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National councils as hybrid forums:

**instruments of transversal public action in Brazilian participatory
institutions for Health, Environment and Human Rights**

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NATIONAL COUNCILS AS HYBRID FORUMS: instruments of transversal public action in Brazilian participatory institutions for Health, Environment and Human Rights

ABSTRACT

The Brazilian National Councils of Health, Human Rights and Environment are participatory institutions that consider the multidimensionality of contemporary public problems. This paper analyses interactions between society and State actors in these arenas, highlighting their transversal dynamics. In order to do so, we articulate the following concepts: hybrid forums, dialogic, transversal management, complexity, public action, referential, instruments and repertoires. Through the institutional ethnography of council practices (including the observation of meetings, sixty-six interviews with national councilors and documentary analysis), we hereby share several different dynamics of public action engendering complex processes of instrumentation, propagation of referentials and democratic building.

Keywords: Hybrid Forums. Political Participation. Public Action Instruments. Brazil. National Councils. Transversal Management.

Introduction

This paper shares the results of a doctoral research (CRUZ, 2017) that observes the transversal tactics of three Brazilian participatory institutions, the National Council of Health (CNS), the National Council of Human Rights (CNDH) National Council of Environment (CONAMA). The three councils were established respectively in 1937, 1964 and 1981 and had profound changes in their composition, purposes and modes of action in recent years, establishing themselves democratically after the Federal Constitution of 1988.

National councils are formal interface arenas between state and society. They are linked to their sectorial ministries and represent the national face of the councils federative organization, being able to count on homologous in states and municipalities. In the Health case, councils are mandatory in each federative sphere, and are responsible, among other elements, for the public budget fiscalization.

Despite hundreds of studies on councils in Brazil, there are few analysis of participatory institutions that shift the angle of their interactional dynamics, transforming themselves to adopt

intersectoral and transversal approaches. It is precisely in this gap that this research concentrates.

As a starting point, it is worth saying that interactional connections and transversal meanings are recognized by fifty-seven of the sixty-six national advisers interviewed. In a set of ten questions, they were all asked "what do you understand by transversal action?" and "do you think there are transversal (or intersectoral) processes going on in the national council in which you participate?" Only four of them believe that there is no transversality in the councils in which they participate (other five did not know how to respond).

This research question is: "*how transversal public actions of national public policy councils in Brazil are carried out?*". The thesis that underlies this paper has institutional ethnography as research method, considering observations, interviews, revised bibliography and analyzes of minutes, regiments and other council documents - the last three, mobilized for this analysis.

The analyzes considered the lenses of what we call *transversal and participatory public action* (TPPA). In a brief summary, the expression establishes the notion of public action as that collective action (Melucci, 1996; Hatchuel, 2005), which also has the presence of state actors and logics (Monosalvas, 2014, Muller, 2013, Lascoumes, Le Galès, 2004, 2012). It is the action inscribed in complex processes, which are not restricted to specific sectoral dynamics (Muller, 2013, Halpern, Jacquot, 2015, Brugue, Canal, Paya, 2015 and Morin, 2003) and necessarily occurs in forums (Callon, Rip, 1996; Callon, Lascoumes, Barthe, 2009) formally established to conduct interactions between civil society actors and political society, producing deliberations or orientations in the form of sociotechnical norms and more diffused ideals.

The confirmation of this character more comprehensive than sectoral refers to both to the multi-actoral established in instituting regiments and to the practices of counselors. In terms

of political representation, we observed the procedures quality in terms of parity and multi-actoral diversity.

In the examination of the councils, we establish dialogism as the analytical core both of the capacities to promote transversality and fair and equal participation. With Callon, Lascoumes and Barthe (2009), we understand that the means of promoting dialogism can be evaluated according to their characteristics of diversity, group independence, transparency, traceability, repetition of interactions, continuity of expression of points of view and clarity of organization rules. The qualitative evaluation of these properties makes possible an exercise of transcendence, which allows both to assess the capacities of multidimensional interactions that surpass a fragmentary disciplinary and sectoral logic (Morin, 2003), but also to consider the representation of groups for recognition and redistribution, cernes of democratic theories guided by a sense of justice (Young, 1991, Fraser, 2008).

The justification to the three councils choice is that each of them represents a different area, demonstrating the variety of practices of both social policy issues, as well as the guarantee of rights and the sustainable environment. Furthermore, both health, environment and human rights are areas that require multidisciplinary and intersectoral processes to enable the achievement of their public policies. And at the national level, the councils are matrices for state and local action, guiding the conformations of other federative entities. They both welcome actors as they may suggest public transverse and participatory APTP action, disseminating and transferring references, action repertoires and instrumental devices.

When looking at councils interactions between (and among) sectoral, it is proposed to re-read the definitions normally attributed to intersectoral and transversal management, recognizing their scope, to articulate the concepts of complexity, dialogic, hybrid forum, public action, interaction repertoire, referential and instrument.

Such strategic means can be distinguished conceptually, but intertwine in the empirical field. The instruments and their dispositives to constitute, operationalize and politicize public action will be fundamental. The TPPA, like all collective action (in the sense of Hatchuel, (2005)) is made up of knowledges and relations, is reflexive and artifactualized.

In this sense, are research objects both the socio-state and intersectoral dynamics, as well as the referential and the sociotechnical norms that organize and are organized by the studied instances. Therefore, we intend to reveal the organizational model of the councils, their managerial philosophy and technical substrata (Labatut, Aggeri, Girard, 2012).

1. National Public Policy Councils in Brazil

Despite the choice of the analysis for council dynamics, it is known that these are not the only ways to promote the desired democratic construction. Political participation has its basis in voting and can take different forms to generate the population will incidence on the government. It may even take more informal contours, through movements, protests, strikes and petitions, for example (Torcal, Monteiro, Teorell, 2006). In Brazil there are, besides national councils, other modes of formal political participation - including requiring less intermediaries and representation processes, such as municipal level councils, participatory budgets, master plans and dozens of other socio-state interfaces.

