

PARTICIPAÇÃO COMO POLÍTICA PÚBLICA: OS DESAFIOS DA POLÍTICA NACIONAL DE PARTICIPAÇÃO SOCIAL NO BRASIL

PARTICIPATION AS PUBLIC POLICY: CHALLENGES OF THE NATIONAL POLICY OF SOCIAL PARTICIPATION IN BRAZIL

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RESUMO

O Brasil tem sido o lócus de implementação de várias ferramentas e espaços participativos após o período de democratização e promulgação da Constituição de 1988. Muitos estudos foram realizados para discutir a importância desses espaços e, mais recentemente, a qualidade da participação e o impacto no fortalecimento da democracia (Avritzer, 2009; Dagnino, 2011; Lavallo, 2011). Em maio de 2014, o Decreto 8.243 da Presidência da República procurou instituir a Política Nacional de Participação Social (PNPS) e o Sistema Nacional de Participação Social (SNPS), com o objetivo de consolidar a participação como método de governo através da organização de fóruns e participação social. mecanismos existentes no governo federal. O decreto gerou polêmica e discussão na mídia e, posteriormente, foi rejeitado pela Câmara dos Deputados. A criação de uma política nacional de participação social em 2014 representou uma inovação que deve ser estudada em profundidade, levantando as suas potencialidades e limitações. Com base na revisão bibliográfica, este artigo tem como objetivo: (i) apresentar a trajetória daPNPS (ii) e analisar a tentativa de institucionalizar a SNPS através das lentes dos pilares culturais reguladores, normativos e cognitivos de Scott (2001, 2008), a fim de identificar e caracterizar as variáveis que influenciaram o processo. Os pilares regulativos, normativos e cultural cognitivos emergem de um refinamento da teoria institucional e contribuem de maneira importante para a sistematização da análise institucional. Analisando através do escopo dos pilares, é possível afirmar que o decreto foi o pilar regulador da institucionalização. Contudo, variáveis cognitivas normativas e culturais se opuseram a esse ato legal que culminou em sua não aprovação na Câmara dos Deputados e a não institucionalização desta política pública. Este estudo teve como objetivo mostrar como elementos reguladores, normativos e

cultural-cognitivos trabalharam juntos e se materializaram através de diferentes variáveis que impactaram o processo de não institucionalização do PNPS, contribuindo para compreender os desafios existentes na criação de uma política de participação social, a fragilidade de alguns mecanismos de participação no Brasil e a tensão entre democracia participativa e democracia representativa. Futuramente, mais análises devem ser realizadas para melhor compreender a institucionalização de uma política e sistema participativos em nível nacional levando em consideração novos projetos de lei existentes nos dias de hoje e que versam sobre o assunto.

Palavras-chave: participação, democracia representativa, institucionalização, política nacional de participação social

ABSTRACT

Brazil has been the locus for the implementation of various participatory tools and spaces after the period of democratization and promulgation of the 1988 Constitution. Many studies have been carried out to discuss the importance of these spaces and, more recently, the quality of participation and the impact on strengthening democracy (Avritzer, 2009; Dagnino, 2011; Lavallo, 2011). In May 2014, Decree 8.243 of the Presidency of the Republic sought to establish the National Social Participation Policy (NSPP) and the National Social Participation System (NSPS), with the objective of consolidating participation as a method of government through the organization of forums and social participation and other existing mechanisms in the federal government. The decree generated controversy and discussion in the media and by the Chamber of Deputies. The creation of a national social participation policy in 2014 represented an innovation that must be studied in depth, raising its potential and limitations. Based on the literature review, this article aims to: (i) present the trajectory of NSPP (ii) and analyze the attempt to institutionalize NSPP through the lens of Scott's regulatory, normative and cognitive pillars (2001, 2008), in order to identify and characterize the variables that influenced the process. The regulatory, normative and cultural cognitive pillars emerge from a refinement of institutional theory and contribute in an important way to the systematization of institutional analysis. Analyzing from the pillars' point of view, it is possible to say that the decree was the regulating pillar of institutionalization. However, there were opposing normative and cultural cognitive variables that culminated in its non-approval in the Chamber of Deputies and in not institutionalizing this public policy. This study aimed to show how regulatory, normative and cultural-cognitive elements worked together and materialized through different variables that impacted the NSPP non-institutionalization, contributing to understand the challenges that exist in the creation of a social participation policy, the fragility of some participation mechanisms in Brazil and the tension between participatory democracy and representative democracy. In the future, more analysis must be carried out to better understand the institutionalization of a participatory policy and system at the national level, taking into account new existent bills that deal with the subject.

