becomes hegemonic. Such logic has a general character in that it informs not only modes of state action but also subjective ways of being in the world. While this latter point will be more thoroughly explored in the following chapter, for the discussion at hand, I will focus on how such logic impacts the state.

Although Dardot and Laval stress the relevance of a reduction of the role of the state on several fronts – particularly those related to economic policy and regulation (of employment, of financial markets, of free movement of capitals, and so on) – they argue that the proposition of a retreat of the state and its replacement by the market as the dominant ordering force is insufficient in characterizing the neoliberal paradigm or the transformations which the state underwent. Thus, the central point is not the reinvention of the minimal state, which would recover 18th and 19th-century notions of governance, but rather the re-engagement of the state following new bases, methods, and objectives (Dardot and Laval 2016: 190).

Such an interpretation is inspired by and echoes Foucault’s argument in *Birth of Biopolitics* that neoliberalism is a specific form of government rationality. Drawing from readings of the German ordoliberal school of economics, amongst whose concerns lay chiefly the reformation of the Western German state following the Second World War, Foucault contends that the notions which had, at the time, become central for the new orientations that Western European states were adopting could already be found in the writings of ordoliberal economists such as Walter Eucken, Wilhem Röpke, and Alexander Rustow. Importantly, these

writings do not assert the need for a state concerned only with a few regulatory functions, such as price stability and guarantee of contracts; instead, they argue for a strong and active state, one which would exert such action on its conditions of possibility as opposed solely to the economic sphere. This means that instead of targeting economic factors, such as prices or interest rates, the state will dispose of precisely non-economic things, such as law and population, in order to create the conditions of a market economy. An example of this is Eucken's proposition for the inception of German agriculture into the market economy, which should be done, he argued, through measures such as population displacement, training of farmers, land law reforms, and changes in land allocation and soil exploitation intensities (Foucault 2008).

Dardot and Laval (2016: 190) summarize this argument through Andrew Gamble's words: free economy, strong state. That is, the neoliberal state must assume an active role in creating frameworks that would allow a free economy to thrive. It should be noted, however, that a "free economy" stands not only for the set of self-regulating markets but for a space in which choices – all choices – are made. This is because proponents of free-market economics take every act which involves a choice to be an economic matter (see Robbins 1932, Friedman 1963), as it hinges on the allocation of scarce resources among competing and hierarchically organized ends. The expansion of the market, thus, means the expansion of the realm within which individuals can freely choose. Therefore, a strong state which acts to create a "free economy" actually means a state which "creates as many market situations as possible, that is, [organizes], through various means, the 'obligation of choosing'" (Dardot and Laval 2016: 190).

These propositions, however, do not take on their full meaning without Harvey's contributions. Through his Marxist perspective, he frames these movements through the lens of capital accumulation, or more precisely, the creation of instances of capital accumulation in zones hitherto not incorporated by the self-reproducing and self-amplifying logic of Capital.

Building on Luxemburg's view of imperialism as the forceful, state-sponsored incorporation of non-capitalist societies into the regime of capitalist accumulation as a response to a crisis of overaccumulation, Harvey (2004, 2005) argues that the neoliberal state takes the externally oriented movement of imperialism and turns it inwards. Instead of imposing instances of primitive accumulation outside its borders, the neoliberal state does so within them. Dardot and Laval's idea of the creation of market situations, sifted through Harvey's work, then takes the shape of the creation of opportunities for capital accumulation, while the new normative logic of neoliberalism appears as a means for the continuation of the cycles of Capital.

This, of course, does not mean that frameworks of analysis that stress the retreat of the state should be discarded. Rather, both these frameworks work in tandem with each other by stressing different aspects of the same process. It is not possible to discuss neoliberalism without stressing the role of economic policies such as fiscal austerity, deregulation, emphasis on free trade, and the free movement of capital, among others. In this sense, the economic theories such as those falling under the umbrella of the New Macroeconomic Consensus¹, for example, by arguing for the inefficacy of fiscal policy and for a monetary policy-centric approach to economic policy, which holds that the state should only concern itself with price stability in order to allow rational agents acting in a free market to correctly form expectations, provided an important theoretical substrate to the decentering of state action from the economic in favor of the legal-social which Foucault discusses.

Thus, it is important to highlight, with Sassen (2006: 231), that neoliberalism also means the incorporation of a global project by the state, which entails its shrinking role in certain domains. This is so because the state under neoliberalism, she argues, is reshaped by the

¹ The new macroeconomic consensus is a set of converging macroeconomic theories which became dominant in the field of Economics in the 1990s. They consolidated the defeat of the neoclassical synthesis, a set of theories which informed and legitimized the more active fiscal policy adopted by European and North American states in the post-World War II.

operational logic of the global capital market, whose objectives become significantly influential in economic policymaking (Ibid: 247). The state will, therefore, affirm the aforementioned deregulation-heavy and conservatively fiscal paradigm precisely because the global capital market requires, for its accumulation processes, the erosion of barriers to trade and capital movements so that capital allocation can occur efficiently and unimpeded, as well as steady budget surpluses from the states so that the values of public debt bonds remain stable or increase.

A caveat, though, is required, for the notion of the retreat of the state as a function of its incorporation of the logic of the global capital market can easily lend itself to the perspective of a forceful movement whereby the state is besieged by financial capital and forced on its knees. This is not so. Rather, “the states are midwives, not victims” (Ibid: 227) of this process. It is only through a movement of the state towards the repurposing of its policies and institutions towards the ends of the global capital market that the state’s incorporation of such ends can occur. Globalization, Sassen argues, requires work by the state, a work which, ironically, both destabilizes some aspects of its power and strengthens forces who have a vested interest in its destabilization and weakening (Ibid: 232).

The neoliberal state, then, can be characterized by this parallel movement, where on the one hand, it signals a retreat while, on the other, it is in full charge. Whether a retreat or a charge is in progress is a function of which part of the state’s sphere of influence is taken into account. In both cases, however, agency remains with the state, as it remains the source of movement, as I have shown.

With this general framework of the neoliberal state laid out, I now move to its emergence in Brazil. Through this, I will establish the necessary context required to make sense of the policy choices which led the Rouanet Law to assume the form and functions I alluded to in the previous section.

The Formation of the Neoliberal State in Brazil

Although processes of neoliberalization were already taking place at the state level in Brazil during the government of Fernando Collor (1990-1992), the consolidation of the country's inception into this global hegemonic order should be placed in the context of Fernando Henrique Cardoso's mandates as Minister of the Economy (1993-1994) and President (1995-2002), as this was the period in which the structural transformations that placed the Brazilian state firmly into the neoliberal paradigm occurred. Indeed, under Cardoso's mandates, several frameworks which remain central to the organization of the state would be put into place (Oliveira 2007).

The Brazilian case constitutes a good example of Sassen's (2006) argument of states as the midwives of globalization. In fact, most of the transformations which I have just mentioned were carried out either through a government plan aimed at combating the hyperinflation scenario which had been plaguing the country since the mid-eighties or as a product of it.

The plan in question was the *Plano Real* [Real Plan] which aimed at solving the inflation problem through a combination of measures. Under it, the national currency was changed from the cruzeiro real to the real in order to reset price levels. Such a reset, however, would be meaningless without tackling the root causes of the matter, which were identified by policymakers as the price-making capacities of national oligopolies in a relatively closed economy (Belluzzo and Almeida 2002). The solution for this matter was to abruptly open the economy through a combination of lifting barriers to free trade and setting up a low exchange rate between the dollar and the real, which allowed for the entrance of cheap imported goods into the Brazilian economy. This simultaneously lowered the price levels while also stripping local owners of capital of their price-making power (Filgueiras 2000).

As this setup required parity between the dollar and the real, sizable dollar reserves were required to maintain the value of the real. Thus, the government turned to the high liquidity of the nineties' capital markets, which entailed the lifting of barriers to capital movement. At the same, in order to attract financial capital and offset the risks of investing in the Brazilian economy, the government enacted a combination of high-interest rates on public debt bonds and budget surpluses to signal the solvency and credibility of the nation's finances (Ibid.).

Thus were erected the macroeconomic structures which remain to this day more or less fixed in Brazil, structures which entail, as mentioned, free trade and movement of capital, as well as a paradigm of external vulnerability to financial capital movements which fixes the state to the need of routinely producing budget surpluses, thus rendering it incapable of exercising its policy capabilities (Sassen 2006: 228). Said structures, moreover, were later consolidated through laws such as the Law of Fiscal Responsibility, approved in 2000, which criminalized public spending which went over the state's budget.