Nevertheless, each of the prominent national council bodies arouses interest for analysis because they are endowed with interesting multi-actoral composition, denoting a certain dialogical and transsectoral capacity. In addition, these collegiate bodies provide opportunities for interaction between national governmental and non-governmental actors, as well as produce guidelines on multiple topics, including socio-technical regulations - with more or less contentious or cooperative processes, benchmarks, results capacities, instruments and different degrees of imbalances of power in their composition.

The councils actions has multiple meanings and strategies, which can coincide with those of managerial, bureaucratic, and even social movements repertoires. Councils are

Institutions constitutionally envisaged in Brazil after democratic reinstauration, whose designs and objectives allow citizens participation in the state decision-making processes regarding planning and implementation specific public policies (Gohn, 2004, Avritzer, 2002, 2006, Tatagiba 2002, Dagnino , 2002). The 1988 Constitution foresees the structuring of these institutions in the three levels of government, in a hybrid format, generally composed by members of government and members of civil society, in order to discuss several issues regarding these policies - ranging from health, social care, children and adolescents, until public and cultural heritage, for example (Pires e Vaz, 2012, p. 11,own translation).

Brazilian state management, even between January 2003 and May 2016, when the federal government was guided by a more progressist political project than in its previous history, is carried out by state bodies. However, it is possible to verify that since 1988, with the advent of a citizens' constitution, and especially in the aforementioned period, the state have recomposed itself to count on subjects of militant trajectories in public positions (Abers, Serafim, Tatagiba, 2014) and finds a certain degree of supervision and purposes encouraged by public policy councils (Brazil, 1988), also composed by non-state actors.

If the council authorities serve democratic participation, they do so by allowing the vocalization of those outside the government (Almeida Tatagiba,, 2012) to those who are inside, in a process of dispute and collaboration to construct both state and citizenship. This is how participatory processes establish their flows of deliberation, regulation and orientation of more diffuse meanings: by placing themselves as access points or hybrid spaces that allow actors from different networks and institutional linkages to give vent to what they consider to be relevant to the societal construction in the exercise of politics, by instruments and interactions conforming new alliances.

Without isolating themselves from an international context of deepening neoliberalism (Muller, 2013) and facing a national scenario of economic changes (from growth during the

Lula government [2003-2010] to the political crisis and economic stagnation the second term of Dilma Rousseff's government, which has begun in 2015), the federal government actors have carried out reforms in their structure (Cardoso Jr, 2011). Among the effects of these reforms are participatory institutional processes that are strengthened to the point that they are treated by the state as a method of government (Pires, 2011; Pires, Vaz, 2012) and, although without breaking with the new democratizing institutions, fiscal adjustments have been shrinking the scope of social policies. It is worth mentioning that the same social policies are expressed in institutional discourses as central political projects, as explicitly stated in the Pluriannual Federal Plans (that are also target of participation processes). These are important elements of the context that motivates the research. However, the contribution sought to be registered requires more than realizing the contradictory nature of the mentioned processes in order to understand the logics that underlies transversal and participatory public action.

The construction of this argument recognizes the advances and limits of studies focused on participation, deliberation, and transversal management of public policies. This proposal articulates conceptual elements to analyse participatory institutions that increase their degree of complexity when structuring themselves as intersectoral or transversal.

2. Dialogic, hybrid forums and transversal public action

Let's be clear: Hybrid forums do not call democracy into question; they demonstrate and express the need for more democracy, for a deepening of democracy. They are one of the particularly visible and urgent manifestations of the more general movement that calls for the democratization of democracy. The simple fact that they are not purely and simply repressed, even though some established forces try to reduce them to silence or non-existence, and the simple fact that they mobilize opinion although many interest groups strive to devalue them, demonstrates their legitimacy, if this must be demonstrated. Everyone knows that they are not undermining democratic procedures but are instead entirely set on enriching them. Hybrid forums are therefore precious laboratories (Callon, Lascoumes, Barthe, 2009, p. 118).

In order to account for the complexity of participatory contexts, it is interesting to compose this theoretical discussion with the ideas of Callon and Rip (1996), concerned with the links between social actors and technical artifacts in the constitution of sociotechnical norms. For the authors, in the spaces of design of sociotechnical norms, there would be an interpenetration of actors and debates. These norms would be those that describe something that affects humans, flesh-and-blood actors, and also nonhumans - by indicating, for example, what should be the physico-chemical composition of building materials (Callon, Rip, 1996, p. 112). The debates around social and technical standards rely on experts for their construction and mediation.

These arenas for constitution of sociotechnical norms were called by the authors by hybrid forums. In these forums, formed by a multiplicity of heterogeneous actors in interaction, are formed networks of alliances crossing organizations and institutions accordingly to the problems presented. There, knowledge, identities and procedures are negotiated simultaneously. The debates engender processes that ensure the regulation of three poles: *technical-scientific*, *socio-political economic* and *regulatory* (idem).

The expertise is related to these processes (ibid., P.123) and has as function is to align what is known, what is wanted and how procedures are performed. Thus, it is in the hybrid forums that are considered the multiple interventions of science, politics and law. It is also in them that the alignments between these three poles take place. In hybrid spaces, the experts would not be the "all-powerful" and would generally stand on the side that the resistances and oppositions are less strong.

The National Councils that are the object of this study operate as expressions of hybrid forums once that they are established precisely by diverse actors, in a hybrid composition, oriented to guide and follow public actions and to produce sociotechnical norms. An example of a sociotechnical norm lies in the resolutions of the councils, their main normative acts.

For Callon, Lascoumes and Barthe (2009), sanitary and environmental issues (highlighted for this study), are areas of uncertainty that arouse controversy. According to these authors, the controversies would be like disputes, means to circulate information and, more especially, developers of events and their overflows. Often, lay actors concerning the problem (not only with experts and managers), might uncover issues that are more difficult to see, presenting links and inventories of situations that become intelligible and suggesting solutions to sociotechnical problems (idem: 28-30).