Keywords: participation, representative democracy, institutionalization, national social participation policy

JEL Classification: K4 Legal Procedure, the Legal System, and Illegal Behavior / K40 General.

1. INTRODUCTION

Brazil has been the locus of implementation of various tools and participatory spaces after the period of democratization and promulgation of the Constitution of 1988. Many studies have been conducted to discuss the importance of these spaces and, more recently, the quality of participation and the impact on strengthening democracy (Avritzer, 2009; Dagnino, 2011; Lavallo, 2011).

In May 2014, the Decree 8.243 of the Presidency of the Republic sought to institute the National Policy for Social Participation (NPSP) and the National System for Social Participation (NSSP) aiming to consolidate participation as a method of government through the organization of forums and social participation mechanisms of the federal government. Generally speaking, it aimed to define the guidelines to be observed by federal managers to use these social participation tools as part of its activities for the formulation, implementation, monitoring and evaluation of programs and policies in public policy councils, national conferences, public hearings and consultations, virtual environments, among others.

The decree generated controversy and discussion in the media and in the Chamber of Deputies and was rejected. The contrary coalitions brought several arguments as, for example, it was a “Bolivarian decree”, autocratic and authoritarian trying to impose a mechanism that passed over the Congress and which sought to reverse the logic of representative democracy. It was also seen as a maneuver to coopt unions, non-governmental organizations, and other civil society organizations considering it was a year of presidential elections. Although the government countered that the decree did not seek to create more instances, but to organize and integrate existing ones through a policy with guidelines and monitoring, the public opinion, influenced by normative and cultural cognitive variables, gained a strong voice and was able to interfere in the institutionalization of this public policy.

2. PARTICIPATION IN BRAZIL

The models of participative and deliberative democracy have been the main theoretical analytical instruments for evaluating participative experiences in Brazil. These models emphasize that public policy decisions should be taken by those who are

affected by these, and should occur by means of public debate in a plural space, with equality and autonomy. The idea that supports these practices is based on the concept that democracy should not reduce politics to an electoral mechanism, pointing to the limitations of traditional representative democracy and its perceived inability to respond to problems of social exclusion and inequality.

Authors such as Dagnino (2007), Nobre (2004), Elster (1998), Pateman (1970), Young (2006) and Luchmann (2007) discuss the importance of popular participation within a context of participative democracy that emphasize the role of civil society in the discussion of issues that affect them and as a form of social control. According to Dagnino (2011), some affirm that civil society should engage in a role of political activism, and the most radical views within this line of thinking feel that society should not limit itself to merely influencing those in power, but that society should also take part in the decision-making process together with the State.

On the other hand, Habermas (1996), Avritzer (2002), Dryzek (2000), Cohen (1997) and Gutman (2004) deepen the discussion by emphasizing the importance of the role of deliberation in the public sphere. Deliberative democracy has as its essence the idea of discussion, by citizens, of subjects that are of interest to them, such as bills, laws and public policies. To be legitimate, political choice must be the result of deliberation between free, equal and rational agents.

