

Governance and responsiveness: Implications for the context of public policies

*Governança e responsividade: implicações para o ambiente das
políticas públicas*

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DOI: 10.1590/2358-28982026E3110801

ABSTRACT This essay analyses the dialogical governance in the public sector and advantages of adopting responsive regulation practices. The analysis is developed as an essay that employs specialized literature intentionally selected following criteria of: i) Relevance in the field of policy analysis and institutional analysis; ii) Time-honored concepts and (iii) Recent references in these fields of knowledge in the Brazilian case. Arguments developed in conclusion are that macroinstitutional dimension of dialogical Governance mode is favored with the adoption of responsive regulation in routines of regulators, agencies and federal public administration departments involved in public policies. The main argument is that greater formalization of responsive regulatory strategies favors dialogical and participatory aspects in public administration, government capacity, and state institutions legitimacy.

KEYWORDS Health Governance. Government regulation. Public policies.

RESUMO Este ensaio analisa o modo de governança dialógica no setor público e as vantagens da adoção de práticas regulatórias responsivas. O contexto político a que estas reflexões se referem é a administração pública federal no Brasil e suas instituições de governança. A análise é desenvolvida na forma de ensaio e faz uso de literatura especializada e selecionada de modo intencional segundo critérios: i) de relevância no campo da policy analysis e da análise institucional; ii) de longa consolidação no tempo; e iii) de referências recentes de uso desse campo do conhecimento no caso brasileiro. A argumentação desenvolvida e as conclusões indicam que a dimensão macroinstitucional do modo de governança dialógica se fortalece com a adoção da regulação responsiva no cotidiano de órgãos de controle, de agências reguladoras e de setores da administração pública federal brasileira, presentes na esfera de políticas públicas setoriais. O argumento principal é que a maior formalização de estratégias regulatórias responsivas favorece os aspectos dialógicos e participativos na administração pública, a capacidade de governo e a legitimação das instituições de Estado.

PALAVRAS-CHAVE Governança em saúde. Regulação governamental. Políticas públicas.

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Introduction

This essay received no direct funding and offers reflections on public governance, its dialogic modes, and its association with responsive regulatory practices. This analysis is directed to the Brazilian federal public administration's institutional setting. We aim to analyze public governance as a policy for strengthening horizontal decision-making mechanisms, in which responsive regulatory practices are more appropriate to these socially oriented guidelines.

The argument presented acknowledges the presence dialogic modes of governance within the federal administration that comply with normative guidelines¹ and are encouraged by adherence to international cooperation agendas². The theoretical foundation used is based on long-established specialized literature recognized in the field of institutional analysis³ and regulatory responsiveness⁴. The study of governmental decision-making processes follows Lindblom's classic model of incremental change⁵.

The way of validating evidence-based arguments in social research accepts the assumptions of policy analysis supported by Majone⁶. The use of this conceptual foundation in the Brazilian case reflects previous studies in the field of policy analysis and the results observed in sectoral policies, federative levels of government, and the dynamics of diverse social stakeholders⁷.

The regulatory pattern of public governance observed in Brazilian public administration is related to the national government's capacity for action. Moreover, government effectiveness affects the legitimacy of the State apparatus itself before society and its accountability to voters. This line of argument continues previous publications focused on the Brazilian case. The relationships between the State bureaucracy and governmental capacity to act through institutions that are more porous to society, vis-à-vis the Weberian, insulated, and hierarchical paradigm shaped by the 1988

Constitution, were addressed in a previous study⁸ – as were the effects of governance quality and its interweaving with national health systems when viewed from a comparative perspective⁹.

The essay is divided into two sections. The first is macro-institutional and highlights models and modes of dialogic governance observed in international experience. The second is procedural and addresses responsive regulation strategies that, on the one hand, approximate dialogic governance arrangements and operate at the interface of the State's monopoly on coercion and, on the other, promote greater societal inclusion in their decision-making processes. These themes coordinate modes of governance and specific procedures for regulating contracts in the public sphere.