Taking the actors who sit on the board as spokespeople and becoming interested in knowing "spokespersons for what?" makes us see that they are representatives of networks of organizations and even networks of networks¹.

If, on the one hand, the establishment of such forums requires a procedure to act effectively in the democratization of public actions in circumstances of uncertainty; on the other hand, proceduralisation can facilitate manipulation processes by decision makers, who can give exclusivity to specific discussions that facilitate their work - or even reduce the arenas to legitimizing tools, where citizens bring proposals that are not heard by anyone (ibid. : 154-156). This ambivalence means that the study of the procedures of these forums carries with it the mistrust of the capacities of the forums and, at the same time, the notion that these arenas have potential to contribute to a paradigmatic transition towards the democratization of democracy in cabotage navigation, in zigzag, sometimes according to the dominant paradigm, other according to the emerging paradigm (Santos, 2008).

¹ These networks are the purest expressions of hybrid forums. In Callon, Lascoumes and Barthe (2009), the notion of a hybrid forum starts from the dialog between technoscientific and social driven by groups that consider themselves involved by questions that they themselves helped to identify. There, investigations and controversies operate to make a situation intelligible precisely because the groups concerned with public problems have mobilized their interests and identities, connecting problems, groups and establishing new links. For the authors, also import the procedures that organize the discussions in a panel of representatives (Callon, Lascoumes, Barthe, 2009, pp. 107-115). It is this particular possibility of analyzing the dialogical procedures that makes this conceptualization useful to the objects of this study.

One defense mode for this subordination to governmental interests in hybrid forums is precisely to establish procedures that strengthen representatives by encouraging equitable means of promoting dialogues. According to the authors,

What is essential for ordinary citizens and laypersons in dialogic democracy is not participating, but weighing up and contributing. (...) The possibility of manipulation and the skills of professional rhetoricians are limited when procedures are clearly and rigorously defined, and when they are made constraining and debatable. (...) A dialogic procedure is a promise to be kept, an invitation to broaden and deepen the debate; it brings, inscribed in it, the possibilities of circumventing the political elites and experts. (Callon, Lascoumes, Barthe, 2009, p.248-9).

The forums that contribute to what the authors would call democratization of democracy require dialogic, intense, open and quality procedures. The authors suggest the analysis of the procedures of the hybrid forums according to the degree of dialogism (Callon, Lascoumes, Barthe, 2009:161): the greater the encouragement of exchanges and debates, the quality, intensity and openness to diversity, the greater the degree of dialogism. In evaluating such procedures, the elements of analysis would be:

- (1) consideration of views of different actors (diversity and independence of groups);
- (2) actors' ability to confirm that their views were considered in the work process (transparency and traceability);
- (3) establishment of relationships of trust (repetition of interactions, continuity of expression of points of view, clarity of organization rules).

To the discussion of hybrid forums that qualify action in an uncertain world, establishing how the dialogic operations are instrumentalized, we add the Morinian philosophical argument with respect to dialogism. Morin (2003) presents his paradigm of complexity by criticizing the fragmentation of scientific knowledge through technobureaucratic specialization. He presents that it is necessary to understand that the intrinsic complexity that lies at the core of science, the ambivalence, incorporates elements such as uncertainty and chance. To overcome the mutilating reductions of conventional thinking, one must recognize the articulations, identities, and differences among aspects of reality.

According to Morin, in the processes of formation and transformation of society and nature, the elements of order, disorder, interaction and organization are present and, in general, do not appear in simplifying explanations. The Morinian paradigm operates in a logic of multidimensionality, an open reason and which is assumed, unlike others, incomplete. And this key to his thinking is of interest for this reflection. The paradigm of complexity is, rather than a truth, a dialogic: a passage from ideas to systems of ideas, in order to consider different faces of the same reality, making them communicating. The morinian dialogic has an organizational form, transcending the notion of order, to include relations among multiple rationalities, the environment, and between the whole and its parts. The author values, therefore, the interactions, especially unifying thought and differentiating thinking in an active circuit that involves self-criticism and reflexivity. In this direction, the author aspires (Morin, 2003:264) not only to measure the senses of the dialogic for a scientific production that is absorbed in itself, but to reach practical interactional strategies – encountering the political scope.

And it is in this complex, dialogical context of the consideration of the diversity of actors with their distinct thoughts, origins and logics, whether these actors are stimulated by their predominantly identity or institutional linkages, which characterize transversality in highly complex participatory forums. In the case of the Brazilian national councils, the organization is both transversal and linked to certain specific sectors of the executive branch. Muller's (2003) notion of sector may be useful to discuss its porosities. It is possible to understand a sector such as the domain that has a specific referential, establishing its boundaries, logics, rules of operation, norms and values according to the interest groups (including experts and professionals) that conform to it. For Halpern and Jacquot, who comment on the Mullerian sense of sector,

[a sector] operates according to organizational, cultural, and historical rules. (...). Muller's definition is linked to the relationship between experts (or professionals) who have established a monopoly of representation (in the double sense of cognitive representation and spokesperson) of the sector in question. For him, every public policy tends to become a specialized

knowledge space in which exclusivity is claimed by groups of experts. This privileged position allows us to determine the boundaries of the sector and also define the problems that refer to the nature of the legitimate actors to treat them (...). This conception allows us to extend the notion of a sector outside the framework of the limits designed by the administration to integrate more explicitly the social environment in which the State intervenes from the angle of public policies. The question of interaction is nodal and allows us to question the phenomena of constructing meaning, power within the same sector and the role of the State in the regulation of conflicts in and between sectors (Halpern, Jacquot, 2015, *own translation*)

To consider the interactional historicity and the empowerment of border limiting experts is fruitful to recognize that the articulation between sectors (commonly called transversal or intersectoral) is a joint that requires dialogical procedures established by state mediations, challenging existing organizational models. Even if one speaks of a crisis of the sectorialization, precisely considering those public problems that are not restricted to the artificial sectorial limits, it is challenging to transgress, simultaneously, cognitive matrices, logics of shared interest within the sector and institutional logics that organize the interactions. Thus, the key variable for the understanding of possible cross-sectoral crossings would be in the procedimentalization, according to the authors who discuss hybrid forums. Another still more comprehensive term referring to proceduralisation would be instrumentation: in the instruments approach, the sector is still a unit of analysis of the relations between state and society, but the instruments are responsible for composing dynamics of transformation and institutionalization of public policies in order to organize relations between insiders and outsiders (Halpern, Jacquot, 2015).