Naturally, in a process of opening up to participation, understanding who participates and the mechanisms for ensuring the responsibility of these individuals is fundamental according to Lavallo, Houtzager & Castello (2006). These authors question the legitimacy of the political participation and representation exercised by these players, given that the association between social organizations and their role of defending genuine interests, tends not to take into consideration whom these interests represent and to what mechanisms of control and responsibility they are accountable for.

In Brazil, democracy is exercised mainly by means of representatives elected to the executive and legislative branch. However, with the Constitution of 1988, new mechanisms for participation arose directly and indirectly establishing the need for the coexistence of representative and participative democracy (Fleury, 2006). Participative democracy does not substitute representative democracy and the multiplication of

diverse organizations and interest groups, seeking to influence and actively participate in defining public policies, is also positive as a way of social control.

The main criticism towards participative democracy is concentrated in the idea that it restricts the existence of the democratic process, as it would take away the legitimacy of elected representatives and leave the public open to manipulation by the government (executive power), which would gain strength from a conflict with the legislative branch (Fleury, 2006). However, as noted by Young (2006), inclusive participation does not weaken representation and, in mass societies, representation and participation require each other for politics to be fully democratic. This representation occurs through elected parliamentary members and through civil society organizations that represent groups, interests and specific needs.

Various studies, mainly in the field of political science, have analyzed civil society's participation in diverse spaces and through different mechanisms as a way of deepening democracy. The 1988 Federal Constitution, the States Constitutions as well as Municipal Organic Laws (that can be understood as the Constitutions in the local level) established advances for popular participation in Brazil by means of new institutional mechanisms (referendum or plebiscite and popular initiative) and spaces (councils, public hearings) that set the legal foundations for participation by civil society in the discussion of matters of their interest and in the definition of public policies. Another significant variable that influenced positively the institutionalization of participation is the principle of decentralization fostered by the Constitution of 1988, in the federal arrangement (Nogueira, 1997). So, the creation of state constitutions and organic municipal laws brought significant changes to the participative process, as these documents incorporated the precepts of participation provided in the Federal Constitution of 1988.

Recent studies have tried to understand the quality of participation, the relationships between the actors involved and the accountability of civil society that organizations that participate. Dagnino and Tatagiba (2007) state that studies with a more critical viewpoint have arisen, highlighting the quality of participation as a fundamental question for understanding its implementation in certain political-institutional contexts, abandoning the laudatory tone of the first studies on the democratizing potential of civil society and the participative spaces. The incorporation

of civil society's participation in not only the Constitution of Brazil, but of various Latin American countries, according to Dagnino (2011), is a sign that these concepts have been accepted, at least in theory, with their institutionalization incorporated by means of a regulatory framework. It is up to new research to analyze how this institutionalization occurs in practice (as is the main purpose of this article).

Research on city councils (Gohn, 2001; Tatagiba, 2002; Lüchmann, 2007), participative budgets (Wampler, 2007; Romão, 2010), public hearings (Alonso, Costa, 2004; Brelàz, 2013), participative legislation committees (Burgos, 2007;) and national, state and municipal conferences (Pogrebinschi, Santos, 2010) can also be cited.

Lavalle (2011) calls this moment of theoretical and empirical investigation as "post-participative", where the notion prevails of a large-scale institutionalization of the new participative spaces and arrangements. Nevertheless, the author emphasizes that the studies have become more critical and seek to answer fundamental questions such as: 1) how does the accountability of participating civil society occur; 2) how does the relationship between political parties, government and civil society happen in these arrangements; 3) how does the institutionalization of participation lead to the possible demobilization of the social movement and 4) how effectively participative is this participation.

3. METHODOLOGY

The creation of a Nationwide policy of social participation is an innovation that should be studied in-depth raising its potentialities and limitations. Based on bibliographical review this article aims to: (i) present the trajectory of the NPSP and (ii) analyze the attempt to institutionalize the NPSP through the lenses of the regulative, normative and cognitive cultural pillars of Scott (2001, 2008) in order to identify and characterize the variables that influenced the process.