The final considerations highlight the implications of tripartite or collegiate decision-making models for regulatory institutions and for those linked to policies implemented by the public administration. Under specific conditions, the monopoly on coercion can be exercised with advantages in terms of governmental capacity and effectiveness through strategies that induce more inclusive, horizontal, cooperative, and responsive decision-making mechanisms, without relinquishing the central role of governmental responsibility.

Institutions, decision-making processes, and public governance

Public governance, in the form of a decision-making structure, is a concept used broadly and often diffusely. It covers themes such as how decisions are made in governmental institutions, the capacity to enforce laws and norms, the exercise of authority, and how societal sectors participate in decisions in the public sector. Unlike markets, where governance refers to contracts, when applied to the public sector, this notion is used to address

policy implementation, market regulation, the allocation of incentives across different economic sectors, and the direct relationship between the State apparatus and the beneficiaries of these policies.

In this essay, public governance is defined by how a given institution connects with the central stakeholders in the regulatory game, with the environment in which sectoral policies are implemented, and with the decision-making process itself. The configurations of each case may favor or obstruct the dialogic, participatory, and cooperative dimension sought in the exercise of governmental authority.

Regulatory practices and their effects reflect the public norms and social values disseminated by officials and government authorities. The actions of other participants in regulatory and policy arenas tend to show a stronger orientation toward strengthening societal participation when embedded in dialogic modes of governance.

According to Jessop¹⁰, governance takes shape through well-defined institutional modes. These are the typical exchanges of the market under the formal aegis of contracts; command associated with the State and its rationality oriented toward explicit goals through its laws and norms; and dialogue as a typical feature of networks in which reflexive and process-oriented rationality predominates, as in collegiate bodies (more formalized) and partnerships and movements (more open). Jessop notes that the success criterion for exchanges is the efficient allocation of resources, that of command is the effective achievement of established objectives, and that of dialogue is negotiated consensus¹⁰.

Public institutions deal daily with conflicts and disputes involving leaders, officials, citizens, and interest groups, through policy agendas and alternatives, in a decision-making and institutional environment typical of each mode of governance. In consolidated democracies and under socially oriented political coalitions, the agreed social protection values

and objectives tend to delimit the scope of the alternatives brought to the decision-making table. The use of dialogic governance mechanisms is encouraged by political coalitions oriented toward social welfare, a process that gained momentum in the postwar European cycle and influenced the very formation of the 1988 Brazilian Constitution.

The theme of responsiveness, in turn, represents a strategic alternative that is close to and adaptable to dialogic governance for the exercise of governmental authority over regulated markets or over participants in public policy arenas. To this end, the public administration must present a certain degree of porosity, defined by its capacity to create ties with citizens, public-interest organizations, and the regulated markets themselves⁹.

Resorting to dialogic governance arrangements is influenced by the premise that human rationality in general, and the rationality of decision-makers in particular, is limited under conditions of greater technological complexity, perceived interests, and ambiguity in relational, social, and political terms. These are the predominant conditions in decision-making in politics and economics. Considering these limits and the continuous and adaptive changes associated with them, institutional analysis must consider organizational design and value-related aspects, as well as the events observed according to the time variable³.

This is because institutional design itself results from changes and innovations that have proved sustainable over temporal trajectories. Pierson³ believes that this approach contrasts with the excessive emphasis of neoclassical schools on conditions at a given moment. The issue of timing in a cross-sectional study, of course, has factual importance for trajectory analysis. This is the place of the analysis of events and of points inscribed in trajectories. Such studies include cross-sectional analyses and advanced models typical of game theory.

Regarding the modes of governance considered at each event or point – whether isolated or within trajectories – useful approaches

for obtaining a comprehensive analysis may absorb Williamson's own institutional economics of contracts and transaction costs¹¹. As he demonstrates, the main governance mechanisms observed in markets involve different strategies, such as bargaining, delegation, contractual arbitration, and the expansion of participants in decision-making.