If we prefer to call what goes beyond the sectoral by transverse, we can see with Brugué, Canal and Payá (2015, p.92) that transversal public action is, actually, a dynamic. In order to operationalize the transversal public management, which is like a fetish of contemporary discussions, Brugué, Paya and Canal propose to take this dynamic as a transformation in the organizational culture that allows a network organization, transforming its vertical instructions into lateral conversations, from a hierarchical logic to an interactive one, in knowledge flows

and interdepartmental coordination. In this network logic, the structure would elevate competence to approach complexity, insofar as the parties involved interact in a deliberative and horizontal way. The dynamic notion helps to overcome the organizational sense of more conventional and static management.

For the success of the dynamic, the multiple actors must have specific roles and effectively share objectives that were jointly and deliberately agreed upon. The processes that the actors make up should be formally instituted and have a certain frequency to foster relationships of trust and the establishment of former relational rather than hierarchical leaderships. The product of multiple interactions is administrative intelligence, a sense of learning that may be able to overcome sectoral fragmentation.

The authors, who studied six interdepartmental commissions in Catalonia, found that the logic of transversal public action responds to such complex problems that they can be called wicked problems. This requires

- (A) incorporating multiple actors,
- (B) interdependence between them,
- (C) relationships of trust with rules agreed between the parties, and
- (D) presence of autonomy and self-regulation in the instances.

These four needs highlighted by the authors resemble the criteria of dialogism of the hybrid forums procedures of Callon, Lascoumes and Barthe: consideration of the points of view of different actors, ability to confirm which points of view were considered in the process, and relations of confidence. It means that at the same time that hybrid forums are transversal, transversal public action requires hybrid forums.

3. Public action referential

In discussing public action, Muller (2013) appoints by referential the worldview that actors represent in an image of a reality in which one wants to intervene regarding the place

and role of a given sector in society. The referential articulates four levels of perception: values; standards; causal logics or relations that express action; and images, cognitive shortcuts that provide immediate meaning (Muller, 2013). There is be a relationship between the process of construction of meaning and the structuring of a field of forces, which could lead to the leadership of new actors and inscribe new norms and hegemonies - thus configuring more than ideas, but ideas in action.

From this proposal, Muller distinguishes between a global referential and a sectoral referential, to present a relationship between the two compositions, the global-sectoral relationship. As we said before, a global referential is the general cognitive matrix around which the different sectoral representations are ordered and hierarchized. It passes through the State, but not only, conglomerating the notion of society in relation to the world and its capacity to act on it. Such a framework is composed by heterogeneous values, organizing a great framework of interpretation of the world, a mark of the intellectual field on which social conflicts are organized.

In turn, the sectoral referential is the representation of a sector, discipline or profession. The sectoral benchmark defines the boundaries of the sector, objects of permanent conflict. It is also an incoherent social construct with multiple conceptions of nature and sectorial limits, one of them dominant and propagated as a reference because it is equivalent to the global reference. The sectoral benchmark equivalent to the global imposes itself as representation for the public action when articulating elements between global and sectorial. The relations between sectoral and global are mediated by actors who manage to transit between these universes of meaning.

We suggest to call by hybrid referential, rather than sectoral, the specific transverse joints of low coverage. This hybridization, do not correspond to the relation between global and sectorial referential, but corresponds to the mixture between sectoral referentials of the actors

that composing hybrid forums. Broad cross-cutting actions would have as basis the global referential of the public action cycle, which can be understood as the success of a transnational mainstreaming process of a development model.

The process of producing public action passes through interfaces between the State and society that deal with the complexity of public problems. In these networks, hybrid reference frames are constituted that can be divergent from the global referential. When divergent, they compose a confrontation with hegemony within their own attempt to consolidation - which has consequences both on the observed instance and on the public policies produced by the State.

And although the actors in interaction sometimes share discourses and trajectories of militancy, the possibilities of action constraints have much to do with resource limits and ineffective instruments to give feasibility to the guidelines coming from participatory institutions on public policies. The links between management and actions might thus be compromised. Such a framework can be unveiled by understanding that the discourses mobilized and the hybrid referentials produced are less relevant to action orientation than is the global cognitive matrix.

In participatory processes, the actors act on the structure to respond to the most powerful senses of the current economic-social regime. Understanding that the logic of efficiency, effectiveness and the reduction of the state is central to the global referential is a clue to analyze the core of the constraints to public action oriented to the change of hegemonic meanings, conflicts and even the mishaps faced by participatory institutions approaches (that are not only produced by but also produce hybrid referentials).

The referential is expressed in the transformation of symbols that are propagated through formal and informal discourses and actions. This passage about what we mean by hybrid referential is basic for understanding the instruments for transversal and participatory

public action, once the instruments are not neutral and carry with them the senses printed by the actors that conformed them.

4. Instruments and repertoires of public action

To Lascoumes and Le Galès, a public action instrument is

a device that is both technical and social, that organizes specific social relations between the state and those it is addressed to, according to the representations and meanings it carries. It is a particular type of institution, a technical device with the generic purpose of carrying a concrete concept of the politics/society relationship and sustained by a concept of regulation (2007 :4).