More than an expression of an *esprit du temps* or a set of pragmatic decisions, these policies reflected a clear stand with the tenets of neoliberalism. As Filgueiras (2000: 30) argues, "The *Plano Real* is (...) an economic, political and ideological product of the confluence, in a global scale of three phenomena which marked the development of capitalism in the last two decades of this [20th] century; which are: the hegemony of the liberal doctrine and policies, the diffusion of the process of productive restructuration and the reaffirmation of capitalism". These structures, therefore, concern this thesis not only because they set up a fiscally conservative state structure, thus reducing the chances of a comprehensive state-led development of culture, but also because they signal an ideological commitment of policymakers of the period, which, as will be shown in the following chapter, also made itself known in culture policy, both in the theoretical orientations of the Minister of Culture as well as in the decision-making processes of the period

Chapter Two: On Shifting Contexts and Shifting Laws

Introduction

The year 1985 marked the end of the 21-year-long civil-military dictatorship in Brazil, the formation of the New Republic, and the start of the period which became known as *redemocratização* [redemocratization]. In the wake of the political effervescence and general optimism of this period, high hopes emerged that social and economic citizenship would follow the recently reacquired political citizenship. Such hopes were given institutional weight through the elaboration of a new Constitution in 1988, which proposed a welfarist framework for the Brazilian state and laid out the basis for, among other things, the creation of a social security system and a universal health care system. Receiving the moniker of the “Citizen Constitution” due to its emphasis on the rights of Brazilian citizens, the document prescribed an active role of the state both in the sense of guaranteeing these rights and of creating their conditions of possibility (Zaverucha 2010).

The following decade, however, saw the integration of Brazil into the paradigms of neoliberalism and globalization, which I discussed in the last chapter. Such integration meant that the consolidation of the transition to democracy in Brazil coexisted with and was informed by a rapidly and radically shifting context that destabilized and altered a vast array of hitherto consolidated social relations. Significantly for the goals set out in the early moments of *redemocratização* which were enshrined in the 1988 Constitution, this context meant a change in the rationalities which ordered state action, eroding the bases for the attainment of said goals (Carinhato 2008).

This short general history of Brazil, in a sense, trickles down into the history of its cultural policy following the *redemocratização*. Here, again, one encounters a process whereby goals informed by a strong democratizing and inclusive impetus are tempered and altered by the emergence of the novel setting of neoliberalism, which, as I have discussed in the previous chapter, significantly alters the state's modes of operation and its relationship to society.

Drawing from Sassen (2006), I will look at this conflict between the diverging notions of neoliberalism and *redemocratização* within the sphere of cultural policy as a process of negotiation between distinct assemblages which come together and influence one another. More particularly, I will examine the processes of establishment of the laws of cultural incentive in general and the Rouanet Law in particular, as well as the process of consolidation of the latter as Brazil's main cultural policy mechanism as an encapsulation and expression of this negotiation between contradicting parts.

Therefore, this chapter examines the laws of cultural incentive, with special emphasis on the Rouanet Law, against the backdrop of these historical processes of *redemocratização* and neoliberalism, showing how they affected their conception, the privilege given to them amongst other possible avenues of cultural policy, and the choice of which of instruments prioritize. In so doing, I will also demonstrate how, through the centralization of resources on the Rouanet Law, particularly on its patronage function, culture increasingly becomes identified by the state as a resource while cultural policy assumes the role of financial enabler of cultural marketing by private companies.

Redemocratização as a new paradigm for state and culture

As stated in the introduction, the *redemocratização* period was marked by notions of extending and guaranteeing rights to citizens, in which an active role of the state would play an

important role. Such notions also permeated the debates around culture, as well as those around the inception of the laws of cultural incentive. However, the specific history of the culture in Brazil during the dictatorship period meant that other elements would come into play when the state-culture relationship was being conceptualized during *redemocratização*. Indeed, the debates centered around two main topics: On the one hand, and in keeping with the more general trends of the period, there was the idea of culture as a right that should be fostered by the state; on the other, there was a rejection of the forms of state action during the dictatorship period. In order to understand the laws of cultural incentive in general and the Rouanet Law in particular, then, one must examine how the role of culture and the state's relationship to it in the period of *redemocratização* and the ways in which those topics informed them.

As Dias (2021: 55) shows, the notion of culture as a right was rooted in an anthropological conceptualization, which held the former as a sphere of human activity that sets men apart as such. Referencing a report of the national constitutional assembly's subcommission for Education, Culture, and Sports, he shows how the right to culture was equated to the right to humanness, as, so it was argued, it is through the production and contemplation of culture that that "men" can come to define themselves as such. Through the affirmation of the right to culture, then, the state would empower its citizens to realize their potential as humans: "If culture is a right to be exercised by the citizen, from an individual point of view, it is supposed that 'men' are, themselves, defined by their capacity to produce culture. And, because this is taken as a humanity-establishing characteristic, it becomes the duty of the state to guarantee culture as an individually expressed right" (Ibid: 56). This notion of culture subsidized and gave legitimacy to the impetus of establishing an institutional framework within the state to deal specifically with the matter and was central to the creation, for the first time in Brazilian history, of a Ministry of Culture in 1985.

There was, however, a question pertaining to the extent of desirable state action, particularly in the cultural sphere, which harkened back to the modes of state intervention in said sphere during the dictatorship, that is, dirigisme and censorship (Rubim 2008). In a word, the idea of the state as a guarantor of the right to culture had to contend with the illegitimate interventions carried out by the same state in the past. As such, though there existed a consensus around the notion that the state should have a meaningful relationship with culture, it was also consensual that the terms of this relationship should be radically reformed (Dias 2021: 49). Here, the framework of rights takes on its full meaning: if the state during the dictatorship period curtailed the possibilities of cultural production and contemplation of its citizens and, in so doing, denied them their very humanity, then it is this same humanity which should be protected and fostered in the newly attained democracy through the guarantee of the right to culture. By framing culture as an individual right and, by extension, a private matter, the contradictions within the idea of extending state action while limiting its interventions could, apparently, be resolved through the affirmation of a framework through which the state-culture relationship would appear as a radical contraposition of the one which was enforced during the dictatorship: on the one side, the state as an actor which guarantees rights instead of denying them, on the other, the state as a limited intervenor in matters which pertain to the individual.

The following section deals with the laws of cultural incentive and their relationship to this notion of the state as a non-intervening guarantor of rights to culture, which emerged out of the *redemocratização*. Through a description of the Rouanet law and its predecessor, the Sarney law, I will demonstrate how their frameworks lend themselves to the ideas of how the state should operate within the cultural field that was just outlined.

Laws of Cultural Incentive and the Ideals of *Redemocratização*

The first iteration of the laws of cultural incentive was the Sarney Law, which was signed on July 2nd, 1986, by then President José Sarney. Its aim was to make possible the funding of cultural initiatives through a public-private partnership. It was structured in the following way: a proponent would submit a funding request to the Ministry of Culture, which, if approved, could then be picked up by a natural or juridical person who would provide the funds for its realization, a percentage of which would be deducted from their income tax. These funds could be provided under the modalities of donation, patronage, or investment, which allowed the private agent to receive from the initiative, respectively, no pecuniary gains, indirect pecuniary gains (revenue stemming from advertising) and direct pecuniary gains (e.g., purchasing of non-voting shares of companies and cooperatives working in the cultural market), while granting decreasing amounts of tax exemption (100% for donations, 80% for patronage and 50% for investment²). Furthermore, natural persons could donate up to 10% of their income, while juridical persons were capped at 2% of the amount of due tax. The Sarney Law also established the Fund for Cultural Promotion, whose funding was based on the same mechanism of tax exemption, which was capped at 5% of the due tax of juridical persons. This fund was distinct in that resource allocation was determined by the Ministry instead of the individuals or companies which were providing the funds (Dias 2021: 61-63, Neto 2017: 17).

After a one-year hiatus stemming from the revocation of the Lei Sarney by President Fernando Collor in 1990, its successor, the Rouanet Law, was signed on December 23rd, 1991. Maintaining most of the former's framework, the main novelties it introduced were the attribution of funds to a specific project (which should be submitted to the Ministry of Culture and approved by it) as opposed to a proponent (Neto 2017: 23); the flexibilization the amount

² Donations do not entitle the funder to receive any sort of return on the resources given, while patronage allows for brand exposure and investment allows for both brand exposure and a share in the profits of the cultural initiative.

of due tax that could be directed to its initiatives, which would from then on be determined by presidential decree; the removal of the investment category of funding options; and the possibility of project submission by both natural and juridical persons. The Rouanet Law also reformulated the Fund for Cultural Promotion into the National Fund of Culture (FNC), which, as its predecessor, set up a fund that the government could allocate to projects of its choosing and incorporated the existing Funds for Cultural and Artistic Investment (Ficart), an initiative whose aim is to garner resources which would enable state investment in culture through the sale of quotas of national artistic productions in the stock market (Dias 2021: 68-71).