In contractual relationships developed in highly complex environments, where the limits of rationality, agents' interest maximization, and unequal access to technology predominate, governance is the most efficient solution. As such, it involves mechanisms of decision-making delegation to third parties and a continuous willingness to make contractual changes and adapt to innovations. This occurs in contrast to traditional alternatives such as planning, commitment among partners, or open competition¹¹.

Theories in which the notions of bounded rationality and trajectories of change prevail tend to incorporate incrementalist approaches^{3,5}. The temporal dimension applied to processes of institutional transformation is explained by the assumptions adopted by Pierson³. These assumptions may be summarized to address the development of dialogic modes of governance based on incremental changes, in which:

- i. Rationality in decision-making is largely bounded and demarcated by institutional contingencies beyond simple asymmetric information;
- ii. Incremental changes are embedded in trajectories that are sustainable over time;
- iii. Such changes become sustainable insofar as they offer increasing returns over time; and
- iv. Time, timing, and the sequence of events, whether random or not, are relevant to defining whether these trajectories will be interrupted or sustained in the future.

Programs to strengthen public governance implemented by global agencies are strongly influenced by this institutional literature. Political reforms followed this direction, for example: i) reform of the State apparatus, in its normative and hierarchical structure; ii) reform of public administration, in its procedural dimension; and iii) reform of public governance, in its interfaces with society.

For analytical purposes, distinct political processes and influential theories may be considered to converge toward policy recommendations aimed at addressing gaps related to government effectiveness and responses to the societal demands of voters, vulnerable groups, and interest groups. One point of institutional convergence among these distinct processes is the relevance acquired by dialogic governance¹⁰. Among the striking influences in the formation of this field of knowledge are the cycles of State Reform (political level)¹³⁻¹⁵, the contractualization of New Public Management (organizational level)¹⁶⁻¹⁸, and contractual governance mechanisms (microeconomic level)¹¹.

These themes are current and found in guidelines issued by global agencies that influence the political agendas of national governments. This is the case of European Union countries and other members of the Organisation for Economic Co-operation and Development (OECD)^{2,19,20}. Public governance reforms are associated in the Brazilian government with open government propositions²⁰. More recent publications analyze this agenda from a comparative perspective^{9,21}. Dialogic decision-making processes in health policies have been highlighted in analyses of participatory arrangements in health councils and of decision-making conflicts^{22,23}.

Institutional arrangements that assume a leading role in public policy and prove sustainable encourage the adoption of procedures that are functional to the general pattern of coordination between the exercise of authority and the inducement of dialogic participation and networking. This is what the next section discusses with regard to responsive regulation.

At the level of market regulation and in the public policy environment, the responsive regulation model developed by Ayres and Braithwaite⁴ converges with the dialogic mode of governance in situations in which the *laissez-faire* mode of market governance does not satisfy the public interest. The notions of negotiated delegation, graduated coercion, and tripartism seek to ensure governmental leadership in public regulation without relying exclusively on State intervention in the economy.

Responsive regulation and public governance

The relationships between governance and regulation display a diversity of uses and concepts, both in the specialized literature and in everyday political and economic life among actors or agents. In the previous section, governance was defined with emphasis on its governmental and public dimensions, and the dialogic dimension was established as the mode of interest for public administration in areas where vertical command and control should be attenuated through more horizontal decision-making patterns.

Following this line of argument, regulation is addressed in its micro-organizational dimension, and actions are examined based on responsive strategies. A systemic approximation is therefore made between dialogic governance and delegative and collegiate regulatory strategies. This approximation applies to certain market regulation environments as well as to the everyday functioning of public policies. In its routines, a responsive form of regulation makes controlled use of delegation mechanisms adjusted to each condition of the game between regulators and regulated entities.

The delegation experiences of this model depart from the normative orientations of *laissez-faire*, whose use is directed toward markets of lower complexity and greater symmetry. Delegation in the responsive model is

oriented toward a type of governance endowed with more inclusive political values regarding participants and decision rules.