Instruments (Lascoumes, Le Galès, 2004, 2007, Halpern, Lascoumes, Le Galès, 2014) formally enable guidelines and effects of public actions as much as organize them. For Lascoumes and Le Galès (2012), the notion of public action an important key for interpretation: it observes the nexus of articulations between actors, representations (or referentials), institutions, processes and results - constituted at different levels, forms of regulation and networks.

In the dynamic of public action, the actors perform translations and sectorial adjustments, conform new forms of regulation and instrumentalize referentials (Jobert, *apud* Monosalvas, 2014). In disaggregating "how" ruptures and continuities between referents of action occur, it is important to realize that these are processes that carry values and interpretations (referentials) in instruments that actors construct and operate.

In the context of public action, to consider the instruments is to uncover the tactics of government and its genealogy, the historicity of means of induction of action, its senses and the effects they produce. For Lorrain (2004), the political actors delegate to the instruments a part of the action, to make it more effective and, therefore, to reduce the game scope. Instruments are like action-orienting maps, pilots who edit the rules, express choices, organize changes based on shared principles, become natural solutions, lead to dependency. And while

instruments intervene over public action to organize it in its complexity, imprinting institutional architectures and methods of calculation to avoid errors, they move away from the debate other possible solutions.

More over, according to Latour (2012), interacting actors may be humans or nonhumans – acting as network actors or mediators forging connections, acting and inducing action. The instrument is a central actor in the participatory process, a mediator inducing actions inasmuch as those human actors from the state, social movements or the economic sector - in the creation and conduction of interactions and new instruments.

Public action instruments organize and engage actors, resources and processes, expressing the coordinating meanings of their action frameworks and the limits of public action. In general, they constitute processes of regulation or of sociotechnical regulation that simultaneously articulate, qualify and democratize the state. Examples of instruments are: laws, decrees, policies, statutes, resolutions, motions, planning, strategies of action.

The operation of a set of several instruments, whether of different or similar types, can be treated as instrumentation (Lascoumes, Le Gales, 2004). The instrumentation constitutes the set of questions posed by the choice and use of tools that allow the materialization and operationalization of governmental action and, therefore, adds to the analysis greater robustness to explain stability, inertia and reproduction of normative and cognitive frameworks, allowing to understand the logics of processes of change. Further, it means the mediation between political and civil societies through multiple devices that combine technical and social components.

The understanding of sociotechnical devices implies, in addition to categorizing normative strategies of organization, to give the proper dimension to the interpenetration of political, symbolic, organizational, technical and social properties inscribed in a certain regulatory environment. In this way, the relevance of the procedure for the composition (and

analysis) of actions is given. This fluid notion of the French public policy analysis for the instruments of public action is able to grasp the unstable dynamics underway in councilist hybrid arenas.

For the composition of the dynamics, we add the interactional character of the councilist logic. Charles Tilly's (2006, Alonso, 2012) collective action repertoires are confrontational practices of social movements that are imbued with culturally shared meanings. The performances, minimal units of the repertoire, are relational, situated between claimant and object of claims. It is the aggregation of performances oriented by groups that share common meanings that congregates a repertoire of collective action. Strikes, protests and petitions are examples of performances. The notion of musical repertoire is the inspiration of the author to the fans of ways of doing collective action, or rather, the patterns of routines of interaction that express themselves as sets of modes of action of collective actors.

Abers, Serafim, and Tatagiba (2014) were concerned with adapting the tillyian concept of repertoire of action (2006) to the contemporary Brazilian context. To do so, they moved away from the notion of confrontation with the state to emphasize interactional logics. The three Brazilian authors discussed the period of President Lula's government (2003-2010) and found four repertoires of interaction between state and society: protests and direct action; institutionalized participation; proximity policy; and occupation of positions in the public sector.

In the repertoires of institutional participation, the authors note that state actors are central in processes creation and conduction. And it would be in the routines, agendas and forms of direct action, as in the protests that instate or press socio-state negotiations, that the social movements would be central. The different repertoires of interaction can also be mixed to establish more complex actions. As we will see later, the national councils establish their own repertoires of action.

5. Conceptual framework to analyze transversal and participatory public action

In the examination of councils, we establish dialogism as the analytical core of both the understanding of transversality and the promotion of fair and equal participation. With Callon, Lascoumes and Barthe (2009), we understand that the procedures promoting dialogism can be evaluated according to their characteristics of diversity, group independence, transparency, traceability, repetition of interactions, continuity of expression of points of view and clarity of rules of organization. The qualitative evaluation of these properties makes possible an exercise of transcendence, which allows both to measure the capacities of multidimensional interactions that overcome a disciplinary and sectorial logic fragmentary, as well as to consider the representation of identity groups beyond traditional representative democracy.

Considering the presentation of the concepts of the previous items, it is worth acknowledging that the instruments of transversal and participatory public action (TPPA) organize and engage actors, resources and processes, expressing the coordinating meanings of their action references and the limits of the TPPA.

We propose that public action may or may not be participatory and transversal. Although we acknowledge that public action does not separate from its processes the uninterrupted relations between actors of the so-called civil society, the state and the economic sector, we suggest here that the participatory adjective should be added specifically to those public actions carried out predominantly in formal participatory institutions. Adding complexity, public action can be called transversal if it occurs in a state articulatory institution or in a complex body. To be called by TPPA it must occur in a participatory sector institution that requires complex articulations to make its policies viable. The notion is best presented in the frame below.

Frame 1. Public action complexity matrix

	Sectoral institution	Articulatory institution or Complex sector institution *
Conventional state institution	Sectoral public action	Transversal Public Action
Participatory Institution	Participatory and Sectoral Public Action	Transversal and Participatory Public Action

Source : authors' elaboration.

*By complex sectors, we mean those state sectors that require articulation with more than one other to enable their public policies.