The influence held by the views on culture as a right and on the state as an intervention-averse guarantor of said right on the conceptualization of these laws is patent, particularly in its mechanism of fiscal incentives for cultural project funding. Through this mechanism, the state is positioned as a distanced enabler, as most of the relevant decisions pertaining to the conceptualization of an artistic project and to the allocation of funds required for its realization are located outside of the former's sphere of influence. While it is true that approval by the Ministry of Culture is required for eligibility for sponsorship in both cases, such approval hinges only on formal requirements. As Article 22 of the Rouanet Law states, for example, "The projects which fit into the objectives of this law shall not be the object of subjective appreciation in regard to their artistic or cultural value." Indeed, as Neto (ref) puts it, Rouanet Law projects could be viewed as a specific textual genre, wherein proper showcasing of the project's characteristics, social impact, and accounting are the only necessary elements.

Decisions regarding what a cultural project will consist of, then, are left entirely to artists and cultural producers, while decisions regarding which cultural projects will receive funding rest entirely in the hands of potential sponsors, while the state holds the function of incentivizing the interface between both parties by assuming a portion of the financial burden. The

protagonists in the production of culture within the framework of the laws of cultural incentive, then, are primarily civil society actors.

It is clear, then, that the redefinition of the state-culture relationship during the *redemocratização*, which was discussed in the last section, played a central role in the design of these laws. Indeed, the impetus for the construction of a democratic society opposed to the previous authoritarian paradigm is present and visible in the emphasis placed by the mechanisms of the laws of cultural incentive on processes of decision-making that take place within the scope of civil society, as well as in the centralization of the role played by the state mostly around the funding function. Through this attribution of roles, then, individuals would have the means to exercise their right to culture and affirm their humanity through creative processes while the state would be founded anew as the opposite of the censor it became under the civil-military dictatorship, that is, an unbiased enabler and mediator.

Looming Distortions

This generous and somewhat romantic reading of the laws of cultural incentive notwithstanding, there are evident limitations in their mechanisms in the sense of their capability to materialize cultural production and contemplation as a universally accessible right. This is particularly true of their chief mechanism of project funding through fiscal incentives, which suffers from the same shortcomings as liberal economic theory, that is, assuming that self-interested action, when generalized, leads to positive social outcomes, and the positing of the market as a mediator for exchanges between hierarchically undifferentiated people. By framing the fiscal incentive mechanism as a free exchange happening within civil society, wherein individual A wants to have his project funded and individual B wants to fund a project,

the laws of cultural incentive assume a world of generalized one-to-one exchanges, ignoring the tendency of capital concentration present in capitalist societies.

When transposed to reality, however, the problems of this model are made apparent. The cost of cultural productions is a matter that stands out in this regard. The Rouanet law, for example, classifies projects submitted to it as “small,” “medium,” and “large” according to the resources proposed as a requirement for their effectuation. A small project will cost up to R\$ 750.000, while a medium and a large one will cost between R\$ 750.000 and R\$ 5 million, and over R\$ 5 million, respectively³. Considering that the average monthly wage in Brazil, as of 2022, is R\$ 30.000 yearly, it is difficult to imagine that a sustainable funding structure could be built from contributions of natural persons, even if they are entitled to be sponsors under the fiscal incentive mechanism. Therefore, most of the beneficiaries of this structure are companies. This, in turn, highlights the incentive structure of these laws. As stated above, a sponsor under the Rouanet law has two options, donation and patronage. As patronage enables the sponsor, on top of the fiscal benefit which it shares with the donation option, showcasing its brand on the sponsored project, a company will tend to privilege it, as the value added from brand exposure will compound on the fiscal benefit. Such an incentive structure, then, leads to an imbalance wherein the cultural projects that are more “marketable,” that is, more aligned with the companies’ interests, tend to be more disproportionally funded while the remaining projects struggle to be realized. As Marta, a respondent who has worked with incentivized project selection for over 20 years in two different companies, put it, “It would be beautiful to sponsor projects just for the sake of supporting art, but how can I sell that to the accounting office? Artists need to know that this is an exchange. Companies won’t simply give them money without expecting something in return”. The fiscal incentives mechanism, then, frames cultural

³ <https://www.gov.br/pt-br/noticias/cultura-artes-historia-e-esportes/2023/04/cultura-divulga-criterios-para-projetos-candidatos-a-recursos-da-lei-rouanet>

projects according to what Yúdice (2004) called the expediency of culture as a resource. As such, the value of such projects becomes a function of their utility as resources that companies can employ to further their marketing strategies and, consequently, their cycles of capital accumulation.

Recent studies on the Rouanet law have documented the effect of this logic. Mega (2015) has demonstrated how companies underprivilege projects by artists and cultural producers who cannot or do not wish to make their cultural initiatives “marketable,” thus rendering the patronage option of the Rouanet law inaccessible to the latter. Da Costa et al. (2017) also highlighted that there is a significant regional concentration of Rouanet law resources around the richest areas of the country, with over 90% of sponsored projects stemming from the Brazilian Southeast, where São Paulo and Rio de Janeiro are located, and Center-West, where the capital Brasília is located (da Costa et al. 2017).

Interestingly, the policymakers of the period seemed to be keenly aware of this outcome. Talking about the different mechanisms of the Rouanet law, Sergio Rouanet argued, “There are two basic situations in culture, some cultural sectors which can be sustained through market returns and others which require direct investment. These two situations have generated the need for the three elements present in the law” (Rouanet 1991 apud Neto 2017: 22). These three elements are those which I have already described, that is, fiscal incentives, the FNC, and the Ficart.

The FNC’s role is a particularly important one, as it was conceived precisely with the goal of offsetting the imbalances which the fiscal incentives mechanism fosters. As it is stated in the Rouanet Law text, under Art. 4, among its main goals are: 1) to stimulate the equal regional distribution of resources to be applied in the execution of cultural and artistic projects and 2) to favor an interstate vision by stimulating projects which explore joint cultural proposals with a regional focus. Furthermore, the fact that the decisions on the allocation of FNC

resources are the prerogative of the Ministry of Culture also highlights the fund's goal to operate within a logic of stimulation of less marketable initiatives.

Despite how much the fiscal incentives mechanism leans toward inserting culture into a market logic, then, laws of cultural incentive, particularly the Rouanet Law, as the FNC, as opposed to the Sarney law's FPC, makes a direct reference to potential imbalances, were thought of as a system. Such a system, I propose, stresses that the contradiction between the two tendencies informing the state-culture relationship proposed during the *redemocratização* was not fully resolved by the synthesis of the state as a mediator for culture as a set of individual productions. In the case of how this relationship materialized through the laws of culture incentive, a distanced state which simply supports civil society initiatives leads, as discussed, to a market-centric logic that renders the goal of culture as an unattainable right. Some measure of state action, then, was still deemed to be necessary if said goal was to be achieved.

Rouanet, Weffort and Cardoso, or: on how distortions actualize

As stated in the previous chapter, although Brazil had already started to adopt the neoliberal paradigm to some degree during Collor's presidency, it was during Cardoso's presidency that the most significant shifts, particularly regarding the state's structure, took place.

Within the scope of cultural policy, this shift entailed a significant increase in the focus on laws of cultural incentives (Belem and Donadone 2013; Rubim 2007; Silva 2007). The scope of said increase is summarized by Neto (2017: 28), who states that "culture incentive has not only become the hegemonic form of funding, but it has also practically replaced culture policies." The Rouanet law, in turn, was central in this hegemony as, during Cardoso's presidency, it became the main mechanism for federal funding of culture (Dias 2021: 101) due

to the changes it underwent under the leadership of Minister of Culture Fernando Weffort as well as the preferential treatment it received from him. Moreover, through said changes and preferential treatment, Weffort abandoned both the systemic view of the Rouanet law and the idea that the state had a more direct role to play within culture if it was to foster the right to culture. In their stead, he doubled down on the state as a distanced mediator and on the consequent subsumption of culture by the logic of the market.

Weffort's interventions in the Rouanet law point precisely in this direction. Indeed, when the scholars mentioned in the last paragraph stress the focus given to laws of cultural incentive under his tenure, they are mostly talking about the several reformulations through which the fiscal incentives mechanism went through. During Weffort's tenure, said mechanism underwent several reforms aimed at making it more attractive and its usage more efficient. Administrative processes were changed in order to make the appraisal of projects more efficient; the amount of total tax due that could be exempted through the patronage option of the Rouanet Law was increased from 2% to 5% (which later dropped to the contemporary levels of 4%)⁴, the possibility of remuneration for resource raising⁵ by third parties was added, and an exemption of 100% of the total value employed towards sponsorship of projects was added, provided that these projects belonged to one of the following fields: the scenic arts; books of artistic, literary or humanistic value; instrumental or classical music; the plastic arts; donations of collections to public libraries and museums. Following these interventions, the number of projects approved by the Ministry and which successfully attained sponsorships rose dramatically. As Neto (2017: 27-28) shows, in the years 1992 to 1994, before Cardoso's and Weffort's tenures, the combined number of approved and sponsored projects was 75 and 9,

⁴ Applicable to juridical persons.