The responsive model is recommended for relationships between regulators and regulated entities in areas such as public procurement, public-private partnerships, the work of regulatory agencies, and public concessions, as well as environments involving high technology and contractual uncertainty^{4,11}. At the procedural level, responsiveness appears as a strategy adapted to conditions in which rules and decision-making processes approximate the characteristics of dialogic governance addressed in the previous section.

Forms of delegation are subject to mechanisms of governmental intervention according to a deterrent and progressive escalation that follows the results observed throughout the regulatory game. The application of governmental coercion, in the form of punishments, may revoke the delegation granted in cases of regulatory failures, breakdowns of trust among participants, and evidence of resource capture by interest groups. Certain regulatory functions may be delegated to private entities, but such delegation is limited by the threat of applying traditional command-and-oversight regulatory mechanisms in cases of failures of this type of delegation⁴. In political language, these are governance failures¹⁰.

The delegation of functions to private entities initially seeks to preserve the potential allocative efficiency of certain markets. Governmental intervention, through the scaling of coercive actions, seeks to address the public interest in justice in the face of evidence of market failures. In the field of public policies, these failures go beyond simple economic inefficiency and include the interests of consumers, as well as those of citizens and vulnerable beneficiaries.

The coercive deterrence pyramid is the recommended strategy for responsive action and is contingent on each case. It is an incentive structure that starts from a broad base of virtuous cooperation that encompasses most

situations and operates, one might say, as a form of ‘compulsory self-regulation’. If the expected cooperation fails, traditional direct and punitive State regulation comes into play, applied to the specific case. The smallest number of cases involving severe punishments is concentrated at the top of this pyramid⁴.

The state of the art of the responsive model^{24,25} demonstrates its current relevance under conditions in which democratic institutions prevail and its use in increasingly diverse areas. These include the regulatory failures of financial markets during the 2008 crisis and cross-cutting themes such as restorative justice.

A meta-analysis that included the handling of non-measurable data² generated evidence on the current relevance of responsive regulation since the original work of Ayres and Braithwaite⁴ and on its application in public governance. The challenges of this heuristic model and the initiatives to form a ‘third way’ between command-and-control regulation and pure self-regulation by market agents were evidenced. The main conclusions summarizing this review of high-impact academic production and empirically based studies include: i) a balance between cases of positive performance from a comparative perspective and cases of relevant failures or gaps; ii) robust evidence on measures capable of addressing these gaps; iii) ethical challenges due to asymmetric relationships with regulated entities in the responsive context; and iv) subjectivity in regulators’ actions, which is, indeed, typical of dialogic governance arrangements.

In public policies involving the contracting of companies and services, dialogic governance and responsive regulation apply to items ranging from the evaluation of fiscal subsidies to contract auditing practices. This applies to Brazil in very different areas. Examples include the work of regulatory agencies and the subsidy monitoring systems of the Ministry of Planning and Budget. Responsive practices are identified in the work of the Office of the Comptroller General (CGU) and the Federal Court of

Accounts (TCU). The Federal Public Prosecutor’s Office (MPF) itself uses Conduct Adjustment Terms.

The delegation of functions seeks to induce cooperation in a relative, transitory, and ‘quasi-self-regulatory’ style. The recommended tripartite arrangement retains features that can be traced to postwar European neo-corporatism itself or to similar structures defined by the 1988 Brazilian Constitution. According to the recommended model, the sectors eligible for governmental delegation are of three types and operate in an integrated manner: i) Public Interest Groups (PIGs); ii) Business associations; and iii) Competing firms⁴.

The monopoly on coercion inherent to the State is preserved by the deterrence inherent to the model. Deterrence occurs through the explicit statement of the potential use of coercive instruments, which serves as an incentive for cooperation. Its effects are greater when the regulatory game takes place in collegiate bodies populated by several societal stakeholders and companies.