The TPPA organization requires tools to make it viable. In the case of instruments governing a council, we speak of the comprehensive meta-instruments. Lascoumes and Le Galès, with Hood, comprise by meta-instrument a comprehensive device, which proposes to operate a coordination between heterogeneous means of intervention, having the effect of producing other instruments. An interesting example to be observed is the internal regiments of councils which, by establishing elements as means and forms of deliberation (such as motions, recommendations or resolutions), act precisely as meta-instruments. The process of arranging and combining multiple instruments, techniques, means of operation and devices that may constrain or give public action is present in transversal or multi-sectoral policies, precisely those of rights (against discrimination, by specific populations) and environmental (Halpern, Lascoumes, Le Galès, 2014).

The instruments of public action relate to organizations from three dimensions combined: a technical substrate, a management philosophy and an organizational model (Labatut, Aggeri, Girard, 2012). It is in the technical substrate that the management manuals are found, as well as the whole set of material aspects, rules and techniques mobilized, characterizing, for example, how information can be aggregated. It is important to add that, through the practice of the actors, the technical substrate can generate different effects from the expectations of those who designed it. The management philosophy expresses the logic of action, by its normative sense defines objects and objectives. In turn, the organizational model describes how the roles and scenarios of the institution are distributed.

It is interesting to note that, in Brazil, there are councils that have as its prescription to formulate strategies and to control the execution of policies (according to the example of the CNS, disposed in Law 8.142 / 1990). For the first activity, the arranged instruments emerge as constraints. For the second, instrumental frames appear emphatically as action maps. If instrumentation responds to the practices and pressures of socio-state interactions, it expresses itself in formal institutionalization, through constitutional, legal, and infralegal norms (Hevia, 2006) .

The tension of the expression participatory management tool is placed in the classic contradiction between management and politics, between the organization of durable and coordinated processes, on the one hand, and the ephemerality of conflicting negotiations for concerted interests, on the other. Thus, if participation can bring with it the political impetus of confrontation and transformation, the instrument brings with it the impetus of consensus and organization. We propose that the verification of the participatory component can be given through the examination of the philosophical, technical and organizational dimensions, in order to verify the dialogicity and multiatorial processes.

The construction and implementation of new instruments are seen as products of a political process that can be composed of tense negotiations. Participatory institutions, rather than a mold, are moldable, are ongoing. The object of the study, the councils are, therefore, eminently expressions of hybrid forums both producers as produced by instruments.

Below, the second frame associates the characteristic elements of hybrid forum instruments, establishing the dimensions of TPPA instruments.

Frame 2. *Criteria for dialogism, according to the dimensions of TPPA instruments*

Dimension	Criteria
Managerial Philosophy	<ul style="list-style-type: none"> ➤ Considers multiple references ➤ Negotiator, guides the construction of the common, the collective ➤ Citizen guides debate
Organizational Model	<ul style="list-style-type: none"> ➤ Tending to horizontality ➤ Diversity and independence of groups ➤ Transparency and traceability ➤ Repetition of interactions ➤ Clarity of organization rules
Technical substrata	<ul style="list-style-type: none"> ➤ Multiple knowledges <ul style="list-style-type: none"> ▪ Legal knowledge for the composition of technical standards ▪ Scientific knowledge ▪ Practical knowledge <ul style="list-style-type: none"> ▪ lay people (concerned with public problems) ▪ managers, bureaucratic technicians and politicians (concerning bureaucratic procedures and political articulation).

Source: Elaboration of the authors.

If public problems go beyond the sectorial dimensions conventionally established for public action, the key variable of the counterpart of public action for trans-sectorization lies in the complex instrumental articulation. With Halpern and Jacquot (2015) we understand that instrument arrangements and interactional practices manifested in instrumentation express the changes in relationships established between internal and external actors in sectors, design possibilities for coordination between sectors, measure the relative complexity and, generally, are placed in an internal way (to the public power), acting on itself, pointing to the conduction of the policies and checking coherence to budgetary, administrative and political factors.

6. Analysing transversal and participatory public actions

Internal regiments are simultaneously produced by actors and producers of instruments. These guiding meta-instruments are articulators of public action. The councils studied have as their purpose:

The purpose of the CNS is to formulate and control the implementation of National Health Policy, including economic and financial aspects, strategies and promotion of social control process in all its scope, within public and private sectors (Brazil, CNS, Resolution 407/2008, Art 2, *own translation*).

The purpose of the CNDH is to promote and defend human rights through preventive, protective, remedial and sanctioning actions of conducts and situations of threat or violation of these rights.

Paragraph 1. The fundamental rights, individual, collective or social rights guaranteed and provided by the Federal Constitution or by international treaties and acts entered into by the Federative Republic of Brazil constitute human rights under the protection of the CNDH. (Brazil, Law 12.986/2014, Art 2 *own translation*)

CONAMA has the purpose of advising, studying and proposing directives of governmental policies for the environment and natural resources to the Governmental Council. CONAMA must also deliberate, within its competence, on norms and standards compatible with the environment ecologically balanced and Essential to a healthy quality of life (Brazil, Law 6.938/1981, Art 6, *own translation*).

It is after the Brazilian Constitution of 1988 that the three national councils studied start having the character of hybrid forums, rather than governmental technical forums. The changes in composition inscribed in the internal regiments, intensified in recent years, transform the arenas into complex interfaces between state and society, which bring with it greater or lesser capacity to break with a mere technocratic orientation, assuming democratizing features. We propose to present the elements that establish the dialogic mechanisms of TPPA, considering the internal regiments, but also document analysis and the observation of meetings². It can be seen that the CNDH and the CNS have a higher degree of dialogism than CONAMA, as discussed below.

The internal regulations of the selected councils also determine their composition. For example: their compositions should be by representatives of several federal public bodies, federative spheres and societal sectors (Brazil, CNS, 2008, 2010, CONAMA, 2011, CNDH,

² Considering plenary meetings minutes of CNS (11), and CNDH (09), available at their respective sites; transcripts of CONAMA's 2016 plenary meetings (03 meetings); observation in plenary meetings between 2015 and 2016 in CNS (03), CNDH (03) and CONAMA (04).