As an analytical framework, Scott contributions to institutional studies will be the of great guidance. The regulative, normative and cultural cognitive pillars emerge from a refinement of institutional theory and make an important contribution to the systematization of institutional analysis. Although different authors emphasize one or the other pillar as a vital ingredient of organizations, it is possible to find elements of the three pillars acting in combination.

The National Policy and the National System of Social Participation

The NPSP and the NSSP are the result of an analysis that began in 2002 about the functioning of participatory practices in Brazil. In 2011 Pedro Pontual, specialist in “participation pedagogy” (Pontual, 1994) and participatory budgeting, became director of Social Participation of the General Secretary of the Presidency and the main function of this organ was to establish dialog channels between government and civil society.

According to Pedro Pontual (Lavalle & Szwako, 2014) the idea of a Participation System emerged in 2002/2003 when civil society began to analyze the quality of participatory practices that were created after the Federal Constitution of 1988. There were different practices, different results and different participatory discourses. One of these discourses defended the idea that a citizen popular participation should walk in the direction of sharing the power of decision making. It was the beginning of the first government of Luis Inacio Lula da Silva (2003-2006) and the main purpose was to make a balance and a diagnosis about how was the participation in Fernando Henrique Cardoso’s (1994-1998 and 1999-2002) government and what were the expectations about the participation on Lula’s government.

(Pedro Pontual) One important thing that was intuited and observed was that in addition to questions about the quality of these spaces that were very heterogeneous, there was also a very large degree of desarticulation between these spaces. Not always the councils communicated with the conferences; there were councils that held little coordination among themselves, conferences still very fragmented thematically and public hearings, widely used mechanism with very different degrees of legitimacy.

It is at that time, between 2004 and 2005, that this popular democratic field starts talking about the need for a new “architecture of participation”, that brought, among many components, the idea that it was necessary to think about how all these channels of participation could articulate better (Lavalle & Szwako, 2014, p.95).

By the end of Lula’s 2nd government it was consensual that it was important to have the institutionalization of participatory policies in order to transform them in state policies and not just government policies. This movement came in Dilma Rousseff’s 1st government (2011-2014). After the creation of many councils, the multiplication of conferences (almost 70), the creation of several public ombudsperson in Lula’s

government (Romão, 2015), there was the need to consolidate these channels of social participation and according to Pedro Pontual it was necessary to transform social participation in a governmental method in order to guarantee that social participation was present in all programmes and governmental actions. This meant to institutionalize participation as a practice in all governmental spheres.

In parallel the Institute of Research and Applied Economy (Instituto de Pesquisa e Economia Aplicada – IPEA) in 2010 created, in agreement with the General Secretary of the Presidency, the Board of Studies and State, Institutions and Democracy Policies (Diretoria de Estudos e Políticas do Estado, das Instituições e da Democracia (DIEST) where the studies group on Democracy and Social Participation (Democracia e Participação Social) gained relevance in Dilma Rouseff's government. This research groups were created to build diagnosis about the effectivity and the political place of the several participatory mechanisms and contributed as a think tank to develop relevant research on the subject (Romão, 2015).

According to Pontual a fragmentation of the participation channels reproduces the absence of intersectorality among the different policies. However, fragmentation was also present in civil society

So, in the comprehension of the fragmentation and certain fragility of the participation policies where taken into account not just the contradictions of the State apparatus, but also, the desarticulation of movements and civil society networks" (Lavallo & Szwako, p.97).

In 2012 began the idea of creating a National System of Social Participation and in October of that year the first National Seminar of Social Participation was conducted in Brasilia. It presented to social movements, research institutes and NGOs the discussion about this national system and how it could consolidate the new architecture of participation (Porto et al, 2012). After the seminar the idea of the system was transformed into the idea that the system should be the expression of a National Policy of Social Participation with directions and guidelines (Lavallo & Szwako, 2014).