Tripartism is an appropriate form of delegation under conditions in which PIGs can obstruct oligarchic forms of capture. To this end, these PIGs must be able to contest their own leaders, and the decision-making environment within the organization must be open and transparent to the participation of all its members and relevant communities. Thus, cooperation is greater when there is cross-monitoring among participants. The best regulatory outcomes of delegation result from the adequate explicitness of the type of coercive scaling across the pyramid’s strata. When delegation works, the punitive actions typical of the pyramid’s top are minimized.

The tripartism in which this game between deterrence and consensus occurs involves risks of capture and the formation of dominant strategies. Observed experience shows that the formation of multipartite spaces populated by stakeholders inhibits such risks⁴, and diverse experiences, such as in restorative justice, attest to these results^{24,25}. Responsive

regulation organizes the expression of interests, but it must be validated in each case.

Although conceived as regulation of industrial sectors, similar practices are found in other contexts in which dialogic public governance is a governmental policy objective. The ‘open government’ agenda, driven by global institutions such as the OECD^{2,20} and adopted in areas of the Brazilian government, favors the use of such regulatory practices.

Such dialogic strategies have become customary in several countries since the spread of contractualization between governments and private providers of public services in the social area, such as health, education, and care for vulnerable groups. This is a legacy of the managerialism that emerged in the 1980s, with its innovations and failures.

Hood’s critique¹⁶ of New Public Management established an analytical framework for assessing its effects on the functioning of public administration. Strategies such as the delegation of public services to private entities, business-management initiatives in public administration, and the pursuit of broader contractualization by results in government services became widely disseminated in countries with solid social protection institutions. Over time, the balance of conflicts among different policy alternatives gave rise to more sociotropic innovations according to the dominant party coalition. The excessive delegation of governmental functions was the target of constant course corrections in contexts where reforms are layered on earlier reforms. The analysis of sustained or interrupted trajectories is a solid field of academic inquiry.

Arguments in favor of strengthening governmental capacity were discussed by Peters¹⁷ and Pollitt¹⁸ in the context of this dispute over political ideas. Cases of trajectory changes toward neo-Weberianism were identified, in which public administration hierarchies were strengthened to address the problems identified in ‘pure managerialism’¹⁹.

In seeking to articulate public administration polar orientations – verticalization and

horizontalization of decision-making chains – experts turned their attention to governance styles. Studies highlighted alternatives that combine the preservation of ‘Weberianism’ levels with decentralized decision-making powers along the central-local axis. As Peters¹⁷ notes, this is the field of metagovernance and the dilemmas of network coordination. Jessop¹⁰ addresses governance failures as a counterpart to typical market failures and as a legacy of institutional economics, from the world of government failures.

The implementation of regulatory reforms and managerialism in the initial cycle of State Reform followed in the wake of the U.S. and British cases of the 1970s and had repercussions in European and Latin American countries. However, this disseminated political agenda on a global scale faced important political vetoes and adaptations throughout the 1980s and 1990s. This situation occurred in line with the governing coalitions existing in various countries, such as Germany, France, and Brazil.

The managerialist program of contractualization in the public sector formed the basis of the Brazilian State Reform of the 1990s. Conflicts of orientation along the ‘more Weberianism, less Weberianism’ plane crossed the national party-political system for two decades. These processes were addressed throughout this conjuncture in the specialized literature²⁶, including their repercussions for the health sector²⁷.

In Brazil, a political program of asset reform (privatizations, concessions, and partnerships between the public and private sectors) and administrative reform (formation of the non-state public sector) was formalized in 1995, with the inauguration of a new government. These themes dominated disputes between the main political blocs. A long cycle of government alternation was marked by this pattern of competition over ideas about the nature of the State apparatus in the country.

The year 2016 marked the end of this cycle and of a trajectory in which the sustained

threat of rupture of the democratic regime became part of the national political landscape. Despite competing policy alternatives, a study of the governmental agenda in the 1995-2011 period shows that the language and solutions related to public-sector governance reform remained influential themes in the central government's decision-making process, as in the case of public concessions of State assets¹⁵.