⁵ The practice of resource raising, which will be covered more extensively in chapter 2, consists in acquiring a sponsor for an approved Rouanet Law project. Under the terms of this law, third parties who engage in this activity are entitled to a commission equal to a portion of the total value of the project (10%, as of 2022, limited to a cap of 100.000 reais).

respectively. In 1996, two years into Cardoso's government, these numbers jumped to 2372 approved and 451 sponsored projects, while in 2002, their final year in office, there were 4218 approved and 1373 sponsored projects.

Equally important as what was emphasized, however, is what was deemphasized. As mentioned before, the Rouanet Law was conceived as a system composed of two mechanisms other than fiscal incentives for sponsors of cultural projects: the FNC and the Ficart. Contrary to the fiscal incentive mechanisms, the FNC and the Ficart received only sparse attention in the sense of turning them into usable and useful options.

The case of the Ficart is illustrative. Its functioning is similar to that of the Sarney Law: a private actor purchases shares of a cultural initiative, thereby investing in them, and is then entitled to a portion of the profits. While under the Sarney Law, such initiatives benefited from a 50% exemption of the value invested from due tax, the Ficart option removed said exemption. This removal made the Ficart quite unappealing, resulting in its lack of usage (Ibid: 35).

The case of FNC, though not as drastic, also highlights this logic of prioritization of fiscal incentives to patronage to the detriment of other mechanisms. Here, a comparison of values allocated to each mechanism is useful. As Neto (Ibid: 246) shows, from 1996 to 2003, the total value spent by the government on projects contemplated by the FNC was never higher than 14.89% of the total value spent on projects contemplated by fiscal incentive mechanisms. This is despite the fact that the FNC has a number of different funding sources other than private actor contributions incentivized by tax exemption, such as direct funding from the National Treasury, a share of federal lottery profits, and so on (Dias 2021: 69). Moreover, the FNC also did not receive meaningful regulatory attention. Two examples of this are the lack of regulation for the usage of the fund, which allows the employment of its resources for other ends, such as the covering of regular Ministry of Culture expenses (e.g., salaries), and the lack of regulation

regarding transparency of project funding through the FNC, leaving it vulnerable to practices of clientelism (Neto 217: page).

By centering all efforts in a single facet of the Rouanet law, then, Weffort consolidated its structure into a pattern whereby one mechanism is over-developed (fiscal incentives), another is atrophied (FNC), and the remaining one is made unviable (Ficart) (Neto 2021: 316). Furthermore, by structuring cultural policy around the Rouanet law, the latter's imbalances generalize into the former. Cultural policy under Weffort, then, assumes the form of a state-sponsored privatization of culture. Under it, the state expends resources to enable the takeover of culture by cultural marketing, where culture initiatives' existence is conditioned by their usefulness to companies in the furthering of their efforts of capital accumulation. The possibility of a 100% exemption of the value directed to projects by companies further reinforces this point, as increasing usage of it yields public spending in incentivized projects greatly outnumbering spending by the private sector, leading what was conceived as a public-private partnership mechanism to become a framework whereby costs are socialized while profits are privatized.

That this was the case was not lost to the Minister. In fact, this perspective was openly embraced by him. That this is the case is shown clearly in a pamphlet published by the Ministry of Culture in 1995, entitled *Cultura é um bom negócio* [Culture is good business]. In this document, which was conceived as part of the effort to attract private investment to the Rouanet law, the Ministry attempts to illustrate to potential investors the untapped profit possibilities contained in culture, pointing to the new global trends around the matter: "In the last quarter of the century, culture has become more valuable around the world. In the global village, the demand for cultural goods follows the hitherto unseen growth of international tourism" (Ministério da Cultura 1995: 10). Symptomatically, the pamphlet points to culture marketing specifically as the paradigm which the government wished to foment:

The incentives given by the government to companies who invest in cultural production confirms, among us, a strong tendency within the business world: the increasing choice of cultural **marketing** (...) [which] offers the vastest array of options, in the symbolic universe, of values that the businessman can aggregate to the image of his enterprise or to the brand of his product, depending on the established strategy (Ibid: 9) Emphasis in the original.

As Yúdice (2004: 36) points out, in the epoch of globalization, “As previous understandings of culture – canons of artistic excellence; symbolic patterns that give coherence to and thus enow a group of people or society with human worth – lose force we see an iteration of the expediency of culture.” In the developments portrayed in this chapter, a similar process is distinguishable, whereby a framework of rights of the *redemocratização* is rejected in favor of a framework of culture as a good, as business, and as a good business. As such, culture ceases to be that through which humans affirm themselves; instead, it becomes only something that is useful.

Under Weffort, then, the Rouanet law appears as a technology of the neoliberal rationality of government, whereby, as discussed in the first chapter, the state intervenes in non-economic factors to create novel spaces of capital accumulation. In this case, through legislative interventions, the state facilitates the introduction of cultural initiatives into a market logic by creating a framework wherein artists and cultural producers compete with one another for the privilege of participating in companies’ next marketing campaign at a discount price. Again, it is important to stress, with Sassen (2006:227), the importance of the role of the state in the creation of such structures. In this instance, as I have shown, both the direction to which the Rouanet law was led, as well as the centralization of cultural policy on it, were the outcomes of political decisions made by policymakers.

Finally, it is important to stress that the discussed structure of the Rouanet law, along with its centrality to cultural policy, remains in place to this day. This is despite attempts to introduce new mechanisms of cultural policy by the governments of the Workers Party (2003-2016), such as the *Cultura Viva* program, as well as increases in funding and usage of the FNC

during this period, the Rouanet Law and culture incentives through its patronage option remained the most relevant, with government spendings on it, as well as approved and sponsored projects successively reaching record highs during the tenures of Lula da Silva and Dilma Rousseff (da Costa et al. 2017; Neto 2017; Rubim 2010). The Temer and Bolsonaro governments, which focused on defunding culture rather than promoting novel initiatives, also did little to offset this paradigm (Dias 2021). Weffort's initiatives, therefore, not only consolidated a term-specific cultural policy but also set the tone for cultural policy in general in Brazil under the New Republic.

The neoliberal rationality and cultural policy in Brazil: advancement of a retreat?

According to Fabiani (2014: 217), "In the last sixty years, culture has been to some extent a constitutive element of the welfare state in the West." Cultural institutions such as museums, libraries, theaters, and festivals blossomed, became a common feature of the cityscapes, and came to be regarded as an index of what a good life can be. With the fiscally conservative paradigm adopted by Western states in the wake of their neoliberalization, however, such institutions have been directly impacted, as they mostly rely on public-funded (Ibid: 218).

Fabiani points his reader in a familiar direction, that is, the consequences on welfarist structures in Western countries brought about by the neoliberal turn and the subsequent reduction of state budgets. In this case, he is concerned with the specific impacts of neoliberalism on cultural life, pointing to actual and potential drops in its quality.

This analysis is at odds with the processes discussed in this chapter. While this is an obvious statement, as Brazil is not a "Western" country, as mentioned in the first chapter, a

common reading of neoliberalism is to portray it as a retreat of the state. However, if the impact of neoliberalism on culture can be aptly characterized by the latter's erosion in the wake of the retreat of the welfare state, the same cannot be said in Brazil. Indeed, it is hard to make a case for neoliberalism as an erosion of welfarist institutions in countries that never had them in the first place. As Rubim (2007) puts it, the history of cultural policy in Brazil is instead a history of its "three sad traditions": absence, authoritarianism, and instability. What the author means by this "sad traditions" framework is that the Brazilian state only sporadically took the cultural field to be a relevant one for policy intervention (absence), and when it did, most of these interventions were guided by a centralizing view of what culture ought to be and which ideals it ought to promote, with censorship being a recurrent practice (authoritarianism). Moreover, policies that fostered cultural initiatives and advanced the institutional framework through which the state could support said initiatives, other than being few and far between, would often struggle to consolidate themselves (instability). A different framework, therefore, is required for the purpose of fully accounting for neoliberalism's impact on Brazilian cultural policy.

In her book *Territory, Authority, Rights*, Sassen argues that neoliberalism is not a homogeneous block that forces itself everywhere and makes every place it touches conform to and assume the shape of a standard model; rather, it is an assemblage. Although she uses the term in an untheoretical, dictionary-like meaning of things coming together (Sassen 2006: 5), her usage of it suggests a collection of lines of force constituted by discourses and practices acting on a global level and converging around an organizing logic. Such lines of force entail elements as varied as the drawing of boundaries between legitimate and illegitimate economic theories and policies, the role of the state in setting up boundaries for the movement of peoples and capital, as well as other elements which I have discussed in the first chapter. What makes this perspective interesting, however, is how it informs her framing of the interaction of the global with the national. In her view, both the state and neoliberal logic constitute different

assemblages, and while the adhesion of a state to the neoliberal paradigm constitutes a subsumption of one to the other, this does not occur in a way that would imply a worldwide standardizing of states. The process is, rather, about lines of force from different assemblages interacting with one another, binding together, adapting to one another, and transforming through the process. In this way, then, neoliberalism is at once general and particular, global and local. In a word, when neoliberalism becomes concrete in different national settings, it becomes an “outcome of this negotiation between standardizing global systems and the thick environments of the national” (Ibid: 227).