In May 2014, Decree 8243 of the Presidency of the Republic sought to institute the National Policy and National System for Social Participation aiming to consolidate participation as a method of government through the organization of forums and social participation mechanisms existing within the federal government. Generally speaking it

aimed to define the minimum guidelines to be observed by federal managers to use these social participation tools as part of its operations, for the preparation, implementation, monitoring and evaluation of programs and policies between the federal government and civil society in spaces like public policy councils, national conferences, ombudsmen, public hearings and consultations, virtual environments, among others.

The main premisses where: (i) the recognition of social participation as a citizen's right and expression of their autonomy and empowerment; (ii) the complementarity, transversality and integration between mechanisms and bodies of representative, participatory and direct democracy; (iii) solidarity, cooperation and respect for diversity; (iv) the right to information, transparency and social control in public actions; (v) the value of education for active citizenship; (vi) the autonomy, free running and independence of civil society organizations; and (vii) the expansion of the mechanisms of social control.

The instances and mechanisms that make up the proposed National Social Participation System (SNPS) would be:

Public policy councils: thematic and permanent collegiate instances of dialogue between civil society and government, designed to facilitate the participation of civil society in decision-making and public policy management.
Public policies commissions: thematic collegiate instances, not normative, created for dialogue between civil society and government around specific objectives with operating time linked to the fulfillment of its purposes.
National conferences - regular forum for discussion, formulation and evaluation of specific issues and of public interest, with broad participation of representatives of government and civil society. Can contemplate state, local or regional stages.
Ombudsperson are public bodies of participation and social control to ensure direct channels to citizens to forwarding suggestions, complaints, requests for information and comments to improve and control the quality of public service.
Dialog roundtables - discussion and negotiation mechanism with the participation of sectors of civil society and government directly involved in order to prevent, mediate and resolve social conflicts.
Intercouncil forums - mechanism for dialogue between representatives of public policy councils to formulate and monitor public policies and government programs, enhancing their intersectoral and transversality.
Public hearings - participatory events, consultative, open to anyone interested, with the possibility of oral manifestation of the participants.

Public consultations - virtual processes to systematize the views of affected social subjects and interested in order to subsidize a government decision, ensuring the permeability of the policy to the interests of citizens.
Interfaces and virtual environments - mechanisms of social interaction, open to citizens, using free and auditable information and communication technologies, especially the Internet, to promote dialogue between federal and civil society government. These include the new platform Participa.br from the Federal Government to dialogue with citizens. That is a collaborative digital tool that allow the launch of consultations, discussions in communities, conferences, surveys and broadcast events online.
Partnerships - between the federal agencies and civil society organizations - social participation mechanisms that allow organizations to develop activities of public interest and the commitment of these organizations to the design, implementation and monitoring of public policies.

Instances and mechanisms of the NSPS (Brasil, 2014).

The General Secretary of the Presidency would be the organ responsible for:

Monitoring the implementation of PNPS in the organs and entities of the direct and indirect federal public administration.
Providing guidelines for drawing up action plans and collaborating with the implementation of PNPS in the organs and entities of the direct and indirect federal public administration.
Consolidating and making public the action plan of the federal government to comply with the PNPS and monitor its implementation.
Carrying out technical studies and promoting reviews and systematization of the bodies and mechanisms of social participation.
Holding public hearings and consultations on issues relevant to the management of PNPS.
Proposing pacts to strengthen social participation in the other entities of the federation.

Responsibilities of The General Secretary of the Presidency (BRASIL, 2014)

4. INSTITUTIONS AND THE PROCESS OF INSTITUTIONALIZATION

The institutions are the focus of several analysis in different fields, such as administration, social sciences and political science, and there is no single definition of institution that is widely accepted, on the contrary, there is much controversy in the literature about what is an institution. One can work with a broad definition that includes formal organizations and also procedures and formal and informal rules that structure behaviour. To DiMaggio and Powell (1991), institutions are rules, procedures, cognitive scripts, symbols and moral standards which afford a meaning structure that guides the action, almost identifying institutions with culture (Greenwood et al, 2008,

p. 4) and can also be defined as "repetitive social behavior more or less taken for granted, supported by regulatory systems and cognitive understandings that give meaning to social change and thus allow the self-reproduction of the social order."