The profusion of relevant studies on public-sector reforms and sectoral policies reflects the impact of public governance alternatives under conditions of party-political polarization, such as those in the European landscape^{26,27}. In general, new public regulation alternatives sought to include interested groups in the decision-making process, induce responsible conduct by companies and semi-public organizations, and lead regulatory agencies to adopt more dialogic modes of governance. Responsive regulation strategies integrate these implementation tools in the form of public policy.

Evidence suggests that good regulatory policy is one that combines varying degrees of direct State regulation and delegation. Regulation is responsive insofar as it is adapted to each condition, and controlled delegation is oriented toward the production of public goods and toward expanding the scope of the institutions involved in regulatory games.

The model of Ayres and Braithwaite⁴ details the events throughout coercive scaling. State intervention is incremental and targets monitored self-regulation and control over the opportunistic exploitation of the delegated condition. As agents negatively exploit this State delegation (through capture or noncompliance with rules or agreements), the regulator moves up the punitive scale, from written warnings through civil and criminal penalties and licensing suspension to license revocation, located at the apex of the pyramid, where only a minority of events is expected to occur.

Deterrence consists of making explicit to agents, groups, and participants in tripartite collegiate bodies the regulator's willingness

to scale up its intervention. Tripartism is the innovative aspect of responsive regulation and seeks to favor cooperation in the regulatory game and inhibit capture by opportunistic agents. The success of delegating functions to PIGs depends on their internal transparency and on the balance among these forces.

Opportunities for capture of the collegiate body by companies and organized groups are minimized: i) by the expanded scale of representation; ii) insofar as the groups are competitive with one another; and iii) insofar as they do not hold a representation monopoly. Competition among the participating groups is mediated by a robust process of disseminating information to those represented.

The premise of responsive regulation lies in the acceptance and belief that the cooperative conduct and sociotropic orientations of economic agents and political stakeholders prevail over State inducement and the participants' maximizing orientations.

There is, therefore, an important convergence between the two institutional levels discussed in this essay: dialogic governance, as a structure embedded in State-society relations; and responsive regulation, as a dialogic and reflexive action strategy. Both orientations converge toward an advantageous political framework of governmental innovations that has been tested over time.

Final considerations: Dialogic governance, responsiveness, and public administration in Brazil

This essay analyzed the coordination between the institutional framework of dialogic governance and the responsive regulation operational strategy. As argued, the responsive model in which tripartite delegation associated with graduated State coercion predominates represents an advantageous policy for the exercise of governmental authority. Thus,

it converges with the objectives of strengthening more horizontal governmental decision-making arrangements amid the exercise of authority in the modern State apparatus.

Institutions and practices similar to this type of coordination favor governmental porosity and societal participation and are observed in several areas of the Brazilian federal public administration. This proposition suggests the need for greater formalization of these arrangements at the institutional level and their broader dissemination into the field of sectoral policies, such as health, education, and social development.

The Brazilian public sector displays conflicts between regulatory duties and responsibilities that result from its federative arrangement and from the separation of the Executive, Legislative, and Judiciary branches. These virtuous constitutional configurations create important gaps, such as diluted responsibilities among federative entities. The procedural dimension found in the direct regulation of public procurement, service provision contracts, concessions, and public-private partnerships is cross-cutting to these permanent constitutional frameworks.

At the operational level, the delegation, deterrence, and coercive scaling strategies discussed here show a hybrid, stratified institutional nature and are, therefore, adaptable to innovations. Regulatory activities cross and populate the entire federative system and the bodies of the Judiciary (public prosecutors' offices and public defenders' offices) and the Executive branch (comptroller bodies and agencies).

Regulatory agencies, for example, in which participatory collegiate bodies are common, are fertile ground for responsive regulation, whether in the role of field audits (micro-organizational dimension) or in the formal bargaining among participants in the game between regulators and regulated entities (macro-organizational dimension). These arrangements can be adapted to bodies that wish to strengthen dialogic governance.