2015). CNDH diversifies its representation by considering board members from powers beyond the executive, counting on representatives of the public prosecution ministry and the legislative branch. The internal regulations also determine eight permanent committees for CNDH (Resolutions CNDH 06 to 13, of 2015), seventeen intersectoral commissions for CNS (Resolutions CNS 516-522, 524-525, 527-528, 530-532, 536 of 2016) and, for CONAMA, seven technical chambers (Brazil, MMA, 452/2011).

In particular, the composition denotes the characteristics of greater or lesser openness to the political participation of civil society and more or less intersectoral/transversal meanings of the councils. It is in the composition that is found the main regimental clue for the intentionality for establishing transversal and participatory public actions.

Regiments and guiding laws formally establish the councils' competences. CNDH's competences are to promote measures to prevent, repress, sanction and repair situations that are contrary to human rights; to determine responsibilities; to give attention to areas of greatest occurrence of human rights (HR) violations; to oversight the national human rights policy; to monitor international HR actions; to conduct studies and assessing opinions and recommendations; to represent and articulate with sectors of the State (according to article 4 of Law 12.986/2014).

CNS is responsible for: collaborating in the formulation of strategies and in the controlling the National Health Policy; establishing guidelines for health plans; preparing schedules for transfers of resources to federative spheres; proposing and approving criteria, parameters and standards for health care; monitoring the performance of the private health sector; following the development in science and technology in the sector; articulating with the Ministry of Education about health courses; and strengthening participation and social control in the Unified Health System (SUS) (Brazil, CNS, Resolution 407/2008, Art 10).

For its part, CONAMA is responsible for: establishing standards and criteria for licensing and polluting activities, under the supervision of the Brazilian Institute of the Environment and Renewable Natural Resources (Ibama); determining the carrying out of studies on environmental consequences; determining loss or restriction of tax benefits or participation in financing lines; establishing standards of pollution control to maintain the quality of the environment, specifically for motor vehicles (Brazil, Law 6.938/1981, Art. 8).

The powers and purposes are indicated by law (in the case of all, and more especially the CNDH and CONAMA), ordinance (CONAMA's case, which also suggests the analysis of Law 6.938) or resolution (case of CNS, but also CNDH, which in 2015 recovers in resolution the auspices of Law 12.986/2014). The resolutions and ordinances, guided by the laws, are established as regiments of the instances. Considering their responsibilities and competences, each of these regimental instruments guides the generation of the possible acts of the Councils, which in the terms of Lascoumes and Le Galès, can be read as instruments or devices.

Possible acts established in Resolution 452/2011 of the Ministry of the Environment (MMA) for CONAMA, are *motions* (manifestations of any nature), *resolutions* (guidelines, criteria, standards and technical standards), *propositions* to the national congress, *recommendations* and *decisions* (on fines or other penalties).

In CNS, *resolutions* are deliberate acts of a normative nature, homologated by the Minister of Health; *recommendations* are suggestions or warning about contents and strategies of policies that extrapolate the responsibility of the CNS; and *motions*, may approve, recognize or repudiate a certain subject or fact (in accordance with Resolution CNS 407/2008).

For CNDH it is possible to find comprehensive possible acts in its resolution, such as: *sanctions*; *recommendations*; *resolutions*; convening of *public hearings*; promotion and follow-up of *measures* for prevention and repression of violations; *preparation* of legislative proposals and normative acts in human rights; carrying out *social mobilization campaigns*; installation of

CNDH *representations* in areas with greater occurrence of violations, as *missions*; *requirement of information*, documents and evidence to the authorities; and *drafting and disseminating reports* (SEDH Resolution 01/2015). Missions are important logics of transversal action by the CNDH, established by an articulated set of practices and routines of interaction, devices and repertoires.

Although CONAMA is effective in the online dissemination of its documents, considering the dimension of transparency and traceability, is the most diverse Council in the representation of governmental thematic sectors, the council presents the lowest degree of dialogism among the three: once it establishes absolute majority of governmental indications in its composition, the philosophy, organizational model and technical substrate are affected. Approximately 20% of the plenary is representing NGOs, unions or social movements - the proportion varies according to the number of ministries and presidential secretariats, each of which represented in the Council. The observations also made explicit that agenda inclusions, although open according to the rules, are usually inserted by governmental actors, who in turn lead experts to the exposition of cases and merely consult those present. The articulation with intersectorial advisory bodies (technical committees) derives from the orientation of the plenary and, therefore, is dependent on the same hegemonic actors. In this council, only the Minister or the Executive Secretary (in his absence) may be president. It is this unfeasibility of representation by other sectors and segments and the mere existence of a president position that endow the tendency to horizontality with a low value. In addition, the plenary meetings have a once a trimester frequency, lower than the other arenas which meet monthly.

The CNS does not contemplate a wide variety of thematic sectors outside the health sector, but opens up to patient associations and identity groups. The contrast between the absence of expertise from government representations of other sectors and the presence of multiple representatives of civil society leads to the average valuation of the criterion of

consideration of the multiplicity of references. Despite being a Council in which disputes are latent, with frequent negotiation processes, the orientation of the debate is mediated by the Presiding Board, which, as in other councils, has the discretion to act prioritizing debates. The criterion of group independence could be better established by interdependence: the segments (governmental, productive, and societal) and subsegments (identity, labor, and patient association, in the societal case) create a sense of community and generally establish common positions in themselves. It is important to add as a strengthening factor of dialogism that in 2006, Presidential Decree 5.839 started to allow any national councilor to be elected by the others as President of the CNS - and not only the Minister of Health, as valid until that moment. Another element, which is quite similar to CONAMA, is that it is common to find meetings of plenary of councils with the presence of experts who are privy to complex matters registered on the basis of the orientation of the collective that makes up the Council.