Scott (2008) contributes to the definition by bringing the three pillars that will guide this analysis: "Institutions are composed of regulative, normative and cultural-cognitive elements that, together with associated activities and resources, provide stability and meaning to social life" (Scott, 2008).

Institutionalism in the theory of organizations, affirms that there are some human, artificial or organizational boundaries that prevent individuals from making rational decisions. To this you can add the fact that time and the information necessary for individuals to calculate their preferences considering all possibilities are not plentiful. Thus, the shortcuts of bounded rationality, as confidence in standard operating procedures, allow individuals to make decisions. So, behaviour does not express preferences, but results in the truth of the various mechanisms that individuals adopt to confront and overcome their cognitive limits (Immergut, 2006).

The work of Philip Selznick (1949, 2008) is one of the most influential in institutional theory. Special contribution was given by the book TVA and the grass roots: a study of politics and organizations (1949) the case study of a public organization, Tennessee Valley Authority. According to Scott (1987), one of the great contributions of Selznick was to analyze the organizational structure as an adaptive vehicle, shaped by the characteristics of the participants and the influences and constraints of the external environment. A milestone for the institutionalism in organization theory are the work of Meyer and Rowan (1977) and Zucker (1977), which introduced what became known as the new institutionalism. These works, in addition to Meyer and Rowan (1983), DiMaggio and Powell (1983), Tolbert and Zucker (1983) and Meyer and Scott (1983), established the conceptual foundations for the modern organizational institutionalism.

The first institutionalists sought to understand the role of shared meanings, institutional processes and institutional compliance emphasizing social values and cognitive systems. An important contribution, the work of DiMaggio and Powell (1983) on institutionalization shows that it occurs through three diffusion mechanisms: coercitive - when organizations with great power as the state force organizations to adopt a particular model or organizational element; normative, which occurs through

professionalization projects or legitimation structures by recognizing its validity by a supraorganizational entity - in this case the organizations voluntarily choose if they want to join the model that will be a source of prestige and differentiation; and finally the organizational mimetism mechanism, which occurs when an organization embodies the model of other organization to consider it rational or to not be seen as outdated.

The work of Meyer and Rowan (1977), on institutionalized organizations and the formal structure as myth and ceremony, brings a great contribution to note that the formal structures of many organizations reflect the myths of their institutional settings rather than the demands of their job activities. To maintain internal and external ceremonial compliance, organizations tend to dampen their formal structures of the uncertainties of technical activities through a decoupling process, ie, a low coupling between the formal structures and work activities. Therefore, the more institutionalized the environment, more the organizational elite spend time and energy to manage their public image and status than to coordinate and manage the relationship between their activities and interdependencies.

It was in the mid-90 that Scott's work (1995) pointed out the plurality of meanings that the concept of institution had purchased and brought order to the different lines of institutional analysis to distinguish three pillars or elements that sustain the institutions: regulative, normative and cultural-cognitive. These pillars have become one of the main contributions of the institutional theory and, separately, are used by several theoretical fields. It is very important to specify how pillars operate in each scenario and how they unfold and with what effects, but few authors have managed to successfully operationalize analysis of the three pillars (Greenwood *et al.*, 2008).

Institutions are the result of human activity, but are not necessarily product of a conscious design. The institutionalism in organization theory comprises a rejection of the idea of rational actors, an interest in institutions as independent variables and a turn toward cognitive and cultural explanations.