The responsive model converges with the contemporary governance agenda, in which public administration hierarchies are integrated in certain sectoral policies with diverse companies, beneficiaries, interest groups, and social movements. This induces the adoption of more horizontal and participatory government strategies.

Although the direct relationship of private agents active in sectoral policies with managers is associated with public procurement processes, concessions of essential services, and the privatization of State assets itself, the adoption of a responsive culture can strengthen good practices when implemented in dialogic modes of governance.

The proponents of this model emphasize that private agents can cooperate and act in compliance with norms when doing so is rationally advantageous, through simple adherence to legal principles, or through the pursuit of a balance between values of economic rationality and corporate responsibility. These behaviors vary according to political and economic contexts and conjunctures.

In terms of dialogic interaction, one may acknowledge that, in public administration, the behavior of officials introduces variables that must also be considered in responsive strategies, as public servants also have interests such as career building, the exercise of command functions, and professional projection beyond the administrative environment.

The balance in the regulatory game, however, as discussed in this essay, follows a known pattern. Strategies closer to self-regulation are more vulnerable to exploitation motivated by economic rationality (interest maximization). Strategies closer to punishment may undermine the cooperation of those stakeholders who are driven by a sense of responsibility. As institutional economics puts it, generalized punishments tend to generate high transaction costs.

Tripartism grants public status to public interest groups and constitutes the most attractive innovation of responsive regulation

in its coordination with dialogic governance. The dominant strategy consists of placing the regulator under contestable oversight because of the commitment to disseminate strategic information to all PIGs in a transparent and symmetric manner. Moreover, it also favors contestability by the leaders of the participating associations.

Under these conditions, tripartism is a framework of relations between public and private entities and increases the transaction costs of interest-capture behaviors. The guarantee to participants in tripartism of access to all information available to the regulator allows PIGs seated at the negotiation table with companies and regulators to have the same power as the regulator to bring accusations or initiate proceedings under the statute

of responsive regulation¹². Strengthening these stakeholders seeks to compensate for the power asymmetry characteristic of markets and to induce cooperation and dialogue in regulatory games through more sociotropic public governance.

The argument developed in this essay is that greater formalization of responsive regulatory strategies strengthens the dialogic dimension in public administration and, in turn, contributes to greater governmental capacity and the legitimization of State institutions.

Authors' contributions

Ribeiro JM (0009-0008-3494-6132)* is responsible for drafting the manuscript.■

References

1. Presidência da República (BR). Guia da política de governança pública [Internet]. Brasília, DF: Casa Civil da Presidência da República; 2018 [acesso em 2026 jan 2]. Disponível em: <https://www.gov.br/casacivil/pt-br/assuntos/downloads/guia-da-politica-de-governanca-publica/view>
2. Organisation for Economic Co-operation and Development. Open government: The global context and the way forward. Paris: OECD Publishing; 2016. DOI: <http://dx.doi.org/10.1787/9789264268104-en>
3. Pierson P. Politics in time: history, institutions, and social analysis. New Jersey: Princeton University Press; 2004.
4. Ayres I, Braithwaite J. Responsive regulation: Transcending the deregulation debate. Oxford: Oxford University Press; 1992.
5. Lindblom CE. The Science of “muddling through”. *Public Admin Rev*. 1959;19(2):79-88. DOI: <https://doi.org/10.2307/973677>
6. Majone G. Evidence, argument, and persuasion in the policy process. New Haven: Yale University Press; 1989.
7. Vaitsman J, Ribeiro JM, Lobato L, editores. Policy analysis in Brazil. Bristol: Policy Press/University of Bristol; 2013.
8. Ribeiro JM. Mecanismos de governança, instituições societárias e burocracia estatal: reflexões sobre instituições societárias e porosidade governamental. *Saúde Debate*. 2022;46(Esp 4):66-80. DOI: <https://doi.org/10.1590/0103-11042022E405>
9. Ribeiro JM, Vaitsman J, Motta JIJ. Sistemas de saúde, mecanismos de governança e porosidade gover-