The CNDH is exemplary in the consideration of multiple references, because it values both the diversity of the governmental sector and the presence of human rights societal groups. Unlike the other two arenas, the scientific discourse is not so central, because it is established precisely in the scope of the guarantee of rights and the comprehensive ethical orientation towards human rights. Although the virtual interface of the Council is less updated and complete compared to CONAMA, the internal dialogism with the Council is quite high.

These internal regiments are meta-instruments based on the council's actions. Looking at the regiment is like looking at the scaffold of the arena. Beyond this foundational structure, there are products, relations and instrumentation dynamics that produce effects in public action. It is for these logics that attention will be given hereafter.

The repertoire approach is related to that of instruments of TPPA, in order to recognize them as faces of the same strategic process of socio-state arenas complex dynamics. That is why we discuss events that mobilized interactional practices and regulatory devices of TPPA

in 2016 by the three councils. In order to do so, the concepts of public action instrument, instrumentation and interaction repertoire were mobilized, and have as objects the public actions focused on issues extrapolating the area of their councils, executed in order to cross powers (between executive and Legislative), federative spheres and/or thematic sectors. The analysis regarded meetings minutes of 2016.

In a brief look at the content of the TPPA events operated by the councils, it is possible to note that the similar elements to the three forums were the environmental disaster that occurred in Mariana/MG and the endemic diseases caused by the mosquito *aedes aegypti*. The political crisis conjuncture was also an incentive for critical discussions by CNS and CNDH, on the rejection of a constitutional amendment draft regarding austerity measurements. In the same two councils, it is worth sharing a contrast between the analysis of minutes and observations of meetings prior to 2016. The adverse political conjuncture after an impeachment also led to the change of the interactional processes: if, until then, the governmental representatives and societal entities representatives were possible partners promoting public action, it became a commonplace for actors to behave as opponents - and to find a greater frequency of more exclusive interaction repertoires of societal actors beyond institutional arenas. Marches, protests and virtual manifestos were combined by militants unattachedly from the formal consensus, using the opportunity of meeting provided by the councils to stimulate contentious collective action.

More specifically, the conventional repertoire of TPPA is the attendance to invitations of entities or public bodies, participating in events outside the councils. Another trend of cross-cutting action is the invitation to specialists from outside the Council for participation in plenary meetings. Meetings with government authorities are also relevant repertoires. And the following interactional practices are repeated to a lesser extent: public protests, public hearings, document delivery to authorities, participation in other councils working groups, participation

in working groups of committees of other ministries and carrying out local missions (the latter, in the specific case of the CNDH). Consistent with the perceived technicist examined on the internal regiment, the invitation to an external governmental expert is the only repertoire of transversal action operated by CONAMA.

There is no mention in this discussion of the exact frequency with which cross-cutting actions were discussed and disseminated via Twitter, Facebook and Whatsapp groups. However, the observation of meetings has shown, in the cases of CNDH and CNS, that such digital strategies are frequently undertaken. Only the minutes of CONAMA correspond to a literal transcription of meetings and, given the logic of systematization of discussions in minutes of other councils, much of the information regarding interactional tactics disappears. The strategies employed in digital social networks were generally taken by those responsible for systematization as irrelevant. The pertinence of this observation is to point out that repertoires are tacit agreements of interaction - not because they are secrets, but because they are understood as natural methods by the collective.

In the case of the proposed devices, most of them were resolutions. We identified seventeen instruments, eight of these in the form of resolutions. Among them, five were designed for internal use to the council itself, establishing organizational goals for transversal action. This frequency corroborates the notion of Halpern and Jacquot (2015) for whom transversal instruments are often forged for inner consumption. The other instruments were intended to proliferate from sectoral references to other sectors: motions of repudiation, recommendations and technical notes were also produced by the councils in an attempt to influence state action.

The weak presence of dialogism (as verified in CONAMA, in its elevated expression of scientific knowledge, coupled with the low possibility of expression of the practical knowledge

of lay people) may result in difficulties in generating sociotechnical norms that are transversal and democratic and would face adequately the contemporary social problems and challenges.

Final remarks

The three Brazilian national councils studied have their TPPA based on a regimental structure and operationalized by routinized devices and practices, or repertoires of interaction. Even though in an incomplete way, it has been possible to perceive that the instruments constituted for specific subjects of transversal action, elaborate and are elaborated by processes that arouse interest of analysis, especially as they are stages of counter-hegemonic developmental projects (and their controversies).

The actoral composition of these forums is outlined in the regiments and can bring with it the impetus of vocalization of generally silenced demands. In this dynamic aimed at reorienting public action, the advisory resolutions to the regiments matter to establish quality and comprehensiveness to actions. In the instrumentation, more informal tactics are also relevant for explaining the framework paths and its hybrid references. The instruments that structures the logic of each council allow the presence of civil society in the decision-making debates - essential to achieve a democratic process in which public action is, in fact participatory.

Understanding the criteria of dialogism of hybrid forums as associated to the three dimensions constituting instruments, it can be seen that CNDH and CNS are on a closer path to overcoming a fragmented and sectoral logic and considering their parity democratic representation among socio-state actors. Because they are a concrete form of knowledge on social power, *norms* produce effects and express the characteristics of relations between actors, and, although they usually appear as neutral and technical, they have a political orientation. The internal regiments analyzed are relevant sociotechnical norms, meta-instruments of action, and explain the three constitutive dimensions of instruments that were previously highlighted: they

are, in themselves, technical substrates that conform the action; pointing to the management philosophy of the instances, when establishing objectives and purposes of the councils ; and they delimit the organizational model of the councils, while designing their structures, competences and possible articulations.

As this research demonstrates, TPPA occur in movements of systole and diastole and can be perennial or ephemeral. They are produced in public acts, joint documents, complex multiatorial compositions, invitation to external actors, participation in events and forums attending invitations. Moreover, when socio-state interactions are made possible through repertoires and instruments with a high degree of dialogism, the action produced has as vector to overcome multiple modes of fragmentation and, through its hybrid referentials, might configure a reorientation of development senses.

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