This framework, I argue, offers interesting tools to understand the significance of the processes discussed in this chapter. Indeed, Brazil’s specificity as a global south nation makes it so that more traditional models for understanding neoliberalism’s impact on culture do not neatly account for the processes which took place there. By taking neoliberalism as an assemblage that negotiates with national settings and viewing the transformations of cultural policy in light of this interaction, it becomes possible to better make sense of what was discussed in this chapter.

In the case debated here, the “thick environments of the national” with which the neoliberal assemblage had to negotiate was marked, on the one hand, by the aforementioned sad traditions, and by the ideals of *redemocratização*, on the other. This context meant that the neoliberal period had a creative, rather than destructive, effect in regard to the consolidation of culture as an area of state action. Curiously, this was especially true in the Cardoso period, which was also the most significant in terms of reforming the state towards a structure suited to the neoliberal era. Although the New Republic’s most symbolic occurrences in cultural policy – that is, the creation of the Ministry of Culture and of the Rouanet law – happened before his terms, it was only under Cardoso’s presidency that they began to consolidate. The Rouanet law, as I have shown, saw virtually no usage before Weffort’s reforms, while the

Ministry of Culture was plagued by institutional instability before Cardoso, who ended the streak of constant changes in its leadership⁶. Moreover, during his tenure, the Ministry's budget steadily increased (Silva 2007: 174).

When taking account of the interactions between neoliberalism, state, and culture in Brazil, then, it is necessary to look not for a progressive erosion of cultural institutions and the possibilities for cultural initiatives as a consequence of defunding but for the specific ways in which the period's constructiveness materialized.

Here, the ideals of the *redemocratização* period are central. It is certainly possible to argue that the constructive aspect of neoliberalism which I am proposing was merely a function of the previous context of authoritarianism, absence, and instability. However, as I have shown, there was a genuine movement for tackling these "sad traditions" in the wake of *redemocratização*, a movement which, moreover, influenced the establishment of institutional frameworks as well as legislation.

With the consolidation of neoliberalism, however, the creative impetuses of this movement were repurposed towards ends more appropriate to the former's rationality. Under this paradigm, the goals of *redemocratização* for culture were advanced, but only insofar as they could be aligned with those of the neoliberal logic. As such, there was a significant increase in possibilities of creating and executing cultural projects, but only insofar as they were adapted to the cultural marketing logic; there was a significant increase in federal budgets and institutional infrastructure for the cultural sphere, but they were mostly centered around the fiscal incentive mechanism. In short, there was a constructiveness to the period, but it was marked and limited by a very determinate set of constraints. The result of the negotiation between neoliberalism and *redemocratização* within the context of cultural policy, then, is the

⁶ As Rubim (2008: 192) shows, from the creation of the Ministry in 1985 to 1995, its head was changed ten times

fostering of culture in a very specific direction, a direction according to which the state can expand, but only to a certain degree, provided that it does not lose sight of its role as an enabler of accumulation.

Chapter 3: The Rouanet law's resource raising and the proponent as entrepreneur

There is a very high level of entrepreneurship involved in this system... which is really a business system. Creating a good, selling this good, establishing a company, building up your client portfolio and market space, building up your credibility (...) Basically, the incentive law is a big business. It is a business like any other. It's like if I created a little clothes shop.

Davi, contrabassist and cultural producer

Introduction

While the previous chapter dealt with the laws of cultural incentive in general and the Rouanet law in particular through an engagement with them on a broader scale, this chapter brings the focus down to the level of the artist and the cultural producer, two figures that will be invoked quite frequently. It is not, however, my intent to steer clear of the structures operating at a macro level which were discussed on the previous chapter. Rather, the aim of this chapter is to interface the micro and the macro levels in order to understand how the context which was just laid out and problematized affects the people that are acting within it. In a order, I my goal is to understand how the social structures engendered by the Rouanet law operate at the level of production of subjectivity amongst artists and cultural producers who utilize it. This chapter, then, looks at and is build from the experiences of said actors, particularly as they attempt to acquire funds for their projects, a moment in which the aforementioned structures are most visible.

A proponent of a cultural project who wishes to access Rouanet law funding is required to submit their project to the SALIC⁷ platform of the Ministry of Culture. The project is then

⁷ Sistema de Apoio às Leis de Incentivo Cultural (Support System to the Laws of Cultural Incentive).

appraised by reviewers at the Ministry, who analyze whether it fits the criteria set by the law. As stated before, following Article 22, there can be no subjective appraisal of a project's artistic or cultural value, which means that these criteria mostly formal, pertaining to correct accounting, to the correct adoption of formatting standards in the project's writing, and to the project's status as an initiative which fosters cultural education, exposure of culture to the population, preservation of cultural and historic patrimony, among others.

Upon approval by the Ministry of Culture, a project becomes eligible for funding through the Rouanet law. As was also mentioned in the previous chapter, such funding is made only indirectly by the state, as the resources must first be provided by private companies to a project they wish to sponsor. These companies then receive an exemption in their tax dues of 30-100% of the amount donated to a cultural project. However, precisely because of the private nature of the funding source, approval of the project with the Ministry does not entail a guarantee that it will be funded. It is not, then, the end of a preliminary stage following which execution of the project can begin. Rather, it is only a first step into the crux of culture funding through the Rouanet law: resource raising.

Although resource raising refers solely to the acquiring of resources by cultural proponents with incentivizing entities in the text of the Rouanet law, the term was used by all my respondents to signify a stage in the funding process in which proponents or their representatives⁸ lobby private companies in order to attempt to obtain their sponsorship. Such stage is mandatory as, unless the proponent is well-known and established in the cultural *milieu*, no company will pick up a project for sponsorship simply because it was approved for Rouanet law funding.

⁸ This can include other cultural producers hired specifically for resource raising or companies specialized in the practice.

As resource raising becomes synonymous with lobbying, it takes on a series of characteristics which has implications both to how artists engage with their art and to the production of their subjectivity. In this chapter, I will analyze these implications, showing how the practice of resource raising fosters, among artists and cultural produces who propose projects under the Rouanet law, an engagement with their production as a good to be sold on a market of cultural patronages, and how such engagement, on its turn, leads them towards the adoption of a series of practices coextensive with those of the entrepreneurial subject.

Art as a good and the creation of a space of competition

“... and so you create branches from the main action, from the main good (laughs) You know, this habit of calling it a ‘good’, it comes from the Rouanet Law. Because it calls everything a good, so we kinda pick that up”

Davi

I would venture a guess that this quote, made by one of my most accomplished respondents in terms of success in resource raising through the Rouanet law, would strike the reader as unremarkable after reading the preceding chapter. It would seem to be merely a confirmation of what was already discussed, that is, that the fiscal incentive mechanism has the effect of inserting culture into a market logic, thereby turning it into a good. While that would not be an incorrect reading, this quote also points to a different effect of the Rouanet law: through the practice of resource raising, it acts in the sense of shifting proponents’, that is, artists and cultural producers, perspectives in regard to their production. As their dealings with the Rouanet law become habitual, so too does the notion that their cultural production is, in fact, a good. This phenomenon is not reducible to a lexical shift; it entails a specific kind of engagement with said production, one that is informed by the structures which come about as

a result of the framework setup by the fiscal incentive mechanism, as well as the set of practices that proponents are required to adopt and to interact with as they act within the bounds of such structures.

As stated in the previous chapter, the funding of cultural initiatives by private actors through the fiscal incentive mechanism is capped at an amount equal to 4% of total tax. This introduces a limitation to the number of available sponsors and, subsequently, the amount of available funds for the effectuation of a project. On the other hand, a large number of projects are submitted yearly: as the VerSALIC platform⁹ shows, since the inception of the Rouanet law, over 100 thousand projects were approved by the Ministry of Culture for resource raising. This discrepancy makes the practice of resource raising a competitive one. Indeed, most of my respondents who attempted to fund their projects through the Rouanet law reported having difficulties with or outright failing at acquiring company sponsorships. In such context, then, proponents who wish to get funding must regulate their practices in accordance with what succeeds in this project market.

According to two of my respondents, Davi, who was quoted above, and Marta, who was mentioned in the last chapter, the first step of this process is the renunciation of what they portray as an “artist-like” mindset. Describing the “amateur” quality of several projects she has read, Marta comments:

What ends up happening is that we get a lot of projects that look like bread paper. You get this piece of paper [and it’s like] the guy had an idea and decided to ask for money (...) I notice that artists struggle to put a [good] project together. They just can’t. [The projects are] very artistic and everything, but they need some support because the project isn’t going to be based solely on the artistic side (...)