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- namental em perspectiva comparada. *Saúde Debate*. 2022;46(Esp 4):10-25. DOI: <https://doi.org/10.1590/0103-11042022E401>
10. Jessop B. Governance and meta-governance: On reflexivity, requisite variety and requisite irony. In: Bang HP, editor. *Governance as social and political communication*. Manchester: Manchester University Press; 2003. p. 111-6.
 11. Williamson OE. *The mechanisms of governance*. New York: Oxford University Press; 1996.
 12. Van der Heijden J. Why meta-research matters to regulation and governance scholarship: An illustrative evidence synthesis of responsive regulation research. *Regul Gov*. 2021;15(51):S123-S142. DOI: <https://doi.org/10.1111/rego.12378>
 13. Bresser-Pereira LC, Spink P. *Reforma do Estado e Administração Pública Gerencial*. São Paulo: Fundação Getúlio Vargas; 1998.
 14. Costa NR, Ribeiro JM, Silva PLB, et al. O desenho institucional da reforma regulatória e as falhas de mercado no setor saúde. *Rev de Adm Pública*. 2001;35(2):193-228.
 15. Ribeiro JM, Inglez-Dias A. Policy analysis and governance innovations in the federal government. In: Vaitsman J, Ribeiro JM, Lobato L, editores. *Policy analysis in Brazil*. Bristol: Policy Press/University of Bristol; 2013. p. 55-67.
 16. Hood C. A Public management for all seasons? *Public Adm*. 1991;69(1):3-19. DOI: <https://doi.org/10.1111/j.1467-9299.1991.tb00779.x>
 17. Peters BG. *The two futures of governing: decentering and recentering processes in governing*. Vienna: Institute for Advanced Studies; 2008. (Political Science Series, 114).
 18. Pollitt C. Is the emperor in his underwear?: An analysis of the impacts of public management reform. *Pub Manag*. 2000;2(2):181-99. DOI: <https://doi.org/10.1080/14719030000000009>
 19. Pollitt C, Bouckaert G. *A Comparative analysis: New public management, governance, and the Neo-Weberian State*. 3rd ed. Oxford: Oxford University Press; 2011.
 20. Organisation for Economic Co-operation and Development. *Open government: The global context and the way forward*. Paris: OECD Publishing; 2016. DOI: <https://doi.org/10.1787/9789264268104-en>
 21. Vaitsman J, Ribeiro JM, Motta JIJ, organizadores. *Sistemas híbridos de saúde: uma análise comparada internacional de políticas de proteção e equidade*. Rio de Janeiro: Cebes; 2019.
 22. Moreira MR, Escorel S. Conselhos Municipais de Saúde do Brasil: um debate sobre a democratização da política de saúde nos vinte anos do SUS. *Ciênc saúde coletiva*. 2009;14(3):795-806. DOI: <https://doi.org/10.1590/S1413-81232009000300015>
 23. Moreira MR. Reflexões sobre democracia deliberativa: contribuições para os conselhos de saúde num contexto de crise política. *Saúde Debate*. 2016;40(Esp):25-38. DOI: <https://doi.org/10.1590/0103-11042016S03>
 24. Parker C. Twenty years of responsive regulation: An appreciation and appraisal. *Reg Gov*. 2013;7(1):2-13. DOI: <https://doi.org/10.1111/rego.12006>
 25. Braithwaite J. Relational republican regulation. *Reg Gov*. 2013;7(1):124-44. DOI: <https://doi.org/10.1111/rego.12004>
 26. Le Grand J, Bartlett W. *Quasi-markets and social policy*. London: MacMillan Press LTD; 1993.
 27. Lane JE, editor. *Public sector reform – Rationale, trends and problems*. London: Sage; 1997. DOI: <https://doi.org/10.4135/9781446279274>

Received on 08/06/2025

Approved on 01/14/2026

Conflict of interest: Non-existent

Data availability: The research data are contained within the manuscript itself

Financial support: Non-existent

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