The institutionalism in organization theory places great emphasis on the process of institutionalization and how it develops. In the daily routine, when there are attitudes and needs, the trend is to incorporate them to what is familiar and therefore is not considered a problem. All human activities can become acquired habits, being preceded

by institutionalizing processes (make something a habit). The institutionalization happens when there is a reciprocal typification of habitual actions by types of actors. In terms of classification, the usual actions that constitute institutions are always shared, have reciprocity and are available for all members of the particular group. The institution typifies individual actors as well as individual stocks. This institutionalization does not occur at random. It is the product of a historical process, and these institutions also act in the definition of human behavior by providing predefined standards of conduct and exercise a kind of social control. To say that a segment of human activity has been institutionalized means affirming that was subject to social control, and new social control mechanisms are needed only if the processes of institutionalization are unsuccessful (Berger & Luckmann, 1985).

Lawrence, Winn and Jennings (2001) proposed an analysis that emphasizes the temporal dynamics and mechanisms of power through the systematization of times and institutionalization processes. They claim that pace and stability two temporal dimensions of the institutionalization process, depend on four mechanisms used by agents to support the institutionalization process: influence, strength, discipline and domination. Their contribution comes down to the following: 1) understanding of the relationship between the pace of the institutionalization process and the stability of institutions produced, emphasizing the role of time in institutional theory; 2) creation of a new typology for the mechanisms that support the development and maintenance of the institutions; 3) challenging the traditional model of institutionalization proposed so far and propose new institutionalization curves. In a traditional institutionalization curve, there is an initial stage of acceptance, where innovation is first recognized and accepted by a few players, then it is widespread and accepted within the field, and finally this phase is followed by saturation and full legitimacy. Finally, there is the deinstitutionalization concept that is not addressed in this study.

By presenting four mechanisms that influence the institutionalization process, the authors show that there are different temporal variables setting different possible processes. The first variable takes into account the degree of diffusion of a rule, practice or technology within an organizational field can vary greatly (some innovations diffuse quickly, others slowly of way), and that sets the pace of institutionalization. The second variable has to do with the moment in which the institution has reached the stage of

legitimation and practices are disseminated widely to all members of the field. The issue is the stability of the institution, that is, how stable, permanent and influential the institution will be, regardless of whether institutionalized fast or slow manner. Regarding the mechanisms of power, influence is a central form of power in organizations, but the processes of institutionalization also influenced force mechanisms, discipline and domination associated with forms of episodic or systemic power, and will have a major impact on temporal characteristics of institutionalization processes.

The three pillars of institutionalization: regulative, normative and cultural cognitive.

The regulative pillar are the regulatory elements, ie, the role of institutions to constrain and regulate behavior through elements set out as rules, monitoring for compliance with these rules and establishing sanctions (rewards and punishments) if necessary.

It is important to understand how these rules are adopted by the executive, parliament and civil society, as well as how other forms of behavior are created based on variables that are not regulative. This has to do with normative and cultural-cognitive elements. Thus, the normative pillar includes the values and standards that are introduced in social life. It is understood by values conceptions of what is preferable and desirable, and rules about how the objectives are to be achieved. The regulative and normative pillars can be mutually reinforcing. Some values and standards are applicable to all members of the organization, while others apply only to specific individuals or positions, becoming normative expectations of how certain actors should behave. The regulatory systems are typically seen as constraints imposed to social behavior (Scott, 2008, p. 55).

Cognitive cultural pillar highlights the importance of cultural-cognitive elements in the institutions. These are shared concepts that constitute the nature of social reality and frames (frames) through which meaning is created, as cultural beliefs and frames systems are imposed or adopted by individual actors and organizations. The symbols, signs, words and actions are analyzed as elements that shape the meaning attributed to objects and activities (Scott, 2008).