Davi, on his turn, describes his failure on his first attempt at acquiring funds through the Rouanet law as the result of an artist-specific *naïveté*:

⁹ Portuguese for “seeSALIC”. This platform enables access by the public to Rouanet law data, including, among other data, details on the projects submitted to the SALIC platform, the amount of funding requested, the amount of funding given to projects which were successful in resource raising, the amount of funding invested by sponsors, and a list of active sponsors.

I had this idealistic outlook which I think is an artist's outlook. (...) I used to think like this: if it is free for the company¹⁰, then why not? Look how cool [my project] is. There is no reason why they would not want it. I did not take competition into account, I did not take the market into account. I really did not have this perspective, to see that that was a market (...) I couldn't see past my artist's nose.

This renunciation of a "naïve" artist's perspective should be followed, then, by an acknowledgement that resource raising is, in fact, a market wherein agents compete with one another. Thus, if proponents want to succeed in getting funding for their project, they must engage with their production in a different manner: not as an artist would with a piece of art that they create, but as a salesperson who must consider how sellable their goods are.

This notion of the resource raising process as a sale came up numerous times over the course of my interviews. Leonardo, a trumpet player who started doing resource raising "because someone had to do it", for example, told me that, in this line of work, it is very important to be able to communicate and be able to *vender seu peixe*¹¹. While Valério, a composer, told me that for one of the projects that he started, he entrusted the resource raising function to his friend, because "he is much more of a salesman. He will just call and put his stuff out there. I'm not like this". In the same vein, Luís, who conducts a choir and is also in charge of cultural production functions related to it, told me:

We have to show companies how they're going to benefit from it. You are living in Austria, so maybe you've seen something there... I don't know how it is over there but I imagine, and this is just my imagination ok? But I think that outside of Brazil, in some countries which value culture a bit more, things may be different. Where there are companies who sponsor culture because they like it. I know that there are many theaters and theater companies that are able to run because they have private sponsors. But in Brazil I don't know anything that works like that. Things only run because someone is getting something out of it, and this something is marketing.

To mature as a proponent, therefore, means to become a sort of "project salesperson", someone whose attention must be diverted from the artistic elements of their project towards the demands of companies as potential sponsors. In the previous chapter, I have shown how the

¹⁰ His project was categorized under "instrumental music" and was thus eligible for 100% exemption.

¹¹ Expression which translates to English as "selling your fish". It means selling what you're pitching

state creates, through the Rouanet law, a novel space for capital accumulation by engendering a logic of state-sponsored cultural marketing. With resource raising, this matter takes on another meaning. This is because the specific way in which the fiscal incentive mechanism inserts culture into a market logic entails a structuration of a space of competition between proponents. Acting within such space, the latter are required to adopt a view whereby their art is a good to be sold to companies, lest said art never sees the light of day. As such, the Rouanet law not only makes culture expedient (Yúdice 2004), as I have discussed in the previous chapter, but it also works in the sense of internalizing this expediency among artists and cultural producers through the sorts of engagements it requires from them.

This shift in perspective whereby artists and cultural producers assume the role of sellers in the market is central, because from it follows a series of subjective implications. This is because success as a salesperson in the market of cultural projects hinges on the adoption of certain practices which converge with those that are identified with the *ethos* of successful professionals in general, such as flexibility, autonomy, efficiency, and continuous learning. In both these cases, such practices are informed by and contribute to the constitution of a form of subjectivity that is particular of neoliberalism, that is, the individual as an enterprise, the entrepreneurial subject. My claim, then, is that, the Rouanet law works as a technology of neoliberal subjectivation which is akin to elements such as the workplace, contemporary managerial paradigms, the school, the self-help industry, etc. Through the structuring of a competitive space and the subsequent normalization of the expediency of culture amongst artists and cultural producers, the Rouanet law has a disciplining effect on these actors, working in the sense of remodulating them according to the entrepreneurial model.

In the next section, I will take a somewhat lengthy, but necessary detour, to elaborate on my meaning when invoking terms such as “neoliberal subjectivation” and “entrepreneurial model”. This will be done through an exploration of theoretical debates around the notion of

neoliberal subjectivity. Following this, I will discuss how said subjectivity is fostered among artists and cultural producers through the resource raising process.

Neoliberal subjectivity

The idea of taking subjectivity as something which can be worked on, produced, is much indebted to Foucault's work. In *Discipline and Punish* (1995), he shows how institutions that he dubbed "disciplinary institutions" such as the school, the factory, the hospital and the prison, worked in the sense of producing a subject which is both docile and useful, that is, whose energies are directed away from the political and towards the economic. In a word, a worker who does not mean to revolt. This was accomplished not by means of direct interventions on the subjects themselves, but on their setting: their spatial distribution, their placing under surveillance, the management of their actions in time, and so on. The model of the panopticon is illustrative of this logic. Under it, subjects are distributed in a circular space whose center is occupied by a surveillance tower, with a 360° view and tinted glasses. The regulation of the subjects' practices thus, appears as a function, of this radical visibility. This regulation, on its turn, is not forcefully enacted. Subjects elect to act in a certain way as a result of the conditions placed upon them. Thus, as Foucault (1982: 789) holds, power is an action upon an action; it does not mean repression or interdiction of action, it works through the actions which subjects themselves choose to take.

The production of subjectivity through power, that is, through actions upon actions, is taken up by Peter Miller and Nikolas Rose in their work *Governing economic life*. Here, subjectivity production is tied to technologies of government, thus being a product of a certain way of governing life, while also appearing as a condition of government. As their argument goes, such technologies, understood as the "mechanisms through which authorities of various

sorts have sought to shape, normalize and instrumentalize the conduct, thought, decisions and aspirations of others in order to achieve the objectives they consider desirable” (Miller and Rose 1990: 8), constitute the subjectivities which enable governing in a liberal-democratic way, that is, governing at a distance and through subjects’ freedom. As Rose puts it *Governing the enterprising self*,

Governing in a liberal-democratic way means governing through the freedom and aspirations of subjects rather than in spite of them. It has been made possible by a proliferation of discourses, practices and techniques through which the self-governing capabilities of individuals can be brought into alignment with political objectives (Rose 1990: 7). Emphasis in the original.

As such, technologies enable, through this work on subjectivity¹², the deployment of political rationalities and the programs of government they articulate; they constitute a bridge between the goals of government and their effectuation (Miller and Rose 1990: 8). Miller and Rose’s notion of translation offers a way of further clarifying the role of technologies in this process. Following Callon and Latour, they propose that translation is a process whereby different actors become assembled together in a network due to constructing their problems in allied ways. Allied thusly, such actors can “require or count upon a particular way of thinking and acting from another (Ibid: 10). Therefore, through the production of subjectivities, these technologies play the role of enabling translatability by producing subjects who, despite their freedom, construct their problems in ways that are allied with the goals of those who govern.

According to the authors, this framework of governing at a distance and through the subjects’ freedom is kept after the turn to neoliberalism. However, as goalposts of governance shift in the lines that I have discussed in chapter one, such framework becomes informed by the notion of enterprise, as it appears as a notion which “enables a translatability between the most general *a priori* of political thought and a range of specific programmes for administering the

¹² Certainly, the scope of these technologies is not limited to subjectivity production, nor are they the only. Indeed, the problem of government was initially concerned with territory and population (Foucault 2008a), and, as I have discussed in chapter one, technologies which act upon other matters are still very much active in the present. The purposes of this chapter, however, call for this specific focus on subjectivity.

national economy, the internal world of the firm and a whole host of other organizations from the school to the hospital” (Ibid: 24). At the same time, the notion of enterprise as a paradigm of government is also, particularly in what pertains to technologies of subjectivity production, a function of new paradigms of company management, which stem from a series of productive restructuration processes undertaken by companies in the wake of globalization and a series of technological breakthroughs, particularly in the digital and telecommunications fronts (Viana 2013).

Thus, As Dardot and Laval (2016: 321) put it, “The conception that views society as an enterprise constituted by enterprises needs a new subjective norm, which is no longer that of the productive subject of industrial societies”. Much as the docile and useful subject was the model to be achieved by disciplinary technologies during the eve of modernity, therefore, under neoliberalism, technologies serve to produce the subject as enterprise.

According to Dardot and Laval, to produce a subject as enterprise means deploying the means of governing conduct in order to engender individuals who view themselves as immersed in a competitive order in which they must strive for success. The subject as enterprise, thus, appears as someone who must order their conduct so as to maximize their results. They are also autonomous and independent, needing to expose themselves and take risks in order to succeed, while their failures cannot be attributed to anyone but themselves (Ibid: 328). The parallel with the (ideal) image of the company, as a maximizing, risk-taking entity which relies on nothing but its own boldness in order to survive in a competitive environment, then, is patent.

Such parallels are not incidental, as, within this paradigm, the subject is not only required to act as a company, but they must also view themselves as one. Here, the notion of employee is rendered obsolete, tied to a past which was centered on relations of dependency: the Fordist subject whose autonomy is precluded as they are dependent, on the one hand, of the state and its welfarist programs, and on the company, by which they are employed in a stable

but heteronomous job, on the other. By viewing themselves as a company, the neoliberal subject rejects this stability in favor of independency: they are employers of themselves, entrepreneurs of themselves. Their self-interest-oriented action means that they can never work for a company; they can work only for themselves. Even if they are employed by a company, such employment is always taken as a mean, never as an end: they do not work for the company, they work for themselves through their work in the company. No longer is employment a relationship whereby one part is subordinate to the other. If the subject is an enterprise, then employment can only be a transaction between equal parties wherein both maximize their results.

As Dardot and Laval point out, this convergence between subject and enterprise points to a form of government that works through desire:

For the aim of the new practices for manufacturing and managing the new subject is that individuals should work for enterprises as if they were working for themselves, thereby abolishing any sense of alienation and even any *distance* between individuals and the enterprises employing them. The individual must work at his own efficiency, at intensifying his own effort, as if this self-conduct derived from him, as if it was commanded from within by the imperious order of his own desire, to which he cannot resist (Ibid: 327).

Therefore, through this process, which Miller and Rose (1990: 27) characterize as the rapprochement of the self-actualization of the worker and the competitive advancement of the company, workers identified with the enterprise can be more efficiently recruited to the process of capital valorization, as they are urged to partake in it not through the promise of salary, benefits, stability, but because their drives are aligned with those of company; because they have become implicated in the same network through the construction of their problems in allied ways.

The subject as enterprise, however, exists in a competitive environment, as mentioned above. As Viana (2013: 48) shows, the threat of elimination is a central principle around which the neoliberal subjectivity is organized. To succeed in this environment, therefore, said subject

must take adopt further entrepreneurial features: flexibility, and willingness to invest. The subject as enterprise, much as a company, is required to adapt to the constantly shifting landscapes of the market. They must not remain stagnant, lest they risk being displaced by their competitors. As such, they must be willing to engage in a different number of functions in their work, take on multiple tasks, work beyond their fixed hours, branch out of their chosen career paths, and so on (Ibid: 57).

Equally important is the willingness to invest. In the same way that a company invests to increase or update their fixed capital, the subject as enterprise must invest in itself to increase its overall value and make itself more competitive. The notion of “human capital”, as analyzed by Foucault in *Birth of Biopolitics* (2008) is helpful in the understanding of this matter. Following the work of Chicago School economists, Foucault identifies the emergence of the notion of human capital in what he calls “a neoliberal critique of political economy”. The crux of this critique is political economists’, such as Ricardo, lack of a full exploration of the matter of labor, which is, according to the neoliberals, neglected in favor of the remaining factors of production which classical political economy concerns itself with, that is, land and capital. As such, their project is to reintroduce labor in economic analysis, which they do by framing it through choice theory and putting the worker, instead of the consumer or the capitalist, in the position of the choice-maker who efficiently allocates resources. Through this shift of framework which (allegedly) adopts the perspective of the worker, they are able to discuss salary not as labor-force price but as an income which the worker earns from his work. The following step is the re-elaboration of all of the worker’s attributes which can be useful in work as capital, for, if the salary is an income and an income is earnings derived of capital, then that which enables the worker to work, that makes him useful in said work, can be conceptualized as capital. Thus, every human possesses a capital, and every human can invest in itself in order to increase their own “human capital”, thereby also increasing their capital earnings, that is,

their salary. This is done by acquiring new useful skills or honing those already developed. These skills can be of any nature, as long as they can be employed to the increase in one's value as an asset for prospective employers: education, training, self-care, all of these can be read as human capital so long as they can be made to be useful. Such, then, is the meaning of investment in the self: the neoliberal subject must continually increase the value of their human capital, they must always be willing to perfect themselves and their skills, to continually learn, to build and maintain their image, to build and maintain a network.

To govern in order to create a neoliberal subject, then, means to deploy technologies in order to foster individuals whose conducts are centered on a constant self-work aimed at attaining all the characteristics discussed throughout this section. In word, “self-specialist, self-employer, self-entrepreneur: the neoliberal rationality impels the self to act upon itself in order to become stronger and, thus, survive their competition” (Dardot and Laval 2016: 330). In the following section, I return to the matters with which I started this chapter, that is, artists, cultural producers, the Rouanet law, and resource raising showing how, through their fostering of a neoliberal subjectivity in the former two, the latter two appear as technologies of government of the same kind discussed in this section.

Artists, marketing, marketeers

And you start wondering: what's the matter? Why am I not succeeding? I tried to understand it. Where's the fault, where's the error? Is it my posture? Is it my contacts? Is it my project?

- Fátima, dancer, dancing teacher and cultural producer

How does one become a good project salesperson? The answer to this question is nowhere to be found in the Rouanet law text, or any related material provided by government websites. As Fátima told me: “there are no guidelines for resource raising anywhere. You have to figure it out by yourself.”.

Some distinctions between successful and unsuccessful proponents could be, nevertheless, perceived over the course of my interviews. As I mentioned in the first section of this chapter, these distinctions are mostly based on the willingness to accept one’s project as expedient, and the practices adopted following such acceptance. Such practices are: branching out of the artistic field and into those which are useful for interfacing with companies, mastering the skills required to excel in the latter, and building an image and a network.

Respondents who were successful in several instances of resource raising and displayed comfort around the practice were skilled in a number of fields outside of their artistic background. Davi, for example, other than a contrabassist, displayed a good working knowledge of marketing. He told me how he matured his Rouanet law projects and resource raising pitches by transitioning from an exposure-centric to a product activation-centric approach in the confection of his cultural goods: “I was only thinking about numbers, telling companies that their brand was going to be showed in how many medias, that it was going to be here and there. Now I think about the subjective connection of the consumer to the brand through the cultural project”. Similarly, Toni, who is a dancer, had several criticisms of his peers’ inability to marketize their projects:

If there’s one thing that dancers are bad at is communication. It is horrifying (...) With social media, it became even worse. [But] when things were based in graphic artefacts it was already stupefying. You picked up a flyer advertising a spectacle and you couldn’t even tell what it was about (...) How are you going to work with that in a field where communication structure is one of the most important factors?

Later in his interview he provided a contrast through his own approach:

It is a joy to write a communication plan (...) you can think of it as part of your creation, within the context of the spectacle. Most communication projects in dance take

up half a page where they tell you that they'll print out some flyers and posters or whatever, and they end up not even printing them. Nowadays, my communication plans in incentive projects occupy three pages. Because I love to think about the structure, how am I going to build it, what do I want to communicate, how am I going to access the press, how can I merge this with the spectacle.

Fátima provides an interest contraposition to this proficiency. Contrary to the practices adopted by Davi and Toni, she did not filter her project through the marketing lens required by companies. Instead, she had a project with which she wanted to work and tried pitching it to different companies. Reflecting on her lack of success in acquiring funds, she said:

I was in a niche. And so, I don't know, perhaps that's what makes it uninteresting. The niche is not interesting. Why would I [a company] invest my money in a thousand people if I can invest the same amount to someone that can access one hundred thousand? But then it has to be aligned with the company's branding, so it's a puzzle. It's very complex.

In contrast to this, Davi says: "I don't even write a project anymore without first conducting a market study of sponsorship possibilities and considering whether that project in itself can have a market potential". The opposition, then is evident: on the one side, Fátima thinks first on her art project and the possibilities of sponsorship, on the other, Davi thinks his art project through the possibilities of sponsorship. While the one looks at the project from the "artist's perspective" that my respondents mentioned, the other looks at it from a marketing perspective, their success in resource raising being a function of choice of perspective.

Davi's and Toni's expertise in marketing shows that a Rouanet law project proponent must be flexible enough to become, aside from an artist, a marketing professional. Indeed, by conceptualizing and concretizing all the steps required to confect a marketing product, from the consideration of companies' brand values, to how such values will be articulated in their cultural project, as well as visibility strategies, communication with the press, and so on, they become akin to freelance marketing workers who take up outsourced company work. Such work, moreover, is based on an "employment" structure which is significantly more precarious

than that of a regular freelance worker, as the “hiring” of Rouanet law proponents is based on and limited to single-term approval of projects in a highly competitive environment.

Branching out into marketing, however, is not enough. Again, success and comfort around the Rouanet law’s resource raising process also coincided with skills in sales during my interviews. Luís, for example, told me “You need to have *jogo de cintura*¹³, you need to know who to talk to, how to talk to them, know how to present yourself”, while Leonardo stressed the importance of being skillful at the presentation of your material, of knowing how to talk to people. In the same vein, Davi said that it is important to know how to read people when interacting with them, in order to better steer the conversation towards your ends, or to gauge whether a pitch has a future or not.