The three pillars (regulative, normative and cognitive cultural) have different types of vehicles in which you can see them: symbolic systems, relational systems, routines and artifacts. To Scott (2001), symbolic systems include values and norms, standards, classifications and logic that can be analyzed as external social phenomena to any actor, but are also internalized and transformed into beliefs by the same actors, ie symbolic systems are not just broad beliefs or laws that must be followed by organizational actors, but are ideas and values in the heads of these actors themselves. Institutions can also be incorporated through relational systems that are guided by standardized expectations of positions and functions, creating rules, codes and standards able to monitor and sanction the activities of the participants. Institutionalization also establishes through routines or habits that are central features of institutions. The table below shows the vehicle through which these manifest.

	Pilar		
	Regulative	Normative	Cultural Cognitive
Symbolic Systems	Rules, Laws	Values Expectations	Categories, Typifications, Schema
Relational Systems	Governance systems Power systems Protocols	Regimes, Authority systems	Structural isomorphism Identities
Routines	Standard Operating procedures	Jobs, roles Obedience to duty	<i>Scripts</i>
Artifacts	Objects complying with mandated specifications	Objects meeting agreement, conventions, standards	Objects possessing symbolic value

Institutional pillars and carriers

Source: Scott, 2008

The variables that make up the regulative pillar in this analysis would be the legal framework of the 1988 Federal Constitution and its principles of democracy and participation and the Decree 8243 of the Presidency of the Republic that instituted the National Policy and System for Social Participation.

The normative pillar covers the variables linked to the normative values of the actors that are part of the process of participation. It is noteworthy in this pillar the role

of the legislative power that rejected the decree affirming that this would by-pass their power of representatives. How open to participation is the legislative power in fact? How open to participative democracy is representative democracy?

Regarding the variables that make up the cultural-cognitive pillar, we highlight here the political culture of citizens and the prevalence of clientelistic relationship between the legislative power and civil society and the intention of keeping this relationship going on. A National Policy and System could undermine this relationship.

Moreover, other two relevant points in this case is the “form” it was presented. As as decree that tends to be authoritative. If we are talking about a participatory policy should it be presented as a decree or should be more debated as a bill, for example. It is a paradox that a participatory practice should be institutionalized by a way that is considered authoritative.

Another point of the culture cognitive power is the idea of the Policy and the System of a “governmental method” as how it was called. A method should be argued and constructed by all involved in the process and the question is: has the legislative power been involved in the construction of this method? The ideia of calling it a governmental method could have caused some disagreement among other actors in the process?

5. FINAL ANALYSIS: WHAT WENT WRONG?

The decree generated controversy and discussion in the media, and Chamber of Deputies. The contrary coalitions brought several arguments as, for example, it was a Bolivarian decree, autocratic and authoritarian trying to impose a mechanism that passed over the Congress and which sought to reverse the logic of representative democracy. The fact of being presented as as decree strengthens the idea of an authoritarian practice that is a paradox when discussing participation.

Because it was an election year, the decree was also seen as a purpose to coopt and re-coopt unions, non-governmental organizations and other civil society organizations. The government countered that the decree did not seek to create more instances, but organizing and integrating existing ones through a policy with guidelines and monitoring.

The way the policy was presented and the way the system of participation was described as a governmental method undermined the process as some actors felt excluded of the method, in this case the legislative power that is traditionally used to clientelistic practices.

Analyzing through the pillars scope it is possible to affirm that the decree was the regulative pillar for the institutionalization. However normative and cultural cognitive variables opposed this legal act that culminated in its non approval at the Chamber of Deputies. More analysis shall be realized to better understand this process of institutionalization of a participatory policy and system in a national level. This study aimed to show how regulatory, normative and cultural-cognitive elements worked together and materialized through different variables that impacted the process of non-institutionalization of PNPS, contributing to understand the existing challenges in creating a policy of social participation, the fragility of participation mechanisms in Brazil and the tension between Participatory Democracy and Representative Democracy. Future research should also analyze how new bills in Brazilian Congress readdressed this discussion in recent years.

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