Thus, proponents of the Rouanet law are required to redirect their conduct in order to remake themselves in order to become, on top of artists and cultural producers, marketing professionals and salespeople. As such, through the resource raising process, proponents are required to develop flexibility, to step out of their artist’s box and develop traits which would otherwise have nothing to do with their original profession.

In order to become salespeople and marketing professionals, however, proponents are required to learn the skills of these trades. Success at resource raising, therefore, involves a process of investment in oneself, of increasing one’s human capital. Indeed, out of my 8 respondents who were Rouanet law proponents, only 3 had not done courses related to culture incentive laws and resource raising¹⁴. In these courses, they were taught how to write projects, how to engage with a company’s brand and incorporate it into your project, communication and visibility strategies, sales techniques, and so on. Luís, for example, described how his teacher

¹³ Expression which translates literally to “waist game”. It means the ability to wiggle yourself through adverse situations.

¹⁴ These respondents, it is worth noting, were either unsuccessful with resource raising or asked other people to do it for them.

would tell a story of how he acquired a sponsorship with a major brand by calling a random company number and asking to be put through to the CEO, pretending to have an appointment with him. Davi, on his turn, described course in the following way: “there was a lot of content related to norms and the law in itself, but there was also a lot of storytelling, digital marketing, these kinds of sales techniques, you know? Neurolinguistics and such”. Furthermore, the need to keep up with marketing trends and to find out what is the potential marketability of every specific project makes this learning process a constant one.

Proponents also invest in their human capital by building and maintaining a network of professional contacts. The lack of a solid professional network, according to respondents makes resource raising processes much more difficult. Describing his “frustrating” attempt at acquiring a sponsorship by contacting a company through contact information provided on the internet, Luís said: “I was like, what company is available? Oh, this one. Ok, let’s go to their website. Is there a phone number? An e-mail address? Oh, here it is. But who do I talk to? To HR, to the marketing department, to the manager of whatever? At the end, you end up saying: I’m just going to give up.” Similarly, Fátima described her lack of viable entry points as one of the factors contributing to her unsuccessful attempts at resource raising:

I always had the impression that nobody even looked at my project (...) I lacked someone to go in there and talk to them, so I never got through this barrier of the right person to talk to. I was a Jane Doe who was knocking on their door with a potential project, but they didn’t know of the project’s potential, because I was a Jane Doe. They didn’t have time to hear me out, they didn’t have an interest in hearing me out.

Successful proponents, on the other hand, stressed how having contacts was an integral part of their favorable results in resource raising, as well as the importance of conducting oneself in a manner which enables the fostering and maintenance of a network. Leonardo, for instance, told me:

What made it much easier for me was to have this close contact, where the person was familiar with me, knew what I was about (...) [so] I treat people in a way that makes them want to sponsor me again (...) I take concert tickets to them personally. I tell them

“Here, I reserved you a seat” (...) at the end of a process I always send a thank you video.

Davi adds to this point by stating that:

It’s also a matter of building up a market, a client portfolio. Resource raising is also about that. There is no use in having the most beautiful project in the world if you never knocked on that company’s door, or if you’re new at this game (...) so it’s a matter of having a client portfolio that the raiser himself builds. I can cite my own example. In this project with the orchestra that I’ve been doing since 2019, my first sponsor was a regional supermarket chain. And I got this sponsorship because one of the people involved in this project was the cousin of the company’s owner (...) And nowadays he is a fixed sponsor, who just tells me “Just send me the project that the sponsorship is yours.”

Indeed, such is the importance of contacts that they can occasionally even help in the circumvention of public calls for project applications, which are usually done by more established companies in the fiscal incentive sponsorship field in order to better structure the sponsorship project and make it more impersonal. Elias, a cultural producer whose boss is a very established artist, told me that “Once someone who works for this big bank reached out to us and said: ‘hey, we’re going to open up a call and we want you to register and we’re going to make it work.’ (...) This is common. People do this.”

Finally, it is important to build and maintain an image of trustworthiness and transparency. Marta described how, in the process of selecting projects for sponsorships, the compliance sector of companies always looks for red flags, such as corruption, failure to deliver on what was promised in previous projects, lackluster delivery, and lack of accountability. Therefore, a proponent must establish themselves as someone who can be relied upon to do their part, who is a good person to work with, and who does things by the book. As Leonardo put it: “You have to show how the project is going, you have to present the results of the project (...) [so that] you build a strong name, and the person can know that they are not throwing their money away.” Furthermore, the need to establish often leads proponents to starting a company, as, according to my respondents, potential sponsors are suspicious of the trustworthiness of proponents who submit projects under a natural person juridical status.

The adoption of this series of practices by artists and cultural producers in order to succeed in the process of resource raising points reveals that the Rouanet law, through the structures of interactions between proponents and sponsors it sets up, functions as a technology of government whose sense is to foster a specific mode of subjectivity, that is, neoliberal subjectivity, among artists and cultural producers. By setting up a framework whereby artists and cultural producers must view their creations as goods and endeavor to sell them as best as they can in a market with limited purchasing power, the Rouanet law fosters in them a conduct which is that of the entrepreneurial subject: they must be flexible, constantly work on themselves, develop their skills, a network of professional contacts, their image, in order to be successful in a competitive environment. Moreover, sets up a governing of conduct which, as in the case of the entrepreneurial subject mentioned in the theoretical section, is also done through the subjects' desires, as proponents identify deeply with their projects and want to see them materialized. Indeed, the reorganization of conduct in the terms that I have described is a function of this purpose to have one's project realized. As Leonardo told me: "To me, resource raising is a way of doing what I want to do as a musician". The structure of the Rouanet law, therefore, creates a field of translatability, in Miller and Rose's (1990) terms, in which the ends of artists and cultural producers become allied with those of companies: they work for the company while working for themselves.

Despite this alignment of ends, and the fact that many projects do see the light of day because of it, it must be stressed that this structure does nothing to tackle the precarity of artistic work. Instead of this, it fosters an environment wherein proponents figure as highly precarious people scrambling to secure their means of survival and fulfilment by endeavoring to become, from the companies' perspective, the best producers of marketing campaigns. If, as it has been said (Fabiani 2014, Ross 2008), the artist was taken as the template of the ideal worker by new management, then the Rouanet law turns this idea on its head: under it, it is the entrepreneurial

subject, struggling to make his way in a competitive order, who provides the template for what the artist and the cultural producer ought to be.

Conclusion

In this work, I have discussed the Rouanet law, pondering the questions of its effect on cultural production and on the subjectivities of artists and cultural producers. My analysis of these effects, as well as the ways in which they are produced, indicates that such law appears as a technology of neoliberal governmentality which works on both the macro and the micro level. On the macro level, it figures as a legislative tool through which the state can frame cultural production in the logic of the market by setting up a structure whereby companies have full autonomy as well as a monopoly on decisions of funding. This means that projects which are able to get funding tend to those who are profitable to these companies as marketing initiatives. As such, cultural policy is handed over to the private sector, which reduces it into state-sponsored promotion of cultural marketing. These structures, then, carry over to the micro level, where the need to court companies for project funding in a highly competitive environment pushes proponents to adopt practices which are coextensive with those of the entrepreneurial subject. On the micro level, therefore, the Rouanet law figures as a technology of government of conduct which aligns artists and cultural producers' subjectivities with the standards of the neoliberal subject.

This outcome is no accident or coincidence. As shown in chapter two, it is the effect of deliberate policy decisions aimed at making the Rouanet law as harmonious as possible with the neoliberal forms of state action which took root in Brazil during the 1990s. These decisions have highlighted those mechanisms of the Rouanet law which were adequate to this paradigm (fiscal incentives) and underprivileged those which were not (the FNC). Regarding the effects on subjectivity, although it would be hard to affirm that they were the consequence of deliberate design, it would also be hard to affirm that such effects were unwelcome. In a word, the Rouanet law is very much attuned to the neoliberal paradigm, which perhaps can be a factor in explaining

the longevity of its dominance, which has survived through a number of administrations which actively and openly criticized it, such as the Lula and the Bolsonaro administration.

This diagnosis, it should be said, does not constitute a *tout court* rejection of the Rouanet law. As some of my respondents have pointed out, its issues stem from the imbalances between its mechanisms and the near monopoly it has over federal cultural policy, which leaves artists with little choice for realizing their projects outside of it, thus rendering the marketization of culture ubiquitous and nearly compulsory. This thesis, then, works in the sense of further shedding light on the problems stemming from overreliance of cultural policy on the Rouanet law and on its fiscal incentive mechanism, in the hopes of helping to build avenues to tackle them.

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